



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

Tamilyn 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
subject: City Manager's Summary of March 7, 2017 Council Meeting
date: March 3, 2017



There is no work session prior to the regular council meeting. Mayor Cutler will be absent, so Mayor Pro-Tem Fillmore will conduct the meeting.

- D. Introduction of Police Officers** – Chief Paul Child would like to introduce the new police officer, Shaun McWilliams, to the City Council. He will also announce the promotion of Officer Will Barnes to Patrol Sergeant. I will also recognize Chief Child for being recently selected as the Outstanding Police Chief in Utah by the Fraternal Order of Police.
- F.1. Minutes Review** – Approval of the January 31 work session minutes were not approved in the Feb. 21 regular City Council meeting. This matter was tabled to allow all council members to be present and possibly propose amendments to the draft minutes.
- F.2. Public Hearing—Zoning Code Amendments – Accessory Setbacks** – In 2016 the City Council asked the Planning Commission to review accessory building setbacks. The Commission has recommended revisions to setbacks for accessory buildings in residential zones. See the staff report and related documents for these recommendations. The staff report indicates that if the Council desires, they could direct the Commission to review setbacks in agricultural zones.
- F.3. Public Hearing—General Plan Amendments – Southeast Neighborhood** – In 2016 the City Council asked the Planning Commission to review the Southeast Neighborhood section of the General Plan and recommend amendments that would prevent any further high density residential development in that area. The Commission's recommended amendments are explained in the staff report. The City Council and Planning Commission are also scheduled to meet in a joint work session on March 21 to discuss potential General Plan amendments affecting the future redevelopment of the Pages Lane Corridor, but this matter is not the subject of the amendments to be considered on March 7.
- F.4. Award Bid—Annual Crack Seal/Slurry Seal Streets Contract** – Many streets are scheduled for crack seal or slurry seal treatment this year. The contract, however, also includes treatment of several other asphalt surfaces, including the MTC/Performing Arts Center parking lots, several trails in city

parks, and a couple of city-owned parking lots. This contract—in the estimated amount of \$376,755—is to be awarded to Intermountain Slurry Seal. Another contract for street work is anticipated to be awarded in April for asphalt paving/reconstruction, including several City streets, expanded parking lot and new trail at Community Park, and the Museum parking lot.

- F.5. Educational Briefing re employee health insurance options** – Councilman Ince’s work associate, Colleen Mellor of Smart Benefits Solution, will provide this briefing about employee health insurance options as preparation for the Council’s later consideration of renewal options from the City’s health insurance broker. The Council is considering a transition from a traditional health plan to a High Deductible/Health Savings Account plan for City employees.
- F.6. Comprehensive Municipal Code Amendments** – In preparation for making the City Code more accessible online, the City Attorney has prepared comprehensive amendments which affect formatting and renumbering and bring the Code into compliance with current State law. This matter was considered at the February 21 meeting, but the Council decided to spread this review over several meetings. Title 15 (Subdivision Ordinance) was reviewed at the February 21 meeting. Titles 1-5 will be reviewed in the March 7 meeting.
- F.7. City Manager’s Report** – I would like the Council’s reaction to my proposed calendar for preparing, reviewing and adopting the FY 2018 City Budget.
- F.8. Miscellaneous Business**
- a. UDOT Agreement** – Police Chief Paul Child would like to install pedestrian flags at two crosswalks on Main Street—at 50 South and 550 South. However, the City must first approve an agreement with UDOT since Main Street is a State Highway.
- b. County property on 100 South** – Davis County has proposed terms for deeding to the City the north half of the County’s property on 100 South (current drainage basin site), which the City Council would like to preserve as a natural public park for the neighborhood. I recommend the City Council go into closed meeting to discuss those terms.
- F.9. Closed meeting** – As mentioned above, I recommend a closed meeting to discuss the potential purchase of property.
- F.10. Appointments to City Boards/Committees** – The Council may consider action on the matter discussed in closed meeting, and may consider appointments recommended by Mayor Cutler, if any.

Potential Agenda Items for March 21, 2017 City Council meeting (subject to change):

- Joint Work Session with Planning Commission
- Recording Secretary contract
- Municipal Code Amendments to Titles 6 – 10
- Financial Report for period ending February 28, 2017
- Council Liaison Report – Councilwoman Ivie
- Public hearing – PDO Zone Map Amendment, Parrish Business Park, 1030 N. 950 W.
- Public hearing – PDO amendment to Legacy Trails Apartments, re trail and fencing
- Bid award – irrigation holding tank for Community Park Expansion Project
- Discuss sidewalks & trees issues

CENTERVILLE CITY COUNCIL AGENDA

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

7:00 A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Councilman Bill Ince

D. INTRODUCTION OF POLICE OFFICERS

Introduction of New Police Officer and Recognition of Other Police Employees

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

F. BUSINESS

- 7:10 1. Minutes Review and Acceptance
January 31, 2017 work session (tabled from 2/21/2017 meeting); February 21, 2017 Council meeting
- 7:10 2. Public Hearing - Zoning Code Amendments – Accessory Building Setbacks
Consider Zoning Code Amendments regarding rear yard setback requirements for accessory buildings in residential zones (CZC 12.32.300) - Ordinance No. 2017-04
- 7:40 3. Public Hearing - General Plan Amendments - Southeast Neighborhood
Consider General Plan Amendments to Section 12-480-2 regarding future residential density allowances in the Southeast Neighborhood (Neighborhood 1) - Ordinance No. 2017-05
- 8:00 4. Award bid for annual Crack Seal/Slurry Seal Streets Contract to Intermountain Slurry Seal in the amount of \$376,754.82
- 8:15 5. Educational briefing re employee health insurance options
- 8:45 6. Centerville Municipal Code - Comprehensive Amendments
Review and discuss the proposed comprehensive amendments to Titles 1-5 of the Centerville Municipal Code for future re-adoption of the entire Centerville Municipal Code (excluding Title 12 regarding the Zoning Code) for online conversion - Ordinance No. 2017-03
- 9:15 7. City Manager's Report
a. FY 2018 Budget Calendar
- 9:25 8. Miscellaneous Business
a. UDOT Cooperative Agreement for pedestrian flags at Main Street crosswalks-- Resolution No. 2017-07
b. Consider County proposal regarding 100 South Street property
- 9:35 9. Closed meeting 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
10. Possible action following closed meeting, including appointments to boards and committees

G. ADJOURNMENT

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

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE

**Staff Backup Report
3/7/2017**

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ City Manager Summary of March 7, 2017 Council meeting

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No.

Short Title: Councilman Bill Ince

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE

Staff Backup Report

3/7/2017

Item No.

Short Title: Introduction of New Police Officer and Recognition of Other Police Employees

Initiated By: Police Chief and City Manager

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

Chief Paul Child will introduce Shaun McWilliams, who began working as a police officer for Centerville City as of March 1. Chief Child will also announce the promotion of Will Barnes from Police Officer to Patrol Sergeant.

The City Manager would also like to recognize Chief Child for being honored by the Fraternal Order of Police as the Outstanding Police Chief in Utah for 2017.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:10

SUBJECT

January 31, 2017 work session (tabled from 2/21/2017 meeting); February 21, 2017 Council meeting

RECOMMENDATION

BACKGROUND

At the February 21 council meeting, Councilman McEwan asked that the approval of the January 31 work session minutes be postponed until all council members could be present.

ATTACHMENTS:

Description

- ☐ 01-31-2017 work session preliminary draft minutes
- ☐ 02-21-2017 City Council preliminary draft minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council **work session** held Tuesday, January 31, 2017 at 6:00 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
Blaine Lutz, Finance Director/Assistant City Manager
Lisa Romney, City Attorney
Jeannine Teel, City Accountant
Katie Rust, Recording Secretary

STAFF ABSENT

Jacob Smith, Assistant to the City Manager

VISITORS

Marcus Arbuckle, Keddington & Christensen, LLC
Angie Broadhead, Keddington & Christensen, LLC

AUDIT WORK SESSION

Marcus Arbuckle and Angie Broadhead, auditors with Keddington & Christensen, presented the FY 2016 Audit Report. Mr. Arbuckle explained findings and areas of concern – described in the auditors' Supplemental Report – including discrepancies found between the general ledger and bank records over a period of several years. Jeannine Teel, City Accountant, commented she has found discrepancies as far back as 1997. Ms. Teel explained the difference between the financial statements and the general ledger. Blaine Lutz, Finance Director, stated the discrepancies have been corrected, and that he will review financial statements monthly with Ms. Teel to prevent the same issues in the future. Mr. Arbuckle confirmed that all cash is accounted for.

Councilwoman Fillmore asked what the impact of the additional monthly reviews will be on accounting staff. Mr. Lutz responded that it would be nice to have additional staff, but much of the problem is actually the fact that Ms. Teel works in the front office with frequent interruptions. He said it would be nice to be able to isolate the accounting staff at certain periods of time. Mr. Arbuckle and Mr. Lutz explained the rest of the audit findings, and answered questions from the Council. Councilman Ince asked if the significant number of findings will catch the attention of the State Auditor's Office. Mr. Arbuckle responded that the State Auditor's Office is more concerned about compliance with State rules. They do not usually become involved in issues of prior-year adjustments to the financial statements.

Mr. Arbuckle recommended that department heads not have final approval control for charges on their own City-issued credit cards. Credit card spending should be checked and controlled. Mr. Thacker explained the second-level review process now in place for department head credit card spending. He explained that he asked Mr. Arbuckle at the beginning of their fieldwork to look closely at the use of credit cards, and that improvements were implemented as soon as Mr. Arbuckle reported weaknesses to him during the fieldwork phase.

1 Mr. Arbuckle emphasized the recommendation that every single month every single
2 balance sheet account is reviewed and reconciled, and that the sub-ledger matches the general
3 ledger. He also recommended the City close out accounts with no activity.
4

5 Mr. Thacker asked Councilman Ince to meet with staff and the auditors to evaluate the
6 cash balance in the Water Fund. Councilwoman Fillmore mentioned that the previous auditor
7 commented that the City's finance department is stretched thin, and asked Mr. Arbuckle if he
8 agrees. Mr. Arbuckle responded it is certainly possible, but hard to say. Mr. Lutz said he
9 appreciates the detail provided by the auditors. He said the increased monthly reporting will
10 take more staff time, and suggested the possibility of changing the physical layout of the front
11 office in the future to allow Ms. Teel to work without as many distractions.
12

13 Mayor Cutler thanked Councilman Ince for sharing his professional knowledge, and
14 thanked Mr. Arbuckle and Ms. Broadhead for their time and explanations.
15

16 The Council took a break at 7:45 p.m., returning at 8:00 p.m.
17

18 Councilwoman Ivie suggested trading Ms. Teel's desk location with the part-time
19 Recreation Director's office space to give Ms. Teel the ability to work uninterrupted. Mr. Lutz
20 and Mr. Thacker responded that the City Recorder's office has an extra desk that Ms. Teel
21 could use when needed. Councilman Ince asked if staff has considered opening a part-time
22 position in the front office to help with some of the customer service responsibilities of existing
23 staff.
24

25 **FINANCIAL REPORT**

26
27 Mr. Lutz presented a FY 2017 financial report for the six-month period ending December
28 31, 2016, and answered questions from the Council.
29

30 **REVIEW FUNDING AND PRIORITIES FOR 2017 PROJECTS**

31
32 Mr. Thacker provided the Council with a summary of FY 2017 Capital Projects
33 (attached). While discussing potential street rebuild projects, Councilwoman Fillmore pointed
34 out that the City does not yet have a street tree policy. She said she would like the City to have
35 a street tree policy in place before proceeding with the rebuild of a major thoroughfare.
36

37 Mr. Thacker presented a cash flow analysis for Community Park Expansion Phases 2
38 and 3, assuming an August 2017 completion. He explained that the Parks Department has
39 experienced a water shortage at Community Park, and desires to tap into the Weber Basin
40 water line on the Frontage Road to improve irrigation. The projected cash flow shortfall to
41 complete Phases 2 and 3 is \$407,265, which may be funded by a loan from the South Davis
42 Recreation District. Councilman McEwan questioned whether the funding would line up with the
43 proposed construction schedule. Mayor Cutler and Councilwoman Fillmore agreed to follow up
44 with Recreation District representatives.
45

46 City Manager Thacker described planned drainage projects and water main projects and
47 projected funding. Councilwoman Ivie emphasized the need for improved parking and
48 walkways at the Whitaker Museum.
49

50 **ADJOURNMENT**

51
52 Mayor Cutler adjourned the work session at 8:58 p.m.
53

1
2
3
4
5
6
7
8
9
10
11
12

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, February 21, 2017 at 7:00 p.m.
at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

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

MEMBERS ABSENT

Tamilyn Fillmore

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Cassie Younger, Assistant Planner
Jacob Smith, Assistant to the City Manager
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

Travis Ockie, BSA Troop 89

PRAYER OR THOUGHT

Councilwoman Mecham

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the January 31, 2017 work session, and the February 7, 2017 work session and regular Council meeting were reviewed. Councilman McEwan made a **motion** to table approval of the January 31, 2017 work session minutes until all Council members are present. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0). Councilwoman Fillmore submitted an amendment to the February 7, 2017 work session minutes via email prior to the meeting. Councilman Ince made a **motion** to approve the February 7, 2017 regular Council meeting minutes, and February 7, 2017 work session minutes as amended. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

- a. Approve Interlocal Agreement with Davis County for Election Services for the 2017 Municipal Elections – Resolution No. 2017-05
- b. Approve Resolution No. 2017-06 appointing Temporary Justice Court Judges

Councilman Ince made a **motion** to approve both items on the Summary Action Calendar, including Resolution No. 2017-05. Councilman McEwan seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – ZONING MAP AMENDMENT (REZONE) – 1150 SOUTH 240 EAST

Cassie Younger, Assistant Planner, explained the proposed rezone for property located at approximately 1150 South 240 East from Residential-Medium (R-M) to Residential-Low (R-L). On February 8, 2017, the Planning Commission reviewed the matter, held a public hearing, and voted to recommend approval of the Zoning Map Amendment. Mayor Cutler opened a public hearing at 7:18 p.m., and closed the public hearing seeing that no one wished to comment. Councilman McEwan commented that this is one of the rare occurrences when the recommendations of staff and the Planning Commission are in agreement with the goals of the City Council in moving to Residential-Low.

Councilman McEwan made a **motion** to adopt Ordinance No. 2017-02 amending the Centerville Zoning Map by changing the zoning of approximately 3.10 acres of real property located at approximately 1150 South 240 East from Residential-Medium to Residential-Low based on the following findings recommended by the Planning Commission. Councilwoman Mecham seconded the motion, which passed by unanimous vote (4-0).

Findings:

1. The proposed Zone Map Amendment meets the requirements found in CZC 12.21.080(4)(e).
2. The Zone Map Amendment would still be consistent with the General Plan.
3. The Zone Map Amendment and subsequent development standards on the property would be consistent with already existing single-family properties within the subdivision.

PUBLIC HEARING – CENTERVILLE MUNICIPAL CODE – COMPREHENSIVE AMENDMENTS

Lisa Romney, City Attorney, presented comprehensive amendments to the Centerville Municipal Code for online conversion, including minor edits and corrections for consistency throughout the Code. Considering the length of the document, Councilman McEwan suggested the Council review the amendments to the Municipal Code in portions over several meetings. Ms. Romney responded that would be an acceptable means for reviewing all of the edits. Ms. Romney pointed out, however, that a public hearing for Title 15 (Subdivisions), was noticed for this meeting. Mayor Cutler suggested the Council at least review Title 15 and hold a public hearing on that portion of the proposed edits. Ms. Romney described in detail the changes to Title 15 (Subdivisions), which by law requires a public hearing as a land use ordinance of the City. She said the Planning Commission has already gone through Title 15 page by page and suggested amendments. One substantive change she explained to the Council was regarding appeals of Planning Commission decisions regarding subdivisions. As proposed, appeals of Planning Commission decisions regarding subdivisions should be made to the Board of Adjustments (similar to all Zoning Code appeals of Planning Commission decisions). Other amendments to Title 15 include new definitions to be consistent with definitions in the Zoning Code and other changes throughout this Title to bring the provisions into compliance with State law.

Councilman Ince raised a question on Title 15 regarding the City's ability to hold a bond past its maturation date, specifically as regarding the development at Woods Park. Ms. Romney explained the purpose and legal restrictions regarding subdivision bonds. She noted that such bonds are used to guarantee installation of public improvements associated with

1 development. She explained the City does not generally release the bond until the developer
2 has completed all improvements for which the bond was required. Ms. Romney further
3 explained that the City can only require improvement bonds for certain things and cannot hold
4 the bond funds or security for items the developer was not required to bond for like trees,
5 fencing or gravel.

6
7 Mayor Cutler opened a public hearing at 7:37 p.m., and closed the public hearing seeing
8 that no one wished to comment. Councilman McEwan made a **motion** to table Ordinance No.
9 2017-03, and continue the review and discussion at a later time. Councilman Ince seconded the
10 motion. The motion passed by unanimous vote (4-0).

11
12 **AWARD BID FOR WATER PROJECT**
13

14 Following discussion of the project involving installation of a new water main under I-15
15 and the railroad tracks at 1000 North, Councilwoman Ivie made a **motion** to award bid to
16 Claude H. Nix Construction in the amount of \$173,968.00 for labor and to Western Water Work
17 in the amount of \$8,745.78 (plus tax) for materials for construction of the water main under I-
18 15/railroad tracks at 1000 North (Chase Lane). Councilwoman Mecham seconded the motion,
19 which passed by unanimous vote (4-0).

20
21 **PRESENTATION REGARDING CIRCLES DAVIS COUNTY**
22

23 Rebecca Walshe, Circles Coordinator, explained that Circles Davis County provides
24 training for people who are willing and ready to move out of poverty. She showed a video that
25 emphasized the goals of the program and invited involvement. Jen McCarty, Circles Coach,
26 explained involvement opportunities. Circles meetings are currently held at the Bountiful
27 Community Church.

28
29 **FINANCIAL REPORT**
30

31 Mr. Thacker presented a FY 2017 financial report for the period ending January 31,
32 2017, and answered questions from the Council.

33
34 **MAYOR'S REPORT**
35

- 36
- Mayor Cutler reported that the Fire Service Area is working to put plans in place for infrastructure improvements, including replacement of the Centerville Fire Station.
 - Ms. Romney updated the Council regarding the lease agreement with the South Davis Recreation District for the Community Park Expansion project.
 - The Mayor briefly updated the Council regarding UTOPIA/UIA.
 - Mayor Cutler encouraged Council members to participate in a Davis County online survey regarding land use.
- 42

43
44 **COUNCIL LIAISON REPORT**
45

46 Councilman Ince updated the Council regarding emergency management activities, and
47 reported that the community wildfire management program is in the final planning stage.
48

CITY MANAGER'S REPORT

- Mr. Thacker introduced Luanne Hudson, new Recording Secretary for the Planning Commission.
- Sound panels have been installed in the Council Chambers to improve sound quality.
- The Council will meet in a joint work session with the Planning Commission to discuss the Pages Lane Corridor prior to the regular meeting on March 21, 2017.
- The Council has scheduled a work session regarding potential cemetery expansion on March 1, 2017.
- Lisa Summers, Recreation Director/Youth City Council Advisor, has informed the City Manager that 2017 will be the last year she will run the recreation program. Mayor Cutler stated he feels strongly that the Recreation Program is a benefit to the community and an appropriate role of City government. He said he is supportive of a recreation program that supports families and brings the community together. Councilman McEwan agreed with the Mayor, and said his concern is whether or not a recreation program should require a staff member versus volunteer time. He said he appreciates the contributions Ms. Summers has made, but is willing to explore all options. Councilwoman Mecham expressed support for the recreation program, but agreed that she would like to look at available options.
- Councilman Ince suggested expanding participation in the survey regarding trees and sidewalks to more than just the Council. Council members Ivie and Mecham responded they would like to meet and discuss the issue as a Council first. Councilman Ince suggested that questions to gauge interest in the Recreation Program could be included with the trees issue on a community survey.

MISCELLANEOUS BUSINESS

- Legislative night at CenterPoint Theatre is Thursday, February 23rd.
- The City's health insurance broker has suggested the City offer both a Health Savings Account (HSA) model as well as a traditional plan in at least the initial year of offering the HSA model. Councilwoman Mecham stated she is definitely interested in offering both plans. Councilwoman Ivie agreed that in a transition period it would be wise to offer both options. Councilman Ince pointed out there may be significant change in the Affordable Care Act, and it would be wise to keep options open and maintain flexibility. A majority of the Council agreed they would like to look at the numbers for offering only an HSA plan, offering only a traditional plan, and offering both. Councilman McEwan said he feels the City should be clear about how long the options will be available. Councilman Ince said he knows a professional in the insurance business who may be willing to meet with the Council to offer independent information and answer questions.
- The ULCT Mid-Year Conference will take place in St. George on April 5-7, 2017.
- Mr. Thacker reported that the County is proposing to convey the north half of the County-owned property on 100 South to the City for a waiver of development fees, and is hoping to defer utility installation on the south portion until the building stage. Mr. Thacker said he will seek more information from County representatives.

CLOSED MEETING

At 9:06 p.m., Councilman McEwan made a **motion** to move to a closed meeting for the purpose of discussing the character and competence of an individual. Councilman Ince

1 seconded the motion, which passed by unanimous vote (4-0). The Council returned to open
2 meeting at 9:07 p.m.
3

4 **APPOINTMENT**
5

6 Mayor Cutler recommended the Council appoint Blair Parrish to the Trails Committee.
7 Councilwoman Mecham made a **motion** to appoint Blair Parrish to the Trails Committee.
8 Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).
9

10 **ADJOURNMENT**
11

12 At 9:09 p.m., Councilman McEwan made a **motion** to adjourn the regular meeting and
13 move to a closed meeting to discuss the character and competence of an individual.
14 Councilman Ince seconded the motion, which passed by unanimous vote (4-0). In attendance
15 at the closed meeting were: Paul A. Cutler, Mayor; Council members Ince, Ivie, McEwan, and
16 Mecham; Steve Thacker, City Manager, and Lisa Romney, City Attorney. Mr. Thacker was
17 excused at the beginning of the closed meeting.
18
19
20
21
22

23 _____
24 Marsha L. Morrow, City Recorder
25
26
27
28

Date Approved

29 _____
Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 2.

Short Title: Public Hearing - Zoning Code Amendments – Accessory Building Setbacks

Initiated By:

Scheduled Time: 7:10

SUBJECT

Consider Zoning Code Amendments regarding rear yard setback requirements for accessory buildings in residential zones (CZC 12.32.300) - Ordinance No. 2017-04

RECOMMENDATION

Approve Ordinance No. 2017-04 amending CZC 12.32.300 regarding rear yard setback requirements for accessory buildings in residential zones based on the findings and recommendations of the Planning Commission as set forth in the Staff Report.

BACKGROUND

On February 8, 2017, the Planning Commission reviewed and recommended for approval the proposed amendments to CZC 12.32.300 regarding rear yard setback requirements for accessory buildings in residential zones. The Staff Transmittal Report for this matter is attached.

ATTACHMENTS:

Description

- ☐ 03-07-2017 - CC Staff Report re Accessory Building Setback Amendments
- ☐ Ordinance No. 2017-04 - Accessory Building Setbacks
- ☐ 02-08-2017 - PC Staff Report re Accessory Building Setback Amendments
- ☐ 02-08-2017 pc minutes re Accessory Setbacks
- ☐ 01-11-2017 - PC Staff Report re Accessory Building Setback Amendments
- ☐ 01-11-2017 pc minutes re Accessory Setbacks

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

PLANNING COMMISSION TRANSMITTAL REPORT

**APPLICANT: CENTERVILLE CITY COUNCIL
 C/O MAYOR PAUL CUTLER
 250 NORTH MAIN STREET
 CENTERVILLE CITY, UT 84014**

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT REQUEST: AMEND THE ZONING CODE REGARDING SETBACKS
 FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

**RECOMMENDATION: PLANNING COMMISSION IS RECOMENDING THE
 PROPOSED CHANGES TO THE CITY COUNCIL**

BACKGROUND

In 2016, the City Council directed the Planning Commission and staff to review and consider increasing the accessory building setbacks. Additionally, the planning staff discussed the current setback issues with both the Council and Commission via a visual presentation, which was also attached with the backup materials for Planning Commission Agenda of January 11th. The drafted amendments reviewed were limited to the "Accessory Building Setbacks" for the Residential Districts consisting the R-L, R-M, and R-H Zones.

The City Council should be aware that staff did not include changes to the Agricultural Low Zone (A-L), due to its peculiar and differing expectations regarding agriculture uses, such as barns, silos, arenas, etc. These types of uses and structures can be primary and well as accessory and have differing setbacks than the Residential Zones. Thus, staff believes that if there are concerns in the Agricultural Zone, then it could be addressed separately to reduce confusion during the evaluation of the Residential Districts, which are more prominent throughout the city.

SUMMARY OF PLANNING COMMISSION'S ACTIONS, MOTION, AND VOTE

On February 8, 2017, the Planning Commission reviewed the matter, held a public hearing and voted to recommend **APPROVAL** by the City Council of the Zoning Text Amendments, as follows:

Amend [red text] Chapter 12.32.1-Development Standards in Residential Zones as shown in the table below:

Setback Standards – Rear Yard	R-L	R-M	R-H
Accessory building (one-story) – Less than 200 square feet ⁴	3 feet	3 feet	3 feet
Accessory building (one-story) – 200 square feet or greater ⁴	5 feet	5 feet	5 feet
Accessory building (two-story or greater than 10 feet in height) – All Sizes ⁴	8 feet	8 feet	8 feet

⁴ Setback is measured from any interior and/or rear lot line

Suggested Reasons for Action (findings):

- The Planning Commission finds that in Section 12-420, Residential Development, the main or prominent theme of this section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.
- The Planning Commission finds that the General Plan is focused on preserving the quality of single-family development.
- The Planning Commission finds that allowing for accessory uses and buildings is consistent with this desire.
- The Planning Commission finds that the allowance of accessory buildings is subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.
- Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City's Zoning Ordinance.

Planning Commission Vote (7-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Daley	X		
Hayman	X		
Wright	X		
Helgesen	X		

PREVIOUS PLANNING COMMISSION MEETINGS

- ✓ JANUARY 11, 2017
- ✓ FEBRUARY 08, 2017

ORDINANCE NO. 2017-04

AN ORDINANCE AMENDING SECTION 12.32.300 OF THE CENTERVILLE ZONING CODE REGARDING REAR YARD SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

WHEREAS, the City Council directed the Planning Commission and Staff to review and consider increasing accessory building setbacks as set forth in the Zoning Code; and

WHEREAS, in response to the City Council's request, the Planning Commission and Staff reviewed and prepared proposed amendments to the rear yard setback requirements for accessory buildings within residential zones; and

WHEREAS, City Council has determined that the proposed amendments to the Zoning Code regarding rear yard setback requirements for accessory buildings within residential zones are in the best interest of the City and the public and provide a reasonable balance between private property rights and municipal regulation of reasonable locational requirements for accessory buildings; and

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

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

Section 1. Amendment. Section 12.32.300 of the Centerville Zoning Code regarding Table of Development Standards in Residential Zones is hereby amended regarding rear yard setback requirements for accessory buildings in residential zones as more particularly provided as follows:

12.32.300 Table of Development Standards in Residential Zones

* * *

Development Standard	Zones		
	R-L	R-M	R-H
Setback Standards - Rear Yard			
Main building ³	20 feet	20 feet	20 feet
Accessory building <u>(one-story) – Less than 200 square</u>	3 feet	3 feet	3 feet

feet ⁴			
Accessory building (one-story) – 200 square feet or greater ⁴	5 feet	5 feet	5 feet
Accessory building (two-story or greater than 10 feet in height) – All sizes ⁴	8 feet	8 feet	8 feet

3. Flexibility for setbacks may be provided for multiple-family dwelling unit in R-M and R-H Zones in accordance with and subject to the provisions of CZC 12.55.130(l).
4. Setback is measured from any interior and/or rear lot line.

* * *

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

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 7th DAY OF MARCH, 2017.**

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2017.

PUBLISHED OR POSTED this ____ of _____, 2017.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 4**

**APPLICANT: CENTERVILLE CITY COUNCIL
 C/O MAYOR PAUL CUTLER
 250 NORTH MAIN STREET
 CENTERVILLE CITY, UT 84014**

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT REQUEST: AMEND THE ZONING CODE REGARDING SETBACKS
 FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

**RECOMMENDATION: CONSIDER RECOMENDING THE PROPOSED CHANGES
 TO THE CITY COUNCIL**

BACKGROUND

On January 11, 2017, the Planning Commission directed staff to review additional information regarding accessory building setbacks, specifically, the use of a roof slope or building setback ratio. Staff has reviewed the idea of using a ratio system and has determined that it would be complicated or in other words, "not user friendly" given the current minimum lot frontage standards and buildable area expectations set by the Zoning Ordinance. Staff will briefly address this below in this report and will illustrate the issues at the meeting of the Commission.

Nonetheless, staff did modify its original version of the edits to assist with recognizing that there are differing building sizes versus building codes (*portable/permanent*) and that a two-story building creates a different mass size versus a single-story building. The building terms of the industry generally references "a story" as 10 feet from floor to ceiling of the structure. Therefore, staff also used the 10-foot height as a target for establishing some of the setback expectations.

PROPOSED ZONING ORDINANCE TEXT EDITS – *as re-drafted by Planning Staff*

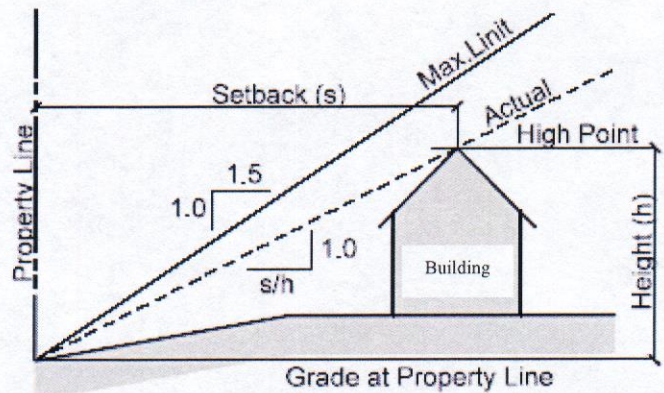
- ✓ *Amend [red text] Chapter 12.32.1-Development Standards in Residential Zones as follows:*

Setback Standards – Rear Yard	R-L	R-M	R-H
<i>Accessory building - portable (one-story) – 200 square feet or less⁴</i>	<i>3 feet</i>	<i>3 feet</i>	<i>3 feet</i>
<i>Accessory building (one-story) – Greater than 200 square feet⁴</i>	<i>5 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Accessory building (two-story or greater than 10 feet in height) – All Sizes⁴</i>	<i>8 feet</i>	<i>8 feet</i>	<i>8 feet</i>

⁴ Setback is measured from any interior and/or rear lot line

A BRIEF ANALYSIS OF USING RATIO TO HEIGHT STANDARD

- A Setback to Height Ratio is the relationship of the horizontal distance (*building to nearest side lot*) AND the vertical distance (*side building height from avg. grade*) for a subject property (*see example illustration*).
- A Buildable Area is the area on a lot or parcel where buildings will sit. This area sets the limits for the building footprint, now and in the future. Additions must be within the buildable area.
- A Lot Frontage is the distance, measured along the front lot line, that a lot or parcel adjoins the street.



Staff Comment or Issues: The general purpose of using a ratio is to locate structures a way from or deeper into the buildable area of a lot with increased building massing or heights. This on the surface or face value seems to be desirable or attractive to use. This assumes that the minimums for lot sizes and buildable areas are rather generous. However, in the case of Centerville's Zoning Ordinance, the minimum lot frontages range from only 40 feet, in the R-L Zone, to only 60 feet in the R-M and R-H Zones. Additionally, the minimum buildable areas for both the R-L and R-M Zones is 2,000 square feet and for the R-H Zone it's 3,000 square feet. Furthermore, the current 40 to 60-foot lot standard minimally establishes enough buildable area for a typical width of a house, which is typically about 40-45 feet. This leaves very little excess lot area or just enough to accommodate the required setbacks for the house.

It is staff's opinion that these minimums are relatively small and not generous. Consequently, if ratios are desirable, then larger lot minimums are needed to employ ratios for accessory building setbacks. Otherwise, the larger buildings for the homes will end up closer to the property lines than the accessory buildings. To illustrate this, staff applied this ratio system to the existing side and rear yard setbacks for a main (home) building. The ratio is formulated by taking the proposed building height and dividing it by the required setback. *Typically, the ratio is set at 1.0s to 1.5/2.0h; or for every foot of setback, shown as (s), the height allowed is 1.5 to 2 feet, shown as (h).*

The current allowable height of a 35-foot home in all residential zones, for sides and rear lot boundaries, the calculated ratio would be as follows:

Setback Standards – Side Yards	Setbacks	Allowable Height	Ratio Calculations
<i>Main building - House</i>	<i>8 feet</i>	<i>35 feet</i>	<i>1.0s : 4.3h</i>
<i>Main building - House</i>	<i>10 feet</i>	<i>35 feet</i>	<i>1.0s : 3.5h</i>
Setback Standards – Rear Yard	Setbacks	Allowable Height	Ratio Calculations
<i>Main Building - House</i>	<i>20 feet</i>	<i>35 feet</i>	<i>1.0s : 1.75h</i>

Translating this ratio system to accessory structures (*using proposed edits*), the ratios would be as shown below:

Setback Standards – Rear Yard	Setbacks	Allowable Height	Ratio Calculations
<i>Accessory building (portable, one-story) – less than 200 square feet or less</i>	<i>3 feet</i>	<i>10 feet</i>	<i>1.0s : 3.3h</i>
<i>Accessory building (one-story) – 200 square feet or Greater</i>	<i>5 feet</i>	<i>10 feet</i>	<i>1.0s : 2.0h</i>
<i>Accessory building (two-story or greater than 10 feet in height) – Any Building Size</i>	<i>8 feet</i>	<i>20 feet</i>	<i>1.0s : 2.5h</i>

Other than, the rear yard ratio for a main building, all the proposed edits drafted by staff have a smaller ratio than the main building, meaning the ratio is more restrictive than the ratio use for the house structure. In finding some compromise for two-story structures, staff added a rear yard eight-foot setback distance for all two-story accessory buildings (above *10-foot average height*) regardless of size. Nonetheless, staff believes that moving to the proposed eight-foot standard is fairly aggressive and will likely receive push back from the public when applied to future building permits for accessory structures. Staff is also concerned with implementing a ratio system that pushes or locates an accessory building too deep into the rear yard. Not only does it conflict with the allowances of a taller main (*home*) building, staff believes that property owners usually desire to keep accessory buildings near the perimeters rather than in the middle areas of the lot. Additionally, using the plainness standard of a distance measurement is less complicated than a ratio that, in this case, would be applied only to the accessory structure and not the main building.

STAFF'S CONCLUSION - If the City desires to increase the development standard minimums for lot or parcels to open up and achieve the look and feel of large lot development, then a ratio standard would have a much greater capacity to establish greater spacing between adjacent buildings. For now, staff would not recommend using the ratio system, particularly being applied or limited to accessory buildings.

