



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 *A. Thacker*
subject: City Manager's Summary of April 5, 2016 Council Meetings
date: April 1, 2016

- 5:30 Work Session re UTOPIA** – The City Council will begin with a work session about UTOPIA. The new UTOPIA Executive Director, Roger Timmerman, and the Finance Director and Marketing Director will attend to report on and answer questions about UTOPIA operations, finances, infrastructure expansion, marketing, etc. Dinner will be available for City and UTOPIA officials beginning at 5:15 p.m.
- E.1. Minutes Review** – The minutes to be approved are available online via NovusAgenda.
- E.2. Interlocal Agreement – Barnard Creek Culvert Project** – This agreement with Davis County pertains to the replacement and upsizing of a culvert on Barnard Creek where it runs through the UDOT Maintenance Yard west of I-15. The City will pay for engineering and materials—estimated at \$82,593—and the County will provide labor and equipment at an estimated value of \$97,499. This project is one of the infrastructure projects identified in the Plan/Budget prepared when the Redevelopment Agency created the Barnard Creek Community Development Area (CDA) several years ago. Therefore, the intent is for the City's cost-share to be funded by tax increment, a related action showing on the RDA meeting agenda later this same evening. The City Engineer has concluded that without this culvert enlargement, developable land within the boundaries of this CDA is at risk of flooding during high stream flows.
- E.3. Bid Award—Streets Crack Seal and Slurry Seal Project** – This is the annual contract for crack sealing and slurry sealing streets. The streets to receive this work are shown in the lists attached to the staff report. Another bid award—for street reconstruction and pavement overlays—will be considered in a later Council meeting.
- E.4. Public Hearing—Rezone of Lund Lane Property** – Approximately 5 acres located along the south side of Lund Lane is the subject of this proposed rezone from Agricultural-Low to Residential-Low. The developer has expressed the intent to create a 12-lot single family subdivision, with one of the lots containing an existing home. Planning Commission recommended approval of the rezone.

- E.5. **Continued Discussion of Accessory Dwelling Units Ordinance** – The City Council has discussed in several earlier meetings (beginning in 2015) this ordinance recommended by the Planning Commission. They asked that it be put on the agenda again after some time to think about it. All documents provided in the earlier meetings about this matter have been attached again to the staff report, including minutes of the several earlier Council meetings in which it was discussed.
- E.6. **Liaison Report—Wasatch Integrated Waste Management District** – The Council will hear a report from John Higginson, who represents Centerville on the District's Board of Directors.
- E.7. **Solid Waste Collection Contract** – In an earlier meeting, the City Council appointed a committee (Mayor Cutler and Councilmen Ince and McEwan) to meet with Blaine Lutz, Assistant City Manager/Finance Director, and discuss the options of either extending the current contract with ACE Disposal or issuing an RFP for new bids. Blaine has provided additional information to the Committee and is hoping they will have a recommendation by Tuesday's Council meeting.
- E.8. **Code Amendments** – Title 14 re Traffic Code – This is part of the continuing effort to update the City Code prior to making it available to the public via Municipal Code Online. Title 14 is the Traffic Code, so the City Attorney has reviewed the updates with the Police Chief.
- E.9. **Mayor's Report** – Mayor Cutler will report on the following topics:
- South Davis Metro Fire Agency—monthly and annual reports, etc.
 - Recent meeting of the Davis County Council of Governments
 - Continuing dialogue about the starting point and beginning time of the July 4th Parade
 - Recent meeting with affected homeowners about the 1825 North Street Reconstruction Project
- E.10. **City Manager's Report** – I will not be present for this meeting, so the Assistant City Manager, Blaine Lutz, may report on matters of City interest and respond to questions.
- E.11. **Miscellaneous Business** – No topics are showing at this time under this heading.
- E.12. **Closed Meeting** – The City Attorney recommends a closed meeting to discuss pending or reasonably imminent litigation.
- E.13. **Appointments to City Boards/Committees** – Mayor Cutler may recommend appointments.
- E.14. **Redevelopment Agency (RDA) Meeting** – If the City Council approves the Interlocal Agreement under item #2 in their regular meeting, then they should convene as an RDA Board to approve the funding that will pay for the City's cost-share of the Barnard Creek Culvert Project.

Potential Agenda Items for April 19, 2016 City Council or RDA meetings (subject to change):

- Work Session re water fee increases to fund water main replacement plan
- Fee Schedule amendment re garbage cans—i.e., initial purchase by homeowner
- Bid award for street reconstruction/repaving contract
- Award financial audit contract
- Public hearing – Zone Map & Zone Code Text Amendment re the Centerville Deuel Creek Historic District (Chapter 12-49)
- Cost-sharing agreement with Maverik re trailhead improvements at 1250 West Parrish Lane (City Council and RDA meetings)
- 100 South property to be sold by County
- Consider Sick Leave Policy amendments
- Monthly financial report
- Continue goal-setting discussion (if needed)

ST/mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, APRIL 5, 2016 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

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

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

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

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

5:30 Work Session re UTOPIA

7:00 A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Blaine Lutz

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

E. BUSINESS

7:10 1. MINUTES REVIEW AND ACCEPTANCE

March 15, 2016 Council meeting; March 23, 2016 joint work session

(OVER)

- 7:10 2. Interlocal Agreement with Davis County for Barnard Creek Culvert Project
Consider Resolution No. 2016-08 approving an Interlocal Agreement between Centerville City and Davis County for the Barnard Creek Culvert Project
- 7:15 3. Award bid for Streets Crack Seal and Slurry Seal 2016 Project to Intermountain Slurry Seal in the amount of \$217,335
- 7:25 4. Public Hearing - Zone Map Amendment (Rezone) - 77 West Lund Lane from A-L (Agricultural-Low) to R-L (Residential-Low) - 4.35 acres
Consider Zone Map Amendment (rezone) for 4.85 acres of property located at approximately 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L) – Ordinance No. 2016-08
- 7:40 5. Municipal Code Amendment – Section 7-02-024 - Possession of Wild Animals Prohibited
Consider Ordinance No. 2016-09 amending Chapter 7-02-024 of the Centerville Municipal Code re Possession of Wild Animals
- 7:50 6. Continue discussion of proposed Accessory Dwelling Units Ordinance
Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2016-04
- 8:20 7. Liaison Report - John Higginson - Wasatch Integrated Waste Management District
- 8:30 8. Consider Extension of Solid Waste Collection Contract with ACE Disposal
- 8:50 9. Municipal Code Amendments – Title 14 – Traffic Code
Consider Ordinance No. 2016-10 amending various provisions of Title 14 of the Centerville Municipal Code regarding the Traffic Code
- 9:00 10. Mayor's Report
a. Fire Agency
b. Davis County Council of Governments
c. July 4 parade route and time
d. Feedback on the 1825 N. Construction meeting with citizens
- 9:10 11. City Manager's Report
- 9:15 12. Miscellaneous Business
- 9:20 13. 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
The City Attorney would like to go into closed session with the City Council to discuss pending or reasonably imminent litigation

9:40 14. Possible action following closed meeting, including appointments to
 boards and committees

9:40 15. **ADJOURN TO RDA MEETING**

F. ADJOURNMENT

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

Marsha L. Morrow, MMC
Centerville City Recorder

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E. **BUSINESS**

- | | | |
|------|-----|---|
| 7:10 | 1. | Minutes Review and Acceptance
March 15, 2016 Council meeting; March 23, 2016 joint work session |
| 7:10 | 2. | Interlocal Agreement with Davis County for Barnard Creek Culvert Project
Consider Resolution No. 2016-08 approving an Interlocal Agreement between Centerville City and Davis County for the Barnard Creek Culvert Project |
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| 9:00 | 10. | Mayor's Report
a. Fire Agency
b. Davis County Council of Governments meeting
c. July 4th parade route and start time
d. 1825 North Street Reconstruction Project meeting with property owners |
| 9:10 | 11. | City Manager's Report |
| 9:15 | 12. | Miscellaneous Business |
| 9:20 | 13. | 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 |
| 9:40 | 14. | Possible action following closed meeting, including appointments to boards and committees |
| 9:40 | 15. | Adjourn to RDA Meeting |

F. ADJOURNMENT

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

information

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE

Staff Backup Report 4/5/2016

Item No.

Short Title: Work Session re UTOPIA

Initiated By: City Council

Scheduled Time: 5:30

SUBJECT

RECOMMENDATION

BACKGROUND

The City Council will meet with UTOPIA management in a work session at 5:30 p.m. The new UTOPIA Executive Director, Roger Timmerman will be introduced and the Council will be able to ask questions about UTOPIA operations, finances, infrastructure expansion, marketing, etc.

CENTERVILLE

**Staff Backup Report
4/5/2016**

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 April 5, 2016 Council meetings

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No.

Short Title: Blaine Lutz

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 1

Short Title: Minutes Review and Acceptance

Initiated By: City Recorder

Scheduled Time: 7:10

SUBJECT

March 15, 2016 Council meeting; March 23, 2016 joint work session

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ 3-15-2016 City Council meeting minutes
- ☐ 3-23-2016 joint CC/PC work session minutes

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, March 15, 2016 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler

Council Members Tamilyn Fillmore
William Ince (arrived at 7:07 p.m.)
Stephanie Ivie
George McEwan
Robyn Meham

STAFF PRESENT

Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager
Lisa Romney, City Attorney
Randy Randall, Public Works Director
Kevin Campbell, City Engineer
Paul Child, Police Chief
Jacob Smith, Assistant to the City Manager
Katie Rust, Recording Secretary

VISITORS

Bret Millburn, County Commissioner
Barry Burton, County Community & Economic
Development Director
Tony Thompson, County Property Manager
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE Colton James, BSA Troop 1389

PRAYER OR THOUGHT Councilman McEwan

COMMENDATION

Mayor Cutler announced that Centerville City received the Water System Resource Efficiency Award at the annual conference of the Rural Water Association of Utah earlier this month. Mayor Cutler presented a plaque to Public Works Director Randy Randall, and commended Mr. Randall and the Public Works Department for their efforts to increase and achieve energy efficiencies and monetary savings for the city.

OPEN SESSION

Mark Gabriel – Mr. Gabriel expressed appreciation to the Mayor and Council. He requested that the following be done to help the city fiscally and in other ways:

- 1) A full audit of accountability of every aspect in every department from top to bottom. He said he is not sure how long such an audit would take, but he expressed confidence that there is enough talent within the City Council to conduct a complex audit, or the Council could contract with an independent auditor.
- 2) An evaluation and adjustment up or down of the remuneration for each City employee and position in relation to the National average for each position in cities the size of Centerville, or some other comparison, to get a realistic value for each position.