ZONE TEXT AMENDMENT REVIEW STANARDS

Factors to be Considered

The Planning Commission is to consider four (4) factors when making a recommendation and a final decision for a Zoning Ordinance Text and Map amendments. These required factors are located in Section 12.21.080(e) of Centerville City's Zoning Ordinance. The proposed changes, if approved, would apply to any property located in the listed Residential Zones above. Nonetheless, Factors Two (2) through Four (4) are related specifically to map amendments rather than text or code changes. Thus, staff's review and conclusions are limited to Factor One (1) the General Plan guidance, as provided below:

1. **Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?**
 - ✓ **Section 12.420, Residential Development** – The main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.

Staff's Conclusion – From review of the General Plan, it is staff's position that the proposed amendment limited to the "accessory uses" typically associated with single-family development. The General Plan expectation is focused on preserving the quality of single-family development. Thus, it is staff's position that allowing for accessory uses and buildings is consistent with this desire. However, the allowance of these are always subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.

SUGGESTED MOTION AND FINDINGS

(If Recommending Approval is Desired) "I hereby make a motion to recommend APPROVAL of the proposed Zoning Ordinance Text Amendments regarding "accessory buildings" as follows:

- ✓ Amend [red, underlined text] Chapter 12.32.1-Development Standards in Residential Zones as shown in the table below:

Setback Standards – Rear Yard	R-L	R-M	R-H
<i>Accessory building (portable, one-story) – 200 square feet or less⁴</i>	<i>3 feet</i>	<i>3 feet</i>	<i>3 feet</i>
<i>Accessory building (one-story) – Greater than 200 square feet⁴</i>	<i>5 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Accessory building (two-story or greater than 10 feet in height) – All Sizes⁴</i>	<i>8 feet</i>	<i>8 feet</i>	<i>8 feet</i>

⁴ Setback is measured from any interior and/or rear lot line

Suggested Reasons for Action (findings):

- The Planning Commission finds that in Section 12.420, Residential Development, the main or prominent theme of this section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.
- The Planning Commission finds that the General Plan is focused on preserving the quality of single-family development.
- The Planning Commission finds that allowing for accessory uses and buildings is consistent with this desire.
- The Planning Commission finds that the allowance of accessory buildings is subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.
- Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City's Zoning Ordinance.

**PUBLIC HEARING – SUBDIVISION ORDINANCE TEXT AMENDMENTS,
MUNICIPAL CODE, TITLE 15**

Lisa Romney, City Attorney, presented proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions, and answered questions from the Commission. Ms. Romney noted that these changes to Title 15 are not the major edits and rewrite to the subdivision ordinance that the City and consultant are currently preparing. Those edits will be brought to the Planning Commission when ready. The edits currently proposed to Title 15 are formatting, numbering and text changes necessary to transition the Municipal Code to an online format and other necessary edits to bring Title 15 into compliance with State law. The Planning Commission went through each page of the proposed edits to Title 15 and asked questions as applicable. Ms. Romney noted more substantive changes to the Planning Commission. Chair Hirschi and Commissioner Hayman suggested minor punctuation changes.

Chair Hirschi opened a public hearing at 8:25 p.m., and closed the public hearing seeing that no one wished to comment. Chair Hirschi made a **motion** to recommend approval of the proposed amendments to Title 15 of the Centerville Municipal Code regarding Subdivisions as amended, based on the following findings. Commissioner Hirst seconded the motion, which passed by unanimous vote (7-0).

Findings:

1. The proposed Subdivision Ordinance amendments are consistent with the goals, objectives and policies of the General Plan;
2. The proposed Subdivision Ordinance amendments are in the best interest of the public health, safety and welfare by providing more accessible online codes and updating provisions of the Subdivision Ordinance consistent with State law; and
3. The City is authorized to enact and amend land use ordinances consistent with the purposes set forth in the Utah Land Use Development and Management Act as set forth in Utah Code 10-9a-101, et seq.

PUBLIC HEARING – TEXT AMENDMENT – ACCESSORY SETBACKS

On January 11, 2017, the Planning Commission directed staff to review additional information regarding accessory building setbacks, specifically the use of a roof slope or building setback ratio. Mr. Snyder explained that staff has reviewed the idea of using a ratio system and has determined that it would be complicated or “not user friendly” given the current minimum lot frontage standards and buildable area expectations set by the Zoning Ordinance. Staff did modify its original version of the edits to assist with recognizing that there are differing building sizes versus building codes (portable/permanent) and that a two-story building creates a different mass size

versus a single-story building. The building terms of the industry generally reference “a story” as 10 feet from floor to ceiling of the structure. Therefore, staff used the 10-foot height as a target for establishing some of the setback expectations. Mr. Snyder presented the following table:

Setback Standards – Rear Yard	R-L	R-M	R-H
Accessory building (portable, one-story) – less than 200 square feet ⁴	3 feet	3 feet	3 feet
Accessory building (one-story) – 200 square feet or greater ⁴	5 feet	5 feet	5 feet
Accessory building (two-story or greater than 10 feet in height) – All Sizes ⁴	8 feet	8 feet	8 feet

⁴Setback is measured from any interior and/or rear lot line

Mr. Snyder answered questions regarding the definition and use of “portable”. Commissioner Wright pointed out that the term may cause confusion. Chair Hirschi asked about the ability to improve existing large accessory buildings that do not meet the new eight-foot setback requirement. Mr. Snyder responded that the Board of Adjustments can approve an expansion if the degree of nonconformity is not increased. Commissioner Wright said she would like things to be as easy to understand as possible, and pointed out that not everyone would understand that the numbers are averages. Mr. Snyder responded that more explanation is included in the ordinance. Commissioner Johnson commented that a ratio seems simpler to him, but he can see that a table can also be clear. Commissioner Hayman said she feels the proposal is a good compromise that addresses the concern expressed by the City Council. Chair Hirschi and Commissioner Helgesen agreed.

Commissioner Helgesen made a **motion** to recommend approval of the proposed Zoning Ordinance Text Amendments regarding “accessory buildings”. Chair Hirschi seconded the motion. Commissioner Hayman stated she would prefer to remove the word “portable”. Commissioner Helgesen and Chair Hirschi accepted removal of “portable” from the table as an amendment to the motion. The motion as amended passed by unanimous vote (7-0).

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 3**

**APPLICANT: CENTERVILLE CITY COUNCIL
C/O MAYOR PAUL CUTLER
250 NORTH MAIN STREET
CENTERVILLE CITY, UT 84014**

APPLICATION: ZONING ORDINANCE TEXT AMENDMENT

**APPLICANT REQUEST: AMEND THE ZONING CODE REGARDING SETBACKS
FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES**

**RECOMMENDATION: CONSIDER RECOMENDING THE PROPOSED CHANGES
TO THE CITY COUNCIL**

BACKGROUND

In 2016, the City Council directed the Planning Commission and staff to review and consider increasing the accessory building setbacks. Additionally, the planning staff discussed the current setback issues with both the Council and Commission via a visual presentation, which has been attached with this report as a reminder. With this particular report, staff will be addressing the "Accessory Building Setbacks" for the Residential Districts consisting the R-L, R-M, and R-H Zones.

The Planning Commission should be aware that staff did not include changes to the Agricultural Low Zone (A-L), due to its peculiar and differing expectations regarding agriculture uses, such as barns, silos, arenas, etc. These types of uses and structures can be primary and well as accessory and have differing setbacks than the Residential Zones. Thus, staff believes that if there are concerns in the Agricultural Zone, then it could be addressed separately to reduce confusion during the evaluation of the Residential Districts, which are more prominent throughout the City.

PROPOSED ZONING ORDINANCE TEXT EDITS – *as drafted by Planning Staff*

- ✓ *Amend [red text] Chapter 12.32.1-Development Standards in Residential Zones as follows:*

Setback Standards – Rear Yard	R-L	R-M	R-H
<i>Accessory building – 200 square feet or less ⁴</i>	<i>3 feet</i>	<i>3 feet</i>	<i>3 feet</i>
<i>Accessory building – Greater than 200 and up to 400 square feet ⁴</i>	<i>5 feet</i>	<i>5 feet</i>	<i>5 feet</i>
<i>Accessory building – Greater than 400 square feet ⁴</i>	<i>8 feet</i>	<i>8 feet</i>	<i>8 feet</i>

⁴ Setback is measured from any interior and/or rear lot line

ZONE TEXT AMENDMENT

Factors to be Considered

The Planning Commission is to consider four (4) factors when making a recommendation and a final decision for a Zoning Ordinance Text and Map amendments. These required factors are located in Section 12.21.080(e) of Centerville City's Zoning Ordinance. The proposed changes, if approved, would apply to any property located in the listed Residential Zones above. Nonetheless, Factors Two (2) through Four (4) are related specifically to map amendments rather than text or code changes. Thus, staff's review and conclusions are limited to Factor One (1) the General Plan guidance, as provided below:

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

- ✓ ***Section 12.420, Residential Development*** – The main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.

Staff's Conclusion – From review of the General Plan, it is staff's position that the proposed amendment limited to the "accessory uses" typically associated with single-family development. The General Plan expectation is focused on preserving the quality of single-family development. Thus, it is staff's position that allowing for accessory uses and buildings is consistent with this desire. However, the allowance of these are always subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.

SUGGESTED MOTION AND FINDINGS

(If Recommending Approval is Desired) "I hereby make a motion to recommend APPROVAL of the proposed Zoning Ordinance Text Amendments regarding "accessory buildings" as follows:

- ✓ Amend [red, underlined text] Chapter 12.32.1-Development Standards in Residential Zones as shown in the table below:

Setback Standards – Rear Yard	R-L	R-M	R-H
<u>Accessory building – 200 square feet or less ⁴</u>	<u>3 feet</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Accessory building – Greater than 200 and up to 400 square feet ⁴</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Accessory building – Greater than 400 square feet ⁴</u>	<u>8 feet</u>	<u>8 feet</u>	<u>8 feet</u>

⁴ Setback is measured from any interior and/or rear lot line

Suggested Reasons for Action (findings):

- a. **Section 12.420, Residential Development** – The Planning Commission finds that the main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family, development is the preferred lifestyle for much the planned residential areas.
- b. The Planning Commission finds that the General Plan is focused on preserving the quality of single-family development.
- c. The Planning Commission finds that allowing for accessory uses and buildings is consistent with this desire.
- d. The Planning Commission finds that the allowance of accessory buildings is subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.
- e. Therefore, the Planning Commission finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City's Zoning Ordinance.

PUBLIC HEARING – TEXT AMENDMENT – ACCESSORY SETBACKS - The City Council has directed City Staff and the Planning Commission to consider amending the current zoning text to increase accessory building setbacks in R-L, R-M, and R-H Zones

Staff reported that this proposal is solely for residential zones, but may be revisited later for agricultural zones. Mr. Snyder explained that each lot is required to have a minimum 2000 square foot build pad for the home. The main use building is eligible for 35-foot heights, typically allowed in residential areas. Typical setbacks in an R-L Zone are 8 feet on one side and 10 feet on the other, 25 feet for the front, and 20 feet for the rear. Accessory buildings are required to be at least 6 feet behind the home, have a lower height requirement, and must be a minimum of 3 feet from the side and rear lot lines. Accessory buildings over 200 square feet and less than 5 feet from the lot line require a 1-hour firewall.

The current standard for measuring the height of accessory buildings is to measure from the mid-point of the roof, which is halfway between the eave and the peak, then down to the grade. The maximum allowed height for accessory buildings is 20 feet. Staff is hesitant to pursue changes to this requirement, so as to not limit design options with regards to roof pitch of an accessory building.

Mr. Snyder discussed an accessory building that started the discussion of setbacks, at Porter Lane and Main Street, which was in compliance with required setbacks, being 14 feet from the south property and 6 feet from the west property line. However, the owner of the neighboring property is unhappy with the height of this structure, even though it is just under the allowed 20-foot height.

The proposed change for required setbacks is to increase the required distance from the property line to 5 feet for structures over 200 square feet and up to 400 square feet, and increase the required distance to 8 feet for structures over 400 square feet. The Building Code does exclude buildings under 200 square feet, so the required setback for these structures will remain at 3 feet.

Mr. Snyder expressed his desire to maintain simplicity of Building Codes, so as to keep from overwhelming citizens with too many and too complicated requirements.

Chair Hirschi expressed his concern that owners of older structures, which may be closer to the property line than currently allowed, would hesitate to improve or rehabilitate these older buildings, as they would then have to conform to these new standards. Mr. Snyder agreed, and said this would also cause problems for those wanting to build additions to their current accessory buildings. Chair Hirschi explained that the two choices for these situations would be to go to the Board of Adjustment to seek an exception or to comply with the new Ordinance, which would cause additional burdens on the members of the BOA. His biggest concern is that, rather

1 than seeking one of these options, the owners would simply decide not to take action and let their
2 building decline.

3
4 Mr. Snyder explained that the goal of implementing these new Ordinances is to
5 eventually have all structures in conformance of this new rule. Current code states that non-
6 conforming structures can go to the BOA and must meet three requirements in order to be
7 allowable:

- 8 - Must be compatible with the adjoining property
- 9 - Must not be detrimental to the community
- 10 - Must not have an effect on traffic, value of adjacent property, adequate utility and
11 services

12 Mr. Snyder's concern is that almost all expansions to non-conforming structures will meet these
13 three requirements, so the City will not meet the goal of eventually having all structures in
14 conformance with this new Ordinance, but only new structures.

15
16 Commissioner Hayman said that it seems as if the suggested changes are based on the
17 assumption that everyone will build their accessory buildings to their maximum allowed height,
18 and asked if it is possible to instead determine the setback using a sliding scale based on the
19 height of the structure, to allow buildings with a lower height to be closer to the property line and
20 require structures with a taller height to be further from the property line. Mr. Snyder
21 acknowledged that this is a creative solution, and it is possible to investigate this option.
22 However, the downside of this suggestion is the difficulty of implementation and the complexity
23 involved. Commissioner Hayman agreed that simplicity is ideal, but stated that, if the main
24 concern is the height of the building, then perhaps a compromise can be reached. Mr. Snyder
25 expressed the willingness of Staff to revisit the issue and brainstorm other possibilities, if the
26 Commission wishes it.

27
28 Commissioner Wright stated that she is hesitant to support the suggested changes when
29 one of the biggest contributors for the requested change is the shadow created by tall buildings,
30 and would like to give property owners the choice to avoid this issue and avoid impacting the
31 neighbor by building a shorter building with a smaller required setback. Mr. Snyder explained
32 that this would be ineffectual for homes with smaller lots, on which the homes are built to the
33 minimum setbacks, which could result in a structure with a height of 35 feet right at the 8-foot
34 setback on the side yard. However, the area on the rear could benefit from the suggestion of a
35 sliding scale. Chair Hirschi stated that most people have differing expectations for backyards as
36 opposed to side-yards, and expect to be able to make their own decisions as to what is allowed.

37
38 Commissioner Johnson suggested another alternative, similar to that of Commissioner
39 Hayman, where, instead of setting a minimum setback, the City instead sets an allowed angle
40 from the property line to the roof, whether it be the peak or mid-point or another feature.
41 Commissioner Hayman added that this would also address Mr. Snyder's concern and still allow
42 for flexibility of design for the building, including pitch. Mr. Snyder said this is an option,

1 though it is more complicated. Commissioner Wright argued that this would be more
2 complicated to start with, but would simplify the Code itself. Commissioner Johnson agreed,
3 since this would eliminate the need for a table and instead replace the requirement with a simple
4 value.

5
6 Mr. Snyder stated Staff's willingness to investigate this option, but said this would likely
7 only address new buildings, and would potentially still cause issues for existing buildings, as
8 Chair Hirschi mentioned earlier. Chair Hirschi believes that this alternative approach would
9 cover many of the older, existing buildings and allow them to remain. Commissioner Hayman
10 suggested that Staff investigate existing buildings to determine what measurements they have, as
11 more evidence of this being an appropriate approach.

12
13 If this matter is tabled by the Commission with the foregoing directives, Mr. Snyder will
14 conduct further investigations, and will be doing so with the intent of preserving the option to
15 maximize the opportunity for accessory buildings in the build area.

16
17 Ms. Romney added that, since the Commission seems inclined to table the decision, she
18 would like to add Public Utility Easements to the considerations for this change. Currently, City
19 Code requires Public Utility Easements on three sides of the lot: 10 feet in the front, and 7 feet
20 on two sides or one side and the rear, and buildings are not allowed in the PUE. She would like
21 to add a statement to this proposed change to reinforce that buildings cannot be placed in a PUE
22 without approval, and any buildings that are placed in a PUE must be moved at the owner's
23 expense, should the utility company ever require access.

24
25 Chair Hirschi made a **motion** for the Planning Commission to table the decision
26 regarding the current zoning text to increase accessory building setbacks in R-L, R-M, and R-H
27 Zones, pending further investigation into determining required setbacks based on the angle of the
28 building to the property line, as well as adding a disclaimer with regards to Public Utility
29 Easements. Commissioner Daly seconded the motion. The motion passed with a unanimous roll-
30 call vote (7-0).

31
32 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

33 1. Items scheduled for January 25, 2017:

- 34 • C. Johnson Conceptual Subdivision & Southeast Neighborhood Plan
35 Amendments
36 • Southeast Neighborhood Plan Amendments
37

38 Commissioner Hayman asked Mr. Snyder about the work session at the start of 2016, in
39 which the Commission set several goals for the year, and the status of the goal to move some of
40 the administrative decisions to Staff to enable the Commission to plan more effectively. Mr.
41 Snyder explained that it was first necessary to rewrite the Subdivision Ordinance, which is being
42 worked on by Ms. Romney. These changes will partially address some of these concerns.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 3

Short Title: Public Hearing - General Plan Amendments - Southeast Neighborhood

Initiated By:

Scheduled Time: 7:40

SUBJECT

Consider General Plan Amendments to Section 12-480-2 regarding future residential density allowances in the Southeast Neighborhood (Neighborhood 1) - Ordinance No. 2017-05

RECOMMENDATION

Approve Ordinance No. 2017-05 amending Section 12-480-2 of the Centerville General Plan regarding residential density allowances in the Southeast Neighborhood (Neighborhood 1).

BACKGROUND

On February 22, 2017, the Planning Commission reviewed and recommended approval of proposed General Plan Amendments to Section 12-480-2 regarding residential density allowances in the Southeast Neighborhood (Neighborhood 1). The Staff Transmittal Report for this matter is attached.

ATTACHMENTS:

Description

- 03-07-2017 - CC Staff Report re SE Neighborhood Plan Residential Amendments
- Ordinance No. 2017-05 - SE Neighborhood Plan Amendments
- Exhibit A to Ordinance No. 2017-05 - 12-480-2 Residential Section Rewrite Edits (redlined)
- 12-480-2 Residential Section Rewrite Edits (clean)
- 02-22-2017 - PC Staff Report re SE Neighborhood Plan Amendments
- 02-22-2017 PC minutes re SE Neighborhood Plan Amendments
- 01-25-2017 - PC Staff Report re SE Neighborhood Plan Amendments
- 01-25-2017 PC minutes re General Plan Amendments - Southeast Neighborhood

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

PLANNING COMMISSION TRANSMITTAL REPORT

APPLICANT: **CENTERVILLE CITY COUNCIL
C/O MAYOR PAUL CUTLER
250 NORTH MAIN STREET
CENTERVILLE CITY, UT 84014**

APPLICATION: **GENERAL PLAN TEXT AMENDMENT**

APPLICANT REQUEST: **AMEND THE SOUTHEAST NEIGHBORHOOD PLAN
(PART 1) REGARDING FUTURE PLANNING OF THE
RESIDENTIAL AREAS**

RECOMMENDATION: **PLANNING COMMISSION IS RECOMMENDING THE
PROPOSED CHANGES TO THE CITY COUNCIL**

BACKGROUND

Near the end of 2016, the City Council directed the planning staff and Planning Commission to review the Southeast Neighborhood and update the plan. Specifically, the Council wanted to address the pressure or trend to rezone properties for high-density residential development (e.g. Scott Balling Townhomes Proposal) and to also address the long-standing goal of redeveloping Pages Lane Commercial Area. To accomplish this task, the planning staff recommended that the City consider first the residential density component of the neighborhood plan and allow for a specific discussion and debate about future housing and density. Then, second to hold a joint work session between the City Council and the Planning Commission regarding the future land use/redevelopment of the Pages Lane area. Accordingly, the planning staff has prepared a draft of edits to the RESIDENTIAL COMPONENT ONLY of the Southeast Neighborhood Plan.

SUMMARY OF PLANNING COMMISSION'S ACTIONS, MOTION, AND VOTE

On January 25th and February 22th, 2017, the Planning Commission reviewed the matter, held a public hearing and then voted to recommend **APPROVAL** by the City Council of the General Plan Text Amendments, as per the attachment for this report with the following findings:

- a. The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b. The Planning Commission finds that Centerville City has a strong desire to maintain a low density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.*

- c. *The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan policies of maintaining this style of housing.*
- d. *The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) also falls within Medium Density for residential development.*
- e. *The Planning Commission finds there are still opportunities along the collector and arterial streets to accommodate future housing needs, such as the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor.*
- f. *The Planning Commission finds that these areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase."*

Planning Commission Vote (3-1):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst			X
Johnson		X	
Daley			X
Hayman	X		
Wright			X
Helgesen	X		

PREVIOUS PLANNING COMMISSION MEETINGS

- ✓ JANUARY 25, 2017
- ✓ FEBRUARY 22, 2017

ORDINANCE NO. 2017-05

**AN ORDINANCE AMENDING SECTION 12-480-2 OF THE CENTERVILLE
GENERAL PLAN REGARDING RESIDENTIAL DENSITY ALLOWANCES
IN NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE**

WHEREAS, the City Council has previously enacted Section 12-480-2 of the Centerville City General Plan providing a comprehensive guide to future physical land use patterns and desired residential goals and objectives for the development of Neighborhood 1, Southeast Centerville; and

WHEREAS, the City Council desires to amend the residential density allowance policies and objectives for Neighborhood 1, Southeast Centerville, as more particularly provided herein; and

WHEREAS, the City Council has determined that the proposed amendments to Section 12-480-2 regarding Neighborhood 1, Southeast Centerville, are in the best interest of the public; and

WHEREAS, the City is authorized to enact and amend provisions of the Centerville General Plan pursuant to specific statutory authority, including, but not limited to Utah Code §§ 10-9a-401, et seq., as amended, and Utah Code § 10-8-84, as amended; and

WHEREAS, all required notice and public hearings have been held before the Planning Commission and City Council regarding the proposed amendments to the Centerville General Plan.

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

Section 1. Amendment. Section 12-480-2 of the Centerville General Plan regarding Neighborhood 1, Southeast Centerville, as more particularly set forth in **Exhibit A**, attached and incorporated herein by reference.

Section 2. Findings. The amendments to the General Plan as set forth herein are based on the following findings:

a. The City Council finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).

b. The City Council finds that Centerville City has a strong desire to maintain a low density single-family environment as described in the General Plan Element, "Residential Development" – Part 12-420.

c. The City Council finds that the residential areas of the Southeast community are primarily single-family residential and should be afforded the general plan policies of maintaining this style of housing.

d. The City Council finds that historical single-family development in the Community (e.g. R-1-8 Zoning) also falls within medium density for residential development.

e. The City Council finds there are still opportunities along the collector and arterial streets to accommodate future housing needs, such as the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor.

f. The City Council finds that these areas have yet to be reviewed in the second phase of the neighborhood plan that will come after this first phase.

g. The proposed General Plan amendments meet the requirements found in Section 12-21-070(d) of the Zoning Code in relation to the general procedures.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 7th DAY OF MARCH, 2017.

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

DATE: _____

MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 2017.

PUBLISHED OR POSTED this ____ of _____, 2017.

Exhibit A

Amendments to Section 12-480-2 of the Centerville General Plan Neighborhood 1, Southeast Centerville

NEIGHBORHOOD PLANNING POLICIES**SECTION 12-480-1. GENERAL.**

For planning purposes, Centerville City has been divided into several individual neighborhoods (see map on page 54). These neighborhoods are distinguished by certain common characteristics, and have been reviewed to determine the best land use and community features to be preserved and enhanced. The following are the land use and development policies for Centerville's neighborhoods.

SECTION 12-480-2. NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE.

Neighborhood 1 is that portion of Centerville City that is located east of Main Street and south of Parrish Lane (400 North). The neighborhood is characterized by the original Centerville townsite, with its older homes and gridiron street pattern; by the newer homes built in subsequent years east and south of the original townsite; by the "traditional" downtown along Main Street; and by the ~~newer~~ shopping center at Pages Lane, which has experienced a decline in commercial synergy for the past few years. Much of the land in this neighborhood is built upon, and most of the remaining vacant land is in relatively smaller tracts or parcels with limited ability to be subdivided in the future.

Due to the region's continued population growth, multi-family development has become a trending form of newer residential housing development in the South Davis area. Historically, due to its spatial relationship to surrounding commercial corridors, the south area of Centerville has experienced a significant development of medium to high-density residential housing. Existing and future housing growth pressures will likely continue to target the Southeast Neighborhood through redevelopment of underutilized commercial areas or infill of underutilized parcels. The community's desire for traditional single-family neighborhood stability competes with the development of these market patterns related to multi-family development.

Therefore, it is the desire of the Southeast Neighborhood Community to minimize housing density conflicts and maintain low to medium density residential allowances. The market trend of higher density housing development ought to focus on other less concentrated or congested locations in other parts of the City and/or other appropriate areas in Davis County that have improved ability and capacity to accommodate higher density residential development without creating undue burden and concentration to a particular neighborhood.

1. Residential Policies

Southeast Centerville is characterized by the older homes found in the original Centerville townsite and its gridiron street pattern and small blocks, and by the newer homes built in subsequent years around the original townsite. Most of the remaining vacant land in this neighborhood is in relatively smaller tracts or parcels with limited opportunity for large new housing developments.

a. Old Townsite

The ~~Old Centerville T~~ownsite may be generally considered the area bounded by 100 North, 400 South, Main Street, and 400 East. The ~~Old T~~ownsite was originally developed with small stone homes on the large interior blocks. As the homes aged and the population of the City grew, many of the large parcels on the blocks were divided and sold for homes. However, in many cases, the deep interiors of the blocks remained undeveloped. These block interiors soon proved to be attractive for residential development, and, as the area grew older, it

seemed that many were also looking toward developing duplexes and small apartments, much as has occurred in older residential areas in Salt Lake City. The citizens of Centerville and of the neighborhood have expressed a desire to preserve and maintain the ~~single-family~~ single-family nature of the Old Townsite, to avoid problems with dense development on small lots and to ~~avoid overtaxing the limited and aging City services (water, sewer) that exist here. In 1978, therefore, the old townsite remains.~~ discourage the dismantling of the Old Townsite area through demolition of older homes to facilitate lot or parcel combinations for the construction of larger new homes or the allowance of non-single-family redevelopment in response to the region's housing market.

1. The residential Zoning within the Old Centerville Townsite shall is to be maintained in a low to medium density, single-family residential housing character.
2. Policy and ordinance standards being applied in and around this area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the broader Deuel Creek Historic District area.
- ~~4.~~3. Medium or high density non-single family residential development is prohibited for any future new or redevelopment in this area

b. Centerville Deuel Creek Historic District

The Deuel Creek Historic District encompasses an area slightly larger than the Old Townsite area, as described in CZC 12.49. This historic district overlay area is predominately comprised of residential housing styles that reflect the historic built fabric of the original city/Old Townsite. Nonetheless, the historic district also includes the original commercial area along Main Street, the City Hall and Founders Park, and areas multi-family zoning (i.e. Residential-Medium) behind and south of City Hall, and along 400 North (Parrish Lane). The Historic District's goal to preserve the past built environment and to influence and encourage new residential or non-residential development to be contextually sensitive and compatible with this historic area's character.

1. The residential zoning and uses within the Deuel Creek Historic District are to be predominantly maintained in a low to medium density residential single-family housing character to preserve the character of the historic district.
2. Policy and ordinance standards being applied in and around this Historic area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the historic district.
3. When allowed, non-single family residential and commercial development are to incorporate layouts, designs, and styles or other elements which reflect or are contextually sensitive to the character of this historic district.
4. When allowed, non-single family residential use allowances for both residential and commercial/mixed uses zones are to be limited to low or medium residential densities, high residential density development is prohibited.

b.c. Centerville Elementary Area

The residential area near ~~around~~ the Centerville Elementary School has a less

distinct character than does the old townsite. For example a A number of duplexes have been built in the area ~~over the in past~~ years, as ~~have well as~~ some ~~newer-modern style~~ single family homes. The gridiron street pattern of the old townsite was not duplicated fully in this area, leaving some large block interiors that are undeveloped. In 1978, this area was zoned R-2, partly in an effort to recognize the number of duplexes that were in existence in the area, and also to allow for a more efficient development of the block interiors. In 2003, the area was rezoned to the new Residential-Medium (R-M), which continued this expectation. The boundaries of this area are approximately along Parrish Lane -- (between Main Street & 400 East -- South Side Only), along 100 NorthEast - from Parrish Lane to 100 North (Both Sides), ~~Main street, and 400 East~~ and along 100 North -- from Main Street to 100 East (North Side Only).

1. These residential areas around the Centerville Elementary School and City Hall/Founders Park ~~shall are to consist of allow for~~ low and medium density residential development to accommodate more efficient use of the large interior blocks that are common in this area.
2. Residential ~~rezoning and subsequent~~ development in this area ~~should is~~ to take into consideration the possible impacts upon the elementary school and from any future commercial or office development on Main Street, and buffer accordingly.
3. Policy and ordinance standards being applied in and around this area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the Deuel Creek Historic District.
- ~~2.4.~~ High density residential development is prohibited for future new or redevelopment in this area.

~~c.d.~~ Centerville Junior High Area

The area around the Centerville Junior High School, from Porter Lane to Pages Lane, is also somewhat different in character than the remainder of the neighborhood. The "Riviera Townhouses," one of the highest density residential developments in this neighborhood ~~e city,~~ is located just south of the school. ~~Several large properties north and south of the junior high are currently vacant. Considerable interest has been shown recently to develop much of these remaining properties with projects similar to the Riviera Townhouses.~~ The developed areas north and east of the junior high are all low and medium density single family. The area around the northeast corner of Pages Lane and Main Street ~~currently designated for commercial development.~~ has been developed with a medium residential density project known as "The Courtyard at Pages Lane." In addition, the residential uses along Main Street, from Porter Lane to Pages Lane, are also included in the South Main Street Corridor Plan, as described in the General Plan and in CZC 12.48.

1. ~~The areas north and east~~ New residential zoned development ~~surrounding of~~ the Centerville Jr. High School ~~shall is to~~ be developed and maintained in low to medium density single-family residential development, primarily to be compatible with the residential development already in existence.
2. ~~The area south of the Riviera Townhouses may be considered for medium or low density residential development. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred.~~ New future or redevelopment from Porter Lane to Pages Lane is to be in accordance with the expectations of "Residential

Boulevard" District in the South Main Street Corridor Plan, as described in 12-480-7. Residential uses are to be limited to low to medium residential densities.

- 2.3. High density residential development is prohibited for future new or redevelopment in this area.

d.e. Extreme South Main Street Area (Centerville/Bountiful Municipal Boundaries)

The area located south of the Pages Lane commercial center and east of Main Street is often regarded by many people as being part of Bountiful. However, the vacant property just south of the commercial center and north of the twin duplex development on 1200 South is in Centerville City. The nature of the development existing in this area (duplexes) and the proximity of the commercial buildings suggests that this area may appropriately develop with medium or low density residential or even commercial uses.

1. The extreme south Main Street area should be developed with appropriate medium or low density residential development, or with commercial uses. Any development in this area should be carefully designed to be compatible with existing development in the area, and to carefully buffer the rear of the buildings of the Pages Lane commercial center. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred for residential development.
2. High density residential development is prohibited for future new or redevelopment in this area.

e.f. Southeast Residential Area

The greatest portion of southeast Centerville has been developed primarily in typical residential suburban style, with single family homes on medium and large lots. These residences are located primarily to the east and south of the ~~old~~ Centerville townsite Deuel Creek Historic District. Not much vacant land exists in this area. Much of what does remain is on the hillside, where care must be taken in development to avoid erosion and other hillside problems.

1. The southeast residential area shall be developed and maintained in low to medium density single-family residential development. Those areas on hillsides shall be carefully developed with strict adherence to City hillside development regulations.
2. High density residential development is to be prohibited for future new or redevelopment in this area.

g. East Foothills & City's Hillside Parcel Area

The foothills of Centerville City are a prominent feature of the City. The foothills are comprised of a mixture of both public and private lands, within and outside the City. In 2011, Centerville City adopted a Foothills Management Plan that divide these lands into segments with defined management prescriptions for each segment.

1. Due to the complexity of maintaining natural resources, mitigating hazards, and planning the future, it is deemed that the foothills area within the Southeast Neighborhood Plan is to be governed by the adopted Foothills Management Plan and any subsequent future planning strategies adopted by the City.

NEIGHBORHOOD PLANNING POLICIES

SECTION 12-480-1. GENERAL.

For planning purposes, Centerville City has been divided into several individual neighborhoods (see map on page 54). These neighborhoods are distinguished by certain common characteristics, and have been reviewed to determine the best land use and community features to be preserved and enhanced. The following are the land use and development policies for Centerville's neighborhoods.

SECTION 12-480-2. NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE.

Neighborhood 1 is that portion of Centerville City that is located east of Main Street and south of Parrish Lane (400 North). The neighborhood is characterized by the original Centerville townsite, with its older homes and gridiron street pattern; by the newer homes built in subsequent years east and south of the original townsite; by the "traditional" downtown along Main Street; and by the shopping center at Pages Lane, which has experienced a decline in commercial synergy for the past few years. Much of the land in this neighborhood is built upon, and most of the remaining vacant land is in relatively smaller tracts or parcels with limited ability to be subdivided in the future.

Due to the region's continued population growth, multi-family development has become a trending form of newer residential housing development in the South Davis area. Historically, due to its spatial relationship to surrounding commercial corridors, the south area of Centerville has experienced a significant development of medium to high-density residential housing. Existing and future housing growth pressures will likely continue to target the Southeast Neighborhood through redevelopment of underutilized commercial areas or infill of underutilized parcels. The community's desire for traditional single-family neighborhood stability competes with the development of these market patterns related to multi-family development.

Therefore, it is the desire of the Southeast Neighborhood Community to minimize housing density conflicts and maintain low to medium density residential allowances. The market trend of higher density housing development ought to focus on other less concentrated or congested locations in other parts of the City and/or other appropriate areas in Davis County that have improved ability and capacity to accommodate higher density residential development without creating undue burden and concentration to a particular neighborhood.