- 1 3) An incentive program in the form of compensation designed and put in place to
2 reward employees for ideas that cut costs and increase efficiency anywhere in the
3 city.
4

5 Tracy James – Mr. James stated he purchased property and is building a home near the
6 County-owned property on 100 South. He stated that it would be great if the City could
7 purchase the County-owned property, and expressed the hope that a way will be found to keep
8 the property the way it is.
9

10 Jerem Pitt – Mr. Pitt stated he lives on 1750 North, one of the most beautiful streets in
11 the city. He said he believes it is so beautiful because of the unifying trees that line the street in
12 the park strips. Mr. Pitt said he knows the trees present some problems, and he knows the city
13 is considering removing them, but he feels they provide charm, personality, and uniqueness to
14 the street. He encouraged the Council to not discard the idea of having trees line the streets.
15

16 Cindy Hintze – Ms. Hintze lives on 1825 North. She echoed Mr. Pitt's comments, adding
17 that his comments also apply to her street. She mentioned the beauty of the streets with mature
18 trees around the State Capitol Building, and said she loves the trees on her street. The trees
19 are beautiful and provide shade to residents, lawns, and asphalt. Ms. Hintze said she
20 understands the trees cause problems with the sidewalks, but she loves the shade and the
21 beauty.
22

23 Jennifer Beckstrand – Ms. Beckstrand said she lives on 1825 North. She agreed that
24 the sidewalks are unsightly, but said she thinks it would be a shame to get rid of the trees. Ms.
25 Beckstrand expressed a hope that it will be possible to find trees with root systems that would
26 not cause problems for the sidewalk.
27

28 Larry Hintze – Mr. Hintze stated he lives on 1825 North. He said he agrees with what
29 has been said, but the fact is that trees destroy sidewalks and cause problems. He said he
30 would be in favor of trees that would not cause problems, but in a choice between the sidewalk
31 and the trees, he would choose to remove the trees.
32

33 MINUTES REVIEW AND ACCEPTANCE

34

35 The minutes of the March 1, 2016 work session and regular Council meeting were
36 reviewed. Councilman McEwan made a **motion** to approve both sets of minutes. Councilman
37 Ince seconded the motion, which passed by unanimous vote (5-0).
38

39 SUMMARY ACTION CALENDAR

40

- 41 a. Interlocal Agreement with Davis County School District for School Resource Officer –
42 Consider Resolution No. 2016-07
43 b. Statewide Utility License Agreement between the Utah Department of Transportation
44 and Centerville City for operating, constructing, and maintaining City utility lines and
45 facilities within State highway rights-of-way
46 c. Sidewalk Easement for Michael Graves Single Parcel Development at 425 East
47 Chase Lane
48

49 Councilman Ince made a **motion** to approve all three items on the Summary Action
50 Calendar, including Resolution No. 2016-07. Councilwoman Mecham seconded the motion,
51 which passed by unanimous vote (5-0).
52

STAFF BRIEFING REGARDING MAJOR 2016 PUBLIC WORKS PROJECTS

Randy Randall, Public Works Director, briefed the Council on two major projects scheduled to go out to bid this spring – the reconstruction of 1825 North and the installation of a water main under I-15 at Chase Lane. Mr. Randall explained that URMMA, the organization through which the city is insured, has insisted the city reduce liability from trip hazards. The city has limited financial resources to devote to reducing the liability through street/sidewalk maintenance. Several streets, including 1825 North, have been identified as high risk with tree roots affecting infrastructure. Over time, it has become apparent that replacing raised sidewalk and gutter is not sufficient, because tree roots push up new sidewalk, shortening the lifespan and costing the City more money. It is a battle between keeping the city looking beautiful with trees and maintaining infrastructure. Mr. Randall explained that retaining walls are also a problem on some properties. Mr. Randall named 1475 North east of Main Street as an example of trees set back 6-8 feet to provide shade and beauty, without causing problems for city infrastructure.

Staff intends to complete a coordinated infrastructure replacement plan by the end of the year. Mr. Randall emphasized that trees are an important issue for the Public Works Department. The tops of trees in park strips balloon out and affect both pedestrians and vehicles. Mr. Randall agreed that 1825 North is a beautiful street, but the city cannot afford to have trees destroying infrastructure.

Mr. Randall explained the need to bore for a new I-15 water main at Chase Lane rather than use an existing pipe as previously discussed. The new water main will be installed under I-15 and the railroad tracks and will provide capacity to serve growth in the west side business park. Mr. Thacker stated that most of the project will be funded by what is left of the 2012 water revenue bond issue.

Mr. Randall showed an aerial photo of 1825 North, and explained the plan to replace pavement, curb and gutter, sidewalks, and remove some retaining walls between Main Street and 150 East. Without a storm drain under this road, storm water has accelerated the deterioration of the gutter system. In addition to tree removal, a storm drain should be installed to maximize the life of new pavement. Mr. Randall explained that staff will meet with property owners when the project begins. Funds have been budgeted to remove problematic retaining walls, but not for replacement. Mayor Cutler said the concern he perceives from the City Council is the policy of removing mature trees without replacing them. Mr. Randall responded that he feels the problem is city-wide enough that it should be looked at as policy. He said he would like to provide trees for the property owners to plant in the proper place.

A certified arborist, with a Bachelor Degree in landscape management, has been hired as an intern to locate liabilities (i.e. hazardous sidewalks and adjacent trees) within rights-of-way throughout the city this summer. The information will be compiled into a database. Councilman McEwan said it is his understanding that once a city has been notified of a liability, a plan must be put in place for mitigation. Mr. Thacker responded that, based on case law and the advice of URMMA, the city would be better off knowing, preparing a plan, and working toward solving the problem. Ms. Romney described a recent case in Salt Lake City, and agreed that budgeting funds to limit liability needs to be a policy decision. Councilman McEwan agreed that a risk management plan needs to be in place. Mr. Randall stated he feels the city needs to hold public hearings and get citizen input regarding how to handle infrastructure as a whole.

1 Councilwoman Fillmore expressed appreciation for the concerns explained by Mr.
2 Randall. She emphasized that there needs to be a balance between preserving infrastructure
3 and preserving trees. Centerville is a Tree City USA. Councilwoman Fillmore pointed out that
4 the standards for remaining a Tree City USA should be considered. Councilwoman Fillmore
5 presented research on the value of trees, and suggested putting together a citizen tree board.
6

7 Kevin Campbell, City Engineer, explained the 1825 North project will be bid during the
8 second week of April, and will include removal of trees. Tree replacement, if desired, could be
9 handled with a separate bid. He pointed out that the standard 4-foot wide park strip is not
10 typically wide enough for trees. The Mayor pointed out that the Council will meet with the
11 Planning Commission in a work session next week, and asked if staff could have a
12 recommendation put together in time for the work session. Mr. Thacker responded that the
13 Planning Commission and Council could discuss whether such a process is a priority. Mayor
14 Cutler said he feels trees add value and beauty to the city, and that any plans should encourage
15 the planting of trees in appropriate locations. Councilman McEwan said he feels it is an
16 education issue. The Council should let the citizens know the issues and economic costs
17 associated with the decision to avoid appearing heavy handed. Mr. Randall agreed that
18 education is important.
19

20 **SALE OF DRAINAGE BASIN PROPERTY ON 100 SOUTH**
21

22 County Commissioner Bret Millburn introduced Barry Burton, Director of Community and
23 Economic Development, and Tony Thompson, County Property Manager. He gave a history of
24 the County-owned property on 100 South, beginning with the County purchase of the property
25 from Centerville City in 1984 for \$102,000 for use as a debris basin. In April 1997 the County
26 and City reached an agreement for the City to lease a portion of the property as park space,
27 which was renewed in two-year increments until 2008. In September 2008, a portion of the
28 property was sold to Dale Engberson to extend his adjoining property. In 2011, with completion
29 of the debris basin farther up the canyon, 200 homes were taken out of the FEMA flood zone.
30 The County has now determined the property is no longer needed for flood control based on the
31 debris basin completed in 2011. Commissioner Millburn stated a notice of termination was sent
32 to the City, and an appraisal obtained. In March 2015, the as-is appraised value of the property
33 was \$440,000. The County declared the property as surplus on March 8, 2016. Mr. Thompson
34 explained options for the property considered by the County. It is the County's intention to
35 maintain an easement for stream access. Commissioner Millburn emphasized that the County
36 has carefully considered the property, and he looks forward to working with the city for the best
37 possible outcome.
38

39 Councilwoman Ivie asked what the as-is appraisal assumes. Commissioner Millburn
40 responded that the purchaser would be responsible to work with the city and improve the
41 property as needed to use it. The property is currently in a Public Facility Zone. The Master
42 Plan shows an eventual Residential-Low Zone. Mr. Thompson stated the appraisal assumes
43 Residential-Low density. Commissioner Millburn said the County has not discussed specific
44 details of the proposed easement for the channel and basin. He informed the City that the flood
45 control structure on the property was last inspected by the State in 2003, and is no longer
46 recognized as a detention structure. Mr. Thacker mentioned that the County Public Works
47 Director has estimated sediment would probably only need to be removed every 10 years or so.
48 Commissioner Millburn agreed that an easement makes sense. Councilwoman Fillmore said it
49 seems that settling easement matters would come prior to sale of the property. Commissioner
50 Millburn responded the easement would not be more than 10-15 feet, with maybe 30 feet in the
51 basin area.

1 Councilman McEwan made a **motion** to acknowledge termination of the lease
2 agreement, and state the intention to continue to work with the County regarding the easement,
3 but not exercise the right to purchase the property at this time. Councilman Ince seconded the
4 motion. Mayor Cutler agreed that it is a beautiful property, but responding to the suggestion that
5 the City purchase the property, he expressed the concern that City funds would be better spent
6 investing in other park needs. He commented that the city owns property at the top of 100
7 South, and could possibly work with the County for a larger, more open park space at that
8 location. Commissioner Millburn responded there could be an opportunity for the County to
9 develop something with the City at the top of 100 South. Councilwoman Fillmore stated the
10 Parks and Recreation Committee should be consulted if the Council considers purchasing the
11 property for park space. She shared comments from the Parks and Recreation Committee
12 regarding the possibility, including the idea that, if purchased by the City, it should become
13 something unique for the benefit of all citizens. She mentioned that the neighboring property
14 owners have expressed a desire for the property to remain as it is. Councilman Ince agreed
15 with recognizing termination of the lease, but said he would like to see the process move
16 slower. He mentioned the need for more cemetery space in the city. Councilman McEwan
17 responded he feels the Council has an obligation to provide maximum value to the citizens for
18 money spent. He said this property, in his opinion, would not provide maximum value for all
19 citizens.

20
21 Councilwoman Mecham said she has many questions to have answered before feeling
22 comfortable declining to purchase the property. Commissioner Millburn stated the City Council
23 was given notice regarding the property in October 2014. The Council did not take action on the
24 issue at that time. Councilman McEwan withdrew his motion. Commissioner Millburn and Mr.
25 Thompson indicated they are willing to wait 60 days for the Council to consider and make a final
26 decision. Mr. Thompson said the sale will be posted on the property, and in the newspaper,
27 with a courtesy notice sent to the city. He said they may explore other options, but will not list
28 the property through a real estate brokerage.

29
30 Mayor Cutler allowed Centerville citizen Lee Skabelund to comment. Mr. Skabelund
31 stated that Community Development Director Cory Snyder said at a previous meeting it is illegal
32 to appraise a property for anything but the current zoned use. He said it is his understanding
33 that no evidence has been produced to prove the original purchase payment was made. He
34 stated the 2011 debris basin will not collect water; the water will continue down the stream bed,
35 collecting more debris. He mentioned the findings of a hydrologist report, and stated the
36 property is a sediment basin – a public land that can never be replaced when lost. Mr.
37 Skabelund expressed frustration with the apparent determination to build on any vacant
38 property no matter the size and shape.

39
40 Commissioner Ince asked about the professional reports that seem to show conflicting
41 opinions. Mr. Thompson responded that the proposed easement would be to maintain the
42 existing structure. The County would maintain the structure and spillway. All building permits
43 would be examined to ensure the stream will continue to flow as intended. The appraisal was
44 obtained through a licensed third party. Mr. Thompson said he is not aware of any issues with
45 the appraisal. Commissioner Millburn pointed out the County could take the stance that no
46 easement is needed, and remove the existing structure. However, the County is willing to
47 maintain an easement and clean out the sediment every 10 years or so. He stated that experts
48 can be found on all sides of any given issue. The role of elected officials is to take the
49 information and try to make the best decision possible. Councilwoman Ivie asked for
50 clarification regarding the parameters of the appraisal. Commissioner Millburn stated he will
51 provide a copy of the appraisal to the Council. Mayor Cutler said it seems appropriate to

1 request a formal recommendation from the City Public Works Department regarding the
2 easement. Councilman McEwan added it would be beneficial to have calculations regarding
3 usable green space from the Planning Commission in the next 60 days. Commissioner Millburn
4 expressed appreciation for the open communication with the Council. As a citizen of
5 Centerville, he expressed appreciation for the thought and analysis given by the Council when
6 making decisions. He added he does not think the City purchasing the subject property would
7 be the best use of tax dollars. Responding to a question from the audience, Commissioner
8 Millburn stated the Sons of Utah Pioneers monument on the property would be preserved.

9
10 The Council took a break from 9:04 p.m. to 9:15 p.m.

11
12 **PROPOSAL TO EXTEND 4TH OF JULY PARADE ROUTE**

13
14 Phil and Mary Walters, Co-chairs for this year's 4th of July parade, have proposed
15 extending the parade route half a mile by beginning the parade near 1450 North Main Street
16 rather than at Chase Lane. Mr. Walters stated he has already obtained permission to use the
17 two church parking lots at 1450 North to stage the parade. Mr. Thacker reported that Police
18 Chief Child evaluated the proposal and stated the extension would require more personnel, but
19 would allow Chase Lane to remain open until the parade begins, and allow better east/west
20 access for vehicles. Mr. Walters commented that the City's population has grown significantly
21 over the last 20 years, and additional viewing space would remove some of the stress
22 associated with the parade. Mayor Cutler stated he feels it is worth trying. Councilwoman Ivie
23 said she is concerned with how the length of the parade would affect the enthusiasm of the
24 participants. She said if the parade is too long, the hometown feel would be lost with groups
25 riding rather than performing in the street. Mr. Walters responded he has spoken with some of
26 the groups that usually participate and has not received any negative feedback. Councilman
27 Ince said it was his perception that not many people were sitting at the end of the parade last
28 year, and suggested it would make sense to begin the parade at 1450 North and end the
29 parade at Centerville Junior High School instead of Pages Lane. Councilwoman Ivie responded
30 that a lot of citizens sit around the corner at Pages Lane. Mayor Cutler added that a lot of space
31 is needed to facilitate the end of the parade. More space is available at Pages Lane than at the
32 Junior High. The Council discussed the Walters' proposal. Councilwoman Ivie said she
33 believes there are plenty of spaces available to watch the parade; the issue is one of education
34 – letting the citizens know that more space is available at the south end. Councilwoman Fillmore
35 stated she would be comfortable leaving the decision and details to the parade Chairs, and said
36 she could support experimenting with the length this year. She asked how the length of the
37 Centerville parade compares to other small-town parades. Mr. Walters stated the extended
38 parade length would be two miles. Ms. Walter commented they are considering moving some
39 of the announcing stands to the west side of Main Street to open more seating on the east side.
40 Councilwoman Ivie suggested the Walters consider a set playlist for the announcing booths, to
41 ensure appropriate music. The Walters agreed to consider the suggestion. The Mayor and
42 Council thanked the Walters for all they are doing.

43
44 **SOLID WASTE COLLECTION CONTRACT**

45
46 Mayor Cutler reported that ACE has been slow in responding to the City regarding
47 contract negotiation. Councilman McEwan stated the slowness has emphasized for him the
48 need to go out to bid. He suggested the Council issue an RFP without including recycling, since
49 the City's recycling has ended up at the landfill lately with recycling centers not accepting
50 deliveries. Councilman Ince commented that two residents have asked him for a report of how
51 effective the City's recycling has been. Mayor Cutler said he believes the current difficulties with

1 the recycling industry are a short-term problem. Councilman McEwan stated the city should not
2 require residents to pay for a service they are not getting, and added he is not confident it is a
3 short-term problem. Councilwoman Fillmore suggested that, considering the time restraint, the
4 Council renew with ACE for a shorter period of time and continue to do research before making
5 the decision to completely discontinue recycling. Councilman McEwan referred to former
6 Councilman Higginson's report, as the City's liaison to the Waste Management District, that the
7 recycling industry will not rebound for another 2-3 years. Councilman McEwan stated he
8 believes recycling is a good thing, but at this point he feels a huge amount of effort by citizens to
9 recycle is being wasted. He said he would consider adding recycling back when the industry
10 rebounds.

11
12 Councilman McEwan made a **motion** instructing staff to create a RFP with Schedule A
13 including garbage, green waste, and recycling, and Schedule B including garbage and green
14 waste, without recycling. Councilwoman Ivie seconded the motion. The Council discussed the
15 possibility to negotiate with ACE versus the RFP, and Ms. Romney stated it is important for the
16 City to go out to bid in good faith. Mr. Thacker suggested establishing April 5th as a deadline for
17 negotiating with ACE. Mayor Cutler stated the Council needs to let the public know if recycling
18 is going to be discontinued. Councilwoman Fillmore repeated that she would appreciate solid
19 information regarding how often recycling is diverted to the landfill, and the measurable positive
20 outcomes of the recycling program.

1250 WEST/PARRISH LANE INTERSECTION IMPROVEMENTS

21
22
23
24 The prior City Council authorized preparation of a conceptual plan for improvements on
25 the corners of the 1250 West/Parrish Lane intersection, including a trailhead on the southwest
26 corner. The next step includes taking the concept plan to the "design development" level so that
27 a cost-sharing agreement can be negotiated with Maverik for construction of the trailhead
28 improvements. It is estimated the total cost for improvements on the southwest corner will be
29 \$60,000, with a 50/50 cost-sharing arrangement with Maverik. If approved, the landscape
30 architect will meet with City staff and a Maverik representative to work out the details. The
31 proposed contract also allows for hourly consultation regarding the welcome-to-Centerville sign
32 on the southeast corner.

33
34 Councilwoman Fillmore made a **motion** to approve the contract for design development
35 for the southwest corner of the 1250 West/Parrish Lane intersection, and on an hourly basis for
36 the southeast corner, conditioned on RDA approval of funding. Councilwoman Ivie seconded
37 the motion. Councilman McEwan stated he would prefer a capped sum for the hourly billing.
38 Mr. Thacker suggested the RDA place a \$500 cap on the design work for the southeast corner
39 sign. The motion passed by majority vote (4-1), with Councilman Ince dissenting.

FINANCIAL REPORT

40
41
42
43 A financial report for the period ending February 29, 2016 was included in the meeting
44 documents. Mr. Thacker explained portions of the financial report, and answered questions
45 from the Council.

MAYOR'S REPORT

- 46
47
48
49 • Mayor Cutler reported that the West Valley Mayor indicated to him that West Valley
50 City has no intention of approving the location discussed by Mr. Dix at the previous
51 Council meeting for his reptiles.

- The Mayor reported that the Centerville Youth Council won the Utah State Youth Council Competition.
- Mayor Cutler presented graphs reflecting recurring combined UTOPIA and UIA revenue. Councilman McEwan requested a numerical summary including losses be included with future UTOPIA reports.
- The Centerville Community Foundation has identified Smile.Amazon.com as an opportunity for contributions to the Community Foundation. A percentage (0.5%) of all purchases through AmazonSmile are sent to the designated charitable organization. A link is included on the City website. Ms. Romney cautioned the Council regarding specific advertising restrictions.
- An interfaith production of "Lamb of God" will occur on March 19th at the Regional Center.
- Mayor Cutler said he attended a Bountiful City work session regarding RAP Tax allocation. He suggested Centerville may want to consider a structured process for allocation similar to Bountiful. Bountiful City has committed a portion of RAP Tax revenues to CenterPoint Legacy Theatre for continued maintenance.

CITY COUNCIL LIAISON REPORT

Councilman Ince showed images of a proposed exterior wrap for the Centerville CERT trailer, and accepted suggestions from the Council. Neighborhood network training will occur on Thursday, March 24th. The Utah Great Shakeout drill will occur on April 21st, with a city-wide drill on Saturday, April 23rd.

CITY MANAGER'S REPORT

- City Manager Thacker requested Council member goals by Wednesday, March 16th at noon.
- Mr. Thacker reported that UDOT has not yet approved a portion of the fencing for the Parrish Lane pedestrian bridge.
- City Attorney Romney reported on staff research regarding the reptile house on Applewood Drive. She recommended drafting correspondence to the DWR requesting a review of the current COR at the present location. She also recommended the City amend the Animal Control section of Title 7, repealing the language that permits wild animals with a permit from the DWR. Mr. Thacker stated the Animal Control aspect should be done as soon as possible. Councilman Ince suggested the Council send a letter suggesting the DWR help Mr. Dix find accommodations for the reptiles, considering the value of the services provided by Mr. Dix as expressed by the DWR representative. Councilman McEwan said that any amount over a certain number of animals in a residential area constitutes a commercial breeding operation or a farm. He agreed to send Ms. Romney related information.

MISCELLANEOUS BUSINESS

- Registration for the ULCT 2016 Mid-Year Conference in St. George should be submitted to the City Recorder.
- The Council discussed video-streaming other City meetings that occur in the Council Chambers. Councilwoman Ivie made a **motion** to adopt the policy that City Council and Planning Commission meetings held at the dais will be video-streamed. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

EMPLOYEE COMPENSATION PLAN AND BENEFITS

Referring to the comment made by Mr. Gabriel during the Open Session, Mr. Thacker reminded the Council that each department head has a pool of money to use for incentives or bonuses every year, which he feels is more effective than incentives limited to rewarding cost savings. He said the suggestion to compare employee compensation Nation-wide does not apply – the comparison should be to the job market in which Centerville competes. Mr. Thacker briefly explained the midpoint comparison used by the City. Regarding the suggested accountability audit, Mr. Thacker stated the City could not afford something as extensive as was suggested. He suggested specific concerns could be identified and focused on with an audit if desired by the Council. Councilman Ince stated that based on what he has learned since taking office, he does not see a need to pursue Mr. Gabriel's recommendations, and he is willing to express such to him.

APPOINTMENT

Mayor Cutler recommended the Council appoint Paul Smith to serve another term on the Whitaker Museum Board, and former-Mayor Michael Deamer to serve on the Community Foundation Board. Councilwoman Mecham made a **motion** to appoint Paul Smith to an additional term on the Whitaker Museum Board, and appoint Michael Deamer to the Community Foundation Board. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 10:53 p.m. Councilman McEwan made a **motion** to adjourn to an RDA meeting. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville City Council and Planning Commission joint **work session** held Wednesday, March 23, 2016 at 5:30 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

COUNCIL MEMBERS PRESENT

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

PLANNING COMMISSION PRESENT

Chair	David P. Hirschi
Commissioners	Kevin Daly Cheylynn Hayman Gina Hirst Logan Johnson Scott Kjar Becki Wright

STAFF PRESENT

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

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

GOAL SETTING WORK SESSION

Mayor Cutler commented that the following goals appear to be common between the Council and Planning Commission goal lists: review of the Subdivision Ordinance and open space/sensitive lands; preserve foothills for recreation; West Centerville planning; and the South Main Street Corridor (SMSC). Chair Hirschi remarked that both bodies have spent a great deal of time looking at the SMSC Plan and considering what needs to be done. He stated the Planning Commission considers it a high priority primarily because it will take time to get through all of the information and discussion necessary to present a recommendation to the Council. Regarding sensitive lands, he said the Planning Commission is expecting a report from staff at their meeting later in the evening. He added that City trails/pathways and foothill recreation improvements go hand in hand. The Planning Commission met with the Trails Committee at their last meeting for a presentation. Mayor Cutler added that Davis County is considering using Prop 1 funds to improve the Bonneville Shoreline Trail, and is interested in input from Centerville. The group discussed possible ways to coordinate with the County. Cory Snyder, Community Development Director, said he feels the City should take a comprehensive look at future needs and opportunities for connectivity to trails both on the east and west sides of the city, as well as urban pathways providing circulation within the community.