1. Residential Policies

Southeast Centerville is characterized by the older homes found in the original Centerville townsite and its gridiron street pattern and small blocks, and by the newer homes built in subsequent years around the original townsite. Most of the remaining vacant land in this neighborhood is in relatively smaller tracts or parcels with limited opportunity for large new housing developments.

a. Old Townsite

The Old Townsite may be generally considered the area bounded by 100 North, 400 South, Main Street, and 400 East. The Old Townsite was originally developed with small stone homes on the large interior blocks. As the homes aged and the population of the City grew, many of the large parcels on the blocks were divided and sold for homes. However, in many cases, the deep interiors of the blocks remained undeveloped. These block interiors soon proved to be attractive for residential development, and, as the area grew older, it seemed that many were

also looking toward developing duplexes and small apartments, much as has occurred in older residential areas in Salt Lake City. The citizens of Centerville and of the neighborhood have expressed a desire to preserve and maintain the single-family nature of the Old Townsite, to avoid problems with dense development on small lots and to discourage the dismantling of the Old Townsite area through demolition of older homes to facilitate lot or parcel combinations for the construction of larger new homes or the allowance of non-single-family redevelopment in response to the region's housing market.

1. The residential Zoning within the Old Townsite is to be maintained in a low to medium density, single-family residential housing character.
2. Policy and ordinance standards being applied in and around this area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the broader Deuel Creek Historic District area.
3. Medium or high density non-single family residential development is prohibited for any future new or redevelopment in this area

b. Centerville Deuel Creek Historic District

The Deuel Creek Historic District encompasses an area slightly larger than the Old Townsite area, as described in CZC 12.49. This historic district overlay area is predominately comprised of residential housing styles that reflect the historic built fabric of the original city/Old Townsite. Nonetheless, the historic district also includes the original commercial area along Main Street, the City Hall and Founders Park, and areas multi-family zoning (i.e. Residential-Medium) behind and south of City Hall, and along 400 North (Parrish Lane). The Historic District's goal to preserve the past built environment and to influence and encourage new residential or non-residential development to be contextually sensitive and compatible with this historic area's character.

1. The residential zoning and uses within the Deuel Creek Historic District are to be predominantly maintained in a low to medium density residential single-family housing character to preserve the character of the historic district.
2. Policy and ordinance standards being applied in and around this Historic area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the historic district.
3. When allowed, non-single family residential and commercial development are to incorporate layouts, designs, and styles or other elements which reflect or are contextually sensitive to the character of this historic district.
4. When allowed, non-single family residential use allowances for both residential and commercial/mixed uses zones are to be limited to low or medium residential densities, high residential density development is prohibited.

c. Centerville Elementary Area

The residential area near the Centerville Elementary School has a less distinct character than does the Old Townsite. For example a number of duplexes have been built in the area in past years, as well as some modern style single family homes. The gridiron street pattern of the Old Townsite was not duplicated fully in

this area, leaving some large block interiors that are undeveloped. In 1978, this area was zoned R-2, partly in an effort to recognize the number of duplexes that were in existence in the area, and also to allow for a more efficient development of the block interiors. In 2003, the area was rezoned to the new Residential-Medium (R-M), which continued this expectation. The boundaries of this area are approximately along Parrish Lane -- (between Main Street & 400 East -- South Side Only), along 100 East - from Parrish Lane to 100 North (Both Sides), and along 100 North -- from Main Street to 100 East (North Side Only).

1. These residential areas around the Centerville Elementary School and City Hall/Founders Park are to consist of low and medium density residential development to accommodate more efficient use of the large interior blocks that are common in this area.
2. Residential rezoning and subsequent development in this area is to take into consideration the possible impacts upon the elementary school and from any future commercial or office development on Main Street, and buffer accordingly.
3. Policy and ordinance standards being applied in and around this area are to be evaluated and deemed compatible with preserving or applying context sensitive design and style of the Deuel Creek Historic District.
4. High density residential development is prohibited for future new or redevelopment in this area.

d. Centerville Junior High Area

The area around the Centerville Junior High School, from Porter Lane to Pages Lane, is also somewhat different in character than the remainder of the neighborhood. The "Riviera Townhouses," one of the highest density residential developments in this neighborhood is located just south of the school. The developed areas north and east of the junior high are all low and medium density single family. The area around the northeast corner of Pages Lane and Main Street has been developed with a medium residential density project known as "The Courtyard at Pages Lane." In addition, the residential uses along Main Street, from Porter Lane to Pages Lane, are also included in the South Main Street Corridor Plan, as described in the General Plan and in CZC 12.48.

1. New residential zoned development surrounding the Centerville Jr. High School is to be developed and maintained in low to medium density single-family residential development, primarily to be compatible with the residential development already in existence.
2. New future or redevelopment from Porter Lane to Pages Lane is to be in accordance with the expectations of "Residential Boulevard" District in the South Main Street Corridor Plan, as described in 12-480-7. Residential uses are to be limited to low to medium residential densities.
3. High density residential development is prohibited for future new or redevelopment in this area.

e. Extreme South Main Street Area (Centerville/Bountiful Municipal Boundaries)

The area located south of the Pages Lane commercial center and east of Main Street is often regarded by many people as being part of Bountiful. However, the vacant property just south of the commercial center and north of the twin duplex

development on 1200 South is in Centerville City. The nature of the development existing in this area (duplexes) and the proximity of the commercial buildings suggests that this area may appropriately develop with medium or low density residential or even commercial uses.

1. The extreme south Main Street area should be developed with appropriate medium or low density residential development, or with commercial uses. Any development in this area should be carefully designed to be compatible with existing development in the area, and to carefully buffer the rear of the buildings of the Pages Lane commercial center. The use of planned unit developments to achieve the foregoing objectives is desirable and preferred for residential development.
2. High density residential development is prohibited for future new or redevelopment in this area.

f. Southeast Residential Area

The greatest portion of southeast Centerville has been developed primarily in typical residential suburban style, with single family homes on medium and large lots. These residences are located primarily to the east and south of the Deuel Creek Historic District. Not much vacant land exists in this area. Much of what does remain is on the hillside, where care must be taken in development to avoid erosion and other hillside problems.

1. The southeast residential area shall be developed and maintained in low to medium density single-family residential development. Those areas on hillsides shall be carefully developed with strict adherence to City hillside development regulations.
2. High density residential development is to be prohibited for future new or redevelopment in this area.

g. East Foothills & City's Hillside Parcel Area

The foothills of Centerville City are a prominent feature of the City. The foothills are comprised of a mixture of both public and private lands, within and outside the City. In 2011, Centerville City adopted a Foothills Management Plan that divide these lands into segments with defined management prescriptions for each segment.

1. Due to the complexity of maintaining natural resources, mitigating hazards, and planning the future, it is deemed that the foothills area within the Southeast Neighborhood Plan is to be governed by the adopted Foothills Management Plan and any subsequent future planning strategies adopted by the City.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 1**

**APPLICANT: CENTERVILLE CITY COUNCIL
 C/O MAYOR PAUL CUTLER
 250 NORTH MAIN STREET
 CENTERVILLE CITY, UTAH 84014**

**APPLICATION: GENERAL PLAN TEXT AMENDMENTS FOR SECTION 12-480-2,
 SOUTHEAST NEIGHBORHOOD, RESIDENTIAL SECTION
 REWRITE**

**RECOMMENDATION: CONSIDER THE NEIGHBORHOOD PLAN AMENDMENTS
 AND MAKE A RECOMMENDATION TO THE CITY
 COUNCIL**

BACKGROUND

On November 25, 2017, the Planning Commission directed staff to make additional edits to Southeast Neighborhood Plan update. With making these edits, staff addressed the following:

- *Maintained a future allowance for residential medium density, specifically recognizing the Commission's discussion regarding how many single-family homes are located on lots smaller than ¼ acre lots (e.g. previously R-1-8 subdivision development).*
- *Kept the "Old Townsite" reference and separated it out from the Deuel Creek Historic District to reduce confusion*
- *Drafted a new section addressing the policies of the Deuel Creek District*
- *Added the South Main Street Overlay reference for the residential area (i.e. Residential Boulevard District) along the southern end of Main Street*
- *Added an East Foothills Section to address the foothills of the neighborhood, but limited future use to be governed by the Foothills Management Plan of 2011.*

GENERAL PLAN AMENDMENT REVIEW

Procedures for a General Plan Text Amendment, Section 12.21.070

A decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a). After the public hearing described in Subsection (d)(5), the City Council may make any modifications to the proposed General Plan amendment that it considers appropriate. The City Council may adopt or reject the proposed General Plan amendment either as proposed by the Planning Commission or after making any revision that the

City Council considers appropriate. The City Council may also table the matter for further information, consideration or action.

PLANNING STAFF RECOMMENDATION

Staff is of the opinion that the residential areas of the Southeast Community are substantially single-family residential and it's reasonable that this neighborhood should be afforded the general plan polices of maintaining its stability. However, there are still opportunities along the collector and arterial streets to allow for at least Medium Density Residential development. These places could include the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor. These areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase moves forward.

(PROPOSED ACTION) "I hereby make a motion for the Planning Commission to RECOMMEND the General Plan Amendments of the Southeast Neighborhood Plan, as written in the attachment for this report (or any changes made by the Commission), for the following reasons:

(SUGGESTED REASONS FOR THE ACTION)

- a. The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b. The Planning Commission finds that Centerville City has a strong desire to maintain a low density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.*
- c. The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan polices of maintaining this style of housing.*
- d. The Planning Commission finds that historical single-family development in the Community (e.g. R-1-8 Zoning) also falls within the Medium Density for residential development.*
- e. The Planning Commission finds there are still opportunities along the collector and arterial streets to accommodate future housing needs, such as the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor.*
- f. The Planning Commission finds that these areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase."*

PREVIOUS PLANNING COMMISSION MEETINGS HELD ON THIS MATTER

- ✓ January 25, 2017

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, February 22, 2017

7:00 p.m.

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

MEMBERS PRESENT

David Hirschi, Chair

Logan Johnson

Cheylynn Hayman, Vice Chair

Kathy Helgesen

MEMBERS ABSENT

Kevin Daly

Gina Hirst

Becki Wright

STAFF PRESENT

Emily Hatch, Recording Secretary

Lisa Romney, City Attorney

Cory Snyder, Community Development Director

Cassie Younger, City Planner

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Hayman

MINUTES REVIEW AND APPROVAL

The minutes of the Planning Commission meeting held February 8, 2017 were reviewed and amended. Commissioner Hayman made a **motion** to approve the minutes as amended. The motion was seconded by Commissioner Helgesen and passed by unanimous vote (4-0).

PUBLIC HEARING – GENERAL PLAN TEXT AMENDMENT, SOUTHEAST NEIGHBORHOOD PLAN (Originally tabled at the January 25 Planning Commission) - Consider a proposed General Plan Text Amendment regarding the future residential density allowances in the Southeast Neighborhood [Neighborhood 1] – Centerville City Council, c/o Mayor Paul Cutler, Applicant.

1 Mr. Cory Snyder, Community Development Director, provided some background
2 information and updates on this issue. He reminded the Commission that the area encompassed
3 by the Southeast Neighborhood Plan is the area south of Parrish Lane and East of Main Street, to
4 the southern city limits. The City Council and Planning Commission had previously set a goal to
5 revise the neighborhood plan, which included looking at the issue of the Pages Lane Commercial
6 Area (the previous location of Dick's Market) and what can be done to redevelop this area. In
7 addition, there was a need to address recent trends for multi-family development. In the past,
8 citizens of the Southeast neighborhood had expressed concerns at the impact of multi-family
9 residences on single-family neighborhoods.

10
11 Mr. Snyder said that the discussion of the Southeast Neighborhood Plan has been broken
12 into two segments for discussion: the first being the residential neighborhood and future changes
13 to this area; the second being a discussion about Pages Lane and Main Street, to take place at a
14 joint work session between the City Council and the Planning Commission, tentatively scheduled
15 for March 21. Mr. Snyder reminded the Commission that tonight's scheduled discussion is to
16 review the changes made to preliminary edits that took place prior to the the Planning
17 Commission meeting of January 25, and the updates, responses, and changes made after input
18 received on this date.

19
20 Mr. Snyder said that his perception of the overall sentiment of the January 25 meeting
21 was a desire to recognize that medium-density residential areas, both single-family and multi-
22 family and zoned as either R-1-8 or R-1-10 under previous Zoning Ordinances, had been, in the
23 past, on the low-end of the medium-density area. The Commission wanted to recognize the
24 existence of these areas as well as the potential for areas to be zoned as such in the future. The
25 language of the Plan has been updated to specifically reference medium-density, single-family
26 residences for future developments.

27
28 The second update discussed by Mr. Snyder was made in response to the difficulty posed
29 by the Old Townsite of Centerville, which is also part of the Deuel Creek Historic District;
30 however, the boundaries of the two areas don't align. The name of the Old Townsite area was
31 reinstated, and a new section has been created to address the Deuel Creek Historic District within
32 the Old Townsite.

33
34 Mr. Snyder said that the third update specifies that the area known as the Residential
35 Boulevard District along Main Street, which includes Centerville Junior High, the Riviera
36 Townhouses, and the Courtyard at Pages Lane, is part of the South Main Street Corridor Plan.

37
38 The final update discussed by Mr. Snyder was an addition to the Plan regarding the East
39 Foothills Section. The Commission expressed a reluctance, in previous meetings, to discuss
40 foothill development. The Plan now details the existence of this foothills area and references the

1 Foothill Management Plan, which states that this area is not to be developed at this time and will
2 not be developed unless certain terms and conditions are met.

3 Chair Hirschi opened the public hearing at 7:16 pm.
4

5 Seeing no one with any questions or comments, Chair Hirschi closed the public hearing
6 at 7:17 pm.
7

8 Chair Hirschi requested a change in the wording of Section 12-480-2, at the start of the
9 third paragraph. He asked that the phrase "the desire of the Southeast Neighborhood" be changed
10 to "the desire of the Southeast Neighborhood community."
11

12 Commissioner Hayman requested a change in the wording of Section 12-480-2, at the
13 start of the first paragraph. She asked that the phrase "is currently experiencing a decline" be
14 changed to "has experienced a decline."
15

16 Chair Hirschi asked that a phrase in part b, subparagraph 3, under Centerville Deuel
17 Creek Historic District, be changed from "other elements reflecting" to "other elements which
18 reflect." Chair Hirschi also asked that a phrase in subparagraph 4 of the same section be changed
19 from "is to be prohibited" to "is prohibited," in order to be consistent with the phrasing used in
20 other places in the Plan.
21

22 Commissioner Hayman expressed her appreciation of the addition of medium-density
23 single-family residential housing to the plan, as that resolves her concern of limiting it to low-
24 density, single-family housing. She then asked why part a, subparagraph 3, contains the only
25 specific reference to non-single family residential development. Mr. Snyder responded that this
26 is also specified in the Deuel Creek Historic District section, and that the other areas already
27 have multi-family residences. The Plan lists non-single family residences in the Old Townsite
28 and Deuel Creek Historic District sections since it is planned to keep these areas as single-family
29 residences only.
30

31 Commission Hayman asked Mr. Snyder why, in part c of the Plan, which details the
32 Centerville Elementary Area, the word "immediately" was added to the description of the area,
33 which now states "The residential area immediately around the Centerville Elementary
34 School..." Mr. Snyder said that there are multi-family areas on Parrish Lane and down to City
35 Hall. The addition of the word "immediately" was an attempt to be clear that the area
36 immediately around the school is limited to single-family residences, but this does not include
37 everything around the school. Chair Hirschi asked if the word "adjacent" would improve the
38 clarity, but Mr. Snyder said this would not be accurate, since this extends beyond the property
39 immediately adjacent to the school. Commissioner Hayman asked that, in addition to using the
40 word "immediately," the phrase "for example" be added to the sentence starting with "A number
41 of duplexes have been built," in order to give more information as to what is meant by the area

1 immediately around the school. Mr. Snyder agreed, and also suggested the word "immediately"
2 be changed to "surrounding." Commissioner Hayman suggested the word "near" instead of
3 "immediately around", to which Mr. Snyder agreed. Mr. Snyder then gave some context around
4 the zoning of this area. Almost two years ago, the previous City Council made a motion to revisit
5 this R-M area of the Plan. The new City Council, which took over soon after, reversed this. Mr.
6 Snyder said he wrote this section of the Plan based on the actions of the new Council, who did
7 not see a need to place this R-M area into a non-conforming status, and so has left this area as R-
8 M.

9
10 Commissioner Helgesen asked that, in line 3 of part d, where it states, "The 'Riviera
11 Townhouses,' one of the highest density residential development in this neighborhood and is
12 located..." the word "is" be removed. Commissioner Hayman said removing the word "and"
13 before "is located" would also work. Mr. Snyder agreed to the latter suggestion. Chair Hirschi
14 asked that a comma be added after the word "neighborhood," so it now states, "The 'Riviera
15 Townhouses,' one of the highest density residential development in this neighborhood, is
16 located..."

17
18 Commissioner Hayman said, in that same section, where the Plan states, "The developed
19 areas north and east of the junior high are all low density single family," is incorrect. This should
20 be low or medium density single family. Mr. Snyder agreed, and noted that this had been missed
21 in his most recent edits.

22
23 Commissioner Helgesen asked that, in subparagraph 2 of part d, where it says, "New
24 future or redevelopment, from Porter Lane to Pages Lane, is to done in accordance with the
25 expectations..." the word "be" should be added before "done." Chair Hirschi asked to remove
26 the commas around "from Porter Lane to Pages Lane." Commissioner Helgesen also asked that
27 the word "done" be removed.

28
29 Mr. Snyder said that he attempted to, with the new edits, remove the "shall" issues, so
30 there is an expectation without an ordinance.

31
32 Commissioner Helgesen made a **motion** for the Planning Commission to recommend the
33 General Plan Amendments of the Southeast Neighborhood Plan, as amended by the Planning
34 Commission, for the following reasons. Commissioner Hayman seconded the motion.

35
36 ***Reasons for the Action:***

- 37
38 a) The Planning Commission finds that a decision to amend the General Plan is a matter
39 within the legislative discretion of the City Council as described in CZC
40 12.21.060(a).

- 1 b) The Planning Commission finds that Centerville City has a strong desire to maintain a
2 low density single-family environment as described in the General Plan Element,
3 "Residential Development" – Section 12-420.
4 c) The Planning Commission finds that the residential areas of the Southeast
5 Community are primarily single-family residential and should be afforded the general
6 plan polices of maintaining this style of housing.
7 d) The Planning Commission finds that historical single-family development in the
8 Community (e.g. R-1-8 Zoning) also falls within Medium Density for residential
9 development.
10 e) The Planning Commission finds there are still opportunities along the collector and
11 arterial streets to accommodate future housing needs, such as the redevelopment of
12 the Pages Lane Commercial area and along the Main Street commercial corridor.
13 f) The Planning Commission finds that these areas have yet to be reviewed in the
14 second phase of the neighborhood plan that will come after this first phase.
15

16 Commissioner Johnson said he appreciates all of the work and edits that have been done
17 with regards to this plan. However, the general prohibition of high-density housing throughout
18 the language in the edits is something he said he cannot support, and wanted to be sure that was
19 voiced. He said he believes this prohibition harms the long-term fiscal sustainability of the City
20 and hampers property rights and development options. Chair Hirschi said he shares some of
21 these concerns, and there may be an opportunity to revisit this issue when discussing other areas
22 in the City or when discussing the commercial areas of the City.
23

24 Chair Hirschi asked that, in reason d for the recommendation, the word "the" be
25 removed, so the reason states, "falls within Medium Density for residential development."
26 Commissioner Helgesen said she accepts this change as part of her motion.
27

28 A roll-call vote was taken and the motion passed 3-1, with Commissioner Johnson voting
29 against the motion. Chair Hirschi said that the Plan, as amended, will be recommended to the
30 City Council. The City Council has the opportunity to modify the recommendation, start over, or
31 anything else, as this is a legislative action.
32

33 **TRAINING ON UTAH OPEN AND PUBLIC MEETINGS BY CITY ATTORNEY**
34 **LISA ROMNEY**
35

36 Lisa Romney, City Attorney, provided training on the Utah Open and Pubic Meetings
37 Act, as is required to be provided annually for each public body of the City. She informed the
38 Commission that state auditors are now required to check agendas and meetings notices for
39 compliance with the Utah Open and Public Meetings Act.
40

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

**APPLICANT: CENTERVILLE CITY COUNCIL
 C/O MAYOR PAUL CUTLER
 250 NORTH MAIN STREET
 CENTERVILLE CITY, UTAH 84014**

**APPLICATION: GENERAL PLAN TEXT AMENDMENTS FOR SECTION 12-480-2,
 SOUTHEAST NEIGHBORHOOD, RESIDENTIAL SECTION
 REWRITE**

**RECOMMENDATION: CONSIDER THE NEIGHBORHOOD PLAN AMENDMENTS
 ANDN MAKE A RECOMMENDATION TO THE CITY
 COUNCIL**

BACKGROUND

Near the end of 2016, the City Council directed the planning staff and Planning Commission to review the Southeast Neighborhood and update the plan. Specifically, they wanted to address the pressure or trend to rezone properties for high-density residential development (*e.g. Scott Balling Townhomes Proposal*) and to also address the long-standing goal of redeveloping Pages Lane Commercial Area.

To accomplish this task, the planning staff recommended that the City consider first the residential density component of the neighborhood plan and allow for a specific discussion and debate about future housing and density. Then, second to hold a joint work session between the City Council and the Planning Commission regarding the future land use/redevelopment of the Pages Lane area. Accordingly, the planning staff has prepared a draft of edits to the *RESIDENTIAL COMPONENT ONLY* of the Southeast Neighborhood Plan. The Planning Commission should review, debate, and hold a public hearing and when deemed ready, make a recommendation to the City Council.

GENERAL PLAN AMENDMENT REVIEW

Procedures for a General Plan Text Amendment, Section 12.21.070

A decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a). After the public hearing described in Subsection (d)(5), the City Council may make any modifications to the proposed General Plan amendment that it considers appropriate. The City Council may adopt or reject the proposed General Plan amendment either as proposed by the Planning Commission or after making any revision that the

City Council considers appropriate. The City Council may also table the matter for further information, consideration or action.

DRAFT EDITS FOR THE SOUTHEAST NEIGHBORHOOD PLAN – RESIDENTIAL POLICIES ONLY

Staff has prepared edits based on previous discussions with the City Council and Planning Commission. The proposed edits and change can be summarized as follows:

- *Main Theme – Promotes the southeast community's desire for traditional single-family neighborhood stability that is being affected by the South Davis region's housing market patterns related to multi-family development.*
- *Prohibits future use of high density residential development (e.g. the R-H Zoning District) in the residential areas of the neighborhood. High Density is considered 9-12 dwelling units per acre, as described in Section 12-420-2 of the General Plan.*
- *Substitutes the "old townsite" phrase with recognizing the adoption of Deuel Creek Historic District area.*
- *The edits update various spatial narratives regarding surrounding development descriptions.*

(FOR ALL EDITS SEE THE ATTACHMENT OF THIS STAFF REPORT)

GENERAL PLAN POLICY REVIEW

The Southeast Neighborhood Plan is a sub-element of the City's General Plan. Any recommendation or decision about modifying a neighborhood plan ought to include how it may coincide with the generalized policies of the City's General Plan. It is staff's opinion that there are three (3) other main elements of the General Plan to at least consider. These three (3) elements are; 1) the "Residential Development" – Section 12-420; 2) the "Moderate Income Housing" – Section 12-490; and 3) the "Historic Preservation Plan" – Section 12-480.

Staff suggests that the Planning Commission read these three (3) elements are part of considering the proposed neighborhood plan amendments. Upon our review of these elements, Staff believes that the following ideas should be considered as part of the review of the proposed amendments:

- *Centerville City has a strong desire to maintain a low density single-family environment.*
- *Notwithstanding, the residential policies recognize that there may be "appropriate locations" for medium to high densities within the City.*
- *Diversity is desirable in the procurement of decent housing.*
- *Future population growth and housing supply needs should be considered.*
- *Utah Code requires Cities to regularly review their moderate-income housing needs and identify strategies to allow opportunities to encourage such housing needs.*
- *Historic Districts are formed to preserve and celebrate a geographic location, in this case the Centerville Deuel Creek Historic District.*
- *Infill and other types of development should preserve and be contextually sensitive to an established historic district.*

To illustrate how some of these ideas can be considered, staff has selected the City Strategy 6-B of the Moderate-Income Housing Element. This strategy focuses on the evaluation of City's

housing supply in comparison to an "Open Market Yield." The staff asked the GIS Division to query available information for the Southeast Neighborhood Plan and compare the housing supply to an open market yield. The GIS Division provided the following information:

Residential Unit Types in The Entire City

Residential use Types	Centerville City	Open Market Yield	Difference
Single Family	73%	60%	= +13%
Townhome/Duplex	19%	14%	= + 5%
Multi-Family	8%	26%	= -18%

Residential Unit Types in The Southeast Quadrant

Residential use Types	Number of Units	Percentage	Open Market Yield	Difference
Single family	901	81%	60%	+21%
Townhome/Duplex	112	10%	14%	-4%
Multi-Family	103	9%	26%	-17%
Total	1116			

Accordingly, this information tells us that the entire City continues to struggle with closing the gap of the "housing" with regards to an "open market yield." Additionally, the Southeast Neighborhood's deficit is primarily in the multi-family housing type. This is neither good or bad, it is just a measure to keep in mind as land use policy is developed and enacted. Nonetheless for Centerville, the staff has been informed that the cost of remains relatively high even with townhomes selling up to \$311,000 in the Porter-Walton Project (*i.e. Hafoka Property*).

In looking to providing a diversity of lower cost housing styles and to plan for future population growth and changing lifestyles, are there areas within the neighborhood to consider encouraging development multi-family housing? Should the predominate form of single-family housing be afforded the protection from this housing type and to what extent (*e.g. Deuel Creek District*)? Should the search for appropriate areas for multi-family development should occur in other neighborhood locations? Is there a balance that can be achieved?

Staff Suggested "Thoughts to Consider"

- The South Davis area will likely continue to see a market pressure, today and in the future, for higher density housing development, whether its small lot single-family, townhome, or multi-family style developments.

- With being located within an area with higher market housing costs, Centerville City will likely continue to struggle with providing actual moderate income level housing.
- Nevertheless, Centerville City can still look for and consider areas to allow a variety of housing stock to accommodate various lifestyles and incomes of residents living or desiring to locate in the City.
- Consider looking within the Southeast Neighborhood for areas that may be appropriate for medium or high density residential development. Examples could be along collector or arterial streets such as Main Street or Pages Lane.
- If such opportunities within this neighborhood are not desirable or not available, then any shortages or deficits likely have to be made up in other areas of the City (*i.e. "kicking the can down the road" to other neighborhoods*).

PLANNING STAFF RECOMMENDATION

Staff is of the opinion that the residential areas of the Southeast Community are substantially single-family residential and it's reasonable that this neighborhood should be afforded the general plan polices of maintaining its stability. However, there are still opportunities along the collector and arterial streets to allow for at least Medium Density Residential development. These places could include the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor. These areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase moves forward.

PROPOSED ACTION: *I hereby make a motion for the Planning Commission to RECOMMEND the General Plan Amendments of the Southeast Neighborhood Plan, as written in the attachment for this report (or any changes made by the Commission).*

SUGGESTED REASONS FOR THE ACTION:

- a. The Planning Commission finds that a decision to amend the General Plan is a matter within the legislative discretion of the City Council as described in CZC 12.21.060(a).*
- b. The Planning Commission finds that Centerville City has a strong desire to maintain a low density single-family environment as described in the General Plan Element, "Residential Development" – Section 12-420.*
- c. The Planning Commission finds that the residential areas of the Southeast Community are primarily single-family residential and should be afforded the general plan polices of maintaining this style of housing.*
- d. The Planning Commission finds there are still opportunities along the collector and arterial streets to allow for at least Medium Residential Development, such as the redevelopment of the Page Lane Commercial area and along the Main Street commercial corridor.*
- e. The Planning Commission finds that these areas have yet to reviewed in the second phase of the neighborhood plan that will come after this first phase.*

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, January 25, 2017**

3 **7:00 p.m.**

4
5 A quorum being present at Centerville City Hall, 250 North Main Street, Centerville,
6 Utah. The meeting of the Centerville City Planning Commission was called to order at 7:00 p.m.

7
8 **MEMBERS PRESENT**

9 Kevin Daly
10 Logan Johnson
11 Cheylynn Hayman, Vice Chair
12 Kathy Helgesen
13 Gina Hirst
14 Becki Wright

15
16 **MEMBERS ABSENT**

17 David Hirschi, Chair

18
19 **STAFF PRESENT**

20 Emily Hatch, Recording Secretary
21 Lisa Romney, City Attorney
22 Cory Snyder, Community Development Director
23 Cassie Younger, City Planner

24
25 **VISITORS**

26 Interested citizens (see attached sign-in sheet)

27
28 **PLEDGE OF ALLEGIANCE**

29
30 **OPENING COMMENT/LEGISLATIVE PRAYER** Logan Johnson

31
32 **MINUTES REVIEW AND APPROVAL**

33
34 The minutes of the Planning Commission meeting held January 11, 2017 were reviewed
35 and amended. Commissioner Helgesen made a **motion** to approve the minutes as amended. The
36 motion was seconded by Commissioner Wright and passed by unanimous vote (6-0).

37
38 **PUBLIC HEARING – GENERAL PLAN TEXT AMENDMENT SOUTHEAST**
39 **NEIGHBORHOOD PLAN- Consider a proposed General Plan Text Amendment**
40 **regarding the future residential density allowances in the Southeast Neighborhood**
41 **[Neighborhood 1] – Centerville City Council, c/o Mayor Paul Cutler, Applicant.**

42
43 Cory Snyder, Community Development Director, gave some context for the draft edits of
44 the Southeast Plan made by Staff. The plan under discussion today is for the residential

1 component. The commercial areas will be addressed in the future, as the second phase of this
2 project. The written recommendations were an attempt by Mr. Snyder to capture the essence of
3 past discussions in relation to amending the Southeast Neighborhood Plan, including the concern
4 over allowing more multi-family developments and the potential change of Residential-Medium
5 Zones. The drafted edits also include suggested changes to some phrases used in the Plan. Mr.
6 Snyder emphasized that these discussions about the future and expectations of the City are
7 necessary parts of the function of the Planning Commission. Mr. Snyder noted there is no intent
8 on the part of Staff for a final decision on the Plan to be made tonight, unless the Commission
9 feels that the edits made so far are sufficient. Staff, however, does not feel that the Plan is solid,
10 as of yet.

11
12 Mr. Snyder stated that the Southeast Neighborhood Plan covers the portion of the City
13 east of Main Street and south of Parrish Lane (400 North) to city limits, either in the foothills or
14 to Bountiful. In Section 12-480-1 of the General Plan, a map is referenced which should show
15 the City divided into individual neighborhoods; however, the location of this map is unknown
16 and should be prepared and attached or the reference deleted. Currently, the city is broken up
17 into neighborhoods, which are broken up into sub-districts. Some clarification is needed to
18 differentiate between the two in the Plan.

19
20 Mr. Snyder said that the most significant change to the introduction of Section 12-480-2
21 is Staff's attempt to explain the purpose, justifications, and expectations for the Plan. Due to the
22 area's geographic location along commercial corridors, Southeast Centerville has been a place
23 where multi-family developments naturally occur, which has caused tension for the existing
24 neighborhoods. The edits made to the Plan are an attempt to balance the desires of the existing
25 neighborhoods while also looking to the future.

26
27 Mr. Snyder presented the option of replacing the term "Old Townsite" with "Centerville
28 Deuel Creek Historic District". There is a Residential-Medium area that falls within this
29 boundary that provides a buffer around the Centerville Elementary Area and City Hall Area,
30 separating the Elementary School, City Hall, and Founders Park from an interior neighborhood.
31 In the Deuel Creek District, the preference is for single-family homes that preserve the historic
32 nature of the area, the decision must be made whether the streets are the necessary buffer rather
33 than the homes. Mr. Snyder referenced Parrish Lane (400 North) as an example, where there are
34 many duplexes along the road, yet 100 North and 100 East have only single-family homes, yet is
35 labeled as a Residential-Medium buffer between City Hall and the residential neighborhood. A
36 decision is needed with regards to the balance between maintaining the Historic District while
37 also achieving this buffer around City Hall. There was some discussion about changing the name
38 of the subdistrict back to "Old Townsite" to avoid confusion with the Deuel Creek Historic
39 District Overlay Zone in the Zoning Code (which has a different boundary description than this
40 neighborhood in the General Plan).

1 Within each section of the plan detailing a sub-area, Mr. Snyder made efforts to maintain
2 clarity, as requested by the City Council, by specifying that no high-density developments shall
3 be allowed, rather than simply excluding it from the list of allowed developments.

4
5 Mr. Snyder reformatted the area discussing Centerville Junior High to include
6 information on The Courtyard at Pages Lane, which didn't exist when the Plan was written.

7
8 The last two sub-areas discussed by Mr. Snyder were the Extreme South Main Street
9 Area (Centerville/Bountiful border), a Residential-Medium and Residential-Low area that
10 includes the duplexes along 1200 South, the west side of which is in Centerville and the east side
11 of which is in Bountiful, and the Southeast Residential Area, which is predominantly a single-
12 family area. It is specified that high-density developments will not be allowed in these areas in
13 the future.

14
15 Mr. Snyder discussed Pages Lane and how it relates to the areas discussed previously. He
16 referenced the Balling Engineering property that came before the Commission recently, which
17 borders on Pages Lane. The applicant originally requested that this be re-zoned as Residential-
18 High but the area ended up as Residential-Medium. Mr. Snyder explained that it is necessary to
19 think about corridors, such as Pages Lane, as part of the community identity.

20
21 Commissioner Hayman referenced the Utah Code that requires the Commission to
22 regularly review moderate income housing needs and identify opportunities to encourage these
23 housing needs. The Staff Report states that Mr. Snyder asked the GIS (Geographical Information
24 Systems) Division to run an analysis on this matter. Commissioner Hayman asked Mr. Snyder if
25 this analysis fulfills the Utah Code requirement and, if not, how often this should be done and
26 how recently it was last done. Mr. Snyder answered that while this is a neighborhood plan, it's
27 best to also keep in mind the existing General Policies as well. The moderate income housing
28 plan was adopted in 2002 and updated in 2012. The most recent report was to be provided to
29 Workforce Services in 2016, but that deadline has been extended to 2017. The City Council will
30 be completing a survey with regards to plans and actions taken. The plan completed in 2012 used
31 data from county valuations, which, while data rich, are not necessarily reflective of the market.
32 However, it did conclude that Centerville met the suggested target of market number of units for
33 residents with 80% of the median income for the metropolitan statistical area. There are also
34 provisions in state law to consider those at 50% of the median income or lower; if this was the
35 standard, then Centerville City would fall short of the target for moderate income housing.
36 Centerville City selected a strategy provided by Wasatch Front Regional Council planning tools
37 to look at open market yields in comparison to those of our city, to use as a method of
38 determining what actions the City should take in the future. Centerville City does have a shortage
39 of multi-family housing, which are typically rental residences. It should be kept in mind that the
40 current changes to the Southeast Neighborhood Plan specify that no high-density developments
41 shall be allowed, which includes multi-family housing. Mr. Snyder asked the Commission to

1 consider whether other areas of the city should be investigated as options for multi-family
2 housing.

3
4 Commissioner Daly asked Mr. Snyder how the suggested edits for Section 12-480-2
5 came about. Mr. Snyder responded that the suggested edits were a distillation of various
6 discussions regarding the matter, including the preservation of the Deuel Creek Historic District
7 and the burden of multi-family housing in the south area of the city. The suggested edits made by
8 Mr. Snyder were done so as an interpretation of information heard from the City Council in
9 conjunction with the information he has regarding the balance of the plan as a whole.

10
11 Commissioner Johnson read the end of the suggested added paragraph in Section 12-
12 480-2, where it states, "...encourage higher-density housing development to other less
13 concentrated locations in other parts of the City and/or region," and asked Mr. Snyder what
14 these other areas are and how higher-density housing is being encouraged there. Mr. Snyder
15 responded that the idea of this Plan is to have a protectionist view of density in the Southeast
16 area, which does not translate to city-wide policy. Commissioner Hayman discussed the fact that
17 there are two considerations for multi-family housing: either to push this housing to less-
18 concentrated areas or to push all of this type of housing to the same area (the southwest side of
19 the city). The phrasing used by Mr. Snyder would not support this second approach. Mr. Snyder
20 explained that this type of housing could be pushed to the north, the southwest, or the west – but,
21 when discussed in correlation with the moderate income housing plan, the City does need to look
22 at other locations, since the southeast is not an option in the current Plan.

23
24 Commissioner Hayman asked if the phrase "other part of the city and/or region," meant
25 that the City could attempt to limit multi-family housing within city limits, and instead attempt to
26 move it to surrounding cities. Mr. Snyder responded that there is a statement earlier in the
27 General Plan that states that it is not necessary to provide a cross-section of housing, which
28 makes him uncomfortable. The use of the phrase "and/or region" is an acknowledgment of the
29 possibility that future planning may limit multi-family housing. There is currently a high-
30 demand for multi-family housing in the South Davis area. Whatever regulations are in place, the
31 current market drives the prices of homes. Regardless, the City should consider state statute
32 requirements and regulations regarding moderate income housing and the city's obligation to
33 provide a plan for such housing.

34
35 Commissioner Wright agreed that it is necessary to protect against market, but also
36 questioned the benefits of legislating against market with regards to the health of the city and its
37 housing market. Commissioner Johnson referenced analyses by Strong Towns with regards to
38 exclusionary zoning against multi-family housing and how these practices damage the financial
39 sustainability of a city. The tax revenue from single-family housing does not balance the cost of
40 maintaining that infrastructure, so other means of income are necessary. Commissioner Johnson
41 said he hesitates to agree with the general premise of the Plan due to concerns about financial
42 stability for the City.

1 Commissioner Wright discussed the strong sentiment from the general public against
2 high-density housing in Centerville. She suggested some clarification on the definition of high-
3 density and also referenced the Balling Engineering property, which was able to change from
4 high-density to medium-density just by purchasing a very small area of land from the
5 neighboring church. Citizens seem to be more accepting of medium-density as opposed to high-
6 density, without really understanding the difference between the two. She said she is
7 uncomfortable limiting the plan to such a degree that it is exclusionary of medium-density areas.
8 Medium density is appropriate for many areas, and Commissioner Wright questioned the need to
9 specify that there shall be no medium-density residential developments, as listed in section a.2.
10 of the Residential Policies of the Plan, when there are already several medium-density
11 developments in this area.

12
13 Commissioner Hayman said she had the same concern with regards to the Southeast
14 Residential Area, section e.2., which also specifies no medium-density developments. She
15 explained she also feels like the public has an immediate dislike for high-density housing based
16 on the name, rather than on an understanding of what high-density really means. She described
17 her own property as an example of a home that could not be on a single-family lot, yet would not
18 likely be considered as high-density by the public. She expressed her discomfort at excluding
19 medium-density developments from the Southeast Residential Neighborhood.

20
21 Commissioner Wright restated the importance of clearly defining the meaning of high-
22 density.

23
24 Mr. Snyder also agreed that the public has a preconception of what high-density housing
25 is. He gave the example of a home on a 9,000 square foot lot, which would be a single-family
26 home, versus a 6-plex, which is likely to be seen as high-density regardless of the plot size. He
27 explained that several homes in the historic divisions are single-family by definition, but not
28 necessarily low-density.

29
30 Commissioner Wright discussed the many areas of multi-family housing that exist in
31 northwest Centerville. In the northern area of the city, these seem more accepted by the public
32 as they're not replacing anything. However, the southern area of the city the historic old town, so
33 change is more difficult to accept. Commissioner Daly agreed that density is a matter of
34 perception. He also referenced the Balling Engineering project, which has the perception of
35 being high-density since it isn't the same as the rest of the neighborhood. However, in northern
36 Centerville, the areas of multi-family housing are their own neighborhood, and so don't differ
37 from the surrounding area. In the southern area of Centerville, there is the desire to maintain the
38 neighborhoods as they are, rather than changing them by introducing high-density developments.
39 Commissioner Daly said that he, in general, agrees with the suggested edits to the Plan for this
40 reason.

41

Commissioner Hayman was surprised by the amount of multi-family housing in northern Centerville. She discussed the data included in the Staff Report, showing that the percentage of multi-family residences in southern Centerville (-17%) is close to the percentage of multi-family residences city-wide (-18%), and wondered which area of the city has the most multi-family residences. Mr. Snyder responded that the northwest area has the most high-density accrual, and the northeast area has the least amount of differences across housing types. Commissioner Wright asked what the area surrounding the Balling Engineering property was zoned. Commissioner Daly responded that the area to the east is high-density and the area to the south is commercial. Commissioner Wright explained that she felt that medium-density for the Balling Engineering property actually made sense, due to the surrounding area. The citizens are more likely unhappy with the change to the neighborhood rather than the zoning of the area. Mr. Daly agreed that it is the perception of density that causes concern for the citizens, and referenced flag-lots as an example of this.

Commissioner Hayman referenced the first sentence in the new paragraph in Section 12-480-2, which states that "multi-family development has become a dominant form of newer housing development," and inquired as to the accuracy of this statement. Mr. Snyder said that the term "dominant," is debatable; he was addressing the matter from an infill, teardown perspective, for which multi-family is the dominant form. In this paragraph, he attempted to justify the slow-down of multi-family residence development. Commissioner Daly said he wasn't bothered by the term "dominant," which seemed to speak to the current trend of getting as many units on a plot of land as possible, and referenced several examples seen by the Commission recently, all of which were in the southeastern area of Centerville. Commissioner Wright agreed with Commissioner Hayman that, while there have been significant increases in the number of multi-family residences, it is not the dominant form of development in the South Davis area. Mr. Snyder expressed his willingness to readdress the wording in this section.

Commissioner Hayman discussed the market pressure to put in the maximum number of housing units possible, which suggests that there is a lot of interest in multi-family housing. She expressed concern with the City trying to be exclusionary, regardless of the market trend, and force multi-family housing to other cities to protect the single-family homes. She said she prefers the idea of spreading the multi-family housing throughout the city, rather than concentrating it in one area, and said that the arteries of the city seem like a logical place for this type of residence as a transition from medium- to low-density.

Mr. Snyder presented an alternative perspective, giving the Cove at Deuel Creek Subdivision as an example. Zoning should be used to preserve values, health, safety, and welfare of a community. However, there is also the issue of property rights: the concept that when you buy a piece of land, you are also purchasing a set of rights associated with that piece of land. Current zoning allows four units per acre; however, there is a distinction between the zoning of an area and the tools to implement the zoning of an area, such as flag lot ordinances or infill

opportunities. These tools should be available to allow property owners to reach the full potential of their property.

Commissioner Wright agreed with Mr. Snyder, explaining that one of the reasons she is uncomfortable limiting medium-density developments is because of property rights. The Planning Commission has a mission to maintain a healthy, viable city, but also has a responsibility to respect property rights. Commissioner Daly said he believes the Plan does support this, and it discusses that there are various zones throughout this area and these zones would not be changed, unless the issue is brought before the Commission by the owner. Commissioner Wright referenced section 1.a.2, which states that medium-density developments will not be allowed, even though there are medium-density developments already in existence in this area. Commissioner Daly responded that there are no medium-density developments in the area detailed in section 1.a. Commissioner Wright asked for clarification on what is considered Centerville Deuel Creek Historic District. Mr. Snyder responded that there is a mismatch of terms between Deuel Creek and Old Town; the area and label descriptions do not align. Commissioner Hayman said there is too much confusion if the Deuel Creek Zoning does not match up with the Deuel Creek Historic District, and she would be inclined to call it something else to avoid confusion. Mr. Snyder said he is hoping that the Commission can provide some clarification on the issue by selecting an appropriate term for the area.

Commissioner Daly asked if multi-family residences are allowed in commercial areas. Mr. Snyder replied that the South Centerville Main Street Plan allows an option for a certain number of units, generally within medium-density zones.

Commissioner Hayman asked Mr. Snyder if he'd ever seen cities or municipalities with zoning codes that are segmented more than just low, medium, and high densities. Mr. Snyder replied that there are three ways to approach this issue: adjust the ranges used while keeping the terms used, segment the zones into more than three categories, or to relabel the zones to be specific to the area. Commissioner Daly suggested another alternative approach of redefining the zones – for example, low density meaning up to three units – then requiring conditional use for more units than allowed in that zone yet less than what is allowed in the next level of zoning. Commissioner Wright stated that City Council prefers not to have conditions such as these.

Commissioner Hayman opened the public hearing at 8:31 pm. Seeing no one with any questions or comments, Commissioner Hayman closed the public hearing at 8:31 pm.

Commissioner Wright referenced Centerville Commons which, though it is not low-density, is a desirable area of housing for various family types. She expressed her concern for the vitality of the city if medium-density housing is not allowed, and worries this policy does not look to the future of the city. Commissioner Daly stated that Centerville Commons seems to work because it is the whole neighborhood, and did not replace a different style of neighborhood that was there previously. However, there don't seem to be any large, vacant pieces of land left in southeast Centerville that could be developed into new residential neighborhoods.

1 Commissioner Hayman asked about the far east of Centerville with regards to open areas
2 for potentially high-density areas. Commissioner Daly mentioned that the potential development
3 of this area of Centerville, which would fall into the boundaries of the Southeast neighborhood,
4 should be discussed. Mr. Snyder agreed, and said this could be something discussed in the
5 second portion of the discussion of this Plan. Commissioner Daly said he thought it was
6 appropriate for the residential discussion, as it is unlikely that this area will have any commercial
7 development. However, he suggests that it not be developed for residential. Mr. Snyder said it is
8 an option to add a new sub-district for this area. Commissioner Wright expressed her reluctance
9 to begin addressing this matter due to the potential consequences of opening the matter up for
10 discussion. Commissioner Daly suggested adding another point to section 1.e of the Plan, stating
11 that no new residential developments shall be allowed east of existing residential zones. Mr.
12 Snyder acknowledged that this is something that could be added to the Plan, which could prevent
13 adding a new zone or sub-district. Ms. Romney, City Attorney, asked if the Foothills Master
14 Plan governed the area under discussion, to which Mr. Snyder replied in the affirmative.
15 Commissioner Wright again stated her reluctance to address this matter, worrying that opening
16 the matter up for discussion would create the possibility of this area being developed at some
17 point in the future.

18
19 Mr. Snyder said that, if the Commission requests, he can create a second draft of the
20 Southeast Neighborhood Plan based on the current discussion taking place in the Planning
21 Commission meeting, as well as make recommended changes to the first draft. Commissioner
22 Hayman expressed her support of this suggestion, and said she would like to see the various
23 options presented side-by-side in this second draft.

24
25 Commissioner Wright asked if the Townsite definitely does not align with what is zoned.
26 Mr. Snyder replied that the Townsite Directives in the Plan were not edited, so the boundary
27 lines listed are the original boundary lines. Commissioner Wright suggested adding the
28 consideration of accurately aligning these with what is currently in place. Ms. Romney reminded
29 the Commission that there is a General Plan, which details the vision of the future, and the
30 zoning district, and warned about having a General Plan Area with the same name as the zoning
31 overlay. In addition, an attempt to align these would result in an overlap between the Historic
32 District and the Centerville Elementary Area. She suggested that a better approach may be to
33 choose a new name or revert back to the old name, and reference that this new area is within an
34 existing area. Mr. Snyder expressed his willingness to reformat the plan appropriately.

35
36 Commissioner Daly proposed an addition to the sections for the Centerville Elementary
37 Area and the Southeast Residential Area (since there is no Taylor Elementary Area), to specify
38 that any development in these areas shall be designed and developed for minimal impact upon
39 the schools. Uses that may have detrimental impact upon the school shall not be allowed. Similar
40 instructions are currently included in the commercial plan, and should be specifically stated in
41 the residential plan as well.

Commissioner Wright asked for more information on section 1.c.2, which has been suggested for removal in the edits. Mr. Snyder said that the area south of the Riviera Townhouses has since been developed into the Courtyard at Pages Lane, so this item no longer applies.

Commissioner Hayman made a **motion** for the Planning Commission to table the issue of the General Plan Amendments of the Southeast Neighborhood Plan and direct Staff to make revisions consistent with their discussion. Commissioner Helgesen seconded the motion, which passed by unanimous vote (6-0).

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. Items scheduled for February 8, 2017:

- Accessory Building Setbacks, Continued Discussion (PC Tabled Item on January 11, 2017)
- Chitose Johnson Tentative Rezone Application and Conceptual Subdivision (rescheduled from January 25, 2017)
- A Conditional Use Permit, just recently submitted
- Amendments to the Subdivision Ordinance

Commissioner Daly followed up with Mr. Snyder on a Conditional Use Permit application from the previous meeting, and asked if the Fire Marshall had performed their review for York Automotive. Mr. Snyder replied that the Fire Marshall had not yet done so, but the applicant had followed up and scheduled a site visit for the following week.

Commissioner Hayman made a **motion** to adjourn. Commissioner Johnson seconded the motion, which passed by unanimous vote (6-0).

The meeting was adjourned at 8:46 p.m.

David Hirschi, Chair

Date Approved

Emily Hatch, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 4

Short Title: Award bid for annual Crack Seal/Slurry Seal Streets Contract to Intermountain Slurry Seal in the amount of \$376,754.82

Initiated By: City Engineer and Public Works Director

Scheduled Time: 8:00

SUBJECT

RECOMMENDATION

Award bid to Intermountain Slurry Seal in amount of \$376,754.82 for the Crack Seal and Slurry Seal Project 2017.

BACKGROUND

Three bids for this project were received on February 28, 2017. See attached email and bid tabulations from City Engineer, Kevin Campbell, who recommends the award to Intermountain Slurry Seal. The bid amount is slightly below the Engineer's Estimate.

This contract is the first of two bids to be awarded for street maintenance work in 2017. The second bid will be considered at a later meeting and will include asphalt overlays/reconstruction, Community Park parking lot and pathway construction, and Whitaker Home (Museum) parking lot construction. Funding for the *street* portions of both contracts comes from the Transportation Projects Fund. Sources of revenue for this Fund are the gasoline tax (Class C Road Fund revenue from State) and Proposition One sales tax revenue, as well as a \$210,000 transfer from General Fund revenues in the current FY 2017 Budget. In total, \$1.1 million has been budgeted for contract street maintenance this year. Funding for parks and museum related work in both contracts will come from the RAP Tax Fund and/or Parks Capital Improvement Fund (i.e. park impact fees).

The attached map shows the streets to be crack sealed and slurry sealed with this bid award. As explained in the attached email from the City Engineer, the scope of work includes the MTC/Performing Arts Center parking lots and Woods Park roads. Those portions of the work will be paid from non-City sources. The scope of work also includes slurry seal on three trails--Bamberger, Porter Walton and Freedom Hills Park--and the City Hall and Smoot Park west parking lots.

ATTACHMENTS:

Description

- ☐ City Engineer Recommendation for Crack Seal & Slurry Seal 2017 Project
- ☐ Bid Tabulations
- ☐ Crack Seal/Slurry Seal Street Map

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Thursday, March 02, 2017 2:56 PM
To: Steve Thacker
Cc: Randy Randall; Marsha Morrow; Blaine Lutz; Ryan McLeod
Subject: Crack and Slurry Seal 2017 - NOA
Attachments: 00 51 00 Notice of Award.pdf; #16-140 Bid Tab.pdf

Steve,

On Tuesday, February 28th we received the following bids for Crack and Slurry Seal 2017 Project:

- | | |
|------------------------------|--------------|
| 1. Intermountain Slurry Seal | \$376,754.82 |
| 2. Morgan Pavement Maint. | \$395,933.36 |
| 3. Advanced Pavement | \$421,303.00 |
| Engineer Estimate | \$387,102.50 |

Intermountain Slurry Seal completed the project last year for the City and did a great job. They are highly qualified. It is recommended that the project be awarded to them in amount of \$376,754.82.

This bid includes slurry seal work and re-striping for the MTC, Arts Center and Chick-Fil-A parking lot. The amount for this work is \$33,916.75 for the Type I Slurry Seal and \$5,092 for the re-striping. This bid does not include the pipe and inlet box work that they would like to have done. Blaine, would you like to check with David Broadbent and others as needed to verify that they would still like this slurry seal completed. We will likely bid the pipe work with another pipe project.

This bid also includes a Type III Slurry Seal for Woods PDO in amount of \$7,684.00. Ryan and I will check with the developer to see if they would still like to use the City's contractor (with a 5% markup).

Let me know of any questions regarding this bid.

Kevin

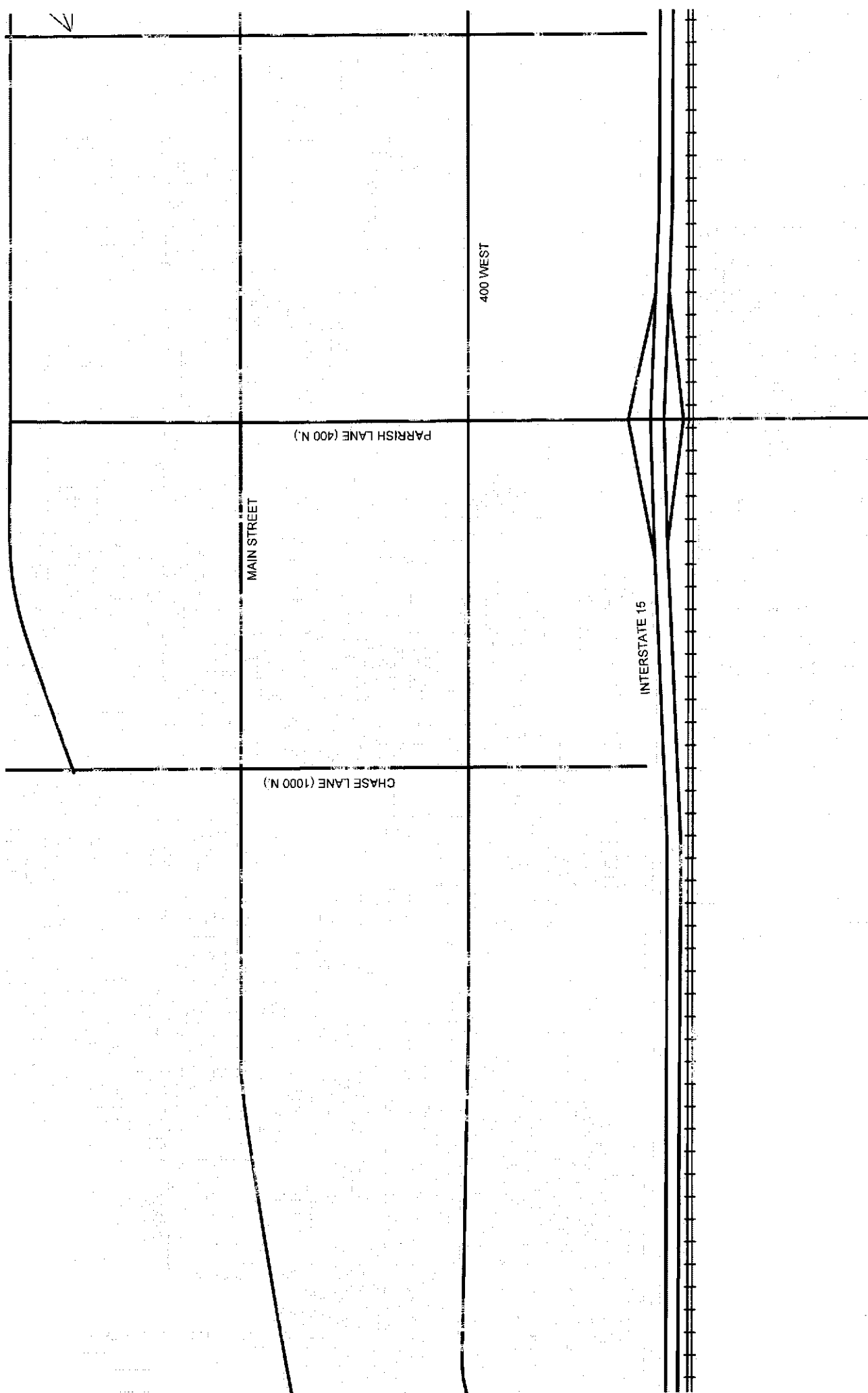
Kevin Campbell, P.E.
Centerville City Engineer

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



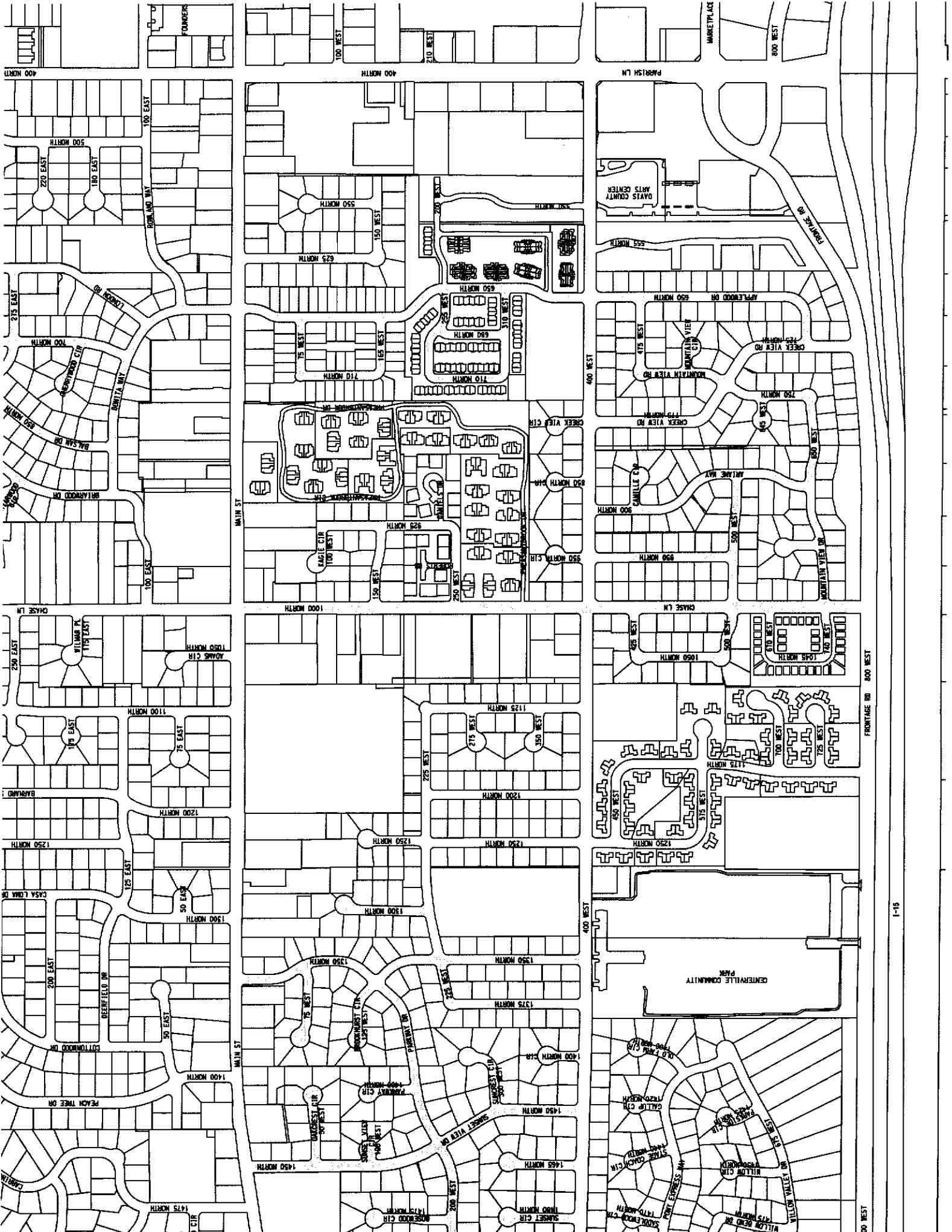
BID TABULATION FOR CENTERVILLE CITY

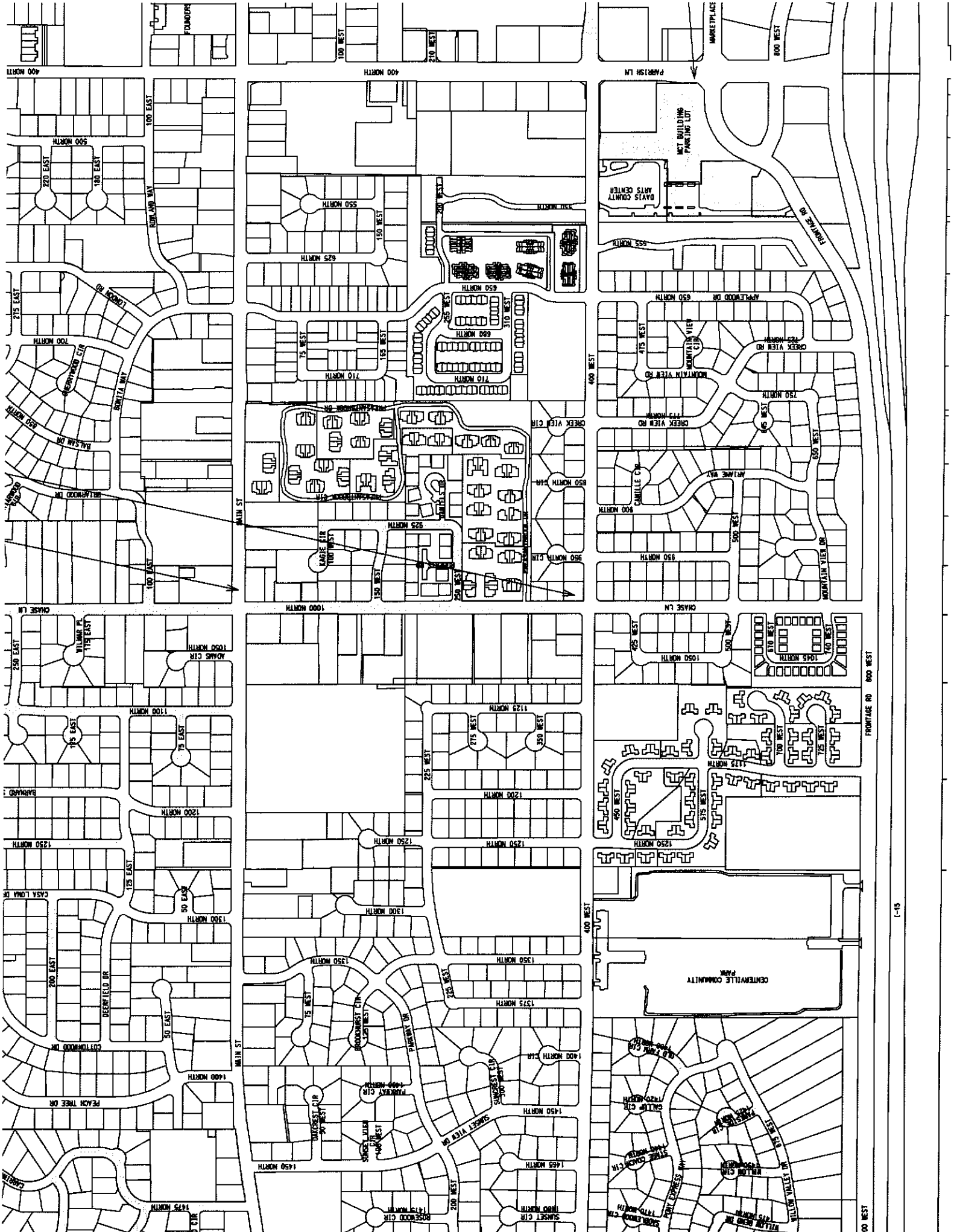
Crack Seal and Slurry Seal Project 2016 - #15-199											
Item No.	Description	Amounts	Units	Intermountain Slurry Seal		Morgan Pavement Maintenance		Advanced Pavement		Engineers Estimate	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Pavement Crack Seal including traffic control and mobilization	40	TN	\$1,775.00	\$71,000.00	\$2,400.00	\$96,000.00	\$2,305.00	\$92,200.00	\$2,550.00	\$102,000.00
2	Type III Slurry Seal CQS-1HP (catonic-quick setting polymer modified emulsion) - including mobilization and traffic control	190.612	SY	\$1.36	\$259,232.32	\$1.28	\$243,983.36	\$1.50	\$285,918.00	\$1.25	\$238,265.00
3	Type I Slurry Seal CQS-1HP (catonic-quick setting polymer modified emulsion) - including mobilization and traffic control	10,750	SY	\$1.75	\$18,812.50	\$2.30	\$24,725.00	\$1.80	\$19,350.00	\$1.25	\$13,437.50
4	Re-stripe all paint as is	1	Lump Sum	\$16,650.00	\$16,650.00	\$14,500.00	\$14,500.00	\$12,775.00	\$12,775.00	\$15,000.00	\$15,000.00
5	Remove and replace asphalt as per engineer	1,500	SF	\$4.00	\$6,000.00	\$7.75	\$11,625.00	\$4.00	\$6,000.00	\$10.00	\$15,000.00
6	Remove and replace sidewalks per engineer	100	SF	\$25.00	\$2,500.00	\$11.00	\$1,100.00	\$25.00	\$2,500.00	\$70.00	\$1,000.00
7	Remove and replace curb / gutter as per engineer	80	LF	\$32.00	\$2,560.00	\$50.00	\$4,000.00	\$32.00	\$2,560.00	\$30.00	\$2,400.00
	Total				\$376,754.82		\$395,933.36		\$421,303.00		\$387,102.50



CFNTRVII I F







**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 5.

Short Title: Educational briefing re employee health insurance options

Initiated By: City Council

Scheduled Time: 8:15

SUBJECT

RECOMMENDATION

Allow Colleen Mellor of Smart Benefits Solution to make an educational presentation about employee health insurance plans.

BACKGROUND

The City Council will be considering a change in its employee health insurance plan in FY 2018—i.e. possibly converting from a traditional medical plan to a High Deductible/Health Savings Account (HD/HSA) plan. The City's broker, GBS Benefits, Inc. is securing renewal proposals for a traditional plan, HD/HSA plan and a combination plan.

In preparation for evaluating those options, the City Council would like to receive an independent educational briefing from Colleen Mellor, a work associate of Councilman Bill Ince. She has been provided the attached summary of the City's current medical and dental insurance employee benefits plans. The first two pages show the Select Care+ plan which only a few employees participate in because it requires additional contribution from the employee in addition to the normal 10% premium cost-share. The next two pages show the Select Med+ plan which applies to most employees. The last page is a summary of the dental plan. Unfortunately this attachment is not high quality reproduction, but is readable.

ATTACHMENTS:

Description

- Summary of Employee Health Insurance Plans


select:care+
SIGNATURE

MEMBER PAYMENT SUMMARY

PARTICIPATING
(In-Network)

When using participating providers, you are responsible to pay the amounts in this column.

NONPARTICIPATING
(Out-of-Network)

When using nonparticipating providers, you are responsible to pay the amounts in this column.

CONDITIONS AND LIMITATIONS

Lifetime Maximum Plan Payment - Per Person

Pre-Existing Conditions (PEC)

Benefit Accumulator Period

None

None

plan year

Maximum Annual Out-of-Network Payment - (per plan year)

None

None

MEDICAL DEDUCTIBLE AND MEDICAL OUT-OF-POCKET⁵
PARTICIPATING
NONPARTICIPATING

Deductible - Per Person/Family (per plan year)

\$1000/\$3000

\$1500/\$4500

Total Out-of-Pocket Maximum - Per Person/Family (per plan year)

\$2500/\$5000

\$5000/\$10000

(Medical and Pharmacy Included in the Out-of-Pocket Maximum)

INPATIENT SERVICES
PARTICIPATING
NONPARTICIPATING
Medical, Surgical and Hospice⁴

20% after deductible

40% after deductible

Skilled Nursing Facility⁴ - Up to 60 days per plan year

20% after deductible

40% after deductible

Inpatient Rehab Therapy: Physical, Speech, Occupational⁴

20% after deductible

40% after deductible

Up to 40 days per plan year for all therapy types combined

PROFESSIONAL SERVICES
PARTICIPATING
NONPARTICIPATING

Office Visits & Minor Office Surgeries

Primary Care Provider (PCP)¹

\$20

40% after deductible

Secondary Care Provider (SCP)¹

\$25

40% after deductible

Allergy Tests

See Office Visits Above

Not Covered

Allergy Treatment and Serum

20%

Not Covered

Major Surgery

20%

40% after deductible

Physician's Fees - (Medical, Surgical, Maternity, Anesthesia)

20% after deductible

40% after deductible

PREVENTIVE SERVICES AS OUTLINED BY THE ACA^{2,3}
PARTICIPATING
NONPARTICIPATING
Primary Care Provider (PCP)¹

Covered 100%

Not Covered

Secondary Care Provider (SCP)¹

Covered 100%

Not Covered

Adult and Pediatric Immunizations

Covered 100%

Not Covered

Elective Immunizations - herpes zoster (shingles), rotavirus

Covered 100%

Not Covered

Diagnostic Tests: Minor

Covered 100%

Not Covered

Other Preventive Services

Covered 100%

Not Covered

OUTPATIENT SERVICES⁴
PARTICIPATING
NONPARTICIPATING

Outpatient Facility and Ambulatory Surgical

20% after deductible

40% after deductible

Ambulance (Air or Ground) - Emergencies Only

20% after deductible

See Participating Benefit

Emergency Room - (Participating facility)

\$100 after deductible

See Participating Benefit

Emergency Room - (Nonparticipating facility)

\$100 after deductible

See Participating Benefit

Intermountain InstaCare[®] Facilities, Urgent Care Facilities

\$25

40% after deductible

Intermountain KidsCare[®] Facilities

\$20

40% after deductible

Chemotherapy, Radiation and Dialysis

20% after deductible

40% after deductible

Diagnostic Tests: Minor²

Covered 100%

40% after deductible

Diagnostic Tests: Major²

20% after deductible

40% after deductible

Home Health, Hospice, Outpatient Private Nurse

20% after deductible

40% after deductible

Outpatient Rehab Therapy: Physical, Speech, Occupational

\$25 after deductible

40% after deductible

Up to 20 visits per plan year for each therapy type



MEMBER PAYMENT SUMMARY

	PARTICIPATING (In-Network)	NONPARTICIPATING (Out-of-Network)
MISCELLANEOUS SERVICES		
Durable Medical Equipment (DME) ⁴	20% after deductible	40% after deductible
Miscellaneous Medical Supplies (MMS) ³	20% after deductible	40% after deductible
Autism Spectrum Disorder <i>Applied behavior analysis and behavioral health services up to \$30,000 or 600 hours/plan year, whichever is greater</i>	See Professional, Inpatient, Outpatient, or Mental Health and Chemical Dependency Services	See Professional, Inpatient, Outpatient, or Mental Health and Chemical Dependency Services
Maternity and Adoption ^{4,6}	See Professional, Inpatient or Outpatient	40% after deductible
Cochlear Implants ⁴	See Professional, Inpatient or Outpatient	Not Covered
Infertility - Select Services <i>(Max Plan Payment \$1,500/plan year; \$5,000 lifetime)</i>	*50% after deductible	Not Covered
Donor Fees for Covered Organ Transplants ⁴	20% after deductible	Not Covered
TMJ (Temporomandibular Joint) Services - Up to \$2,000 lifetime	See Professional, Inpatient or Outpatient	Not Covered
OPTIONAL BENEFITS		
Mental Health and Chemical Dependency ⁴		
Mental Health Office Visits	\$20	40% after deductible
Inpatient	20% after deductible	40% after deductible
Outpatient	20%	40% after deductible
Residential Treatment ²	20% after deductible	40% after deductible
Chiropractic - In Utah call 800-678-9133, in Idaho use BrightPath, outside Utah and Idaho use MultiPlan/PHCS	*\$15 (up to 15 visits per plan year)	Not Covered
Injectable Drugs and Specialty Medications ⁴	20% after deductible	40% after deductible
PRESCRIPTION DRUGS		
Pharmacy Deductible - Per Person per plan year	\$50	
Prescription Drug List (formulary)	RxSelect [®]	
Prescription Drugs - Up to 30 Day Supply of Covered Medications ⁴		
Tier 1	\$15	
Tier 2	\$30 after pharmacy deductible	
Tier 3	\$50 after pharmacy deductible	
Tier 4	\$100 after pharmacy deductible	
Maintenance Drugs - 90 Day Supply (Mail-Order, Retail [®])-selected drugs ⁴		
Tier 1	\$15	
Tier 2	\$60 after pharmacy deductible	
Tier 3	\$150 after pharmacy deductible	
Generic Substitution Required	Generic required or must pay copay plus cost difference between name brand and generic	

To remain compliant with state and federal regulations including the Affordable Care Act (ACA), these benefits are subject to change.