Regarding County plans for the Bonneville Shoreline Trail, Mr. Snyder pointed out that a significant amount of land in the Centerville foothills is private property. Commissioner Daly commented that some of the most developable land in the foothills is on the south end, and is

1 owned by the City. He said it is his impression citizens do not want the foothill property
2 developed. The City could put concrete plans in place to promote recreation and prevent
3 development. Councilwoman Fillmore said she would love for both the Council and the
4 Planning Commission to have a stronger understanding of the long-term cost of infrastructure.
5

6 Chair Hirschi said he believes the west side is going to become much more vibrant with
7 the pedestrian bridge over the freeway, the Maverik going in on the corner of 1250 West and
8 Parrish Lane with a Legacy Trail connection, and the new housing development. He stated the
9 City needs to be ahead of the curve with planning. Chair Hirschi added that some of the
10 industrial companies on the west side are scaling back operations. Councilwoman Fillmore said
11 she feels one of the weaknesses of the previous discussions was the focus on transportation.
12 She suggested new discussions begin without the same emphasis on transportation. Chair
13 Hirschi said he feels there are a lot of commercial opportunities for the area that make sense.
14 Councilwoman Fillmore suggested involving West Bountiful in a more in-depth way.
15

16 Mayor Cutler said in the past there has been general consensus regarding encouraging
17 business on the west side north of Parrish Lane. The Mayor expressed the opinion, and Mr.
18 Snyder agreed, that extending 1250 West to connect with Farmington will be key to developing
19 the area. The City will want to consider the possibility of an Economic Development Area to
20 help with infrastructure. The Council and Planning Commission seemed to be in agreement that
21 they are not in favor of residential development at the north end of the west side. City Manager
22 Thacker suggested removing the suggestion from the General Plan.
23

24 Regarding the west side south of Parrish Lane, Councilwoman Fillmore said her greatest
25 concern is that a heavy industrial use will expand in a way that conflicts with what is desired.
26 She said she would like to reduce the risk by putting something in place to prevent undesirable
27 expansion. Mr. Snyder responded the General Plan could be amended to remove heavy
28 industrial use. Councilwoman Fillmore said she feels a cohesive, solid ordinance would put the
29 city in a stronger position. Mayor Cutler said it is his impression the Shorelands Commerce
30 Park will be mainly flex-space or light industrial. Chair Hirschi commented he feels the focus
31 south of Parrish Lane should be a continuation of what is happening now - a mixture of office
32 space, residential, entertainment, and business space, with the possibility of some mixed-use or
33 residential transitioning to the West Bountiful border. Councilwoman Mecham said she would
34 like to see heavy industrial limited. Commissioner Wright pointed out that office space should
35 be encouraged as an important aspect of a community. Councilman McEwan suggested the
36 Planning Commission look at centers of gravity for particular types of industry to be realistic with
37 planning. Mayor Cutler commented that centers of gravity will expand as the Wasatch Front
38 continues to grow. Chair Hirschi pointed out the west side is a positive, desirable location
39 transportation-wise, with two freeway accesses.
40

41 Councilman Ince asked if Centerville has a formal relationship with a group like the
42 Chamber of Commerce trying to bring companies to the city. Mr. Thacker responded the City
43 does not actively recruit businesses. The Mayor stated that Davis County has an Economic
44 Development Department that actively recruits. Mr. Snyder added there is also a private/public
45 partnership, the Davis County Business Alliance, which does a lot of promotion of the Davis
46 County area. He mentioned that established infrastructure and the extension of 1250 West
47 would put the city in a better position to compete in the site-ready market. Councilman Ince
48 pointed out that Centerville is the only city in South Davis County with UTOPIA, which could be
49 a selling point.
50

51 Chair Hirschi stated the Planning Commission would like to streamline administrative
52 decisions and procedures, delegating more decision-making to staff and allowing the Planning

1 Commission more time for proactive planning. Councilman Ince said his goal is to avoid getting
2 stuck again with what happened on the Hafoka property on Porter Lane. He pointed out that the
3 community is divided over what should happen on South Main Street. Councilwoman Mecham
4 agreed, and said she would like to know what uses would be allowed in specific zones so the
5 Council can anticipate and avoid surprises. Mr. Snyder cautioned the Council and Planning
6 Commission against getting caught up with design details, and suggested the issue is whether
7 or not they are comfortable with the multi-family development ordinance.

8
9 At 6:50 p.m. the Planning Commission moved upstairs for their regular meeting, and the
10 Council took a break, returning at 7:10 p.m. The Council discussed the goals rated highest
11 priority by the Council prior to the meeting.

12
13 Accessory building setbacks – Councilwoman Fillmore said she feels the Planning
14 Commission should review accessory building setbacks and recommend revisions to provide a
15 level of protection.

16
17 Flag-lot ordinance – Councilwoman Mecham asked why the City allows two adjoining
18 flag lots, considering the loss of privacy for the entire surrounding neighborhood. Mayor Cutler
19 pointed out that sometimes flag lots are appropriate. Councilwoman Fillmore stated she thinks
20 the City is at risk with the flag-lot ordinance as it is currently written, adding that setbacks and
21 height ratios should be carefully considered. A majority of the Council appeared to be in favor
22 of directing the Planning Commission to review the flag-lot ordinance.

23
24 Accessory Dwelling Units (ADUs) – Councilwoman Mecham said she does not think the
25 City will get a lot of applications for ADUs. Councilwoman Fillmore agreed, but stated she
26 would like citizens to have a legal route to do something she believes will happen anyway.

27
28 Land-use planning for west side – The Council discussed the desire to eliminate heavy-
29 industrial use from the west side. Mayor Cutler suggested property owners should be included
30 if another work session is held regarding the west side.

31
32 RAP Tax revenue usage – Mayor Cutler reported the City has opportunity to use a
33 graduate student to conduct a public outreach effort regarding Island View Park. A majority of
34 the Council seemed supportive. Councilwoman Ivie emphasized that neighbors should be
35 made aware that changes will take time and will not happen immediately. Mr. Thacker
36 suggested the Council's goal with RAP Tax revenue could be: "maintain what we've got, replace
37 what we've lost, and finish what we've started." Councilwoman Mecham asked if it would be
38 possible to solicit donations from park equipment companies. Councilwoman Fillmore
39 suggested the idea could be presented to the Parks Committee to gauge their interest.
40 Councilwoman Mecham suggested waiting until a plan for Island View Park is in place. It was
41 suggested the outreach for park improvement should include the entire city rather than just park
42 neighbors. Mayor Cutler reported the Recreation District is in need of more playing fields. He
43 suggested the Recreation District might be willing to donate funds to help complete new fields at
44 Community Park, or the City could possibly borrow funds from the Recreation District to
45 complete the fields sooner than currently expected. Mr. Thacker added that a loan could be
46 made from the Cemetery Perpetual Care Fund or the Theatre Reserve Fund for the same
47 purpose. Mayor Cutler said he feels the options would be worth exploring, but firm cost
48 estimates will be needed. The entire Council indicated they are in favor of moving forward with
49 the planning stage for both Island View Park and the completion of the Community Park
50 expansion project.

1 UTOPIA – The Council requested a presentation from UTOPIA executives regarding
2 how Centerville could improve marketing efforts.

3
4 South Main Street Corridor (SMSC) Plan – The Council discussed the desired scope of
5 continued SMSC planning. Councilman McEwan expressed the opinion that property owners
6 should have a lot of input. Mayor Cutler suggested the Planning Commission finish their current
7 recommendations by May, to be presented at a joint work session.

8
9 Hillside plans and zoning – The Council discussed private property on the hillside, and
10 appeared to be in agreement that the city is protected against hillside development at this point.

11
12 Cemetery expansion options – Councilwoman Fillmore repeated a comment made by
13 former-Councilman Higginson that every city is dealing with diminishing cemetery space and
14 every city is going to run out someday, even if more space is added. Mayor Cutler and
15 Councilwoman Ivie indicated they are in favor of exploring the possibility of a mausoleum.
16 Referring to the County-owned property on 100 South, Councilwoman Ivie said she believes the
17 land is still necessary as a debris basin. Mr. Thacker responded that the County would be able
18 to maintain the sediment basin with a few residential lots on a portion of the property.
19 Councilman McEwan suggested a public/private partnership with Russon Brothers Mortuary to
20 evaluate the possibility of a mausoleum. Staff was directed to get a cost estimate for a
21 feasibility study for a cemetery on the hillside City-owned property.

22
23 Extension of 1250 West – Councilwoman Mecham said she will encourage the County
24 Transportation Committee to discuss the extension of 1250 West.

25
26 The Council agreed on the following priorities for the Planning Commission:

27
28 Long-term big items

- 29 1- South Main Street Corridor
30 2- West side plan
31 3- Hillside recreation – working with County

32
33 Short-term (1-2 meetings to complete)

- 34 1- Remove Very-High Industrial zoning
35 2- Review accessory building setbacks
36 3- Review flag-lot ordinance
37 4- Update bike/trail master plan and adopt into General Plan

38
39 Fluoride – A majority of the Council indicated a desire to put the cost of fluoride as a line
40 item on the city utility bill. Mr. Thacker suggested the utility bill change could be made in
41 conjunction with the proposed water rate change. The original decision to fluoridate the water
42 was a County-wide vote. Some of the Council expressed a desire to write to the County
43 requesting the issue be put back on the ballot.

- 44
45 • The Council agreed to let the Landmarks Commission make decisions regarding
46 Historic District signage.
47 • The Council agreed on the need to install sound panels in the Council Chambers this
48 year to improve the sound system.
49 • The city did not receive TAP funding from WFRC for sidewalk lighting on Parrish
50 Lane.
51 • The Council discussed the Chick-fil-A and Dairy Queen drive-thru situations and
52 agreed there is not much they can do at this point.

- Councilwoman Fillmore suggested the Council have a goal to end Council meetings by 10:00 p.m.

ADJOURNMENT

The work session was adjourned at 8:55 p.m.

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 2.

Short Title: Interlocal Agreement with Davis County for Barnard Creek Culvert Project

Initiated By: Public Works Department and City Engineer

Scheduled Time: 7:10

SUBJECT

Consider Resolution No. 2016-08 approving an Interlocal Agreement between Centerville City and Davis County for the Barnard Creek Culvert Project

RECOMMENDATION

Approve Resolution No. 2016-08 approving an Interlocal Agreement between Centerville City and Davis County for the Barnard Creek Culvert Project--**subject to tax increment funding approved by the Centerville Redevelopment Agency Board.**

BACKGROUND

The City and County desire to enter into this agreement for a cooperative and joint project to replace the Barnard Creek culvert that runs through the UDOT Maintenance Yard property at approximately 1150 North 1300 West. Specifically, the parties desire to remove a 24" CMP drainage culvert and install a new 36" RCP drainage culvert and related improvements at the subject site. The City agrees to pay for the cost of engineering the culvert improvements and the cost of the materials, but the intent is that the Redevelopment Agency (RDA) will pay the City's cost-share. The County agrees to pay for the cost of labor and equipment necessary for the removal, replacement and installation of the culvert improvements. The County will be the project manager and upon completion will own and maintain the improvements.

The upsizing of this culvert has been on the City's drainage master plan for some years. The need was reaffirmed when the City's Redevelopment Agency created the Barnard Creek Community Development Project Area (CDA). Without this upsizing, the high flows in Barnard Creek will inundate developable land within the CDA boundaries. The cost-sharing of this culvert replacement was among the infrastructure improvements identified in the CDA Budget at the time the CDA was created. In other words, RDA tax increment was to be the source of funding for Centerville's portion, and this project was intentionally omitted from the list of projects to be funded with impact fees in the most recent update of the drainage impact fee study. However, since there are not yet any tax increment funds from this CDA that the RDA can use for Centerville's share of the culvert replacement, the RDA's Pages Lane Project Area will loan funds to the Barnard Creek CDA, to be repaid in the future. The RDA financial summary provided to the City Council/RDA Board recently is attached again to show that \$85,000 has been included in the assumptions in that summary. The Exhibit to the attached Interlocal Agreement estimates the City's cost-share to be \$82,593.