1 Refer to selecthealth.org/findadoc to identify whether a provider is a primary or secondary care provider.

2 Refer to your Certificate of Coverage for more information.

3 Frequency and/or quantity limitations apply to some preventive care and MMS services.

4 Preauthorization is required for the following: all inpatient services; certain injectable drugs and specialty medications; certain prescription drugs; certain DME items and prosthetic items; certain mental health and chemical dependency services; maternity stays longer than two days for normal delivery or longer than four days for cesarean and all deliveries outside of the service area; home health nursing; pain management/pain clinic services; outpatient private nurse; organ transplants; cochlear implants and certain genetic tests. Benefits may be reduced or denied if you do not preauthorize certain services. Please refer to Section 11--"Healthcare Management", in your Certificate of Coverage, for details.

5 All deductible/copay/coinsurance amounts are based on the allowed amounts and not on the providers billed charges. Nonparticipating Providers or Facilities have not agreed to accept the Allowed Amount for Covered Services. When this occurs, you are responsible to pay for any charges that exceed the amount that SelectHealth pays for Covered Services. These fees are called Excess Charges, and they do not apply to your Out-of-Pocket Maximum.

6 SelectHealth provides a \$4000 adoption indemnity as outlined by the state of Utah. Medical deductible, copay, or coinsurance listed under the benefit applies and may exhaust the benefits prior to any plan payments.

* Not applied to Medical out-of-pocket maximum.

All covered services obtained outside the United States, except for routine, urgent, or emergency conditions require preauthorization.

For more information, call Member Services at 800-538-5038 weekdays, from 7:00 a.m. to 8:00 p.m., and Saturdays from 9:00 a.m. to 2:00 p.m.

Select Care Plus benefits are administered and underwritten by SelectHealth.

MPS-PLUS 01/01/16

05/19/16

selecthealth.org


select:med⁺
SIGNATURE

MEMBER PAYMENT SUMMARY

PARTICIPATING
(In-Network)

When using participating providers, you are responsible to pay the amounts in this column.

NONPARTICIPATING
(Out-of-Network)

When using nonparticipating providers, you are responsible to pay the amounts in this column.

CONDITIONS AND LIMITATIONS

Lifetime Maximum Plan Payment - Per Person	None	
Pre-Existing Conditions (PEC)	None	
Benefit Accumulator Period	plan year	
Maximum Annual Out-of-Network Payment - (per plan year)	None	None

MEDICAL DEDUCTIBLE AND MEDICAL OUT-OF-POCKET³

	PARTICIPATING	NONPARTICIPATING
Deductible - Per Person/Family (per plan year)	\$1000/\$3000	\$1500/\$4500
Total Out-of-Pocket Maximum - Per Person/Family (per plan year) (Medical and Pharmacy Included in the Out-of-Pocket Maximum)	\$2500/\$5000	\$5000/\$10000

INPATIENT SERVICES

	PARTICIPATING	NONPARTICIPATING
Medical, Surgical and Hospice ⁴	20% after deductible	40% after deductible
Skilled Nursing Facility ⁴ - Up to 60 days per plan year	20% after deductible	40% after deductible
Inpatient Rehab Therapy: Physical, Speech, Occupational ⁴ Up to 40 days per plan year for all therapy types combined	20% after deductible	40% after deductible

PROFESSIONAL SERVICES

	PARTICIPATING	NONPARTICIPATING
Office Visits & Minor Office Surgeries		
Primary Care Provider (PCP) ¹	\$20	40% after deductible
Secondary Care Provider (SCP) ¹	\$25	40% after deductible
Allergy Tests	See Office Visits Above	Not Covered
Allergy Treatment and Serum	20%	Not Covered
Major Surgery	20%	40% after deductible
Physician's Fees - (Medical, Surgical, Maternity, Anesthesia)	20% after deductible	40% after deductible

PREVENTIVE SERVICES AS OUTLINED BY THE ACA^{2,3}

	PARTICIPATING	NONPARTICIPATING
Primary Care Provider (PCP) ¹	Covered 100%	Not Covered
Secondary Care Provider (SCP) ¹	Covered 100%	Not Covered
Adult and Pediatric Immunizations	Covered 100%	Not Covered
Elective Immunizations - herpes zoster (shingles), rotavirus	Covered 100%	Not Covered
Diagnostic Tests: Minor	Covered 100%	Not Covered
Other Preventive Services	Covered 100%	Not Covered

OUTPATIENT SERVICES⁴

	PARTICIPATING	NONPARTICIPATING
Outpatient Facility and Ambulatory Surgical	20% after deductible	40% after deductible
Ambulance (Air or Ground) - Emergencies Only	20% after deductible	See Participating Benefit
Emergency Room - (Participating facility)	\$100 after deductible	See Participating Benefit
Emergency Room - (Nonparticipating facility)	\$100 after deductible	See Participating Benefit
Intermountain InstaCare [®] Facilities, Urgent Care Facilities	\$25	40% after deductible
Intermountain KidsCare [®] Facilities	\$20	40% after deductible
Chemotherapy, Radiation and Dialysis	20% after deductible	40% after deductible
Diagnostic Tests: Minor ²	Covered 100%	40% after deductible
Diagnostic Tests: Major ²	20% after deductible	40% after deductible
Home Health, Hospice, Outpatient Private Nurse	20% after deductible	40% after deductible
Outpatient Rehab Therapy: Physical, Speech, Occupational Up to 20 visits per plan year for each therapy type	\$25 after deductible	40% after deductible



MEMBER PAYMENT SUMMARY

	PARTICIPATING (In-Network)	NONPARTICIPATING (Out-of-Network)
MISCELLANEOUS SERVICES	PARTICIPATING	NONPARTICIPATING
Durable Medical Equipment (DME) ¹	20% after deductible	40% after deductible
Miscellaneous Medical Supplies (MMS) ³	20% after deductible	40% after deductible
Autism Spectrum Disorder <i>Applied behavior analysis and behavioral health services up to \$30,000 or 600 hours/plan year, whichever is greater</i>	See Professional, Inpatient, Outpatient, or Mental Health and Chemical Dependency Services	See Professional, Inpatient, Outpatient, or Mental Health and Chemical Dependency Services
Maternity and Adoption ^{4,6}	See Professional, Inpatient or Outpatient	40% after deductible
Cochlear Implants ⁴	See Professional, Inpatient or Outpatient	Not Covered
Infertility - Select Services <i>(Max Plan Payment \$1,500/plan year; \$5,000 lifetime)</i>	*50% after deductible	Not Covered
Donor Fees for Covered Organ Transplants ⁴	20% after deductible	Not Covered
TMJ (Temporomandibular Joint) Services - Up to \$2,000 lifetime	See Professional, Inpatient or Outpatient	Not Covered
OPTIONAL BENEFITS	PARTICIPATING	NONPARTICIPATING
Mental Health and Chemical Dependency ²		
Mental Health Office Visits	\$20	40% after deductible
Inpatient	20% after deductible	40% after deductible
Outpatient	20%	40% after deductible
Residential Treatment ²	20% after deductible	40% after deductible
Chiropractic - 800-678-9133	*\$15 (up to 15 visits per plan year)	Not Covered
Injectable Drugs and Specialty Medications ⁴	20% after deductible	40% after deductible
PRESCRIPTION DRUGS		
Pharmacy Deductible - Per Person per plan year	\$50	
Prescription Drug List (formulary)	RxSelect [®]	
Prescription Drugs - Up to 30 Day Supply of Covered Medications ⁴		
Tier 1	\$15	
Tier 2	\$30 after pharmacy deductible	
Tier 3	\$50 after pharmacy deductible	
Tier 4	\$100 after pharmacy deductible	
Maintenance Drugs - 90 Day Supply (Mail-Order, Retail ⁹⁰ *)-selected drugs ⁴		
Tier 1	\$15	
Tier 2	\$60 after pharmacy deductible	
Tier 3	\$150 after pharmacy deductible	
Generic Substitution Required	Generic required or must pay copay plus cost difference between name brand and generic	

To remain compliant with state and federal regulations including the Affordable Care Act (ACA), these benefits are subject to change.

1 Refer to selecthealth.org/findadoctor to identify whether a provider is a primary or secondary care provider.

2 Refer to your Certificate of Coverage for more information.

3 Frequency and/or quantity limitations apply to some preventive care and MMS services.

4 Preauthorization is required for the following: all inpatient services; certain injectable drugs and specialty medications; certain prescription drugs; certain DME items and prosthetic items; certain mental health and chemical dependency services; maternity stays longer than two days for normal delivery or longer than four days for cesarean and all deliveries outside of the service area; home health nursing; pain management/pain clinic services; outpatient private nurse; organ transplants; cochlear implants and certain genetic tests. Benefits may be reduced or denied if you do not preauthorize certain services. Please refer to Section 11--"Healthcare Management", in your Certificate of Coverage, for details.

5 All deductible/copay/coinsurance amounts are based on the allowed amounts and not on the providers billed charges. Nonparticipating Providers or Facilities have not agreed to accept the Allowed Amount for Covered Services. When this occurs, you are responsible to pay for any charges that exceed the amount that SelectHealth pays for Covered Services. These fees are called Excess Charges, and they do not apply to your Out-of-Pocket Maximum.

6 SelectHealth provides a \$4000 adoption indemnity as outlined by the state of Utah. Medical deductible, copay, or coinsurance listed under the benefit applies and may exhaust the benefits prior to any plan payments.

* Not applied to Medical out-of-pocket maximum.

All covered services obtained outside the United States, except for routine, urgent, or emergency conditions require preauthorization.

For more information, call Member Services at 800-538-5038 weekdays, from 7:00 a.m. to 8:00 p.m., and Saturdays from 9:00 a.m. to 2:00 p.m.

Select Med Plus benefits are administered and underwritten by SelectHealth.

MPS-PLUS 01/01/16

05/19/16

selecthealth.org



DENTALSELECT

Dental Summary

Toll Free Phone: 800-999-9780 Toll Free Fax: 888-998-8703 DentalSelect.com

Summary of Benefits For:
Centerville City
80th R&C

PREVENTIVE	
Routine exams, cleanings (2 per year), topical fluoride, x-rays	
BASIC	
Composite fillings, extractions, oral surgery, endodontics, periodontics, sealants, space maintainers	
MAJOR	
Crowns, bridges, dentures, implant alternate	
ORTHODONTICS	
Children under 19	
Waiting Period	
Lifetime Maximum	
All Members	
MAXIMUM BENEFIT	
Applies to Preventive, Basic and Major Services	Benefit Period is: Per Member's Effective Date
DEDUCTIBLE	
Per Benefit Period	
Applies to Basic and Major Services	Per Person: Family Maximum:

Indemnity Classic Plan- MaxRewards	
Platinum Network- 3068 Providers	
Contracted Dentist	Non-Contracted Dentist
100%	100% of R&C
80%	80% of R&C
No Waiting Period	
50%	50% of R&C
12 Month Waiting Period	
50%	50%
12 Month Waiting Period	
20% Discount	\$1500.00
\$1500.00	
\$0.00	\$0.00
\$0.00	\$0.00



ACE USA is the U.S. domestic operating division of ACE Limited. Insurance products and services are provided by the U.S. insurance underwriting companies and not by ACE Limited. This plan of insurance is underwritten by ACE American Insurance Company.

ace usa

The benefits illustrated are in summary form only. They should not be construed as complete in and of themselves. They are only for comparison and in the case of a discrepancy, the plan documents apply. Please refer to the Group Certificate Booklet for a complete description of benefits, limitations and exclusions.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 6.

Short Title: Centerville Municipal Code - Comprehensive Amendments

Initiated By: City Attorney

Scheduled Time: 8:45

SUBJECT

Review and discuss the proposed comprehensive amendments to Titles 1-5 of the Centerville Municipal Code for future re-adoption of the entire Centerville Municipal Code (excluding Title 12 regarding the Zoning Code) for online conversion - Ordinance No. 2017-03

RECOMMENDATION

Review and discuss proposed amendments to Titles 1-5 of the Centerville Municipal Code and table action on Ordinance No. 2017-03 until the Council has had an opportunity to review the proposed amendments for the remaining Titles of the Centerville Municipal Code.

BACKGROUND

On February 21, 2017, the City Attorney presented to the Council the proposed comprehensive amendments to the Centerville Municipal Code for the purpose of converting the Centerville Municipal Code to an online format. The Council reviewed some of the proposed amendments to the Centerville Municipal Code and held a public hearing on the amendments. The Council thereafter tabled action this matter to provide the Council more time to review the substantial edits. The Council directed staff to divide the code review into more manageable pieces and to provide a highlighted version of the code emphasizing or highlighting the more substantive changes. In response to this request, staff suggests the Council review 5-8 titles per meeting as time permits. The first five titles are presented for review this evening. In order to emphasize the substantive changes for the Council, staff has prepared a PDF version of the following titles with the more substantive changes highlighted in yellow.

- CMC 1 (General Provisions)
- CMC 2 (Government)
- CMC 3 (Administration)
- CMC 4 (Judicial Code)
- CMC 5 (Revenue and Finance)

Further information on the entire project and a PDF of the all of the proposed edits to the Centerville Municipal Code can be found under the related Novus Agenda Item for the February 21, 2017 meeting.

As previously indicated, any sections with proposed revisions are marked with an asterisk and the changes are shown in underline (additions) and strikeout (deletions). If you are viewing the attached PDF versions of Titles 1-5, the substantive changes are highlighted in yellow. If you are viewing the online version of the proposed amendments, the yellow highlighting will not be shown (just the asterisks, underlining and strikeouts will be

shown). You can view the online version of the proposed amendments at the following web addresses. The online platform works best from a desktop or laptop using Google Chrome. If you want to see the full site on a mobile or iOS device, use the forced desktop interface link below.

Computer viewing (Google Chrome recommended): <https://centerville.municipalcodeonline.com>

Mobile and iOS viewing: <https://centerville.municipalcodeonline.com/viewswitcher/switchview?mobile=false>

ATTACHMENTS:

Description

- ▢ Ord. No. 2017-03-Comprehensive Municipal Code Amendments
- ▢ CMC 1 (General Provisions) - Highlighted
- ▢ CMC 2 (Government) - Highlighted
- ▢ CMC 3 (Administration) - Highlighted
- ▢ CMC 4 (Judicial Code) - Highlighted
- ▢ CMC 5 (Revenue and Finance) - Highlighted

ORDINANCE NO. 2017-03

AN ORDINANCE AMENDING, RENUMBERING AND RECODIFYING THE CENTERVILLE MUNICIPAL CODE (EXCLUSIVE OF TITLE 12 REGARDING THE ZONING CODE)

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

WHEREAS, Staff has evaluated, reviewed and prepared suggested revisions and updates to the Centerville Municipal Code and recommends amending, renumbering and recodifying the entire Centerville Municipal Code (exclusive of Title 12 regarding the Zoning Code) as more particularly set forth herein; and

WHEREAS, the City is authorized to enact municipal ordinances in accordance with Utah Code Ann. § 10-3-702, and is further authorized to adopt land use ordinances consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in Utah Code Ann. §§ 10-9a-101, et seq.; and

WHEREAS, the proposed amendments to Title 15 (Subdivisions) as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the such land use ordinances; and

WHEREAS, City Council has determined that the proposed revisions to the Centerville Municipal Code, as more particularly set forth herein, are in the best interest of the City and the public health, safety and welfare, and will provide easier access to municipal ordinances for the public.

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

Section 1. Amendment, Renumbering and Recodification. The Centerville Municipal Code (exclusive of Title 12 regarding the Zoning Code) is hereby amended, renumbered and recodified to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. Findings. The amendments, renumbering and recodification of the Centerville Municipal Code (exclusive of Title 12 regarding the Zoning Code) are based on the following findings:

1. The Municipal Code amendments, renumbering and recodification are in the best interest of the public health, safety and welfare as the amendments implement consistent formatting and usage rules, update definitions for commonly used terms, correct references to updated Utah Code provisions, and provide a more user-friendly format and searchable platform; and

2. The Municipal Code amendments, renumbering and recodification provide the legal basis and authority for enactment and enforcement of the Municipal Code.

Section 3. General Repealer. The amendment and recodification of the Centerville Municipal Code (exclusive of Title 12 regarding the Zoning Code) shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances; provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 21st DAY OF FEBRUARY, 2017.

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

Voting by the City Council:

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

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2017.

PUBLISHED OR POSTED this ____ of _____, 2017.

EXHIBIT A

Centerville Municipal Code (Exclusive of Title 12 regarding the Zoning Code)

1 General Provisions

- 1.01 General City Provisions
- 1.02 General Code Provisions
- 1.03 Definitions
- 1.04 Rules Of Construction
- 1.05 Violations
- 1.06 Civil Penalties

1.01 General City Provisions

- 1.01.010 Incorporation
- 1.01.020 Classification
- 1.01.030 City Seal
- 1.01.040 Annexation
- 1.01.050 Boundary Adjustment
- 1.01.060 Disconnection

1.01.010 Incorporation

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

1.01.020 Classification

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

1.01.030 City Seal

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

1.01.040 Annexation

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

1.01.050 Boundary Adjustment

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

1.01.060 Disconnection

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

1.02 General Code Provisions

1.02.010* Title

1.02.020 Citation

1.02.030 Amendments

1.02.040 Updates To Code

1.02.050 Recodification

1.02.060 Accrued Rights

1.02.070 Omission Of General Law Not Waiver

1.02.080 Severability Clause

1.02.090 Continuation Of Prior Law

1.02.100 Effective Date

1.02.010* Title

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

1.02.020 Citation

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

1.02.030 Amendments

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

1.02.040 Updates To Code

The City Recorder shall be responsible for compiling and maintaining an updated version of the Centerville Municipal Code and providing replacement pages and updates for official copies and

electronic versions of the Code.

1.02.050 Recodification

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

1.02.060 Accrued Rights

Unless otherwise provided, the repeal, amendment or recodification of any provision, section, chapter or title of this Code shall not affect suits pending or rights existing immediately prior to the effective date of the revision; impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any revised provision; affect or impair the validity of any bonds or other obligations issued or sold prior to the effective date of the revision; nor shall the repeal, amendment or recodification of any ordinance hereby have the right of reviving any ordinances already repealed or superseded, unless the ordinance containing the amendment or repealer specifically indicates otherwise.

1.02.070 Omission Of General Law Not Waiver

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

1.02.080 Severability Clause

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

1.02.090 Continuation Of Prior Law

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

1.02.100 Effective Date

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

1.03 Definitions

1.03.010* Definitions

1.03.010* Definitions

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

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

1.04 Rules Of Construction

1.04.010 Rules Of Construction

1.04.020 Common Usage

1.04.030 Use Of Number

1.04.040 Use Of Gender

1.04.050 Verb Tense

1.04.060 Mandatory Language

1.04.070 Headings

1.04.080 Computation Of Time

1.04.010 Rules Of Construction

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

1.04.020 Common Usage

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

1.04.030 Use Of Number

Unless otherwise specifically provided herein, whenever any provision of this Code refers to the plural number in describing or referring to any matters, parties or persons, any single matter,

party or person shall be deemed to be included, and vice versa.

1.04.040 Use Of Gender

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

1.04.050 Verb Tense

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

1.04.060 Mandatory Language

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

1.04.070 Headings

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

1.04.080 Computation Of Time

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

1.05 Violations

1.05.010 Violations

1.05.015* Criminal Enforcement Action

1.05.020 Criminal Penalties

1.05.030 Civil Penalties

1.05.040* Uniform Fine Schedule

1.05.050 Continuing Violation

1.05.060 Other Relief

1.05.010 Violations

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

1.05.015* Criminal Enforcement Action

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

1.05.020 Criminal Penalties

- (a) Class B Misdemeanors. Persons found guilty of a Class B misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provided by law for Class B misdemeanors, including, but not limited to, Utah Code §§ 76-3-204 and -301.
- (b) Class C Misdemeanors. Persons found guilty of a Class C misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provided by law for Class C misdemeanors, including, but not limited to, Utah Code §§ 76-3-204 and -301.
- (c) Infractions. Persons found guilty of an infraction may not be imprisoned but shall be subject to fines, forfeitures and/or penalties as provided by law for infractions, including, but not limited to Utah Code § 76-3-205 and -301.
- (d) Corporate Penalties. Corporations, associations, partnerships or governmental instrumentalities shall be subject to fines and sanctions for violations as set forth in Utah Code §§ 76-3-302 and -303.

1.05.030 Civil Penalties

The City may establish and impose civil penalties for various violations of City Ordinances to the extent permitted by and in accordance with applicable provisions of State law, including, but not limited to Utah Code §§ 10-3-703 and -703.7, and Utah Code § 10-9a-803. In accordance with such provisions, the City has adopted a civil enforcement program, including civil penalties for Code violations, as more particularly set forth in CMC 1.06 (Civil Penalties).

1.05.040* Uniform Fine Schedule

Fines, forfeitures and surcharges for State law offenses may be imposed in accordance with the Uniform Fine/Bail Schedule adopted by the Utah Judicial Council in accordance with Utah Code § 76-3-301.5. Fines, forfeitures and surcharges for various local offenses may be imposed in accordance with the Centerville Fine/Bail Schedule for Local Ordinances as adopted by the City Council. The fines, forfeitures and surcharges set forth in such fine schedules shall not prohibit the court from, in its discretion, imposing no fine, or a fine in any amount up to and including the maximum fine for the offense.

1.05.050 Continuing Violation

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

1.05.060 Other Relief

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

1.06 Civil Penalties

1.06.010 Purpose

1.06.020 Scope

1.06.030 Enforcement Action

1.06.040* Civil Liability

1.06.050 Definitions

1.06.060 Notice Requirements

1.06.065 Complaint Procedures

1.06.070 Investigation And Inspection

1.06.080 Notice Of Violation

1.06.090 Warning Period

1.06.100 Immediate Enforcement

1.06.105 Subsequent Violations

1.06.110 Civil Citation

1.06.120* Civil Penalties

1.06.130* Request For Administrative Hearing

1.06.140 Scheduling Administrative Hearing

1.06.150 Administrative Hearing Procedures

1.06.160 Failure To Attend Administrative Hearing

1.06.170 Administrative Order

1.06.180 Appeal Of Administrative Hearing Order

1.06.190 Failure To Comply

1.06.200 Collection

1.06.010 Purpose

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

1.06.020 Scope

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

1.06.030 Enforcement Action

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

1.06.040* Civil Liability

By establishing performance standards or by establishing obligations to act under this Chapter, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

1.06.050 Definitions

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

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

1.06.060 Notice Requirements

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

- (a) Personal service;
- (b) Certified mail, return receipt requested, postage prepaid, to the last known address(es) of the responsible person(s);

- (c) Posting the notice conspicuously on or in front of the property, if inhabited; if the property is uninhabited, the notice must be personally served, mailed or published as provided herein; or
- (d) Published in a newspaper of general circulation when the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe the person to be served is avoiding service.

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

1.06.065 Complaint Procedures

Centerville City generally uses the complaint-based methodology for code enforcement whereby the City pursues code enforcement upon receipt of a complaint. Any person desiring to file a complaint regarding a civil code violation may do so by filling out a Centerville City Civil Complaint Form ("Civil Complaint Form") or by contacting the appropriate Department or the City Manager. The City will accept complaints by phone or in writing. If complaints are made by phone, City staff will fill out the Civil Complaint Form. All official complaints will be logged by the City and thereafter investigated by the applicable Department. If requested and contact information is provided, the City will follow up with the complainant and provide a summary of the investigation and the enforcement action taken, if any. The City may also use a systematic approach to code enforcement whereby the City conducts systematic sweeps or reviews of various areas of the City for code violations. The City may use the systematic approach when deemed necessary to address safety issues, rampant violations in a particular area, as part of an awareness campaign, or as directed by the City Council.

1.06.070 Investigation And Inspection

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

1.06.080 Notice Of Violation

Except as otherwise provided herein, if an enforcement official determines that any provision of the Centerville Municipal Code is being violated or continues to exist and immediate

enforcement action is not necessary under the circumstances, the enforcement official shall provide a written notice of violation to the property owner or other responsible person. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall be served in accordance with CMC 1.06.060. Such notice of violation shall serve to start the warning period. A notice of violation shall not be required for violations requiring immediate enforcement under CMC 1.06.100, or for subsequent violations within a 12-month period under CMC 1.06.105.

1.06.090 Warning Period

Unless otherwise determined by an enforcement official, the warning period for correction of violations set forth in the notice of violation shall be 10 days from the date of receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the enforcement official shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The enforcement official is authorized to extend the warning period, up to an additional 30 days, if the enforcement official determines that good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. The enforcement official is authorized to grant an extension beyond the additional 30 days, on similar grounds and findings; provided, any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the enforcement official. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the 10 day response period. A warning period shall not be required for violations requiring immediate enforcement under CMC 1.06.100, or for subsequent violations within a 12 month period under CMC 1.06.105.

1.06.100 Immediate Enforcement

The enforcement official is not required to provide a notice of violation or warning period for any continuing development or construction, storm drainage violations, or an emergency situation. In the case of a violation involving such continuing construction or development, storm drainage violations, or an emergency situation, as reasonably determined by the enforcement official, the enforcement official may use the enforcement powers and remedies available under this Chapter, including issuance of a civil citation, without prior notice or notice of violation.

1.06.105 Subsequent Violations

The enforcement official is not required to provide a notice of violation or warning period for the same subsequent civil code violation occurring on the same property within a 12 month period from the date of the first notice of violation. In the case of such subsequent violation(s) occurring on the same property within a 12 month period, the enforcement official may use the enforcement powers and remedies provided under this Chapter, including issuance of a civil

citation, without prior notice or notice of violation. In accordance with applicable statutes, property owners with weed violations need only be provided one notice of violation per season.

1.06.110 Civil Citation

If any violation remains uncured after issuance of a notice of violation and expiration of the warning period set forth therein, as applicable, a civil citation may be issued to the property owner or other responsible person for the violation and civil penalties imposed for such violation. The civil citation shall be served in the manner set forth in CMC 1.06.060. Each civil citation shall include the date and location of all violations, the Code sections violated, the amount of the civil penalty imposed for each violation, an explanation of how the civil penalty shall be paid and the consequences for failure to pay, an explanation of the right to and the procedures for requesting an administrative hearing, and the signature of the enforcement official issuing the citation.

1.06.120* Civil Penalties

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

1.06.130* Request For Administrative Hearing

Any responsible person served with a civil citation shall have the right to request an administrative hearing before a hearing officer by filing a written application for hearing. Such **written request for hearing shall be filed with the City Recorder within 20 ten (10) days from the date of service of the civil citation or other specified date set forth therein. Failure to request an administrative hearing as provided herein within 20 ten (10) days from the date of service of the civil citation or other specified time frame shall constitute a waiver of the right to an administrative hearing and the right to an appeal.**

1.06.140 Scheduling Administrative Hearing

Upon receipt of a request for an administrative hearing, the City Manager shall appoint, contract with or hire a hearing officer to hear the matter. As soon as practicable after being appointed, the hearing officer shall schedule a date, time and place for the administrative hearing and shall send written notice of same to the responsible person(s). Notice of the hearing shall be served on the responsible person(s) in accordance with the provisions of CMC 1.06.060.

1.06.150 Administrative Hearing Procedures

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

1.06.160 Failure To Attend Administrative Hearing

A responsible person who fails to appear at an administrative hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that proper notice of the hearing has been given as provided in CMC 1.06.060.

1.06.170 Administrative Order

After holding the administrative hearing, the hearing officer shall issue a written administrative order affirming, rejecting or modifying the civil citation and/or civil penalties. The administrative order shall become final on the date of signing by the hearing officer. The administrative order shall be served on all parties in accordance with the provisions of CMC 1.06.060.

1.06.180 Appeal Of Administrative Hearing Order

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

1.06.190 Failure To Comply

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

1.06.200 Collection

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

2 Government

2.01 City Council

2.02 Mayor

2.03 Election And Qualification

2.04 Legislation

2.01 City Council

2.01.010 Governing Body

2.01.020 Powers And Duties

2.01.030* Meetings

2.01.040 Open Meetings Law

2.01.050 Notice Of Meetings

2.01.060 Agenda

2.01.070 Minutes And Recordings

2.01.080 Mayor Presides

2.01.090 Quorum

2.01.100* Voting

2.01.110 Reconsideration

2.01.120 Summary Action

2.01.130 Rules Of Order And Procedure

2.01.140 Rules Of Conduct For Members

2.01.150 Rules Of Conduct For The Public

2.01.160 Attendance Of Members

2.01.170 Attendance Of Witnesses And Production Of Evidence

2.01.180 Utah Retirement System

2.01.010 Governing Body

The governing body of Centerville City is a six-member council form of government consisting of six members, one of whom is the Mayor and five of whom are Council Members, which council is hereinafter referred to as the "City Council." The six-member council form of government is more particularly described in Utah Code §§ 10-3b-301, et seq.

2.01.020 Powers And Duties

The City Council is the legislative body of the City and exercises the legislative powers and performs the legislative duties and functions of the City, and may perform such other duties and functions as specifically provided or necessarily implied by law, including, but not limited to, such powers and duties set forth in Utah Code § 10-3b-105. The City Council may also exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor in accordance with and subject to the provisions set forth in Utah Code § 10-3b-303.

2.01.030* Meetings

(a) Regular Meetings. The City Council shall hold regular meetings to conduct the business of the City at least once each month and shall prescribe by ordinance the time and place

for holding its regular meetings. In general, regular meetings of the City Council shall be held on the first and third Tuesdays of each month at the offices of Centerville City, 250 North Main, Centerville, Utah, which meetings shall begin at approximately 7:00 p.m. The City Council shall prepare and provide notice of its annual meeting schedule in accordance with CMC 2.01.050.

- (b) Special Meetings. If at any time the business of the City requires a special meeting of the City Council, a special meeting may be ordered by the Mayor or any two Council Members. Notice of the special meeting shall be provided in accordance with the provisions of the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq., and Utah Code § 10-3-502. Each order convening a special meeting shall be entered into the minutes of the City Council. The personal appearance by a Council Member at a special meeting constitutes a waiver of the notice required.
- (c) Closed Meetings. The affirmative vote of at least two-thirds of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under Utah Code § 52-4-205. The reason or reasons for holding a closed meeting and the vote, by name, of each member of the City Council, either for or against the motion to hold the closed meeting, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.
- (d) Electronic Meetings. The City Council may convene and conduct an electronic meeting in accordance with the provisions of Utah Code § 52-4-207. The City Council shall comply with the procedures set forth in the Electronic Meetings Policy adopted by the City Council governing electronic meetings.

2.01.040 Open Meetings Law

All meetings of the City Council shall be open to the public, except closed meetings, and shall be held in compliance with provisions of the Open and Public Meetings Act as set forth in Utah Code §§ 52-4-101, et seq.

2.01.050 Notice Of Meetings

The City Council shall give not less than 24 hours public notice of each meeting, including the agenda, date, time and place of each of its meetings in accordance with Utah Code § 52-4-202, and Utah Code § 63F-1-701, regarding postings on the Utah Public Notice Website. The City Council shall also provide public notice at least once each year of its regular annual meeting schedule, specifying the date, time and place of the regular scheduled meetings in accordance with Utah Code § 52-4-202, and Utah Code § 63F-1-701. The City Council shall provide the best notice practicable for emergency meetings as more particularly provided in Utah Code § 52-4-202.

2.01.060 Agenda

A written agenda for each regular meeting shall be prepared by the City Manager or his or her designee and approved by the Mayor or Mayor pro tempore in the Mayor's absence. Any member of the City Council desiring to place a matter on the agenda must have approval of the Mayor or the concurrent request of another City Council member. Each agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the public meeting

and topics discussed at the meeting shall comply with applicable provisions of Utah Code § 52-4-202.

2.01.070 Minutes And Recordings

Except as otherwise provided by law, written minutes and a recording shall be kept of all meetings of the City Council in accordance with the provisions set forth in Utah Code §§ 52-4-203 and -206. The City Council shall comply with the procedures set forth in the Minutes Approval Policy as adopted by the City Council for approval of written minutes of its meetings. The City Council shall require any individual who, at an open public meeting of the City Council, publicly presents or provides electronic information related to an item on the City Council's meeting agenda, to provide the City Council an electronic or hard copy of the electronic information for inclusion in the public record.

2.01.080 Mayor Presides

The Mayor shall be the chairperson and preside at the meetings of the City Council. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore in accordance with the procedures set forth in CMC 2.02.060.

2.01.090 Quorum

No action of the City Council shall be official or of any effect except when a quorum of the Council Members are present, provided, that fewer than a quorum may adjourn a meeting. The number of Council Members necessary to constitute a quorum is three, excluding the Mayor.

2.01.100* Voting

- (a) **How Taken.** A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the City and in any other case at the request of any member of the City Council by a "yes" or a "no" vote. Every resolution or ordinance shall be in writing before the vote is taken.
- (b) **Number Required.** The minimum number of "yes" votes required to pass any ordinance or resolution, or to take any action by the City Council, unless otherwise prescribed by law, is a majority of the voting members of the City Council, regardless of absence or vacancy. Any ordinance, resolution, or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid. Notwithstanding the foregoing, a council meeting may be adjourned by a majority vote of the Council even though the majority is less than required herein.
- (c) **Vacancy.** If a vacancy exists in one or more council seats, a majority of the Council Members presently occupying council seats, regardless of number, may vote to fill the vacancy as provided in Utah Code § 20A-1-510.
- (d) **Mayor Voting.** Except as provided in CMC 2.02.040, or as otherwise provided by law, the Mayor is a nonvoting member of the City Council.

2.01.110 Reconsideration

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

2.01.120 Summary Action

When any agenda items for a City Council meeting are determined by the City Manager to be of a routine nature, such items may be placed upon a Summary Action Calendar on the agenda. The Summary Action Calendar may be voted upon by the Council as one matter and shall have the same effect as if a separate vote on each Summary Action Calendar item was taken. Prior to a final vote on the Summary Action Calendar, any member of the City Council may request to take any or all items off the Summary Action Calendar for discussion, debate or question. Any question, debate or discussion regarding an item on the Summary Action Calendar, except in the nature of clarification or brief explanation of the content of an item, shall require a request to remove the item from the Summary Action Calendar. No items requiring a public hearing shall be placed on the Summary Action Calendar.

2.01.130 Rules Of Order And Procedure

Pursuant to Utah Code § 10-3-606, the City Council hereby adopts the following rules of order and procedure governing public meetings of the City Council ("Rules of Order and Procedure"). All public meetings of the City Council shall be conducted in accordance with the Rules of Order and Procedure. The Rules of Order and Procedure shall be made available to the public at each public meeting of the City Council and on the City's website.

- (a) Parliamentary Order and Procedure. The City Council's meetings shall be conducted in general accordance with Robert's Rules of Order. The City Council may adopt by resolution additional rules of order and procedure for the proper conduct of its meetings.
- (b) Ethical Behavior. Members of the City Council are elected officers within the meaning of the Utah Municipal Officers' and Employees' Ethics Act, as set forth in Utah Code §§ 10-3-1301, et seq. ("Ethics Act"). City Council members shall comply with the provisions of the Ethics Act in all matters pertaining to the City and in public meetings of the City Council.
- (c) Civil Discourse. Remarks and comments made in public meetings of the City Council should be relevant to the matters before the City Council. Speakers should speak in an audible and clear tone and refrain from attacking City Council members or others or their motives. City Council meetings should be conducted in a courteous manner to promote an atmosphere in which all points of view may be expressed and heard. Council members should not interrupt other members during discussion and debate. Remarks should be addressed through the Mayor who shall allow reasonable opportunity for all points of view to be expressed.

2.01.140 Rules Of Conduct For Members

Except as otherwise provided in Utah Code § 10-3-607, the City Council may not expel a member of the governing body from an open public meeting or prohibit the member from attending an open public meeting. As provided Section 10-3-607, following a two-thirds vote of the City Council, the City Council may fine or expel a member of the City Council for: (1) disorderly

conduct at an open public meeting; (2) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or (3) a commission of a crime during the open public meeting.

2.01.150 Rules Of Conduct For The Public

The City Council on a two-thirds vote of its members may expel any person who is disorderly and/or disruptive during the meeting of the City Council. This Section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

2.01.160 Attendance Of Members

The City Council shall have the power to compel the attendance of its own members at its meetings and to provide penalties it considers necessary for the failure to comply with an exercise of authority to compel attendance.

2.01.170 Attendance Of Witnesses And Production Of Evidence

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council may issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas in accordance with Utah Code § 10-3-610.

2.01.180 Utah Retirement System

For purposes of determining eligibility under the Utah Retirement System and provisions of the Utah State Retirement and Insurance Benefit Act, as set forth in Title 49 of the Utah Code, the City hereby certifies that all elected official positions of the City are part-time. Unless otherwise provided by law, any elected official taking office on or after July 1, 2011, shall not be eligible for participation in the Utah Retirement System.

2.02 Mayor

2.02.010 General Powers

2.02.020 Administrative Powers

2.02.030 Presiding Officer

2.02.040 Voting Authority

2.02.050 Veto Authority

2.02.060 Mayor Pro Tem

2.02.070 Restrictions

2.02.010 General Powers

The Mayor shall have such powers and duties as set forth in Utah Code § 10-3b-104, and such additional duties, powers and responsibilities as the City Council may, by ordinance, resolution or directive, prescribe to the extent permitted by law. Any change in the powers and duties of the Mayor shall comply with applicable provisions of Utah Code § 10-3b-303.

2.02.020 Administrative Powers

The ceremonial functions and administrative powers, authority, and duties of the City are vested in and/or delegated to the Mayor, except as otherwise delegated to the City Manager. The Mayor is the chief executive officer of the City to whom the City Manager reports. All other employees shall report to the City Manager.

2.02.030 Presiding Officer

The Mayor is the chair of the Council and presides at all meetings of the City Council.

2.02.040 Voting Authority

Except as otherwise provided herein, the Mayor is a nonvoting member of the Council. The Mayor shall vote as a voting member of the Council: (1) on each matter for which there is a tie vote of the other Council members present at the meeting; (2) when the Council is voting on whether to appoint or dismiss the City Manager; (3) when the Council is voting on an ordinance that enlarges or restricts the Mayor's power, duties or function; and (4) as otherwise provided by law.

2.02.050 Veto Authority

The Mayor shall have no power to veto any ordinance, tax, levy, appropriation, or act of the City Council.

2.02.060 Mayor Pro Tem

In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to act as Mayor pro tempore. The election of the Mayor pro tempore shall be entered in the minutes of the City Council meeting at which the Mayor pro tempore is elected. The Mayor pro tempore shall preside at the Council meeting and perform, during the Mayor's absence, disability, or refusal to act, the duties and functions of the Mayor. Any member of the City Council elected as Mayor pro tempore shall still retain his or her power and authority as a member of the Council and shall be entitled to vote as a member of the City Council on all matters.

2.02.070 Restrictions

The Mayor may not serve as the City Recorder or the City Treasurer.

2.03 Election And Qualification

2.03.010 Elections

2.03.020 Notice Of Election For Municipal Offices

2.03.030 Declaration Of Candidacy

2.03.040 Nomination Petition

2.03.050 Eligibility Requirements

2.03.060 Residency Requirements

2.03.070* Campaign Finance Statements

2.03.080 Term Of Office

2.03.090 Vacancies

2.03.100 Oath Of Office

2.03.110 Bond

2.03.120 Salaries

2.03.130 Return Of Property

2.03.140 Ethics Act

2.03.150 Political Activities

2.03.010 Elections

Consistent with the provisions of Utah Code § 20A-1-202, and as more particularly provided herein, the offices of Mayor and Council Members shall be filled by election of the registered voters of Centerville City in an at-large municipal election held on the Tuesday after the first Monday in November in odd-numbered years. In accordance with Utah Code § 10-3-205, the offices of Mayor and two Council Members shall be filled in municipal elections held in 1977 and every four years thereafter. The offices of the remaining three Council Members shall be filled in municipal elections held in 1979 and every four years thereafter. All municipal elections for the offices of Mayor or Council Members shall be conducted in the manner provided in the Utah Election Code, set forth in Title 20A of the Utah Code, and applicable provisions of Utah Code §§ 10-3-201, et seq.

2.03.020 Notice Of Election For Municipal Offices

On or before February 1 in each year in which there is a municipal general election, the City Recorder shall publish a notice that identifies the municipal offices to be voted on in the municipal general election and the dates for filing a declaration of candidacy for such offices. The City Recorder shall publish the notice of municipal offices up for election in accordance with the provisions of Utah Code § 10-3-301.

2.03.030 Declaration Of Candidacy

Any eligible and qualified person desiring to run for the elected municipal office of Mayor or Council Member shall file a declaration of candidacy with the City Recorder in accordance with the filing requirements set forth in Title 20A, Chapter 9 of the Utah Code, including, but not limited to, Section 20A-9-203, regarding declarations of candidacy for municipal elections.

2.03.040 Nomination Petition

Any resident of the City may nominate a candidate for elected municipal office by filing a nomination petition with the City Recorder in accordance with the filing requirements set forth in Title 20A, Chapter 9 of the Utah Code, including, but not limited to, Section 20A-9-203, regarding nomination petitions for municipal elections.

2.03.050 Eligibility Requirements

Persons eligible to file a declaration of candidacy or to be nominated for the elected office of Mayor or Council Member shall be a registered voter of Centerville City, shall have resided in Centerville City for the 12 consecutive months immediately before the date of the election, and shall meet the filing requirements of Utah Code § 20A-9-203.

2.03.060 Residency Requirements

Pursuant to Utah Code § 10-3-301, each person elected to the office of Mayor or Council Member shall maintain residency within the boundaries of the City during his or her term of office. If a person elected to the office of Mayor or Council Member establishes his or her principal place of residence outside the municipality during his or her term of office, the office is automatically vacant. If a person elected to the office of Mayor or Council Member is absent from the City anytime during his or her term of office for a continuous period of more than 60 days without the consent of the City Council, that person's elected office is automatically vacant.

2.03.070* Campaign Finance Statements

Any candidate for municipal office shall comply with the campaign finance disclosure requirements set forth in Utah Code § 10-3-208, and shall be subject to the enforcement penalties set forth therein. ~~In addition to the campaign finance disclosure requirements set forth in UCA § 10-3-208, any candidate for municipal office shall also file with the City Recorder a campaign finance disclosure statement no later than seven (7) days before the day on which the municipal primary election is held. Such campaign finance disclosure statement filed before the municipal primary election shall comply with all applicable provisions of UCA § 10-3-208 regarding campaign finance disclosure statements and any reference to "campaign finance statement" set forth in UCA § 10-3-208 shall be deemed to refer to the municipally required campaign finance disclosure statement due prior to the municipal primary election as set forth herein. The penalties that apply for failure to file a timely campaign finance disclosure statement prior to the municipal primary election as required herein, shall be the same as provided in UCA § 10-3-208(8) for failure to file a disclosure form before the municipal general election, including required removal of the candidate's name from the ballot. Any candidate for municipal office shall also comply with and be subject the personal use expenditure restrictions set forth in Utah Code § 10-3-209, and shall be subject to the enforcement penalties set forth therein.~~

2.03.080 Term Of Office

Persons elected to the office of Mayor or Council Member shall begin their term of office at 12:00 p.m. on the first Monday in January following their election, and shall continue in office for four years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office.

2.03.090 Vacancies

Vacancies in the offices of Mayor or Council Member shall be filled in accordance with the provisions of Utah Code § 20A-1-510.

2.03.100 Oath Of Office

All elected officials of the City shall take, subscribe and file the Constitutional oath of office before entering upon the duties of their respective offices. Elected officials shall take their oath of office at 12:00 p.m. on the first Monday in January following their election or as soon

thereafter as is practical. The oath of office shall be administered by the City Recorder or any judge or notary public. All oaths of office shall be filed with the City Recorder. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2.03.110 Bond

Elected officers of the City before taking office shall be included within public employee blanket bonds of the City in the amount of \$10,000 conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officers according to the law and the ordinances of Centerville City. The premium charged for the public employee blanket bonds shall be paid by the City. The bonds of Council Members shall be approved by the Mayor, and the bond of the Mayor shall be approved by the City Council, at the first meeting of the City Council in January following a municipal election. All bonds of elected officers shall be filed with the City Recorder.

2.03.120 Salaries

- (a) Elected Officer Compensation. Elected officers shall receive such compensation for their services as set forth herein or as the City Council may fix or amend by ordinance in accordance with the notice and hearing requirements set forth in Utah Code § 10-3-818. The compensation of elected officers shall be paid at least monthly.
- (b) Compensation Review. Every four years, beginning in 2010, as part of the regular budget process, City staff should review the appropriateness of the compensation received by the Mayor and City Council members and recommend adjustments, taking into consideration the impact of inflation, and the compensation of elected officials in cities of similar size.
- (c) Mayor. The total compensation to be received by the Mayor shall be \$1,200 per month, a portion of which may be funded by the RDA for the Mayor's role as the Chair of the RDA. The Mayor shall also be provided a vehicle allowance in the amount of \$100 per month.
- (d) Council Members. The total compensation to be received by each member of the City Council shall be \$625 per month, a portion of which may be funded by the RDA for Council Member's role as a member of the RDA.

2.03.130 Return Of Property

Every officer of the City upon expiration of his or her term for any cause whatsoever shall deliver to the City Recorder all books, records, keys and any other items which are the property of the City.

2.03.140 Ethics Act

All elected officers shall comply with the provisions, conditions and requirements of the Utah Municipal Officers' and Employees' Ethics Act as set forth in Utah Code §§ 10-3-1301, et seq.

2.03.150 Political Activities

Pursuant to the Political Activities of Public Entities Act, as set forth in Utah Code §§ 20A-11-1201, et seq., unless specifically permitted by law, the City may not make expenditures from

public funds for political purposes or to influence a ballot proposition. In addition to the restrictions set forth in the Political Activities of Public Entities Act, all elected officials of the City shall comply with and be subject to the political activities provisions of Utah Code § 10-3-1108.

2.04 Legislation

2.04.010 Ordinances

2.04.020 Resolutions

2.04.030* Public Records

2.04.010 Ordinances

- (a) **Legislative Power.** Except as otherwise specifically provided by law, the City Council shall exercise its legislative powers through ordinances.
- (b) **Extent of Power.** The City Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by law.
- (c) **Form.** Any ordinance passed by the City Council shall contain and be in substantially the order and form as set forth in Utah Code § 10-3-704. No ordinance shall be void or unlawful by reason of its failure to conform to applicable provisions of Section 10-3-704.
- (d) **Effective Date.** Unless otherwise provided in the ordinance, ordinances shall become effective 20 days after publication or posting, or 30 days after final passage by the City Council, whichever is sooner. Ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance. In accordance with Utah Code § 10-3-705, all ordinances shall be recorded with the City Recorder before taking effect.
- (e) **Signed.** Ordinances passed or enacted by the City Council shall be signed by the Mayor, or if the Mayor is absent, by the Mayor pro tempore or by a quorum of the Council Members as required by law.
- (f) **Publication.** Except as otherwise provided by law, all ordinances, before taking effect, shall be posted and/or published in accordance with applicable provisions of Utah Code § 10-3-711.
- (g) **Recording.** The City Recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the City Council. The City Recorder shall give each ordinance a number, if the City Council has not already done so. The City Recorder shall make or cause to be made a certificate stating the date of passage and the date of publication or posting of the ordinance, as required. All ordinances shall be recorded as provided herein before taking effect.
- (h) **Prima Facie Evidence.** The record and certificate prepared by the City Recorder, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification. In addition, the ordinances printed and published by the authority of the City Council, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the publication in all courts and administrative proceedings.
- (i) **Proved Under Seal.** The contents of all Centerville City ordinances, the dates of passage, and the dates of publication or posting, may be proved by the certification of the City Recorder under the seal of Centerville City.

2.04.020 Resolutions

- (a) Administrative Powers. Unless otherwise required by law, the City Council may exercise all administrative powers by resolution.
- (b) Form. Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.
- (c) Effective Date. Resolutions may take effect on passage or at a later date as the City Council may determine, but resolutions may not become effective more than three months from the date of passage.
- (d) Publication. Resolutions may become effective without publication or posting.
- (e) Limitation. No punishment, fine, or forfeiture may be imposed by resolution.

2.04.030* Public Records

The ordinances, resolutions, minutes, and other books, records, accounts or documents of the City shall be kept at the office of the City Recorder. Approved copies of public records shall be open and available to the public during regular business hours for examination and copying in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code § 63G-2-101, et seq.~~adopted by the City.~~

3 Administration

3.01 Appointed Offices

3.02 Departments And Divisions

3.03 Boards And Committees

3.04 Personnel

3.05 Government Records

3.06 Procurement And Surplus Property

3.07 Constitutional Takings Review

3.08 Development Fee Appeals

3.01 Appointed Offices

3.01.010 Appointed Offices

3.01.020 Appointment And Removal

3.01.030 Oath Of Office

3.01.040 Bond

3.01.050 Salaries

3.01.055 Utah Retirement System

3.01.060 Transfer Of Records

3.01.070 Conflicts Of Interest

3.01.080* City Manager

3.01.090* City Recorder

3.01.100 City Treasurer

3.01.110 City Attorney

3.01.120 City Engineer

3.01.130 Chief Of Police

3.01.140 Justice Court Judge

3.01.010 Appointed Offices

The City Council may create any appointed office deemed necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Manager, City Recorder, City Treasurer, City Attorney, City Engineer, City Police Chief, and City Justice Court Judge.

3.01.020 Appointment And Removal

Appointed officers shall be appointed in accordance with the provisions of this Title and applicable provisions of Utah law. Except as otherwise provided herein regarding the appointment of the City Manager, the Mayor, with the advice and consent of the City Council, shall appoint and fill vacancies in all appointed offices provided for by law or ordinance. Except as otherwise provided herein regarding the dismissal of the City Manager and unless otherwise provided by law, appointed officers shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council. Unless sooner removed as provided herein, all appointed officers shall continue in office until their successors are appointed and qualified. The City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of any appointed officer.

3.01.030 Oath Of Office

- (a) Required. Before entering on the duties of their respective offices, all appointed officers of the City shall take, subscribe and file the Constitutional oath of office as set forth in Article IV, Section 10 of the Utah Constitution.
- (b) Administered. The oath of office shall be administered by the any judge, justice court judge, notary public, or the City Recorder.
- (c) Filed. All oaths of office shall be filed with the City Recorder, except that of the City Recorder, which shall be filed with the City Treasurer, pursuant to Utah Code § 52-1-4.
- (d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

3.01.040 Bond

- (a) Required. The City Treasurer shall be required to furnish a bond in accordance with the provisions set forth herein. All other appointed officers of the City may, by resolution or ordinance, be required to furnish a personal bond with good and sufficient sureties or corporate surety bond payable to the City in such sum as the resolution or ordinance may establish, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law, or such officers may be included within public employee blanket bonds at such amounts as may be determined by the City Council.
- (b) Treasurer's Bond. The City Treasurer's bond shall be in the amount established by the State Money Management Council pursuant to Utah Code § 51-7-15.
- (c) Filed. All required bonds shall be filed with the City Recorder, except the City Recorder's bond which shall be filed with the City Treasurer.
- (d) Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by the City.
- (e) Additional Bonds. The City Council may at any time require further and additional bonds of any or all appointed officers of the City by resolution or ordinance.

3.01.050 Salaries

Appointed officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with notice and hearing requirements set forth in Utah Code § 10-3-818. The compensation of municipal officers shall be paid at least monthly.

3.01.055 Utah Retirement System

For purposes of determining eligibility under the Utah Retirement System and provisions of the Utah State Retirement and Insurance Benefit Act, as set forth in Title 49 of the Utah Code, the City hereby certifies that any appointive officer position requiring less than 40 hours of work per week shall be considered a part-time appointive officer position. Unless otherwise provided by law, any appointive officer appointed for the first time to a part-time appointive officer position on or after July 1, 2011, shall not be eligible for participation in the Utah Retirement System. Persons providing services under contract with the City are not eligible for retirement benefits.

3.01.060 Transfer Of Records

Every officer of the City, upon expiration of his or her term of office or employment with the City, shall deliver to the City all books, property, equipment, keys, and records which are the property of the City immediately after notification and request to do so.

3.01.070 Conflicts Of Interest

All appointed officers of the City shall conduct themselves in an appropriate manner, including adherence to the conflict of interest provisions of the Utah Officers' and Employees' Ethics Act, set forth in Utah Code § 10-3-1301, et seq.

3.01.080* City Manager

- (a) Appointment. The office of City Manager has been created and established and shall continue in force and effect as an appointed office of the City. The City Council shall appoint a qualified person to act as City Manager. Pursuant to Utah Code § 10-3b-302, the Mayor shall have the right to vote in the appointment of the City Manager.
- (b) Term of Office and Severance Pay. The City Manager shall serve at the pleasure of the City Council and may be terminated at any time with or without cause. Pursuant to Utah Code § 10-3b-302, the Mayor shall have the right to vote in the dismissal of the City Manager. After the City Manager has been employed by the City for at least one year, if the City Manager is removed thereafter without cause, the City shall pay to the City Manager six months severance pay. The City Manager position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the City Manager may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.
- (c) Office. The City Manager shall maintain an office in City Hall and shall spend such time in the performance of his or her duties as is necessary or as may be required from time to time by the City Council, but not less than 40 hours per week. The City Manager need not be a resident or qualified elector of the City, but should maintain his or her residence within a reasonable driving distance of the City.
- (d) Resignation. Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least 30 days notice in writing of his or her intent to resign.
- (e) Other Employment. The City Manager shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.
- (f) Powers of Mayor Not Delegated. The legislative and judicial powers and ceremonial functions of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Manager. Any changes to the powers and duties of the Mayor, as delegated to the City Manager, shall comply with applicable provisions of Utah Code § 10-3b-303.
- (g) Duties. The City Manager shall at all times be under the control and supervision of the City Council, and shall administer the day-to-day operations of the City and its services according to the policies and programs established by the City Council. The following duties and the authority to perform them are hereby delegated to the City Manager.

- (1) **Appoint and Remove Employees.** Unless otherwise delegated to the Mayor for appointed offices and department heads, the City Manager shall have the authority to hire, employ and remove employees as provided herein. The City Manager shall also be responsible for reviewing the status and performance of any personnel being considered for discharge, transfer, or demotion from appointment or employment with the City. The City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of any appointed officer as provided in CMC 3.01.020.
- (2) **Supervise Officers and Department Heads.** The City Manager shall provide direct supervision of and have direct responsibility over the offices of City Recorder, City Treasurer, Chief of Police, City Engineer, City Attorney, and Department Heads.
- (3) **Personnel Director.** The City Manager shall be the personnel director, and as such shall be responsible for implementing and enforcing the Personnel Policies and Procedures of the City and providing recommendations to the City Council regarding the compensation plan for employees.
- (4) **Inventory Property.** The City Manager shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Manager shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property which is not by law assigned to some other officer or body for care and control.
- (5) **Purchasing and Claims.** The City Manager shall act as purchasing agent for the City, and as such shall implement and enforce all provisions of the ordinances and policies of the City relating to purchasing.
- (6) **Council Meetings.** The City Manager shall attend all meetings of the City Council and may recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient.
- (7) **Budget Officer.** The City Manager shall act as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Utah Uniform ~~Municipal~~ Fiscal Procedures Act for Utah Cities, as set forth in Utah Code § 10-6-101, et seq. The City Manager shall also ensure that all executive procedures and activities of the City are in compliance with such Act.
- (8) **Review Contracts.** The City Manager shall review and make recommendations to the City Council concerning all proposed contracts to which the City may be a party, and shall see that the terms of any contract to which the City is a party are fully performed by all parties thereto.
- (9) **Propose Plans and Programs.** The City Manager shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.
- (10) **Implement Policy.** The City Manager shall implement all policy changes and directives of the Mayor and the City Council through regularly scheduled staff meetings.
- (11) **Management Controls.** The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.
- (12) **Organization.** The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the

government of the City to the City Council for its approval prior to implementation.

- (13) Records. The City Manager shall oversee the access and retention of the books, records, and official papers of the City's departments and offices.
- (14) Additional Duties. The City Manager shall have such other powers and shall perform such other duties and obligations as may be required of him or her by State law or by ordinance, resolution, or policy of the City Council.

3.01.090* City Recorder

- (a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder. The City Recorder position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the City Recorder may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.
- (b) Office. The office of the City Recorder shall be located at City Hall or at some other place convenient thereto as the City Council may direct.
- (c) Corporate Seal. The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.
- (d) Meetings of City Council. The City Recorder, or his or her designee, shall attend the meetings and keep the record of the proceedings of the City Council and all other public bodies of the City.
- (e) Actions of City Council. The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council.
- (f) Contracts. The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.
- (g) Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in Title 20A of the Utah Code, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy. Election duties may be performed by Davis County pursuant to agreement between the City and County.
- (h) Records of the City. The City Recorder shall keep all of the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq.
- (i) Fiscal Procedures. The City Recorder's duties under the Uniform Fiscal Procedures Act for Utah Cities have been delegated to the Finance Director in accordance with Utah Code § 10-6-157.
- (j) Limitations. The City Recorder shall not serve as the City Treasurer.
- (k) Additional Duties. The City Recorder shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3.01.100 City Treasurer

- (a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer. The City Treasurer position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the City Treasurer may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.
- (b) Custodian. The City Treasurer shall be the custodian of all money, bonds, or other securities of the City.
- (c) Collections. The City Treasurer shall collect and receive all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall promptly deposit all such monies in the appropriate bank accounts of the City.
- (d) Receipts. The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and the account paid. The City Treasurer shall file the duplicate of such receipt, a summary report, or other evidence of payment in the office of the City Recorder.
- (e) Checks. The City Treasurer, or other person designated by the City Council, shall sign all checks prepared by the City and shall, prior to affixing said signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.
- (f) Warrants. In the absence of appropriate monies, the City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment, pursuant to Utah Code § 10-6-144.
- (g) Special Assessments. All monies received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made.
- (h) Accounting. The City Treasurer shall keep an accurate and detailed accounting of transactions, receipts, collections, disbursements and other matters within the Treasurer's charge as provided by State law or as the City may by ordinance or resolution direct.
- (i) Limitations. The City Treasurer shall not serve as the City Recorder.
- (j) Additional Duties. The City Treasurer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3.01.110 City Attorney

- (a) Appointment. The City may appoint an attorney licensed to practice law in the State of Utah to the office of City Attorney to provide such legal assistance to the City as may be necessary. The City Attorney shall be appointed by the Mayor with the advice and consent of the City Council. The City Attorney shall act as legal advisor to the City in all matters pertaining to contracts with or by the City or questions of legality arising out of

any law, ordinance or otherwise, and shall advise all City officers in relation to their official duties.

- (b) At-Will Position. The position of City Attorney is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, any person hired or appointed to act as City Attorney may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.
- (c) Criminal Prosecutors. The City may contract with, retain or appoint an attorney or attorneys licensed to practice law in the State of Utah for the performance of criminal prosecutorial legal services.

3.01.120 City Engineer

- (a) Appointment. The City may contract with, retain, or appoint an engineer licensed to practice engineering in the State of Utah to the office of City Engineer. The City Engineer shall be appointed by the Mayor with the advice and consent of the City Council. Any person appointed or retained as City Engineer shall be a registered professional engineer under Title 58, Chapter 22 of the Utah Code.
- (b) Records. The City and/or the City Engineer shall maintain all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the City and the holder of such records shall ensure public accessibility to the same as required by law.
- (c) Recording. The City Engineer shall record and file all drawings and documents pertaining to public lands and improvements of the City, and shall maintain such records and files in good condition allowing no alteration, mutilation or changes to be made. The recording or filing of any drawing or instrument with the City shall not conflict in any way with the recording or filing of the same in other offices of record.
- (d) Fees. The City Engineer shall not record any drawings or instruments, file any papers or notices, furnish any copies, or render any service connected with his or her official duties, until the required fees for the same are paid or tendered as required by law or City ordinance.
- (e) Seal. The City Engineer shall have a seal for his or her use, which seal shall be affixed to every certification approval.
- (f) Additional Duties. The City Engineer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3.01.130 Chief Of Police

- (a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of Chief of Police. The Chief of Police position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the Chief of Police may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.
- (b) Supervised by City Manager. The Chief of Police shall be under the direction, control and supervision of the City Manager, as delegated from the appointing body, and shall exercise and perform such duties as may be prescribed by the City Council.
- (c) Duties. The Chief of Police shall have the same authority and responsibilities as sheriffs and constables of Davis County, Utah, as provided by law, and shall, in addition to other

Statewide authority as otherwise provided by law:

- (1) Suppress riots, disturbances, and breaches of the peace;
- (2) Apprehend all persons violating State laws or City ordinances;
- (3) Diligently discharge his or her duties and enforce all ordinances of the City to preserve the peace, good order, and protection of the rights and property of all persons;
- (4) Attend the municipal Justice Court of the City when required, provide security for such Court, and obey its orders and directions; and
- (5) Exercise and perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3.01.140 Justice Court Judge

The office of City Justice Court Judge is hereby created, who shall act as the Justice Court Judge of the Centerville City Justice Court. The Justice Court Judge shall be appointed and shall have such powers and duties as set forth in CMC 4 (Justice Court) and as otherwise assigned to him or her by the City Council.

3.02 Departments And Divisions

3.02.010 Departments

3.02.020 Department Heads

3.02.030 Public Works Department

3.02.040 Public Works Director

3.02.050* Community Development Department

3.02.060 Community Development Director

3.02.070 Parks And Recreation Department

3.02.080 Parks And Recreation Director

3.02.090 Finance Department

3.02.100 Finance Director/Assistant City Manager

3.02.110 Police Department

3.02.120 Chief Of Police

3.02.010 Departments

The City Council may create any department or division deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers and duties of such departments or divisions.

3.02.020 Department Heads

The Mayor, with the advice and consent of the City Council, shall appoint a qualified person to direct and administer each department, to be known and referred to as "Department Heads." The powers and duties of Department Heads shall be prescribed by ordinances, resolutions, regulations and job descriptions. Unless otherwise provided by law, Department Heads shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council. All Department Head positions described in this Chapter shall

be deemed to constitute a "head of a municipal department" as such term is used in Utah Code § 10-3-1105. All Department Head positions are at-will positions and are exempt from the protections of Utah Code § 10-3-1105. As such, Department Heads may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

3.02.030 Public Works Department

There is a Public Works Department within Centerville City which is responsible for maintaining public properties and public improvements of the City including, but not limited to, streets, drainage facilities, and water systems of the City. There is established within the Public Works Department a Water Division, Street Division and Drainage Division.

3.02.040 Public Works Director

The Public Works Director is the Department Head of the Public Works Department. The Public Works Director performs such powers and duties as assigned to him or her by the City Council. The Public Works Director position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the Public Works Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

3.02.050* Community Development Department

There is a Community Development Department within Centerville City which is responsible for the administration of planning and zoning policies of the City and which oversees and regulates all building, construction and development activities within the City. **The Community Development Department is also responsible for business licensing and regulation under CMC 6 (Business Regulations).**

3.02.060 Community Development Director

The Community Development Director is the Department Head of the Community Development Department. The Community Development Director performs such powers and duties as set forth in CZC 12 (Zoning) and as otherwise assigned to him or her by the City Council. The Community Development Director position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the Community Development Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

3.02.070 Parks And Recreation Department

There is a Parks and Recreation Department within Centerville City which is responsible for maintaining and managing public properties of the City, including, but not limited to, City parks and trails as well as the City Cemetery. The Parks and Recreation Department shall also manage and operate the City recreation programs.

3.02.080 Parks And Recreation Director

The Parks and Recreation Director is the Department Head of the Parks and Recreation Department. The Parks and Recreation Director performs such powers and duties as set forth in City Ordinances and as otherwise assigned to him or her by the City Council. The Parks and Recreation Director position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the Parks & Recreation Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

3.02.090 Finance Department

There is a Finance Department within Centerville City which is responsible for maintaining and managing all accounts and investments, preparing financial reports and budgets, monitoring expenditures and advising the City Council on financial matters.

3.02.100 Finance Director/Assistant City Manager

The Finance Director/Assistant City Manager is the Department Head of the Finance Department. The Finance Director/Assistant City Manager performs all the financial duties and responsibilities of the City Recorder as set forth in the Uniform Fiscal Procedures Act, pursuant to the provisions of Utah Code § 10-6-157, and performs such powers and duties as set forth in City Ordinances and as otherwise assigned to him or her by the City Council. Pursuant to Utah Code § 10-6-157, the Finance Director shall be appointed and removed by the Mayor, with the advice and consent of the City Council. The Finance Director may not assume the statutory duties of the City Treasurer. The Finance Director position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the Finance Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

3.02.110 Police Department

There is a Police Department within Centerville City which shall be responsible for enforcing the traffic and criminal ordinances of the City and protecting the lives and property within the City.

3.02.120 Chief Of Police

The Chief of Police is the Department Head of the Police Department. The Chief of Police shall be appointed and perform such powers and duties as set forth in CMC 3.01.130.

3.03 Boards And Committees

3.03.010 Boards And Committees

3.03.020* Open Meetings

3.03.030* Governmental Immunity

3.03.040 Parks And Recreation Committee

3.03.050 Trails Committee

3.03.060 Landmarks Commission

3.03.070* Whitaker Museum Board

3.03.010 Boards And Committees

The City Council may create any boards, committees or commissions deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers and duties of such bodies.

3.03.020* Open Meetings

Any boards, committees or commissions created by the City Council as set forth this Chapter, and any other boards, committees or commissions of the City that meet the definition of "public body" as defined in Utah Code § 52-4-103, shall comply with the provisions and requirements of the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq.

3.03.030* Governmental Immunity

Members of any City board, committee or commission may be considered a government employee for purposes of workers' compensation and governmental immunity in accordance with and subject to the provisions of the Utah Volunteer Government Workers Act, as set forth in Utah Code §§ 67-20-1, et seq., the Utah Immunity for Persons Performing Voluntary Services Act, as set forth in Utah Code §§ 63G-8-101, et seq., and shall be deemed included in the definition of "employee" for purposes of the Utah Governmental Immunity Act, as set forth in Utah Code §§ 63G-7-101, et seq.

3.03.040 Parks And Recreation Committee

(a) Creation. There is a Parks and Recreation Committee for Centerville City which acts as an advisory committee to the City Council regarding City parks and recreation programs. The organization, powers and duties of the Parks and Recreation Committee is as follows.

(b) Members.

- (1) Number. The Parks and Recreation Committee shall be comprised of not more than seven but no less than five regular members who shall be appointed by the Mayor with the advice and consent of the Council. Parks and Recreation Committee members shall be residents of Centerville City.
- (2) Term. Parks and Recreation Committee members shall be appointed to staggered terms of three years, provided that members may be appointed to terms shorter than three years when necessary to provide staggered terms. These terms are renewable. Parks and Recreation Committee members may be removed from office at any time with or without cause by action of the City Council.
- (3) Compensation. Parks and Recreation Committee members shall receive no compensation for their services but may be reimbursed for reasonable expenses incurred in the performance of their duties.

(c) Organization and Procedure.

- (1) Chairperson. The members of the Parks and Recreation Committee shall appoint one member as chairperson. The chairperson shall serve for a term of one year,

which term may be renewed. The chairperson shall oversee the proceedings and activities of the Parks and Recreation Committee.

(2) Rules. The Parks and Recreation Committee may adopt reasonable rules and regulations in accordance with this Section for governing the conduct of its business.

(3) Meetings. The Parks and Recreation Committee may hold meetings at such times as the Committee determines is necessary and as properly called with notice given to each Committee member.

(d) Duties. The Parks and Recreation Committee acts in an advisory and volunteer capacity to the City Council regarding parks and recreation opportunities within the City. The Parks and Recreation Committee shall:

(1) Periodically review the Parks and Recreation Master Plan and make appropriate recommendations to the Planning Commission and City Council;

(2) Recommend projects, legislation, policies, funding allocations, and other measures, programs, or activities for the development of parks and recreation opportunities;

(3) Review plans for park improvements and gather public input when appropriate;

(4) Periodically review recreation programs and solicit public comment when appropriate;

(5) Carry out projects, programs or activities as directed by the Mayor or City Council; and

(6) Initiate, sponsor, and promote involvement, activities and contributions by the private sector and seek grants for development of parks in the City.