ATTACHMENTS:

Description

- ▣ Resolution No. 2016-08-Barnard Creek
- ▣ Interlocal Agreement-Barnard Creek- Davis County
- ▣ RDA Financial Summary

RESOLUTION NO. 2016-08

**A RESOLUTION OF THE CENTERVILLE CITY COUNCIL APPROVING
AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL
AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR
THE BARNARD CREEK CULVERT PROJECT**

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 for cooperative projects and services; and

WHEREAS, Centerville City and Davis County desire to enter into an agreement pursuant to the Interlocal Cooperation Act to provide for cooperative services and cost-sharing arrangement for the Barnard Creek Culvert Project as more particularly provided herein.

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

Section 1. Agreement Approved. The City Council of Centerville City hereby accepts and approves the Interlocal Cooperation Agreement between Centerville City and Davis County for the Barnard Creek Culvert Project as more particularly set forth in **Exhibit A**, attached hereto and incorporated by reference.

Section 2. Mayor Authorized to Execute. The City Council of Centerville City hereby authorizes the Mayor to sign the attached Interlocal Cooperation Agreement for and on behalf of Centerville City.

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. The Interlocal Cooperation Agreement adopted herein shall become effective when the parties have executed the Agreement and the Agreement has been filed with the keeper of records of each public entity that is a party to the Agreement in accordance with *Utah Code Ann.* § 11-13-209, as amended.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 5th DAY OF APRIL, 2016.**

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.

MARSHA L. MORROW, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 20____.

EXHIBIT A

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN CENTERVILLE CITY AND DAVIS COUNTY
FOR BARNARD CREEK CULVERT PROJECT**

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR
BARNARD CREEK CULVERT PROJECT**

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2016, by and between **CENTERVILLE CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **DAVIS COUNTY**, a body politic of the State of Utah, hereinafter referred to as the "County."

RECITALS:

WHEREAS, the Utah Interlocal Cooperation Act, as more particularly set forth in Utah *Code Ann.* §§ 11-13-101, *et seq.*, as amended ("Interlocal Cooperation Act"), permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other public agencies on the basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, in accordance with the terms and conditions of the Interlocal Cooperation Act, the City and the County desire to cooperate for the purpose of removing and replacing a drainage culvert and related improvements at approximately 1150 North 1300 West in Centerville City as more particularly described in this Agreement; and

WHEREAS, the City and the County have determined that it is necessary, desirable, and in the best interest of the community and the public to enter into this Agreement for financing the Barnard Creek Culvert Improvements to mitigate or reduce flood hazards as more particularly provided in this Agreement.

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

Section 1. Incorporation of Recitals. The above Recitals are hereby incorporated into this Agreement.

Section 2. Barnard Creek Culvert Improvements. The City and the County desire to cooperate for the purpose of removing a 24" CMP drainage culvert and installing a 36" RCP drainage culvert and related improvements at approximately 1150 North 1300 West in Centerville City, which improvements are more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference ("Barnard Creek Culvert Improvements").

Section 3. Engineer's Estimate of Costs. The Engineer's Estimate of the costs associated with the removal, replacement and installation of the Barnard Creek Culvert Improvements is \$180,091.01, which cost estimates are more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference ("Engineer's Estimate").

Section 4. City Contribution. Subject to the terms and conditions of this Agreement, the City agrees to pay for the cost of engineering the Culvert Improvements and the cost of the materials necessary for the Culvert Improvements. The Engineer's Estimate for the City's portion of the project to include engineering and materials is \$82,592.51, as more particularly set forth in **Exhibit B**. If engineering or materials costs exceed the Engineer's Estimate, the City will be responsible to pay for such increases in the line items associated with the City's portion of the project.

Section 5. County Contribution. Subject to the terms and conditions of this Agreement, the County agrees to provide and pay for the cost of labor and equipment necessary for the removal, replacement and installation of the Culvert Improvements. The Engineer's Estimate for the County's portion of the project to include labor and equipment is \$97,498.50, as more particularly set forth in **Exhibit B**. If labor or equipment costs exceed the Engineer's Estimate, the County will be responsible to pay for such increases in the line items associated with the County's portion of the project. The County will be the project manager and shall remove, replace and install the Culvert Improvements in accordance with final construction drawings for the Culvert Improvements provided by ESI Engineering. Upon completion of the project, Davis County shall own and maintain the Culvert Improvements.

Section 6. Permits and Easements. A portion of the Culvert Improvements will be removed, replaced, installed and maintained on property owned by UDOT and/or other property owners of interest that are not a party to this Agreement. The County agrees to seek and obtain any necessary easements, approvals and permits from UDOT and other necessary parties prior to commencement of work to remove, replace and install the Culvert Improvements. The parties agree to cooperate in obtaining necessary construction and utility easements from UDOT or other necessary parties prior to commencement of work to remove, replace and install the Culvert Improvements. The City agrees, as part of the engineering costs associated with the project, to prepare easement documents to facilitate the County obtaining of necessary construction and utility easements from UDOT or other necessary parties. The County shall be responsible to seek and obtain any other state or federal required permits, such as a stream alteration permit, for the project.

Section 7. Term. This Agreement shall become effective when the parties have executed an original or copy of this Agreement as required by law, and shall continue in effect for a period of one (1) year after completion of the removal, replacement and installation of the Culvert Improvements, unless terminated earlier by mutual consent of the parties. Pursuant to Section 11-13-209, this Agreement may not take effect until it is filed with the keeper of records of each public agency that is a party to the Agreement.

Section 8. Entire Agreement. This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes any prior negotiations, promises, inducements, representations or agreements pertaining to the subject matter hereof which are not set forth herein.

Section 9. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective officers, employees, representatives, agents, successors and assigns.

Section 10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

Section 11. Notice. All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses. Either party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

For the City:

Centerville City
Attention: City Manager
250 North Main Street
Centerville, Utah 84014

For the County:

Davis County
Attention: County Attorney
P.O. Box 618
Farmington, Utah 84025

Section 12. Governmental Immunity. The parties recognize and acknowledge that each party is covered by the Utah Governmental Immunity Act, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this Agreement shall be deemed officers and employees of the party employing their services, even if performing functions outside of the territorial limits of such party and shall be deemed officers and employees of such party under the provisions of the Utah Governmental Immunity Act. Each party shall be responsible and shall defend the action of its own employees, negligent or otherwise, performed pursuant to the provisions of this Agreement.

Section 13. No Separate Legal Entity. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration, it shall be administered by the joint board created in Section 14. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement.

Section 14. Joint Board. To the extent this Agreement requires administration it shall be administered by the Public Works Director of the County and the City Manager of the City acting as a joint board for that purpose.

Section 15. Third Parties. This Agreement is not intended to benefit any person or entity not named as a party hereto.

Section 16. Headings. Headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

Section 17. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, but all such counterparts taken together shall constitute only one instrument.

Section 18. Force Majeure. No party to this Agreement shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to acts of God, acts of the United States Government or the State of Utah, fires, floods, or other casualties or causes beyond the reasonable control and without the fault or negligence of the party obligated to perform hereunder. Each party shall make every reasonable effort to keep delay in performance as a result of such a cause to a minimum.

Section 19. Amendment. This Agreement may not be changed, modified or supplemented except in writing signed by the parties hereto.

Section 20. Approval. This Agreement shall be submitted to the authorized attorney for each party for review and approval as to form in accordance with applicable provisions of *Utah Code Ann. § 11-13-202.5*, as amended. This Agreement shall be authorized and approved by resolution or ordinance of the legislative body of each party in accordance with *Utah Code Ann. § 11-13-202.5*, as amended, and a duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party in accordance with *Utah Code Ann. § 11-13-209*, as amended.

Section 21. Severability. If any provision of this Agreement is determined by a court to be invalid or unenforceable, such determination shall not affect any other provision hereof, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision shall be deemed to be effective, operative and entered into in the manner and to the full extent permitted by applicable law.

[Signature page to follow]

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

"COUNTY"
DAVIS COUNTY

By: _____
John Petroff, Jr., Commission Chair
Board of County Commissioners

ATTEST:

Curtis Koch
Davis County Clerk/Auditor

Approved as to Form:

Office of Davis County Attorney

"CITY"
CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Approved as to Form:

Lisa G. Romney, City Attorney

RESOLUTION NO. 2016-08

**A RESOLUTION OF THE CENTERVILLE CITY COUNCIL APPROVING
AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL
AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR
THE BARNARD CREEK CULVERT PROJECT**

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 for cooperative projects and services; and

WHEREAS, Centerville City and Davis County desire to enter into an agreement pursuant to the Interlocal Cooperation Act to provide for cooperative services and cost-sharing arrangement for the Barnard Creek Culvert Project as more particularly provided herein.

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

Section 1. Agreement Approved. The City Council of Centerville City hereby accepts and approves the Interlocal Cooperation Agreement between Centerville City and Davis County for the Barnard Creek Culvert Project as more particularly set forth in **Exhibit A**, attached hereto and incorporated by reference.

Section 2. Mayor Authorized to Execute. The City Council of Centerville City hereby authorizes the Mayor to sign the attached Interlocal Cooperation Agreement for and on behalf of Centerville City.

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. The Interlocal Cooperation Agreement adopted herein shall become effective when the parties have executed the Agreement and the Agreement has been filed with the keeper of records of each public entity that is a party to the Agreement in accordance with *Utah Code Ann.* § 11-13-209, as amended.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 5th DAY OF APRIL, 2016.**

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.

MARSHA L. MORROW, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 20____.

EXHIBIT A

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN CENTERVILLE CITY AND DAVIS COUNTY
FOR BARNARD CREEK CULVERT PROJECT**

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN CENTERVILLE CITY AND DAVIS COUNTY FOR
BARNARD CREEK CULVERT PROJECT**

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2016, by and between **CENTERVILLE CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **DAVIS COUNTY**, a body politic of the State of Utah, hereinafter referred to as the "County."

RECITALS:

WHEREAS, the Utah Interlocal Cooperation Act, as more particularly set forth in Utah *Code Ann.* §§ 11-13-101, *et seq.*, as amended ("Interlocal Cooperation Act"), permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other public agencies on the basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, in accordance with the terms and conditions of the Interlocal Cooperation Act, the City and the County desire to cooperate for the purpose of removing and replacing a drainage culvert and related improvements at approximately 1150 North 1300 West in Centerville City as more particularly described in this Agreement; and

WHEREAS, the City and the County have determined that it is necessary, desirable, and in the best interest of the community and the public to enter into this Agreement for financing the Barnard Creek Culvert Improvements to mitigate or reduce flood hazards as more particularly provided in this Agreement.

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

Section 1. Incorporation of Recitals. The above Recitals are hereby incorporated into this Agreement.

Section 2. Barnard Creek Culvert Improvements. The City and the County desire to cooperate for the purpose of removing a 24" CMP drainage culvert and installing a 36" RCP drainage culvert and related improvements at approximately 1150 North 1300 West in Centerville City, which improvements are more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference ("Barnard Creek Culvert Improvements").

Section 3. Engineer's Estimate of Costs. The Engineer's Estimate of the costs associated with the removal, replacement and installation of the Barnard Creek Culvert Improvements is \$180,091.01, which cost estimates are more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference ("Engineer's Estimate").

Section 4. City Contribution. Subject to the terms and conditions of this Agreement, the City agrees to pay for the cost of engineering the Culvert Improvements and the cost of the materials necessary for the Culvert Improvements. The Engineer's Estimate for the City's portion of the project to include engineering and materials is \$82,592.51, as more particularly set forth in **Exhibit B**. If engineering or materials costs exceed the Engineer's Estimate, the City will be responsible to pay for such increases in the line items associated with the City's portion of the project.

Section 5. County Contribution. Subject to the terms and conditions of this Agreement, the County agrees to provide and pay for the cost of labor and equipment necessary for the removal, replacement and installation of the Culvert Improvements. The Engineer's Estimate for the County's portion of the project to include labor and equipment is \$97,498.50, as more particularly set forth in **Exhibit B**. If labor or equipment costs exceed the Engineer's Estimate, the County will be responsible to pay for such increases in the line items associated with the County's portion of the project. The County will be the project manager and shall remove, replace and install the Culvert Improvements in accordance with final construction drawings for the Culvert Improvements provided by ESI Engineering. Upon completion of the project, Davis County shall own and maintain the Culvert Improvements.