3.03.050 Trails Committee

(a) Creation. There is a Trails Committee for Centerville City which acts as an advisory committee to the City Council regarding the establishment of public trails and related facilities, programs and policies to meet the recreational needs of the citizens of Centerville City.

(b) Members.

(1) Number. The Trails Committee shall be comprised of not more than seven but no less than five regular members who shall be appointed by the Mayor with the advice and consent of the Council. Trails Committee members shall be residents of Centerville.

(2) Term. Trails Committee members shall be appointed to staggered terms of three years, provided that members may be appointed to terms shorter than three years when necessary to provide staggered terms. These terms are renewable. Trails Committee members may be removed from office at any time with or without cause by action of the City Council.

(3) Compensation. Trails Committee members shall receive no compensation for their services but may be reimbursed for reasonable expenses incurred in the performance of their duties.

(c) Organization and Procedure.

(1) Chairperson. The members of the Trails Committee shall appoint one member as

chairperson. The chairperson shall serve for a term of one year, which term may be renewed. The chairperson shall oversee the proceedings and activities of the Trails Committee.

(2) Rules. The Trails Committee may adopt reasonable rules and regulations in accordance with this Section for governing the conduct of its business.

(3) Meetings. The Trails Committee may hold meetings at such times as the Committee determines is necessary and as properly called with notice given to each Committee member.

(d) Duties. The Trails Committee acts in an advisory and voluntary capacity to the City Council regarding the development of trails and related facilities within the City. The Trails Committee shall:

- (1) Recommend to the City Council and the Planning Commission a Trails Master Plan;
- (2) Review and recommend appropriate changes and updates to the Trails Master Plan to the City Council and Planning Commission;
- (3) Recommend projects, legislation, policies, funding allocations, and other measures, programs, or activities for the development of trails, parkways and related recreation opportunities for the benefit of City residents;
- (4) Carry out projects, programs, or activities as directed by the City Council;
- (5) Initiate, sponsor and promote involvement, activities and contributions by the private sector for the development of trails and parkways for City residents; and
- (6) Provide input in the planning and approval process for City developments shown on the Trails Master Plan to include a present or future trail.

3.03.060 Landmarks Commission

There is a Landmarks Commission for Centerville City which acts as an advisory commission to the City Council regarding historic sites and landmarks within the City. The organization, powers and duties of the Landmarks Commission are more particularly set forth in CZC 12.20.070.

3.03.070* Whitaker Museum Board

- (a) Creation. There is a Whitaker Museum Board for Centerville City which acts as an advisory board to the City Council regarding the facilities, programs, and policies for the administration and operation of the "The Whitaker" Centerville's Heritage Museum (hereafter referred to as "The Whitaker" or "Museum").
- (b) Purpose and intent. The purpose of "The Whitaker" is to support the Centerville City mission which states: "Our mission is to serve the people of Centerville by promoting their peace, health, safety and welfare while planning for the future and preserving the past." In addition to the City's mission statement, the mission of "The Whitaker" is as follows: "The Whitaker" Centerville's Heritage Museum tells Centerville's story, teaches traditional values, creates links between past and present and cultivates pride in our rich heritage. The Museum Board shall pursue policies and programs in the administration and operation of Museum consistent with these mission statements.
- (c) Members.

- (1) Number and Appointment. The Whitaker Museum Board shall be comprised of not more than seven but no less than five regular members who shall be appointed by the Mayor with the advice and consent of the Council. The Mayor may receive names for consideration for appointment to the Board from the Museum Board.
- (2) Term. Museum Board members shall be appointed to staggered terms of three years, provided that members may be appointed for terms shorter than three years when necessary to provide for staggered terms.
- (3) Qualifications. Each Museum Board member should possess interest or knowledge in the operation and function of the Museum.
- (4) Liaison. The City Council may appoint one of its members to serve as a liaison to the Museum Board. The liaison should attend the meetings of the Museum Board and serve only to advise and act as a liaison to the City Council regarding the Museum Board with no power to vote on the Museum Board.
- (5) Removal. Museum Board members shall serve at the pleasure of the City Council and may be removed at any time with or without cause by majority vote of the City Council.
- (6) Vacancies. Vacancies on the Museum Board occurring for any reason shall be filled by the Mayor, with the advice and consent of the City Council, in accordance with the procedures for appointment set forth herein ~~in Subsection (b)(1)~~ for the unexpired term of such Board member.
- (7) Compensation. Museum Board members shall serve without compensation and shall be deemed "volunteers" for purposes of City ordinances, rules, regulations and policies.
- (8) Conflicts of Interest. As appointed volunteers of the City, Museum Board members shall comply with the Utah Officers' and Employees' Ethics Act as set forth in Utah Code §§ 10-3-1301, et seq.

(d) Organization and Procedure.

- (1) Chair and Vice-Chair. The Museum Board shall elect one of its members as Chair to oversee the proceedings and activities of the Board. The Museum Board shall also elect one of its members to act as Vice-Chair to perform duties as assigned from the Chair and to oversee the proceedings and activities of the Museum Board in the absence or inability of the Chair to act. The Chair and Vice-Chair shall serve for one year terms. Election of the Chair and Vice-Chair should take place during the first meeting of the Museum Board each year. The Chair and Vice-Chair shall be voting members of the Museum Board.
- (2) Meetings. The Museum Board may hold meetings at such times as the Board determines is necessary. Generally, Museum Board meetings should be held once a month. Meetings of the Museum Board may be called by the Chair, a majority of the members of the Board, the Mayor, or the City Manager. Meetings shall be conducted in accordance with properly approved policies and guidelines of the Museum Board.
- (3) Open Meetings. Meetings of the Museum Board shall be conducted in accordance with the Open Public Meetings Act, as set forth in Utah Code §§ 52-4-101, et seq., including public notification of meeting place, time, and agenda items. The Museum Board shall keep a public record of its proceedings, and all minutes and

recordings of the meeting and decisions of the Board shall be filed in the office of the City Recorder.

- (4) Quorum. No official business of the Museum Board shall be conducted except in the presence of a properly constituted quorum. The quorum shall consist of a majority of the appointed members of the Museum Board, provided the minimum number of members required for a quorum shall be three. All official business must be decided upon by majority vote of the quorum, provided that the minimum number of votes required to take any action shall be three.
 - (5) Policies and Guidelines. The Museum Board may adopt reasonable policies for governing the conduct of its business. All such policies shall be consistent with City ordinances, policies and regulations, and shall be submitted to the City Council for review and approval prior to implementation. Policies of the Museum Board requiring City Council approval include substantive or long-term policy matters such as accession and deaccession of property, procurement, Board duties, etc. The Museum Board may also adopt reasonable internal guidelines which do not require City Council approval. Such guidelines may address administrative day-to-day operations of the Museum, duties of volunteers, creation of subcommittees, etc. and shall be consistent with City ordinances, policies and regulations.
 - (6) Subcommittees and Other Volunteers. The Museum Board may choose to appoint Board members to oversee specific duties or appoint other volunteers to work in and aid in the operation of the Museum events and programs as needed by creating subcommittees or appointing other volunteers, including tour guides. Prior to appointment, all volunteers must fill out a volunteer application with the City and submit to any required background checks.
- (e) Board Duties. The Museum Board acts in an advisory and volunteer capacity to the City Council regarding the administration and operation of "The Whitaker," including, but not limited to the following:
- (1) Prepare and recommend for approval by the City Council a long-range plan, including goals, for "The Whitaker", **review any adopted long-range plan on an annual basis**, and recommend any updates or changes to the City Council;
 - (2) Recommend to the City Council and implement programs, policies, financing, funding, legislation and other measures, educational programs or activities for the administration "The Whitaker" consistent with the goals of the long-range plan, including, but not limited to review of grant applications and the Museum Director's annual budget;
 - (3) Manage the overall operations of the Museum, the Museum Director, and all programs implemented by the Museum Board;
 - (4) Initiate, sponsor and promote involvement, activities and contributions by the public and private sectors in "The Whitaker" and its facilities, artifacts, programs and activities;
 - (5) Prepare and recommend for approval by the City Manager and/or City Council appropriate policies, guidelines and procedures for the use, administration and operation of "The Whitaker" and its facilities, artifacts, programs and activities and for the governance of the Board, and any updates or revisions to the same;
 - (6) Submit annual report to City Council regarding Museum and Board activities;

- (7) Prepare and recommend to the City Manager and/or City Council employment standards and qualifications for the position of Museum Director of "The Whitaker", evaluate and make recommendations to the City Manager and Mayor regarding Museum Director's performance and continuing employment;
 - (8) Prepare and recommend for approval by the City Council collection management policies and system of approval of accession and deaccession of artifacts; and
 - (9) Prepare recommendations for building restorations, renovations, and repairs to the City Council.
- (f) Chair Duties. It shall be the duty of the Chair to act as the primary point of contact between the City, other members of the Museum Board, and the Museum Director. In the absence of the Chair, the Vice-Chair assumes the duties of the Chair.
- (1) Agenda. The Chair shall develop agendas for each meeting with input from the Museum Board members and the Museum Director.
 - (2) Meetings. The Chair shall preside at Museum Board meetings and provide overall leadership necessary to accomplish the mission and goals of the Board.
 - (3) Orientation. The Chair shall assist in the orientation of new Museum Board members and work with them to ensure they can successfully fulfill their assignments.
- (g) Museum Director. The Museum Director manages the basic operations and programs of the Museum and shall be under the direct supervision of the Museum Board and subject to general supervision of the City Manager. The Museum Director shall perform the duties and functions as set forth in the Job Description for the Museum Director position. The Museum Director is not a voting member of the Museum Board, but serves in the capacity of employee. The City Manager shall be responsible for personnel matters and oversight regarding the Museum Director. The Museum Board may make recommendations or references regarding job performance of the Museum Director to the City Manager.
- (h) Funding. The Museum Board shall operate under the direct supervision of the City Council. The Board's operations shall be funded by City funds, State and Federal grants, donations, contributions, and cultural event promotions, which funds shall be collected and held by the City in a special fund designated for such purposes. Funds may be distributed to the Board on a project by project basis as deemed necessary by the City Council and/or as part of the City's regular budgetary process.
- (i) Purchasing. All purchases and expenditures for the Museum shall comply with the City's Procurement Policy, including, but not limited to budget approval requirements, approval limits, bidding procedures, exemptions, etc. For purposes of such policies, the Museum Director and Board Chair, or their designees, are hereby designated as authorized Purchasing Agents. All purchases and expenditures for the Museum shall also comply with any authorized Museum Board policies, guidelines or procedures. All purchases and expenditures for the Museum shall be consistent with the approved budget for the Museum.

3.04 Personnel

3.04.010 Personnel Director

3.04.020 Personnel Policies And Procedures3.04.030 Equal Opportunity Employer3.04.040* Employee Appeals3.04.050* Exclusions3.04.060 Employee Appeal Board3.04.010 Personnel Director

The City Manager is designated as the Personnel Director. As Personnel Director, the City Manager shall implement and maintain the provisions of this Chapter and perform other duties as required by ordinance, resolution or policy of the City Council.

3.04.020 Personnel Policies And Procedures

The City may establish and adopt personnel policies and procedures consistent with State and Federal laws and regulations for the administration, organization, operation, and conduct of its personnel.

3.04.030 Equal Opportunity Employer

The policy of Centerville City is to comply with all federal, state and local laws, rule and regulations in the area of non-discrimination in employment. As such, it is Centerville's policy to provide equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, national origin, religion, sex, sexual orientation, age, pregnancy, child-birth or pregnancy-related condition, disability, genetics, political affiliation, or status as a veteran. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

3.04.040* Employee Appeals

- (a) Except as provided in CMC 3.04.050, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in Utah Code § 10-3-1106.
- (b) If an employee other than an employee excluded under CMC 3.04.050 is discharged, suspended for more than two days without pay, or involuntarily transferred to a position with less remuneration for any disciplinary reason, the employee may appeal the final decision to discharge, suspend without pay, or involuntarily transfer to the Employee Appeal Board described in CMC 3.04.060 in accordance with and subject to the procedures set forth Utah Code § 10-3-1106.

3.04.050* Exclusions

CMC 3.04.040 does not apply to any officer, employee or position described herein, which position is deemed at-will and subject to termination with or without cause and without appeal rights pursuant to Utah Code § 10-3-1105.

- (a) Designated Positions. CMC 3.04.040 does not apply to a person who holds a position or

equivalent position described as follows:

- (1) a police chief
 - (2) a deputy or assistant police chief;
 - (3) a head of a municipal department or division;
 - (4) a superintendent;
 - (5) a probationary or introductory employee;
 - (6) a part-time employee;
 - (7) seasonal, temporary or limited employees;
 - (8) a person who works in the office of an elected official; or
 - (9) a secretarial or administrative assistant support position that is specifically designated as a position to assist an elected official or the head or deputy head of a municipal department and is specifically designated as an at-will excluded position.
- (b) Appointed Officers. CMC 3.04.040 does not apply to any person appointed to a position under Utah Code Title 9, Chapter 3, Part 9, Appointed Officials and Their Duties, including, but not limited to, the City Manager, City Recorder, City Treasurer, City Engineer, City Attorney, Police Chief, and **Justice Court JudgeFire Chief.**
- (c) Layoffs and Reorganizations. CMC 3.04.040 does not apply to any employee who is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff, reduction in force, reorganization, or other non-disciplinary action.
- (d) Statutory Exclusions. CMC 3.04.040 does not apply to any officer, employee, or position that is excluded under and in accordance with the provisions of Utah Code § 10-3-1105.

3.04.060 Employee Appeal Board

- (a) Created. There is an Employee Appeal Board for Centerville City created in accordance with Utah Code § 10-3-1106, to hear appeals of covered employees who have been discharged, suspended for more than two days without pay, or involuntarily transferred to a position with less remuneration.
- (b) Members. The Employee Appeal Board consists of five members, three of whom are chosen by and from the appointed officers and employees of the City and two of whom are chosen by and from the members of the City Council.
- (c) Selection of Members and Alternates.
- (1) Council Members and Alternates. The City Council shall designate two of its members to serve on the Employee Appeal Board, hereinafter referred to as the "Council Members." The City Council shall also designate two of its members to serve as Alternate Council Members.
 - (2) Officer and Employee Members and Alternates. The appointed officers and employees of the City shall elect three of its members to serve on the Employee Appeal Board, hereinafter referred to as "Employee Members." The appointed officers and employees of the City shall also elect three of its members to serve as Alternate Employee Members. Employee Members and Alternate Employee Members shall be elected in the following manner.

(A) Nomination. The City Manager shall send written notice to all appointed

officers and employees of the City that they may make written nominations for officer and employee candidates to serve on the Employee Appeal Board and the closing date for filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.

(B) Voting. Upon the closing of nominations, an election shall be held by all appointed officers and employees of the City to elect three Employee Members of the Board and three Alternate Employee Members. The election shall be by secret ballot. The three individuals receiving the highest number of votes shall be deemed elected as Employee Members, and the next three individuals receiving the highest number of votes shall be deemed elected as Alternate Employee Members.

- (d) Limitation on Members. No person may sit on the Employee Appeal Board who also sat on a pre-disciplinary hearing of the appealing employee or whose employment with the City has terminated.
- (e) Term. Elected Employee Members and designated Council Members shall serve for a term of two years from the date of their election or designation. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.
- (f) Vacancies. Any vacancy in an Employee Member position shall be first filled by an Alternate Employee Member by drawing lots, and if no Alternate Employee Member is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Council Member position shall be filled first by an Alternate Council Member by drawing lots, and if no Alternate Council Member is available, by appointment as provided herein at the time such vacancy occurs.
- (g) Procedures. All appeals to the Employee Appeal Board shall be conducted in accordance with Utah Code § 10-3-1106, and applicable provisions of the personnel policies and procedures adopted by the City.

3.05 Government Records

3.05.010 Government Records

3.05.015 Records Officer

3.05.020 Retention Schedule

3.05.030 Records Requests

3.05.040 Fees

3.05.050 Fee Waiver

3.05.060* Appeals To City Manager

3.05.070* Appeals To Records Committee Or District Court

3.05.010 Government Records

All government records of the City shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act as set forth in Utah Code §§ 63G-2-101, et seq.

3.05.015 Records Officer

The City Recorder is the records officer of the City appointed to work with the Utah Division of Archives and Records Service in the care, maintenance, scheduling, designation, classification, disposal, and preservation of City records. Pursuant to Utah Code § 63G-2-108, the records officer shall, on an annual basis, successfully complete online training and certification from the State Archives regarding government records access and management.

3.05.020 Retention Schedule

All government records of the City shall be retained in accordance with the Utah Municipal General Records Retention Schedule, as created and retained by the Utah Division of Archives and Records Service, which is hereby adopted by reference as the Centerville City Records Retention Schedule. The City may classify or reclassify a particular record, record series, or information in a record at any time, in accordance with applicable provisions of Utah Code § 63G-2-307.

3.05.030 Records Requests

Any person requesting a record shall file a written Government Records Access and Management Request Form as provided by the City. Such request shall be submitted and processed in accordance with the Government Records Access and Management Act. All government records requests shall contain the requestor's name, mailing address, and daytime phone number, if available, and shall provide a description of the record requested that identifies the record with reasonable specificity.

3.05.040 Fees

The City may charge reasonable fees to cover the City's actual cost of providing a record. Fees for providing a record shall be adopted and set forth in the City Fee Schedule, which fees may be amended from time to time. When the City compiles a record in a form other than that normally maintained by the City in response to a records request, the actual costs for compiling the record may include those costs set forth in Utah Code § 63G-2-203; provided, no charge may be made for the first quarter hour of staff time. The City may require payment of past fees and future estimated fees before beginning to process a request if: (1) fees are expected to exceed \$50; or (2) the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

3.05.050 Fee Waiver

In accordance with Utah Code § 63G-2-203, the City may fulfill a record request without charge if it determines that:

- (a) Releasing the record primarily benefits the public rather than a person;
- (b) The individual requesting the record is the subject of the record, or an individual specified in Subsections 63G-2-202(1) or (2) of the Government Records Access and Management Act; or
- (c) The requester's legal rights are directly implicated by the information in the record and the requester is impecunious.

3.05.060* Appeals To City Manager

A requester or interested party may appeal an access denial or fee waiver denial to the City Manager by filing a notice of appeal with the City Manager within 30 days after the City sends notice of denial or the record request is deemed denied. Any person aggrieved by the City's access determination made or fees imposed under this Chapter may appeal the determination within thirty (30) days to the City Manager by filing a written notice of appeal with the City Manager in accordance with the provisions set forth in Utah Code § 63G-2-401. A person aggrieved by the City's classification or designation determination of a record, but who is not requesting access to the record, may appeal the classification or designation determination in accordance with the provisions of Utah Code 63G-2-401. The notice of appeal shall contain the petitioner's name, mailing address, and daytime phone number of the requester or interested or aggrieved party, and the relief sought. The notice of appeal should also contain a brief statement of facts, reasons, and legal authority in support of the appeal. If the appeal involves a record that is the subject of a business confidentiality claim, the City Manager shall comply with the notice requirements set forth in Utah Code § 63G-2-401. The City Manager shall make a determination on the appeal within the applicable time periods set forth in Utah Code § 63G-2-401. When considering an appeal of the denial of a fee waiver request, the City Manager shall review the fee waiver de novo in accordance with Utah Code § 63G-2-203. All other appeals shall also be reviewed by the City Manager de novo. The City Manager shall send written notice of his or her determination to all participants, including notice of any right to appeal in accordance with CMC 3.05.070.

3.05.070* Appeals To Records Committee Or District Court

If the City Manager denies a records request under CMC 3.05.060, the requester may appeal the decision denial to the State Records Committee as provided in Utah Code § 63G-2-403, or petition for judicial review of the decision in district court as provided in Utah Code § 63G-2-404. A requester who appeals the City Manager's decision to the State Records Committee does not lose or waive the right to seek judicial review of the decision of the State Records Committee. An interested party may appeal a decision of the City Manager to the State Records Committee as provided in Utah Code 63G-2-403. Any person aggrieved by a determination of the City Manager under CMC 3.05.060, including persons who did not participate in the appeal proceedings before the City Manager, may appeal the determination to the State Records Committee as provided in Utah Code Ann. § 63G-2-402, as amended.

3.06 Procurement And Surplus Property

3.06.010 Procurement Policies

3.06.020 Compliance

3.06.030 Surplus Property Definitions

3.06.040 Disposal Of Surplus Property

3.06.010 Procurement Policies

The City Council shall establish and adopt policies and procedures regarding the procurement of supplies, services, and construction for the City. Such policies and procedures shall provide

for the equitable, efficient and economical procurement of supplies, services and construction for the City.

3.06.020 Compliance

All expenditures of the City shall conform to the procurement policies and procedures adopted by the City and all applicable provisions of State law including, but not limited to, the Uniform Fiscal Procedures Act set forth at Utah Code §§ 10-6-101, et seq. Any expenditures of the City involving federal assistance funds shall comply with applicable federal law and regulations.

3.06.030 Surplus Property Definitions

- (a) A "significant parcel of real property" shall mean a parcel of 1/4 acre or more in size or a parcel having a value of more than \$100,000 as determined by the City Council.
- (b) "Reasonable notice" shall mean publishing a notice of the proposed disposition and of a public hearing before the City Council to consider such disposition once in a newspaper of general circulation within the City.

3.06.040 Disposal Of Surplus Property

- (a) The City has the authority to sell, lease, convey and dispose of real and personal property for the benefit of the City as provided by Utah Code § 10-8-2.
- (b) Before the City may dispose of a significant parcel of real property, the City shall:
 - (1) Provide reasonable notice of the proposed disposition at least 14 days before a scheduled meeting at which the City will hear public comment; and
 - (2) Hold a meeting at which the City Council accepts public comment on the proposed disposition.
- (c) All disposal, leases, or subleases of such property of the City other than a significant parcel of real property, shall be made, as nearly as possible, under the same conditions and limitations as required by City Ordinances and State law for the purchase or sale of property.
- (d) The City Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the City, the sale of any surplus property, through public auction or other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange of any surplus property; and the lease or sublease of any surplus property.

3.07 Constitutional Takings Review

3.07.010 Purpose And Intent

3.07.020 Constitutional Takings

3.07.030 Guidelines And Procedures For Review

3.07.040 Limitations

3.07.010 Purpose And Intent

The purpose of this Chapter is to provide advisory guidelines to assist the City in identifying and reviewing actions of the City which may involve the physical taking or exaction of private real property that may have Constitutional takings issues in accordance with the advisory provisions of the Constitutional Takings Issues Act as set forth in Utah Code §§ 63L-4-101, et seq. This Chapter does not apply when the City formally exercises its power of eminent domain.

3.07.020 Constitutional Takings

- (a) As used herein "Constitutional takings issues" means actions involving the physical taking or exaction of private real property by the City that might require compensation to a private real property owner because of:
 - (1) The Fifth or Fourteenth Amendment of the Constitution of the United States;
 - (2) Article I, Section 22 of the Utah Constitution; or
 - (3) Any recent court rulings governing the physical taking or exaction of private real property by a governmental entity.
- (b) Actions by the City involving the physical taking or exaction of private real property is not a Constitutional taking if the physical taking or exaction:
 - (1) Bears an essential nexus to a legitimate governmental interest; and
 - (2) Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

3.07.030 Guidelines And Procedures For Review

Any owner of private real property who claims there has been a Constitutional taking of the owner's private real property by the City may request a review of the final decision of any official, employee, board, commission or council of the City implicating such Constitutional taking. The following guidelines and procedures shall be followed in the event such review is requested.

- (a) Final Decision. The person requesting a review must have obtained a final and authoritative determination by the City relative to the decision from which they are requesting review.
- (b) Time for Filing. The person requesting a review shall file his or her request in writing to the office of City Recorder within 30 days from the date of the final decision that gave rise to the concern that a Constitutional taking has occurred.
- (c) Date for Review. The City Council or its designee shall set a time to review the decision that gave rise to the Constitutional taking claim.
- (d) Additional Information. In addition to the written request for review, the applicant shall submit prior to the date of review the following information. An application shall not be deemed "complete" or "submitted" until the reviewing body certifies to the applicant that all the materials and information required herein have been received. The reviewing body shall promptly notify the applicant of an incomplete application. The following information shall be provided by the applicant:

- (1) Name of the applicant requesting review;
- (2) Name and business address of current owner of the property, form of ownership, and name and address of all principal shareholders or partners if a business entity is involved;
- (3) A detailed description of the grounds for the claim that there has been a Constitutional taking;
- (4) A detailed description of the property alleged to have been taken;
- (5) Evidence and documentation as to the value of the property alleged to have been taken, including any evidence of the value of the property before and after the alleged taking, the name of the party from whom the property was purchased and the relationship if any between the person requesting review and the party from whom the property was acquired;
- (6) The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold, etc.;
- (7) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
- (8) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
- (9) The assessed value of and the ad valorem taxes on the property for the previous three years;
- (10) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
- (11) All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
- (12) All studies commissioned by the applicant within the previous three years concerning feasibility of development or utilization of the property;
- (13) Itemized income and expense statements from the property for the previous three years for income producing property;
- (14) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
- (15) Any other additional information requested by the City which is reasonably necessary in its opinion to arrive at a conclusion concerning whether there has been a Constitutional taking.

(e) Review. The City Council or its designee shall hear all the evidence related to and submitted in connection with the request for review to determine whether or not the action by the City constitutes a Constitutional taking as defined herein, including consideration of the following:

- (1) Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
- (2) Whether a legitimate governmental interest exists for the action taken by the City; and
- (3) Whether the taking or exaction is roughly proportionate and reasonably related, on

an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

- (f) Decision. The City Council or its designee shall render a final decision on the review within a reasonable time from the date the complete application for review was submitted to the City Recorder. The decision of the City Council or its designee regarding the results of the review shall be given in writing to the applicant and the official, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional taking claim.

3.07.040 Limitations

The guidelines set forth herein and any decision rendered pursuant to the provisions of this Chapter are advisory only and shall not be construed to expand or limit the scope of the City's liability for a Constitutional taking. The City shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the City for failure to comply with the provisions of this Chapter.

3.08 Development Fee Appeals

3.08.010 Purpose

3.08.020 Request For Review

3.08.030 City Manager Review And Decision

3.08.040 Appeal To City Council

3.08.050 City Council Review And Decision

3.08.060 Standards For Appeal

3.08.070 Appeal To District Court

3.08.010 Purpose

This section sets forth procedures for appealing a land use application or development fee charged by the City in accordance with and pursuant to Utah Code § 10-9a-510, but not including impact fees (hereinafter collectively referred to in this Chapter as a "development fee").

3.08.020 Request For Review

Any applicant who is charged a development fee or an owner of residential property upon which a development fee is imposed by the City may request a review of the reasonableness of such fee to the City Manager by filing a written request for review of development fees with the City Recorder within 30 days from the date the applicant or owner pays the fee to the City. The written request for review of development fees shall include at least the following:

- (a) The name, address and telephone number of the applicant or owner that paid the fee and the applicable property and development for which the fee was paid;
- (b) The fee being reviewed; and
- (c) The grounds for the review.

3.08.030 City Manager Review And Decision

After the request for review application is determined to be complete, the City Recorder shall forward the request for review to the City Manager. The City Manager shall review the application and determine whether the fees are reasonable and/or whether the fees were charged in error. The City Manager may meet with the applicant or owner regarding the matter and shall issue his or her decision in writing.

3.08.040 Appeal To City Council

Any person adversely affected by the final written decision of the City Manager regarding development fees may appeal such decision to the City Council by filing a written appeal with the City Recorder within 30 days from the date of the City Manager decision. The appeal to the City Council shall include at least the following:

- (a) The name, address and telephone number of the applicant or owner that paid the fee and the applicable property and development for which the fee was paid;
- (b) The fee being appealed;
- (c) The grounds for the appeal; and
- (d) A description and allegation of every theory of relief that the appellant could raise in district court regarding the matter appealed.

3.08.050 City Council Review And Decision

After the appeal application is determined to be complete, the City Recorder shall forward the appeal to the City Council and schedule a public meeting before the City Council in order to hear the appeal. Public notice of the public meeting shall be provided in accordance with the provisions of the Utah Open Meetings Act, set forth in Utah Code §§ 52-4-1, et seq. The City Council shall provide the appellant an opportunity to be heard regarding the fee appeal and shall provide and respect the due process rights of all participants. The City Council shall review and decide the fee appeal in accordance with applicable standards set forth in CMC 3.08.060. The appeal hearing shall be recorded in accordance with applicable provisions of the Utah Open Meetings Act and all records of the appeal shall be maintained by the City in accordance with applicable provisions of the Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq. The City Council shall issue its decision in writing to the appellant.

3.08.060 Standards For Appeal

The following standards shall apply to appeals of development fees.

- (a) Pursuant to Utah Code § 10-9a-510, appeals of development fees shall be limited to determining whether a fee reflects only the reasonable estimated cost of: (i) regulation; (ii) processing the application; (iii) issuing the permit; or (iv) delivering the service for which the applicant or owner paid the fee.
- (b) The person making the appeal has the burden of proving that the fees are not reasonable or that an error has been made.
- (c) The City Council's review of the matter shall be a de novo review and the City Council shall be deemed to be acting in a quasi-judicial manner.

3.08.070 Appeal To District Court

Any person adversely affected by a final decision of the City Council regarding development fees as provided herein may appeal that decision to the district court as provided in Utah Code § 10-9a-801. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a development fee in accordance with the review and appeal procedures set forth herein.

4 Justice Court

4.01 General Provisions

4.02 Justice Court

4.03 Justice Court Judge And Staff

4.04 Small Claims

4.01 General Provisions

4.01.010* Intent

4.01.020 Conflict

4.01.010* Intent

It is the intent of the City Council that this Title comply with and be interpreted in accordance with the applicable provisions of the Utah Code, particularly Utah Code §§ 78A-7-101, et seq., Title 78A, Chapter 7, Part 1, Justice Court, regarding the jurisdiction, procedure and conduct of Justice Courts and Justice Court Judges, as well as the relevant portions of Title 77, regarding general criminal procedure for all courts.

4.01.020 Conflict

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

4.02 Justice Court

4.02.010 Creation Of Justice Court

4.02.020 Compliance With Minimum Requirements

4.02.030 Territorial Jurisdiction

4.02.040* Jurisdiction

4.02.050* Trial Facilities

4.02.060 Reference Materials

4.02.070 Court Days

4.02.080 Hours Of Business

4.02.090 Powers Of The Justice Court

4.02.100 Public Proceedings

4.02.110 English Language

4.02.120 Change Of Place Of Trial Because Of Calamity

4.02.130 Seal

4.02.140 Process, Subpoenas And Warrants

4.02.150 Monthly Reports

4.02.160 Validity Of Papers Issued

4.02.170 Decisions To Be Rendered

4.02.180* Judgment Not A Lien Unless So Docketed

4.02.190 Fees

4.02.200 Collection And Deposit Of Fines, Fees And Forfeitures

4.02.210 Remittal Of Fines, Fees And Forfeitures

4.02.220 Disposition Of Monies Received

4.02.230 Proceedings Unaffected By Vacancy

4.02.240 Repeated Application For Orders

4.02.250 Electronic Writings

4.02.260* Appeals

4.02.010 Creation Of Justice Court

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

4.02.020 Compliance With Minimum Requirements

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

4.02.030 Territorial Jurisdiction

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

4.02.040* Jurisdiction

- (a) The Justice Court has jurisdiction over Class B and C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction by a person 18 years of age or older.
- (b) ~~Except for those offenses over which the juvenile court has exclusive jurisdiction, the Justice Court has jurisdiction over certain offenses Class B and C misdemeanors, violation of ordinances, and infractions committed within its territorial jurisdiction by a person who is 16 or 17 years of age or older, pursuant and subject to the provisions set forth as specified in Utah Code § 78A-7-106. The Justice Court Judge may transfer a criminal matter in which the defendant is a child to the juvenile court for further proceedings if the Justice Court Judge determines and the juvenile court concurs that the best interests of the minor would be served by the continuing jurisdiction of the juvenile court.~~
- (c) The Justice Court has jurisdiction of small claims cases under Title 78A, Chapter 8, Small Claims Courts, of the Utah Code, if the defendant resides in or the debt arose within the territorial jurisdiction of the Justice Court.
- (d) ~~The Justice Court has jurisdiction over class C misdemeanor violations of Title 53, Chapter 3, Part 2, Driver Licensing Act, of the Utah Code.~~

4.02.050* Trial Facilities

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

- (b) The Justice Court Judge shall hold Court in the City at the location designated by the City pursuant to Subsection (a) and shall conduct all official Court business in such location or office located in a public facility within the City which is conducive and appropriate to the administration of justice or any facility or location authorized by rule of the Judicial Council.
- (c) The Justice Court shall record its proceedings with a digital audio recording device and maintain such audio recordings for a minimum of one year in accordance with the provisions of Utah Code § 78A-7-103. **Pursuant to Utah Code § 78B-2-208, the Court shall provide notice to the public that the proceedings are being recorded.**
- (d) The Justice Court shall use a common case management system and disposition reporting system as specified by the Judicial Council.

4.02.060 Reference Materials

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

4.02.070 Court Days

- (a) The Justice Court is open and judicial business may be transacted on any day, except as otherwise provided in Subsection (b) or by law.
- (b) The Justice Court is closed on Sunday, on any day on which a general election is held, and on any legal holiday of the City; provided judicial business may be transacted on such days for the following limited purposes:
 - (1) To give, upon their request, instructions to a jury when deliberating on their verdict;
 - (2) To receive a verdict or discharge a jury;
 - (3) For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; or
 - (4) Judicial business not involving a trial or hearing unless the Judge finds it necessary for the fair administration of justice.

4.02.080 Hours Of Business

The Justice Court shall be open and judicial business shall be transacted from 8:00 a.m. to 5:00 p.m., Monday through Friday, exclusive of holidays as set forth in CMC 4.02.070 or as otherwise permitted by law. The Justice Court may be open for additional evening hours as determined necessary by the Court. The hours the Justice Court is open shall be posted conspicuously at the Court and in local public buildings. The Justice Court Judge and clerk shall attend the Court at regularly scheduled times.

4.02.090 Powers Of The Justice Court

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

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

4.02.100 Public Proceedings

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

4.02.110 English Language

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

4.02.120 Change Of Place Of Trial Because Of Calamity

The Justice Court Judge may order court proceedings to be held at another location within the City if the Judge determines it is necessary because of war, insurrection, pestilence, public calamity or natural disaster, or destruction of or danger to the building in which court is held.

Any order to move court proceedings shall be reduced to writing and filed with the clerk of the court for publication.

4.02.130 Seal

- (a) The Justice Court shall have a seal which seal approved by the Judicial Council.
- (b) The Seal of the Justice Court need not be affixed to any document of the Court except to:
 - (1) A writ;
 - (2) The authentication of a copy of a record or document on file with the Justice Court;
 - (3) The authentication of the signature of an officer of the Justice Court; and
 - (4) Any other document as permitted by law.

4.02.140 Process, Subpoenas And Warrants

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

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

4.02.150 Monthly Reports

- (a) The Justice Court shall file monthly with the State Court Administrator a report of the judicial business of the Judge on forms supplied by the State Court Administrator.
- (b) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.
- (c) A copy of the report shall be furnished by the Justice Court to the City Council or to such other person as the City Council may designate.