Section 6. Permits and Easements. A portion of the Culvert Improvements will be removed, replaced, installed and maintained on property owned by UDOT and/or other property owners of interest that are not a party to this Agreement. The County agrees to seek and obtain any necessary easements, approvals and permits from UDOT and other necessary parties prior to commencement of work to remove, replace and install the Culvert Improvements. The parties agree to cooperate in obtaining necessary construction and utility easements from UDOT or other necessary parties prior to commencement of work to remove, replace and install the Culvert Improvements. The City agrees, as part of the engineering costs associated with the project, to prepare easement documents to facilitate the County obtaining of necessary construction and utility easements from UDOT or other necessary parties. The County shall be responsible to seek and obtain any other state or federal required permits, such as a stream alteration permit, for the project.

Section 7. Term. This Agreement shall become effective when the parties have executed an original or copy of this Agreement as required by law, and shall continue in effect for a period of one (1) year after completion of the removal, replacement and installation of the Culvert Improvements, unless terminated earlier by mutual consent of the parties. Pursuant to Section 11-13-209, this Agreement may not take effect until it is filed with the keeper of records of each public agency that is a party to the Agreement.

Section 8. Entire Agreement. This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes any prior negotiations, promises, inducements, representations or agreements pertaining to the subject matter hereof which are not set forth herein.

Section 9. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective officers, employees, representatives, agents, successors and assigns.

Section 10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

Section 11. Notice. All notices required or desired to be given hereunder shall be in writing and shall be deemed to have been provided on the date of personal service upon the party for whom intended or upon receipt if mailed, by certified mail, return receipt requested, postage prepaid, and addressed to the parties at the following addresses. Either party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this paragraph.

For the City:

Centerville City
Attention: City Manager
250 North Main Street
Centerville, Utah 84014

For the County:

Davis County
Attention: County Attorney
P.O. Box 618
Farmington, Utah 84025

Section 12. Governmental Immunity. The parties recognize and acknowledge that each party is covered by the Utah Governmental Immunity Act, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this Agreement shall be deemed officers and employees of the party employing their services, even if performing functions outside of the territorial limits of such party and shall be deemed officers and employees of such party under the provisions of the Utah Governmental Immunity Act. Each party shall be responsible and shall defend the action of its own employees, negligent or otherwise, performed pursuant to the provisions of this Agreement.

Section 13. No Separate Legal Entity. No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration, it shall be administered by the joint board created in Section 14. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement.

Section 14. Joint Board. To the extent this Agreement requires administration it shall be administered by the Public Works Director of the County and the City Manager of the City acting as a joint board for that purpose.

Section 15. Third Parties. This Agreement is not intended to benefit any person or entity not named as a party hereto.

Section 16. Headings. Headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

Section 17. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, but all such counterparts taken together shall constitute only one instrument.

Section 18. Force Majeure. No party to this Agreement shall be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to acts of God, acts of the United States Government or the State of Utah, fires, floods, or other casualties or causes beyond the reasonable control and without the fault or negligence of the party obligated to perform hereunder. Each party shall make every reasonable effort to keep delay in performance as a result of such a cause to a minimum.

Section 19. Amendment. This Agreement may not be changed, modified or supplemented except in writing signed by the parties hereto.

Section 20. Approval. This Agreement shall be submitted to the authorized attorney for each party for review and approval as to form in accordance with applicable provisions of *Utah Code Ann.* § 11-13-202.5, as amended. This Agreement shall be authorized and approved by resolution or ordinance of the legislative body of each party in accordance with *Utah Code Ann.* § 11-13-202.5, as amended, and a duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party in accordance with *Utah Code Ann.* § 11-13-209, as amended.

Section 21. Severability. If any provision of this Agreement is determined by a court to be invalid or unenforceable, such determination shall not affect any other provision hereof, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision shall be deemed to be effective, operative and entered into in the manner and to the full extent permitted by applicable law.

[Signature page to follow]

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

"COUNTY"
DAVIS COUNTY

By: _____
John Petroff, Jr., Commission Chair
Board of County Commissioners

ATTEST:

Curtis Koch
Davis County Clerk/Auditor

Approved as to Form:

Office of Davis County Attorney

"CITY"
CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Approved as to Form:

Lisa G. Romney, City Attorney

EXHIBIT A **CULVERT IMPROVEMENTS**

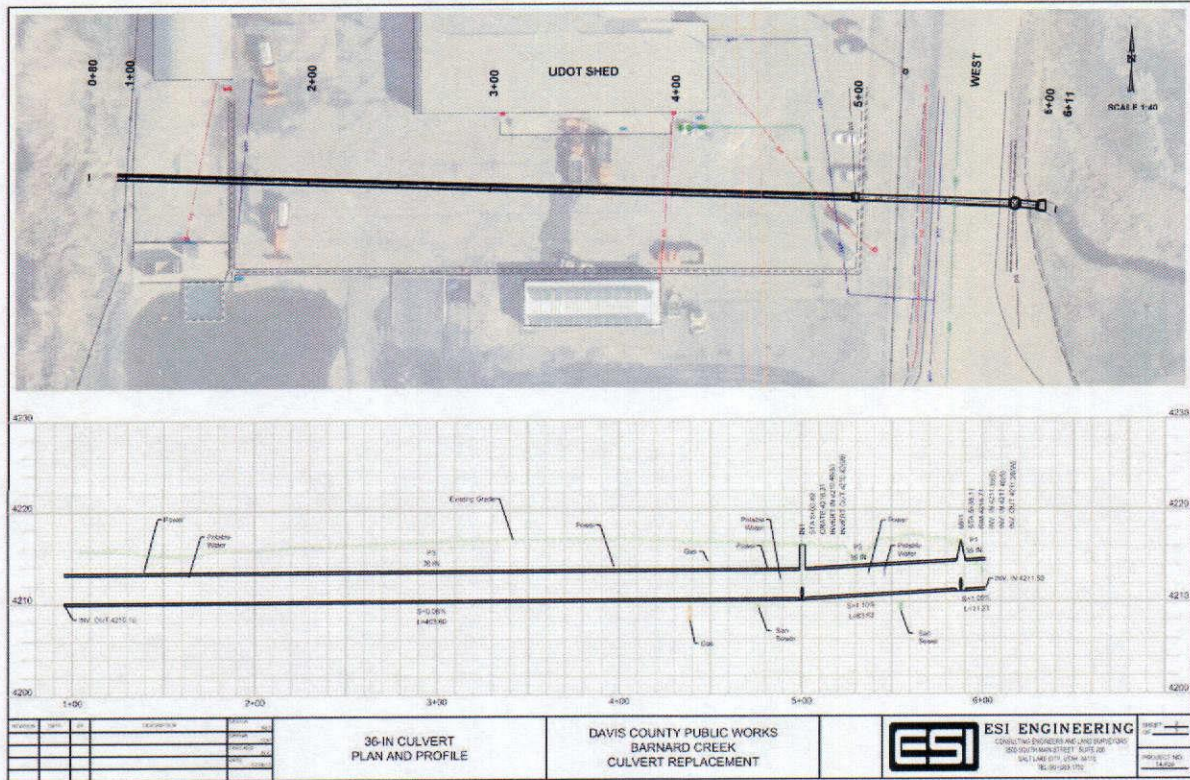


EXHIBIT B

ENGINEER'S ESTIMATE

 ESI Engineering, Inc. 3500 South Main, Suite 205 Salt Lake City, Utah Phone (801) 263-1752 www.esieng.com <i>Consulting Engineers & Land Surveyors</i>		Project Barnard Creek Culvert at UDOT Shed Proposed Cost Share Owner Centerville City & Davis County		Estimated by CDP Date: 2/25/16 Checked by: KLC Date: 2/25/16		Centerville Project No. 14-026		Sheet No. 1 of 1
		QUANTITY	UNITS	UNIT PRICE	DAVIS COUNTY	UNIT PRICE	CENTERVILLE CITY	
1	Sawcut, remove and replace existing asphalt (CC to purchase asphalt)	2,640	SF	\$4.00	\$10,560.00	\$2.00	\$5,280.00	
2	Remove existing manhole	1	EA	\$800.00	\$800.00			
3	Remove existing catch basin	1	EA	\$800.00	\$800.00			
4	Remove existing 24" CMP	605	LF	\$15.00	\$7,575.00			
5	Remove and replace curb and gutter (CC to purchase cement)	20	LF	\$30.00	\$600.00	\$5.00	\$100.00	
6	Remove and replace existing waterway (CC to purchase cement)	10	LF	\$30.00	\$300.00	\$10.00	\$100.00	
7	36" RCP (CC to purchase pipe)	604	LF	\$25.00	\$12,600.00	\$45.00	\$22,680.00	
8	Import gravel bedding (CC to purchase gravel)	400	TN	\$15.00	\$6,000.00	\$15.00	\$6,000.00	
9	Import granular material (CC to purchase material)	820	TN	\$15.00	\$12,300.00	\$10.00	\$8,200.00	
10	Install Untreated Base Course (CC to purchase base material)	150	TN	\$20.00	\$3,000.00	\$15.00	\$2,250.00	
11	Haul away native material	450	CY	\$12.00	\$5,400.00			
12	Replace native outside of roadway	20	CY	\$10.00	\$200.00			
13	New 48" manhole (CC to purchase MH)	1	EA	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	
14	New catch basin (CC to purchase CB)	1	EA	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	
15	New flared end section with trash rack (CC to purchase end sections and trash racks)	2	EA	\$1,500.00	\$3,000.00	\$1,000.00	\$2,000.00	
16	Remove and replace existing fence as needed	1	LS	\$1,000.00	\$1,000.00			
17	Restore landscaping as needed	1	LS	\$1,500.00	\$1,500.00			
18	Pothole utilities	1	LS	\$2,000.00	\$2,000.00			
19	Loop existing utilities	1	EA	\$2,000.00	\$2,000.00			
20	Mobilization and traffic control	1	LS	\$15,000.00	\$15,000.00			
	Sub-Total				\$88,835.00		\$50,110.00	
	Contingencies	10%			\$8,883.50		\$5,011.00	
	Sub-Total with Contingencies				\$97,498.50		\$55,121.00	
	Design Engineering & Easements - (Topo survey, design, construction drawings, easement documents)	12%					\$18,314.34	
	Construction Engineering, Construction Staking & Material Testing	6%					\$8,157.17	
	Total				\$97,498.50		\$82,592.51	

RDA/Parrish Lane Gateway Project Area Projects and Funding

<u>Cash Balance FY 2015</u>	<u>\$342,845</u>
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Projected FY 2016 Increment	\$1,105,924
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<u>FY 2016 committed expenditures</u>	<u>(\$960,659)</u>
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Potential Revenue/expenditures	\$145,265
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Projected total cash	<u>\$488,110</u>
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<u>Additional Projects</u>	<u>Committed</u>	<u>Cash Loans</u>
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Pedestrian Bridge		\$120,000
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Parrish Gateway (Maverick site)		\$40,000
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Legacy Trail Connection		\$50,000
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Parrish Gateway (SE sign)		?
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Barnard Creek		\$85,000
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<u>700 west & Marketplace</u>	<u>\$25,000</u>	
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	<u>\$25,000</u>	<u>\$295,000</u>
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Cash Balance	<u>\$168,110</u>
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RDA/Legacy Crossing Project Area

Cash Balance	\$0	
Projected FY 2016 Increment	\$185,058	
<u>Due to developer</u>	(\$157,300)	Estimate
Potential Revenue/expenditures	\$27,758	
Projected total	<u>\$27,758</u>	
	<u>Committed</u>	
Pedestrian Bridge	\$120,000	
Parrish Gateway/public space	\$40,000	Estimate
Parrish Gateway (SE sign)	?	
<u>Legacy Trail Connection</u>	<u>\$50,000</u>	Estimate
	\$210,000	
<u>Prior Projects</u>		
Creation, Engineering	\$90,235	
<u>1250 West Intersection</u>	<u>\$32,758</u>	
Total Obligations	\$332,993	
<u>Prior Repayments</u>	<u>\$21,346</u>	
Cash Balance/Due Parrish Lane	(\$283,889)	

RDA/Barnard Creek Project Area Projects and Funding
--

Cash Balance	\$0	
Projected FY 2016 Increment	\$0	
<u>Due to developer</u>	<u>\$0</u>	Estimate
Potential Revenue/expenditures	\$0	
Projected total	<u>\$0</u>	

	<u>Committed</u>
<u>Barnard Creek Culvert</u>	<u>\$85,000</u>
	\$85,000
<u>Prior Projects</u>	
<u>Creation, Engineering, Prof. Servic</u>	<u>\$46,873</u>
<u>Total Obligations</u>	<u>\$46,873</u>
<u>Prior Repayments</u>	<u>\$0</u>
Cash Balance/Due Parrish Lane	(\$131,873)

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 3.

Short Title: Award bid for Streets Crack Seal and Slurry Seal 2016 Project to Intermountain Slurry Seal in the amount of \$217,335

Initiated By: City Engineer

Scheduled Time: 7:15

SUBJECT

RECOMMENDATION

Award bid for Streets Crack Seal and Slurry Seal 2016 Project to Intermountain Slurry Seal in the amount of \$217,335.

BACKGROUND

Bids for this project were solicited by ESI Engineering. See attached email from Kevin Campbell, City Engineer, and bid tabulations. For reasons mentioned in Kevin's email, he is recommending the bid be awarded to Intermountain Slurry Seal instead of Morgan Pavement Maintenance, the apparent low bidder. He also recommends the bid award be adjusted downward from \$220,335 to \$217,335 by removing Item No. 4.

Kevin and the Public Works Director, Randy Randall, will meet next Monday with Morgan to explain their reasons for recommending Intermountain Slurry Seal. Kevin and Randy will attend the Council meeting to further explain this recommendation and answer questions.

ATTACHMENTS:

Description

- ☐ Bid tabulations for Crack Seal and Slurry Seal Project
- ☐ Bid Award Recommendation - City Engineer
- ☐ Crack Seal Street List
- ☐ Slurry Seal Street List



BID TABULATION FOR CENTERVILLE CITY

Crack Seal and Slurry Seal Project 2016 - #15-199				Morgan Pavement Maintenance		Intermountain Slurry Seal		Engineers Estimate	
Item No.	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Pavement Crack Seal including traffic control and mobilization	33	TN	\$2,450.00	\$80,850.00	\$1,925.000	\$63,525.00	\$2,550.00	\$84,150.00
2	Type III Slurry Seal CQS-1HP (catonic-quick setting polymer modified emulsion) - including mobilization and traffic control	119,848	SY	\$1.11	\$133,031.28	\$1.250	\$149,810.00	\$1.25	\$149,810.00
3	Re-stripe crosswalks	1	Lump Sum	\$1,900.00	\$1,900.00	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00
4	Remove and replace water vavle concret collars	5	EA	\$290.00	\$1,450.00	\$600.00	\$3,000.00	\$300.00	\$1,500.00
	Total				\$217,231.28		\$220,335.00		\$237,460.00

Marsha Morrow

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Thursday, March 24, 2016 11:18 AM
To: Steve Thacker
Cc: Lisa Romney; Randy Randall; Ken Williams; Ryan McLeod
Subject: Crack Seal and Slurry Seal Project 2016 - NOA
Attachments: Notice of Award_ #15-199.pdf; #15-199 Bid Tab.pdf

Steve,

Two bids were received yesterday for crack and slurry seal.

1. Morgan Pavement Maintenance	\$217,231.28
2. Intermountain Slurry Seal	\$220,335.00
Engineer Estimate	\$237,460.00

As previously discussed we have had some quality control and workmanship issues with Morgan Pavement Maintenance over the past several years. We have discussed with Morgan Pavement the issues that we feel need to be addressed before they can come back to work in the City in the future. They are aware that staff is recommending this project be awarded to Intermountain Slurry Seal and the reasons why we are making this recommendation.

It is recommended that the project be awarded to Intermountain Slurry Seal in the amount of **\$217,335.00**.

The recommended amount is \$3,000 less than the bid amount because it is not recommended that item #4 (raising of water valves) be awarded with this project as the unit price is high and the work is not critical to this project. This work can be re-bid and completed with a different project, such as Street Overlays and Rebuilds or Miscellaneous Water Lateral Replacements. Item #3 – (Striping of crosswalks) is also an item that could possibly be removed from this contract and completed by public works or with another project.

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

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

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

Crack Seal and Slurry Seal Project 2016 - #15-199
Centerville City

CRACK SEAL					
Map #	STREET	LENGTH (feet)	LENGTH (miles)	ESTIMATED TONS	NOTES
1	100 East - 100 North to 400 North	1,191	0.23	0.79	CS Before SS '16
2	100 South - Main St to 400 East	1,790	0.34	1.19	
3	100 West Cul-de-sac (Kagie Circle) - 925 North	225	0.04	0.15	
4	1000 North (Chase Ln) - Main St to 610 East	2,421	0.46	1.60	
5	1100 North - Main St to 300 East	1,387	0.26	0.92	
6	1250 North - 125 East to 325 East	1,000	0.19	0.66	
7	1250 West - 1250 North to 1275 North	600	0.11	0.40	
8	1275 North - 1400 West (Sheep Rd) to 1250 West	1,415	0.27	0.94	
9	1275 North (Nola Circle) - 430 East (Nola Drive)	190	0.04	0.13	
10	1400 North (Old Farm Circle) - 575 West	312	0.06	0.21	
11	1420 North (Gallup Circle) - 550 West	170	0.03	0.11	
12	1440 North (Stage Coach Circle) - 550 West	235	0.04	0.16	
13	1470 North (Saddlewood Circle) - 550 West	190	0.04	0.13	
14	1475 North - Main St to 75 East	280	0.05	0.19	
15	1475 North (Carrington Way) - 75 East to 225 East	1,640	0.31	1.09	
16	150 East - Carrington Ln to 1500 North	200	0.04	0.13	
17	150 West - 925 North to 1000 North	390	0.07	0.26	
18	1550 North (Foxcourt Circle) - 550 West	280	0.05	0.19	
19	1600 North - 550 West to 400 West	620	0.12	0.41	CS Before OL '16
20	1625 North (Jim Bridger Dr) - 800 West to 550 West	750	0.14	0.50	
21	1650 North/500 West - 1600 North to 550 West	850	0.16	0.56	
22	1650 North (Kit Carson Circle) - 725 West	200	0.04	0.13	
23	1700 North (Jennings Ln) - Main St to 150 East	500	0.09	0.33	
24	175 East (Wilmar Place Circle) - 1000 North	250	0.05	0.17	
25	175 East Cul-de-sac - 1100 North	145	0.03	0.10	
26	1825 North - 800 West to 600 West	600	0.11	0.40	
27	1875 North - 800 West to 475 West	930	0.18	0.62	
28	1900 North - 100 East to 300 East	980	0.19	0.65	CS Before OL '16
29	200 East - 1300 North to 1375 North	740	0.14	0.49	
30	200 South - 400 East to 600 East	780	0.15	0.52	
31	200 South - 600 East to 800 East	710	0.13	0.47	
32	210 West (stub road) - 400 North	220	0.04	0.15	
33	25 East Cul-de-sac (Homestead Circle) - Carrington Dr.	400	0.08	0.27	
34	250 West - 925 North to 1000 North	400	0.08	0.27	
35	325 East - 1200 North to 1250 North	365	0.07	0.24	
36	400 East (Hughes St) - 1100 North to 1200 North	366	0.07	0.24	
37	400 East (Nola Drive) - 1200 North to 1375 North	1,000	0.19	0.66	
38	400 East - 1375 North to 1475 North (Ford Canyon Dr)	1,125	0.21	0.75	
39	400 West - City Limit to 400 South	2,300	0.44	1.52	
40	400 West - 400 South to 100 North	1,555	0.29	1.03	

41	400 West - 100 North to 400 North	1,425	0.27	0.94	
42	400 West - 1975 North to 2025 North	220	0.04	0.15	CS Before SS '16
43	400 West - 2025 North to 2100 North (dead end)	726	0.14	0.48	CS Before SS '16
44	50 East Cul-de-sac - 1300 North (Casa Loma Dr)	125	0.02	0.08	
45	500 East - 540 North to 700 North	640	0.12	0.42	
46	500 East - 550 East (Oakridge Dr) to 1450 North	888	0.17	0.59	
47	500 North - 1250 West to 1000 West	942	0.18	0.62	
48	600 West - 1825 North to 1875 North	200	0.04	0.13	
49	630 West Cul-de-sac - 1500 North	85	0.02	0.06	
50	650 North - 500 East to 700 East	660	0.13	0.44	
51	650 West (Fremont Circle) - Lewis & Clark Dr	222	0.04	0.15	
52	700 North - 500 East to 700 East	600	0.11	0.40	
53	700 South - 700 East to 800 East	550	0.10	0.36	
54	725 West (Lewis & Clark Dr) - 1600 North to 575 W	1,530	0.29	1.01	
55	725 West (Lewis & Clark Circle) - 1675 North	145	0.03	0.10	
56	800 East - 800 South to 700 South	270	0.05	0.18	
57	800 South - 700 East to 800 East	520	0.10	0.34	
58	925 North - 250 West to 100 West	710	0.13	0.47	
59	Ford Canyon Crossing - Ford Canyon Dr to RC Circle	640	0.12	0.42	
60	Ford Canyon Dr - Carrington Ln to 400 East	1,830	0.35	1.21	
61	Oakridge Drive - 1000 North to 1375 North	2,000	0.38	1.33	
62	Pony Express - 1500 North to 1700 North	1,790	0.34	1.19	
63	Ricks Creek Circle - Ford Canyon Crossing	420	0.08	0.28	
64	Valley Drive - 1700 North to 400 West	810	0.15	0.54	
65	Willow Bend Dr - 680 West 1500 North	600	0.11	0.40	
66	Willow Valley Dr - 1400 North to 1500 North	1,332	0.25	0.88	
	Crack Seal Total			32.87	

Slurry Seal Streets List
"Crack Seal and Slurry Seal Project 2016 - Project #15-199"
Centerville City

SLURRY SEAL					
Map #	STREET	notes	LENGTH (ft)	WIDTH (ft)	AREA (SY)
1	100 East - 300 South to 100 North		1,204	29	3,880
2	100 East - 100 North to 400 North		1,191	29	3,838
3	1300 North (Casa Loma Dr) - Main St to 325 East		1,550	30	5,167
4	1375 North - 325 East to 400 East		220	40	978
5	1400 North (Peachtree Dr) - Main St to 50 East		280	40	1,244
6	150 West Cul-de-sac - 425 South		240		1,125
7	150 West - 500 North to 625 North		425	30	1,417
8	170 West (dead end) - 1850 North		115	29	371
9	1850 North - 400 West to Main St		1,365	29	4,398
10	2025 North - 800 West to 400 West	X - Walk	1,179	36	4,716
11	2075 North Cul-de-sac - 725 West		365		1,541
12	2150 North (Old Haul Rd) - Main St to Park Hills Dr		775	29	2,497
13	250 East - 1000 North to 1100 North		480	29	1,547
14	250 East Cul-de-sac - 1100 North		160		901
15	250 West (Pitford Dr) - 775 South to 400 South		1,261	29.5	4,133
16	300 West Cul-de-sac - 500 South		165		914
17	300 West (Patty Circle) - 600 South		135		848
18	325 West/500 South - 425 South to 250 West		638	29	2,056
19	325 East - 1300 North to 1375 North		565	40	2,511
20	400 West - 1975 North to 2025 North	X - Walk	220	43	1,051
21	400 West - 2025 North to 2100 North (dead end)	X - Walk	726	37	2,985
22	425 South - 250 West to 75 West		504	29	1,624
23	425 South Cul-de-sac - 400 West		610		2,352
24	475 East (Deer Hollow Circle) - 400 North		445		1,753
25	500 North Cul-de-sac - 400 East		425		1,682
26	550 North Cul-de-sac - 150 West		380		1,602
27	550 South - 675 West to 600 West		202	29	651
28	550 South - 250 West to 150 West		150	29	483
29	550 South - 150 West to Main St		870	29	2,803
30	600 South Cul-de-sac (Rawlings Circle) - 400 West		290		1,249