4.02.160 Validity Of Papers Issued

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

4.02.170 Decisions To Be Rendered

- (a) The Justice Court Judge shall decide all matters submitted for final determination within two months of submission, unless circumstances causing the delay are beyond the Judge's personal control.
- (b) The Justice Court Judge shall follow reporting procedures established by the Judicial Council for all matters not decided within two months of final submission.

4.02.180* Judgment Not A Lien Unless So Docketed

- (a) **Except as provided in Subsection (c), a judgment** rendered in the Justice Court does not create a lien upon any real property of the judgment debtor unless the judgment or abstract of the judgment is recorded in the office of the county recorder of the county in which the real property of the judgment debtor is located, and contains the information identifying the judgment debtor in the judgment or abstract of judgment or as a separate information statement of the judgment creditor as required in Utah Code § 78B-5-201.
- (b) When recorded, the judgment is a lien upon the real property of the judgment debtor which runs for eight years from the date the judgment was entered in the district court under Utah Code § 78A-5-202, unless the judgment is earlier satisfied.

4.02.190 Fees

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

4.02.200 Collection And Deposit Of Fines, Fees And Forfeitures

- (a) The Justice Court shall deposit public funds in accordance with Utah Code § 78A-7-121

and Utah Code § 51-4-2.

- (b) The City Treasurer shall report the sums collected and deposited and apportion and remit the collected proceeds as provided by law.
- (c) With the approval of the City Council, a trust or revolving account may be established in the name of the Justice Court and the City Treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting. Disbursements from this account do not require the approval of the City Auditor, City Recorder, or City Council. The account shall be reconciled at least quarterly by the City Auditor.
- (d) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations in accordance with Utah Code § 78A-7-122.

4.02.210 Remittal Of Fines, Fees And Forfeitures

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

4.02.220 Disposition Of Monies Received

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

4.02.230 Proceedings Unaffected By Vacancy

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

4.02.240 Repeated Application For Orders

- (a) If an application for an order to the Justice Court Judge is refused in whole or in part or is granted conditionally, a subsequent application for the same order may not be made to any other judge, except of a higher court.
- (b) This Section does not apply to motions refused for any informality in the papers or proceedings necessary to obtain the order, or to motions refused with liberty to renew them.
- (c) A notice of appeal for a trial de novo in the district court is not a subsequent application for the same order.
- (d) A violation of this Section may be punished as a contempt, and an order made contrary thereto may be revoked by the issuing judge, or vacated by a judge of the court in which the action or proceeding is pending.

4.02.250 Electronic Writings

Any writing required or permitted to be filed with or prepared by the Justice Court may be filed or prepared in an electronic medium and by electronic transmission subject to the terms and

requirements of Utah Code § 78A-2-217, as amended, and the Uniform Electronic Transactions Act, as set forth in Utah Code § 46-4-101, et seq.

4.02.260* Appeals

Any appeal of a judgment rendered in the Justice Court may be made to the district court by filing a notice of appeal in accordance with and subject to applicable statutes, including, but not limited to Utah Code § ~~78A-7-118~~78A-2-118. The appeal to the district court is a trial or hearing de novo as provided by law.

4.03 Justice Court Judge And Staff

4.03.010 Justice Court Judge

4.03.020 Power Of Justice Court Judge

4.03.030 Administrative Responsibilities

4.03.040 Powers Of Judge Contradistinguished From Court

4.03.050* Eligibility

4.03.060 Appointment

4.03.070 Certification And Annual Training

4.03.080 Residence Requirement

4.03.090 Term And Vacancy

4.03.100 Compensation

4.03.110 Limitation On Additional Activities

4.03.120 Retention Election

4.03.130 Retirement

4.03.140 Disqualification

4.03.150 Removal

4.03.160 Temporary Justice Court Judge

4.03.170* Clerical Personnel

4.03.180* Prosecutors And Indigent Defense

4.03.010 Justice Court Judge

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

4.03.020 Power Of Justice Court Judge

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

- (a) Issue search warrants and warrants of arrest upon a finding of probable cause;
- (b) Conduct proceedings to determine:

- (1) Probable cause for any case within his or her jurisdiction; and
 - (2) An accused person's release on bail or his or her own recognizance;

- (c) Preserve and enforce order in his or her immediate presence, and in proceedings before

him or her, when he or she is engaged in the performance of official duty;

- (d) Compel obedience to his or her lawful orders as provided by law;
- (e) Compel the attendance of persons to testify in a proceeding before him or her in the cases and manner provided by law;
- (f) Administer oaths to persons in a proceeding pending before him or her, and in all other cases where it may be necessary in the exercise of his or her powers and duties;
- (g) Exercise the powers of a magistrate to the extent permitted by law as enumerated in Utah Code § 78A-2-220;
- (h) Punish for contempt in the cases provided by law for the effectual exercise of the powers conferred herein; and
- (i) Issue all extraordinary writs and other writs as necessary to carry into effect its orders, judgments, and decrees.

4.03.030 Administrative Responsibilities

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

4.03.040 Powers Of Judge Contradistinguished From Court

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

4.03.050* Eligibility

(a) The Justice Court Judge shall be:

- (1) A citizen of the United States;
- (2) Twenty-five years of age or older;
- (3) A resident of Utah for at least three years immediately preceding appointment;
- (4) A resident of Davis County or an adjacent county for at least six months immediately preceding appointment; and
- (5) A qualified voter of the county in which the Judge resides.

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

4.03.060 Appointment

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

4.03.070 Certification And Annual Training

- (a) Certification. Prior to assuming office, the Justice Court Judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon successful completion of the orientation program, the Judicial Council shall certify the Justice Court Judge as qualified to hold office. No Justice Court Judge may perform judicial duties until certified by the Judicial Council.
- (b) Annual Training. The Justice Court Judge shall meet the continuing education requirements of the Judicial Council each calendar year which education shall include instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the Court, rules of evidence, and rules of civil and criminal procedure. Completion of such continuing education is evidenced by a certificate awarded by the Judicial Council.
- (c) Costs. The City shall provide sufficient funds to cover the cost of travel and training expenses for the Justice Court Judge to attend training sessions mandated by the Judicial Council.

4.03.080 Residence Requirement

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

4.03.090 Term And Vacancy

- (a) The term of office of the Justice Court Judge is six years, beginning the first Monday in January following the date of election in accordance with the provisions of Utah Code § 78A-7-203.
- (b) If a vacancy occurs in the office of the Justice Court Judge before the completion of his or her term of office, the vacancy shall be filled in accordance with procedures set forth in Utah Code § 78A-7-202.

4.03.100 Compensation

- (a) Amount. The Justice Court Judge shall be paid a fixed compensation determined by the City Council in accordance with the caseload and salary range requirements set forth Utah Code § 78A-7-206.
- (b) Review. The City Council shall annually review the compensation paid to the Justice Court Judge and may adjust such compensation as deemed appropriate; provided, the salary fixed for a Justice Court Judge may not be diminished during the term for which the Justice Court Judge has been appointed or elected, and the Justice Court Judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all municipal employees.
- (c) Notice. A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge and any adjustments to the document shall be furnished to the State Court Administrator by the City Council.

4.03.110 Limitation On Additional Activities

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

- (b) The Justice Court Judge may not hold any office or employment including contracting for services in any justice agency of State government or any political subdivision of the State, including law enforcement, prosecution, criminal defense, corrections, or court employment, unless otherwise permitted by law.
- (c) The Justice Court Judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in State government or any political subdivision of the State.
- (d) The Justice Court Judge may not own or be employed by any business entity which regularly litigates in small claims court.

4.03.120 Retention Election

Pursuant to Utah Code § 78A-7-203, upon the expiration of a Justice Court Judge's term of office, the Justice Court Judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Utah Code § 20A-12-201. Before each retention election, the Justice Court Judge shall be evaluated in accordance with the performance evaluation program established in Title 78A, Chapter 12 (Judicial Performance Evaluation Commission Act) of the Utah Code.

4.03.130 Retirement

Pursuant to the provisions of Utah Code § 78A-7-201, the Justice Court Judge shall retire upon attaining the age of 75 years.

4.03.140 Disqualification

- (a) Except by consent of all parties, a Justice Court Judge may not sit or act in any action or proceeding:
 - (1) To which he or she is a party, or in which he or she is interested;
 - (2) When he or she is related to either party by consanguinity or affinity within the third degree, computed according to the rules of common law; or
 - (3) When he or she has been attorney or counsel for either party in the action or proceeding.
- (b) The provisions of this Section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power or transferring the action or proceeding to some other court.

4.03.150 Removal

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

4.03.160 Temporary Justice Court Judge

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

4.03.170* Clerical Personnel

- (a) The City shall provide and compensate clerical personnel to conduct the business of the Justice Court.
- (b) The selection, employment, supervision, and discipline of Court clerical personnel shall be in accordance with personnel policies and procedures as adopted by the City and Utah Code § 52-3-1, et seq., Title 52, Chapter 3 of the Utah Code, as amended, regarding employment of relatives.
- (c) The City shall provide sufficient funds to cover the cost of travel and training expenses of clerical personnel at training sessions mandated by the Judicial Council.

4.03.180* Prosecutors And Indigent Defense

The City shall provide:

- (a) Sufficient staff and public prosecutors to attend the Justice Court and perform the duties of prosecution before the Justice Court;
- (b) Adequate funding to defend persons charged with a public offense who are determined by the Justice Court to be indigent under Utah Code § 77-32-101, et seq., regarding the Title 77, Chapter 32, Indigent Defense Act, of the Utah Code, as amended; and
- (c) Sufficient local law enforcement officers to provide security for the Justice Court and to attend to the Justice Court when required.

4.04 Small Claims

4.04.010* Small Claims

4.04.020 Jurisdiction

4.04.030 Counterclaims

4.04.040 Procedure

4.04.050 Deferral Of Multiple Claims

4.04.060 Claims Involving Property Damage To Motor Vehicle

4.04.070 Judges Pro Tempore

4.04.080 Assignee May Not File Claim

4.04.090 Proceedings

4.04.100 Judgment And Execution

4.04.110* Appeals

4.04.120 Fees

4.04.130 Costs

4.04.010* Small Claims

Small claims actions may be brought before the Justice Court as provided herein and in accordance with applicable provisions of Utah Code § 78A-8-101, et seq., regarding ~~Title 78A, Chapter 8 of the Utah Code regarding~~ Small Claims Courts.

4.04.020 Jurisdiction

A small claims action is a civil action:

- (a) For the recovery of money where the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest and where the defendant resides or the action of indebtedness was incurred within the jurisdiction of the Justice Court; or
- (b) Involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest.

4.04.030 Counterclaims

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

4.04.040 Procedure

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

4.04.050 Deferral Of Multiple Claims

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

4.04.060 Claims Involving Property Damage To Motor Vehicle

Pursuant to Utah Code § 78A-8-102, claims involving property damage to a motor vehicle may be maintained in small claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action.

4.04.070 Judges Pro Tempore

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

4.04.080 Assignee May Not File Claim

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

4.04.090 Proceedings

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

4.04.100 Judgment And Execution

- (a) The judgment in a small claims action may not exceed \$10,000 including attorney fees but exclusive of court costs and interest.
- (b) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

4.04.110* Appeals

- (a) Either party may appeal the judgment in a small claims action to the district court of Davis County by filing a notice of appeal with the Justice Court within 30 days of entry of the judgment or as otherwise required under applicable statutes, including, but not limited to, Utah Code § 78A-8-106.
- (b) The appeal to the district court is a trial de novo and shall be tried in accordance with the procedures of the small claims action. A record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed in accordance with the provisions of this Chapter. The decision of the trial de novo may not be appealed unless the Court rules on the constitutionality of a statute or ordinance.

4.04.120 Fees

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

4.04.130 Costs

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

5 Revenue And Finance

5.01 General Provisions

5.02 Accounts And Accounting

5.03 Budgets

5.04 Expenditures

5.05 Property Tax

5.06 Sales And Use Tax

5.07 Energy Sales And Use Tax

5.08 Telecommunications License Tax

5.09 Telecommunications Enterprise Fund

5.10 Recreational, Arts And Parks (RAP) Tax - 2007

5.11 Recreational, Arts And Parks (RAP) Tax - 2015

5.01 General Provisions

5.01.010 Intent

5.01.020 Definitions

5.01.030 Budget Officer

5.01.040* Finance Director

5.01.050* City Treasurer

5.01.060 Unlawful Conduct

5.01.070 Financial Administration

5.01.010 Intent

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

5.01.020 Definitions

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

5.01.030 Budget Officer

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

5.01.040* Finance Director

Pursuant to Utah Code § 10-6-157, the City has created the position of Finance Director as set forth in CMC 3.02.100. Title 3. The Finance Director shall perform the financial duties of the City

Recorder as set forth in the Uniform Fiscal Procedures Act and the financial administrative duties of the director of finance as prescribed in the Uniform Accounting Manual. The Finance Director shall not assume the duties of the City Treasurer. The Finance Director is also hereby designated as the Chief Financial Officer of the City for purposes of Utah Code § 11-50-202, regarding certification of annual financial reports.

5.01.050* City Treasurer

The City Treasurer shall perform such duties regarding revenue and finance matters for the City as set forth in CMC 3.01.100 Title 3 and as otherwise set forth herein and in the Uniform Fiscal Procedures Act and/or the Uniform Accounting Manual.

5.01.060 Unlawful Conduct

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

5.01.070 Financial Administration

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

5.02 Accounts And Accounting

5.02.010 Fiscal Period

5.02.020 Accounts

5.02.030 Accounting Records

5.02.040 Financial Reporting

5.02.050* Monthly And Quarterly Financial Reports

5.02.060 Annual Financial Reports

5.02.070* Independent Audit

5.02.010 Fiscal Period

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

5.02.020 Accounts

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

5.02.030 Accounting Records

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

5.02.040 Financial Reporting

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

5.02.050* Monthly And Quarterly Financial Reports

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

5.02.060 Annual Financial Reports

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

5.02.070* Independent Audit

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

5.03 Budgets

5.03.010 Budgets

5.03.020* Tentative Budget

5.03.030* Budget Message

5.03.040* Review Of Tentative Budget

5.03.050 Public Inspection

5.03.060 Notice And Public Hearing

5.03.070 Continuing Review

5.03.080 Final Budget

5.03.090 Filing And Public Inspection

- 5.03.100 Amendments To Budgets
- 5.03.110 Operating And Capital Budgets
- 5.03.120 Enterprise Funds
- 5.03.130 Major Capital Improvements
- 5.03.140 Appropriations
- 5.03.150* Fund Balances
- 5.03.160 Transfer Of Balance In Special Funds
- 5.03.170 Interfund Loans

5.03.010 Budgets

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

5.03.020* Tentative Budget

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

5.03.030* Budget Message

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

5.03.040* Review Of Tentative Budget

The City Council shall review, consider and adopt the tentative budget at any regular or special public hearing meeting called for the purpose and for which notice of the public hearing has been provided in accordance with CMC 5.03.060. The tentative budget may be amended or revised in such manner as is deemed advisable prior to public hearing, provided The City Council may not reduce an that no appropriation required for debt retirement and interest; or reduction of any existing deficits in accordance with Utah Code § 10-6-117, or otherwise required by law or ordinance, may be reduced below the minimum required.

5.03.050 Public Inspection

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

5.03.060 Notice And Public Hearing

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

5.03.070 Continuing Review

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

5.03.080 Final Budget

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

5.03.090 Filing And Public Inspection

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

5.03.100 Amendments To Budgets

The City Council may, upon the written request of one of its members or upon its own motion setting forth the reasons therefor, at any time during the budget period, review the individual budgets of the funds of the City for the purpose of determining if the total of any of them should be increased. If the City Council decides that the budget total of one or more of such funds should be increased, it shall follow the public hearing procedures set forth in CMC 5.03.060. After the public hearing, the City Council, by resolution or ordinance, may amend the budgets of the funds proposed to be increased to make the proposed increases or portions thereof which were the proper subject of consideration at the hearing. Final amendments in the current period

to the budgets of any funds shall be adopted by the City Council on or before the last day of the fiscal period.

5.03.110 Operating And Capital Budgets

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

5.03.120 Enterprise Funds

In addition to the requirements of CMC 5.03.110, any transfer of money deposited in an enterprise fund for a good, service, project, venture, or other purpose that is not directly related to the goods or services provided by the enterprise for which the enterprise fund was created must comply with applicable provisions of Utah Code § 10-6-135.

5.03.130 Major Capital Improvements

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

5.03.140 Appropriations

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

5.03.150* Fund Balances

- (a) All Funds. The City may accumulate retained earnings or fund balances, as appropriate, in any fund in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.
- (b) General Fund. Accumulated fund balances in the General Fund are restricted to purposes permitted by law. Any fund balance in excess of 5% of the total revenues of the General Fund may be utilized for budget purposes. Except as otherwise provided in the Uniform Fiscal Procedures Act or the Uniform Accounting Manual, any accumulated fund balance in the General Fund shall not exceed 25% of the total revenue of the General Fund for the current fiscal period. **If there is a deficit the fund balance at the close of the last completed any fiscal year the City Council shall include an item of appropriation for the deficit in the current budget of the fund in accordance with period exceeds the amount**

permitted herein, the excess shall be appropriated in the manner provided in Utah Code § 10-6-117.

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

5.03.160 Transfer Of Balance In Special Funds

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

5.03.170 Interfund Loans

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

5.04 Expenditures

5.04.010 Expenditures

5.04.020 Purchasing Procedures

5.04.030 Filing Of Bids

5.04.040* Emergency Expenditures

5.04.010 Expenditures

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

5.04.020 Purchasing Procedures

All purchases or encumbrances shall be made in accordance with the purchasing procedures adopted by the City, including, but not limited to the procurement procedures adopted pursuant to CMC 3.06.010. All encumbrances reported as outstanding as of the fiscal year-end shall be supported by a purchase order or some form of documentation authorizing expenditures issued on or before the last day of the fiscal period and approved by the City.

5.04.030 Filing Of Bids

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

5.04.040* Emergency Expenditures

If the City Council determines that an emergency exists, such as widespread damage from fire, flood or earthquake, and that the emergency necessitates the expenditure of money in excess of the budget of the General Fund, the City Council may by resolution or ordinance amend the budget and authorize such expenditures and incur such deficits in the fund balance of the General Fund as may be reasonably necessary to meet the emergency. If the City creates a local fund under Utah Code §§ 53-2a-601, et seq. Title 53, Chapter 2a, Part 6, (Disaster Recovery Funding Act), ~~of the Utah Code Annotated~~, the City shall expend monies for applicable emergencies in accordance with the provisions of such Act.

5.05 Property Tax

5.05.010 Property Tax Levy

5.05.020 Computation Of Levy

5.05.030 Basis For Determining Levy

5.05.040 Apportionment Of Levy

5.05.010 Property Tax Levy

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

5.05.020 Computation Of Levy

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

5.05.030 Basis For Determining Levy

From the effective date of the budget or of any amendment enacted prior to the date on which property taxes are levied, the amount stated therein as the amount of estimated revenue from

property taxes shall constitute the basis for determining the property tax levy to be set by the City Council for the corresponding tax year, subject to the applicable limitations imposed by law.

5.05.040 Apportionment Of Levy

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

5.06 Sales And Use Tax

5.06.010 Purpose

5.06.020 Sales And Use Tax

5.06.030 Exemption From Tax

5.06.040 Tax Paid

5.06.050* State Tax Collection Provisions

5.06.060 State Tax Commission Contract

5.06.070 Distribution Of Tax Revenue

5.06.080 Continuation Of Previous Ordinances

5.06.010 Purpose

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

5.06.020 Sales And Use Tax

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

5.06.030 Exemption From Tax

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

5.06.040 Tax Paid

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

5.06.050* State Tax Collection Provisions

The tax collection provisions set forth in Utah Code §§ 59-12-101, et seq., Title 59, Chapter 12, Part 1, (Tax Collection), of the Utah Code Annotated, as amended, insofar as they relate to sales and use taxes, are hereby adopted and made a part of this Chapter as though fully set forth herein, except that the name of the City as the taxing agency shall be substituted for that of the State where necessary for the purposes of the Local Sales and Use Tax, and an additional sales and use tax license is not required if one has been or is issued under Utah Code § 59-12-106. Any amendments made to the Title 59, Chapter 12, Part 1, Tax Collection, of the Utah Code Annotated, provisions of State law which would be applicable to the City as set forth herein are incorporated herein by this reference and shall be effective upon the date they are effective as a Utah statute.

5.06.060 State Tax Commission Contract

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

5.06.070 Distribution Of Tax Revenue

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

5.06.080 Continuation Of Previous Ordinances

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

5.07 Energy Sales And Use Tax

5.07.010 Purpose

5.07.020 Definitions

5.07.030* Energy Sales And Use Tax

5.07.040 Exemptions From The Energy Sales And Use Tax

5.07.050 Existing Franchise Agreements Not Affected - Credit For Franchise Fees

5.07.060 Collection Of Taxes By Suppliers

5.07.070 Incorporation Of State Code Tax Collection Provisions

5.07.010 Purpose

The Utah legislature adopted the Municipal Energy Sales and Use Tax Act, as set forth in Utah Code §§ 10-1-301, et seq., in part to provide a stable revenue source for municipalities and to

create a more competitive environment for the energy industry. It is the City's intent to adopt a Municipal Energy Sales and Use Tax pursuant to, and in conformance with, the Utah Municipal Energy Sales and Use Tax Act.

5.07.020 Definitions

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

5.07.030* Energy Sales And Use Tax

There is hereby levied, subject to the provisions of this Chapter, a municipal energy sales and use tax on the sale or use of taxable energy within Centerville City at the rate of 6% of the delivered value of the taxable energy. This tax shall be known as the Energy Sales and Use Tax. The Energy Sales and Use Tax imposed under this Chapter may be in addition to any sales or use tax imposed by the City under Utah Code §§ 59-12-101, et seq. Title 59, Chapter 12, (Sales and Use Tax Act).

5.07.040 Exemptions From The Energy Sales And Use Tax

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

5.07.050 Existing Franchise Agreements Not Affected - Credit For Franchise Fees

- (a) This Chapter shall not alter or affect the validity of any franchise agreements between the City and energy suppliers. Any such franchise agreements shall be subject to and comply with applicable provisions of Utah Code § 10-1-203, § 10-1-305 and § 10-1-310.
- (b) The City may continue to collect a contractual franchise fee from an energy supplier pursuant to a franchise agreement in effect on July 1, 1997, at the same rate for the remaining term of the franchise agreement; provided, the City shall provide a credit against the Energy Sales and Use Tax in the amount of the contractual franchise fee paid by the energy supplier in accordance with the terms and conditions of Utah Code § 10-1-203, 10-1-305 and § 10-1-310.

5.07.060 Collection Of Taxes By Suppliers

Pursuant to Utah Code § 10-3-307, energy suppliers shall pay the Energy Sales and Use Tax it collects from its customers directly to the City and shall file an information return with the State Tax Commission at least annually on forms prescribed by the Commission.

5.07.070 Incorporation Of State Code Tax Collection Provisions

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

for the purposes of the Municipal Energy Sales and Use Tax. This adoption and incorporation by reference shall include any amendments to those provisions that relate to the levying or collecting of a Municipal Energy Sales and Use Tax.

5.08 Telecommunications License Tax

5.08.010 Purpose

5.08.015 Definitions

5.08.020 Levy Of Tax

5.08.030 Rate

5.08.040 Rate Limitation And Exemption

5.08.050 Effective Date Of Tax Levy

5.08.060 Interlocal Agreement For Collection Of The Tax

5.08.070 Taxes Erroneously Recovered

5.08.080 Highway Management Fees

5.08.010 Purpose

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

5.08.015 Definitions

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

5.08.020 Levy Of Tax

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

5.08.030 Rate

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

5.08.040 Rate Limitation And Exemption

Pursuant to Utah Code § 10-1-404, the City is exempt from the statutory limitation on the municipal telecommunications license tax rate if the exemption from the limitation on the rate that may be imposed is approved by a majority vote of the voters in the City that vote in: (a) a municipal general election; or (b) a regular general election.

5.08.050 Effective Date Of Tax Levy

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

5.08.060 Interlocal Agreement For Collection Of The Tax

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

5.08.070 Taxes Erroneously Recovered

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

5.08.080 Highway Management Fees

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

5.09 Telecommunications Enterprise Fund

5.09.010 Purpose

5.09.020 Administration

5.09.030 Telecommunications Enterprise Fund

5.09.040 Financial Standards

5.09.010 Purpose

Centerville City is a member of the Utah Infrastructure Agency ("UIA"), an interlocal cooperative entity organized under the Interlocal Cooperation Act, as set forth in Utah Code §§ 11-13-101, et seq. The City and other members of the UIA have entered into a Communications Service Contract ("Communications Contract") with the UIA for the purpose of providing advanced telecommunications infrastructure to residents and businesses within the member municipalities, including residents and businesses of the City. The purpose of this Chapter is to create a telecommunications enterprise fund regarding telecommunications infrastructure to be established within the City under the Communications Contract and to set forth provisions regarding the administration and operation of such enterprise fund.

5.09.020 Administration

This Chapter shall be interpreted and administered by the Finance Director. To the extent applicable, the administration and operation of the telecommunications enterprise fund shall comply with applicable provisions of the Utah Municipal Cable Television and Public

Telecommunications Services Act, as more particularly set forth in Utah Code §§ 10-18-101, et seq.

5.09.030 Telecommunications Enterprise Fund

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

5.09.040 Financial Standards

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

5.10 Recreational, Arts And Parks (RAP) Tax - 2007

5.10.010 Purpose

5.10.020 Compliance

5.10.030 Recreation, Arts And Parks (RAP) Tax

5.10.040 Collection

5.10.050 Use Of Funds

5.10.060 Distribution Of Funds

5.10.070 Effective Date

5.10.080* Term

5.10.010 Purpose

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

5.10.020 Compliance

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

5.10.030 Recreation, Arts And Parks (RAP) Tax

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

5.10.040 Collection

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

5.10.050 Use Of Funds

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

5.10.060 Distribution Of Funds

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

5.10.070 Effective Date

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

5.10.080* Term

The 2007 RAP Tax imposed and collected hereunder shall be in effect for a period of eight years from the effective date of April 1, 2008. ~~The if the 2007 RAP Tax was to be reauthorized by a majority of the registered voters voting in the municipal general election to be held on~~

November 3, 2015 ("2015 RAP Tax"), ~~the~~ The City Council shall adopted a new ordinance providing for the imposition, collection and distribution of revenues from the 2015 RAP Tax in accordance with statutory requirements set forth in Utah Code § 59-12-1403, as set forth in CMC 5.11 (Recreational, Arts and Parks (RAP) Tax - 2015).

5.11 Recreational, Arts And Parks (RAP) Tax - 2015

5.11.010 Purpose

5.11.020 Compliance

5.11.030 Recreation, Arts And Parks (RAP) Tax

5.11.040 Collection

5.11.050 Use Of Funds

5.11.060 Effective Date

5.11.070 Term

5.11.010 Purpose

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

5.11.020 Compliance

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

5.11.030 Recreation, Arts And Parks (RAP) Tax

There is hereby levied a local option sales and use tax on qualifying taxable transactions within Centerville City at the rate of one-tenth of one percent (0.10%). This tax shall be known as the 2015 Recreation, Arts and Parks (RAP) Tax. The 2015 RAP Tax may be levied for a period of 10 years and may be reauthorized at the end of the ten-year period in accordance with applicable provisions of Utah Code § 59-12-1402.

5.11.040 Collection

The 2015 RAP Tax shall be administered, collected and enforced in accordance with the procedures set forth in Title 59, Chapter 12, Part 1, Tax Collection, Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act (excluding Subsections 59-12-205(2) through (6)), and Title 59, Chapter 1, General Taxation Policies, of the Utah Code.

5.11.050 Use Of Funds

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

5.11.060 Effective Date

Except as otherwise provided by law for billing cycle transactions and catalogue sales, the enactment and imposition of the 2015 RAP Tax shall take effect on the first day of the calendar quarter following a 90 day waiting period beginning on the date the Utah State Tax Commission receives notice from the City regarding its creation of the 2015 RAP Tax in accordance with Utah Code § 59-12-1402. Pursuant to such provisions, the Centerville City 2015 RAP Tax shall take effect on April 1, 2016.

5.11.070 Term

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

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 7

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:15

SUBJECT

- a. FY 2018 Budget Calendar

RECOMMENDATION

- a. The City Council should indicate whether the proposed calendar for preparing and adopting the FY 2018 Budget is acceptable.

BACKGROUND

- a. The City Manager proposes the following calendar for preparation and adoption of the FY 2018 Budget:
- March 6 -- Department heads receive budget worksheets and related instructions, including traditional request for 3-year projections of personnel, capital and equipment and identification of significant budget issues.
 - April 4 -- Detailed budget requests due from department heads, along with additional information mentioned above.
 - April 10-21 -- City Manager holds budget work meetings with each department head.
 - April 11 or 25 -- Budget work session for direction regarding key components of budget, including employee health insurance renewal.
 - May 2 -- City Manager submits Proposed Budget; City Council adopts Tentative Budget and sets date for Public Hearing.
 - May 16 -- Budget work session prior to regular meeting.
 - May 23 -- Budget work session, if needed.
 - May 25 -- Finalize budget newsletter to be inserted into utility bill, providing highlights of Tentative Budget and announcing public hearing date.
 - June 6 -- Public hearing on Tentative Budget.
 - June 20 -- Adopt Final Budget.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 8.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:25

SUBJECT

- a. UDOT Cooperative Agreement for pedestrian flags at Main Street crosswalks--Resolution No. 2017-07
- b. Consider County proposal regarding 100 South Street property

RECOMMENDATION

- a. Adopt Resolution No. 2017-07 approving an interlocal cooperation agreement with UDOT to allow pedestrian flags to be installed at two crosswalks on Main Street.
- b. Determine whether to accept the terms of the County's proposal for deeding to the City the north half of the County's property on 100 South Street.

BACKGROUND

- a. A few months ago the Police Chief recommended pedestrian flags be installed at two crosswalks on Main Street--at 50 South and 550 South. UDOT has agreed to allow this if the City approves the attached agreement. An Eagle Scout candidate is on stand-by to do this project if approved by the parties.
- b. Davis County owns approximately 2 acres between 100 South and 200 South, at about 600 East. As a result of recent negotiations with the City, the County is proposing to deed the north half of this property to Centerville City on terms expressed in the email attached (for the Council and staff only) to the Closed Meeting staff report on the agenda. The City Manager recommends the City Council go into a closed meeting to discuss these terms. He is seeking clarification of these terms from the County before Tuesday's meeting.

ATTACHMENTS:

Description

- ☐ Resolution No. 2017-07 - UDOT Interlocal Agreement for Pedestrian Flags
- ☐ Interlocal Cooperation Agreement with UDOT re pedestrian flags on Main Street

RESOLUTION NO. 2017-07

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN CENTERVILLE CITY AND UTAH DEPARTMENT OF TRANSPORTATION TO ALLOW THE USE OF PEDESTRIAN FLAGS AT APPROVED LOCATIONS ALONG MAIN STREET IN CENTERVILLE CITY

WHEREAS, the Interlocal Cooperation Act, set forth at *Utah Code Ann.* §§ 11-13-101, *et seq.*, as amended, authorizes public agencies and political subdivisions of the State of Utah to enter into mutually advantageous agreements as necessary to promote the common interests of the entities; and

WHEREAS, Centerville City and Utah Department of Transportation (UDOT) desire to enter into an agreement to allow the use of pedestrian flags at approved locations along Main Street within Centerville as more particularly provided herein; and

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

Section 1. Agreement Approved. The Centerville City Council hereby accepts and approves the attached Interlocal Cooperation Agreement between Centerville City and UDOT to allow the use of pedestrian flags at approved locations along Main Street within Centerville City.

Section 2. Mayor Authorized to Execute. The Centerville City Council hereby authorizes the Mayor to sign and execute the attached Interlocal Cooperation Agreement between Centerville City and UDOT.

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

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage and the agreement approved herein shall become effective upon its filing with the keeper of records of each of the public agencies that are parties to the agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 7th DAY OF MARCH, 2017.

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

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.

DATE: _____

MARSHA L. MORROW, City Recorder

EFFECTIVE DATE: ____ day of _____, 2017.

EXHIBIT A
INTERLOCAL COOPERATION AGREEMENT
FOR USE OF PEDESTRIAN FLAGS

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, 2017, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**DEPARTMENT**", and **CENTERVILLE CITY**, a Municipal Corporation of the State of Utah, hereinafter referred to as the "**CITY**",

WITNESSETH:

WHEREAS, the **CITY** has requested the **DEPARTMENT's** concurrence to furnish and install pedestrian flags at a certain crosswalk location on State Route 106 in Centerville City, Davis County, Utah; and

WHEREAS, although the **DEPARTMENT** does not possess definitive information regarding the effectiveness of pedestrian flags, it supports the **CITY's** concern for pedestrian safety; and

WHEREAS, the **DEPARTMENT** will allow the **CITY** to install pedestrian flags at specified locations according to the terms and conditions set forth herein.

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

1. The **CITY**, at no cost to the **DEPARTMENT**, will furnish, install and maintain the condition, quantity, and distribution of the pedestrian flags at all times. Installation, maintenance, replacement or repair costs will be borne entirely by the **CITY**. Flags may include the Agency name, but advertising is not allowed.
2. The **CITY** desires, and the **DEPARTMENT** allows, the installation of pedestrian flags at the following locations:
 - a. Intersection of SR-106 and 50 South
 - b. Intersection of SR-106 and 550 South

Any future locations will require another agreement between the parties hereto.

3. The **CITY** will only install or use pedestrian flags at legal crosswalks across unsignalized intersections.
4. The **CITY**, at no cost to the **DEPARTMENT**, will remove the pedestrian flags from any or all of the above locations upon the **DEPARTMENT's** request. Grounds for removal include, but are not limited to: a substantive increase in pedestrian vs. motor vehicle crashes, verifiable lack of maintenance of conditions outlined in paragraph one, or removal of the crosswalk. All removal costs of the flags and appurtenances shall be borne entirely by the **CITY**.

5. The **CITY** hereby acknowledges that the **DEPARTMENT** makes no claim or guarantee of the effectiveness of pedestrian flags. The **CITY** further agrees to indemnify the **DEPARTMENT** from any liability or legal action resulting from the installation and use of pedestrian flags.

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

ATTEST:

CENTERVILLE CITY CORPORATION:

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____

(IMPRESS SEAL)

RECOMMENDED FOR APPROVAL: UTAH DEPARTMENT OF TRANSPORTATION

By: _____
Region Traffic Operations Engineer

By: _____
Region Director

Date: _____

Date: _____

APPROVED AS TO FORM:

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

COMPTROLLER OFFICE:

By: _____
Contract Administrator

Date: _____

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 9

Short Title: Closed meeting 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: 9:35

SUBJECT

RECOMMENDATION

The City Manager recommends going into closed meeting to discuss the purchase of property.

BACKGROUND

ATTACHMENTS:

Description

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

Item No. 10.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

This item allows Council to act on any matter considered in closed meeting, and/or to approve appointments from the Mayor, if applicable.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
3/7/2017**

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