31	600 South (Jeffery Dr) - 400 West to 250 West		768	30	2,560
32	600 West - 550 South to 400 South		652	29	2,101
33	625 North - 150 West to Main St		696	30	2,320
34	675 West - 550 South to 400 South		532	29	1,714
35	725 West - 2025 North to 2100 North		640	29	2,062
36	75 West (Bryan Ln) - 650 South to 550 South		253	29	815
37	75 West - 550 South to 425 South		494	29	1,592
38	775 South (Tobe Dr) - 400 West to 250 West		784	30	2,613
39	800 West (Frontage Rd) - 1000 South to 400 South	Striping	2,350		6,889
40	800 West (Frontage Rd) - 400 South to 200 North	Striping	2,220		10,000
41	950 South Cul-de-sac - 700 East		280		1,260
42	Churchill Drive - 2025 North to 725 West		982	29	3,164
43	Park Hills Drive - 2100 North to 2400 North		1,536	29	4,949
44	Peachtree Drive - 1300 North to 50 East		1,532	40	6,809
45	Ridgeline Circle - 850 East		665		2,472
46	Rock Manor Drive - Old Haul Road to Park Hills Dr.		1,216	29	3,918
47	Sunrise Circle - 900 East		370		1,568
48	Walker Ln (50 East) - 2100 North to 2150 North		225	29	725
	Total				119,848

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 4.

Short Title: Public Hearing - Zone Map Amendment (Rezone) - 77 West Lund Lane from A-L (Agricultural-Low) to R-L (Residential-Low) - 4.85 Acres

Initiated By: Phil Holland, Wright Development Group, Applicant

Scheduled Time: 7:25

SUBJECT

Consider Zone Map Amendment (rezone) for 4.85 acres of property located at approximately 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L) - Ordinance No. 2016-08

RECOMMENDATION

Adopt Ordinance No. 2016-08 amending the Centerville City Zoning Map by changing the zoning of approximately 4.85 acres of real property located at 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L) based on the findings and recommendation of the Planning Commission.

BACKGROUND

On March 23, 2016, the Planning Commission reviewed and recommended for approval the proposed rezone of 4.85 acres of property located at approximately 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L). The Staff Transmittal Report for this application is attached.

ATTACHMENTS:

Description

- ▢ Transmittal Report for 4-5-2016 CC Meeting-Lund Lane Rezone
- ▢ Zoning Map - Surrounding Area
- ▢ Ordinance No. 2016-08-Manor Rezone
- ▢ 03-23-2016 PC Staff Report The Manor at Lund Lane
- ▢ Conceptual Subdivision Plan for The Manor at Lund Lane
- ▢ 3-23-2016 PC minutes re Lund Lane Rezone

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

STAFF TRANSMITTAL REPORT

PROPERTY OWNER: **ROBERT AND SHARLENE HAWKES
77 WEST LUND LANE
CENTERVILLE, UT 84014**

APPLICANT: **PHIL HOLLAND
WRIGHT DEVELOPMENT GROUP
1178 WEST LEGACY CROSSING #100
CENTERVILLE, UT 84014**

EMAIL ADDRESS: **PHIL@WRIGHTDEVELOPMENTGROUP.NET**

PROPERTY: **77 WEST LUND LANE
"THE MANOR AT LUND LANE"**

ACREAGE: **4.85**

TOTAL LOTS: **12 LOTS**

CURRENT ZONING: **AGRICULTURAL-LOW (A-L)**

APPLICATION: **ZONE MAP AMENDMENT, REZONE FROM
AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW
(R-L)**

RECOMMENDATION: **PLANNING COMMISSION RECOMMENDS THE
REZONE REQUEST**

BACKGROUND

The Hawkes Family, who own the property located at 77 West Lund Lane, desire to develop their land into a subdivision and have chosen Wright Development to pursue this plan. Phil Holland with Wright Development is requesting a rezone of the property from Agricultural-Low (A-L) to Residential-Low (R-L) and divide the parcel into 12 individual lots. With the total size being 4.85 acres, the average density for the project would be 2.47 units per acre. This would be an allowable density, since an R-L Zone allows up to four (4) units per acre.

PLANNING COMMISSION RECOMMENDATION

On March 23, 2015, the Planning Commission held a public hearing, discussed the matter, and then forwarded to the City a **recommendation of APPROVAL** of the proposed rezone, as follows.

“Rezone Parcel the property located at 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L)”

Suggested Reasons for the Action (Findings):

- a. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
- b. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning Neighborhood 4 [Section 12-480-5].
- c. Adequate facilities are located within the subject property along Lund Lane [Section 12-21-080(e)(5)].
- d. Any further conceptual plat acceptance by the Planning Commission is subject to approval of the rezone by the City Council.

Planning Commission Vote (6-1):

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

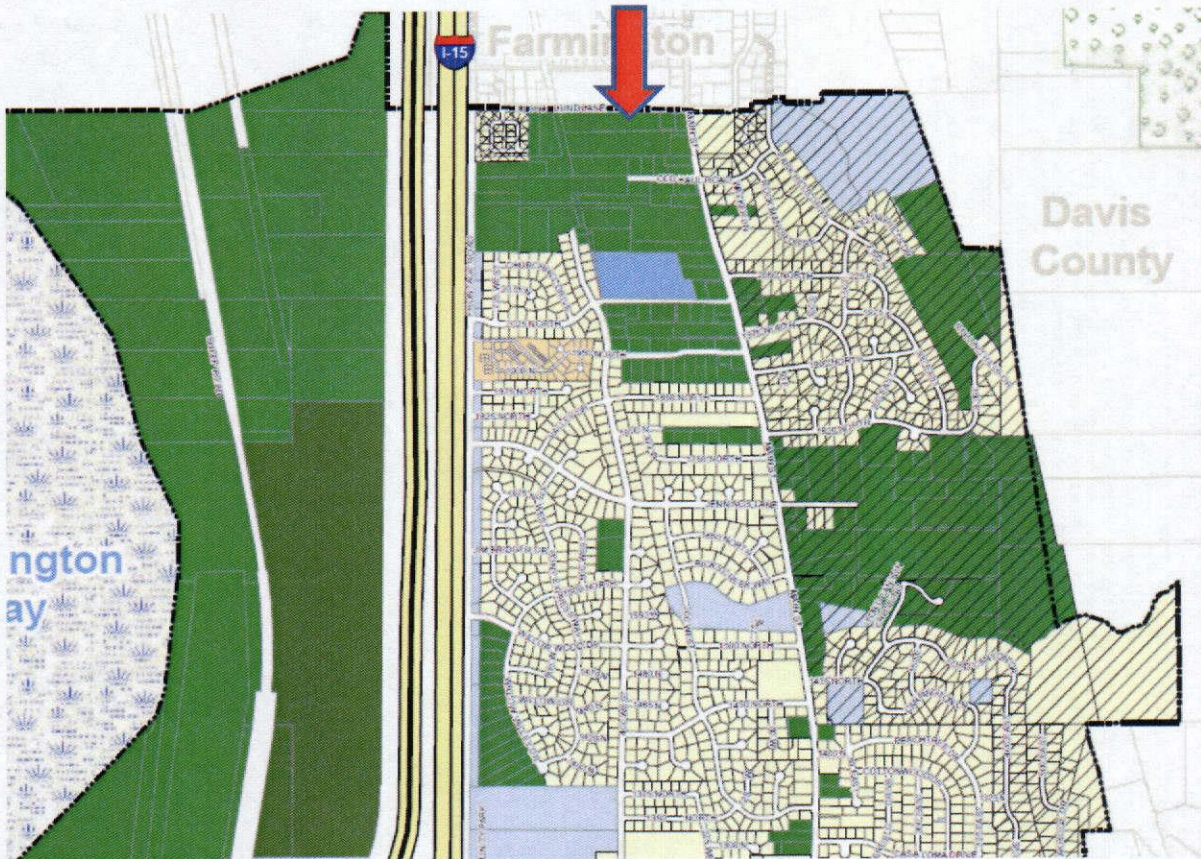
LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

- ✓ *March 23, 2016 Regular Meeting of the Planning Commission*

Centerville City Zoning Map

Hawkes Rezone – Manor at Lund Lane – Surrounding Area

Subject Property



ORDINANCE NO. 2016-08

**AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING
MAP BY CHANGING THE ZONING OF APPROXIMATELY 4.85 ACRES
OF CERTAIN REAL PROPERTY LOCATED AT 77 WEST LUND LANE
FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW (R-L)**

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

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-480-4, Neighborhood 3, Northeast Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Agricultural-Low (A-L) to Residential-Low (R-L) as more particularly provided herein; and

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

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

Section 1. Zone Map Amendment. The real property located at approximately 77 West Lund Lane in Centerville City consisting of approximately 4.85 acres, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Agricultural-Low (A-L) to Residential-Low (R-L) and the Centerville City Zoning Map is correspondingly amended as described herein.

Section 2. Findings. The rezone of the subject property to Residential-Low (R-L) and corresponding amendment to the Centerville City Zoning Map is based on the following findings:

1. The City Council finds that the proposed zoning change meets the requirements found in Section 12-21-080(e) of the Zoning Ordinance.
2. The City Council finds that the proposed zoning change is consistent with the goals and objectives of the General Plan concerning Neighborhood 4 - Section 12-480-5.
3. The City Council finds the proposed zoning change is harmonious with the overall character of existing development in the vicinity.
4. The City Council finds no adverse effects will occur to the immediate area with the approval of the rezone and that there are adequate facilities and services to serve the property along Lund Lane.

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 5th DAY OF APRIL, 2016.**

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 _____, 2016.

PUBLISHED OR POSTED this ____ of _____, 2016.

EXHIBIT A

Property Description

77 West Lund Lane, Centerville, Utah 84014

Parcel No. 07-070-0070

BEG ON THE W R/W LINE OF HWY 106 AT A PT N 0°15'20" E 184.07 FT ALG A 1/4 SEC LINE & S 89°13'20" W 248.60 FT FR THE CENTER OF SEC 31-T3N-R1E, SLM; TH S 89°13'20" W 1152.16 FT TO AN EXIST FENCE; TH ALG SD FENCE N 13°00' W 198.26 FT TO THE S R/W LINE OF LUND LANE; TH ALG SD R/W S 89°33'40" E 939.80 FT; TH S 0°26'20" W 157.61 FT; TH S 89°38'25" E 138.10 FT; TH N 0°26'20" E 157.62 FT; TH S 89°33'40" E 103.26 FT TO THE W R/W LINE OF HWY 106; TH SE'LY 81.27 FT ALG THE ARC OF A 5762.65 FT RAD CURVE TO THE LEFT (LC= S 4°57'45" E 81.27 FT) ALG SD R/W LINE; TH S 5°22' E 41.80 FT ALG SD R/W LINE; TH SE'LY 46.14 FT ALG THE ARC OF A 3852.80 FT RAD CURVE TO THE LEFT (LC= S 5°42'35" E 46.14 FT) ALG SD R/W LINE TO THE POB. CONT. 4.53 ACRES.

and

Parcel No. 07-070-0071

BEG AT A PT ON THE S LINE OF A STR SD PT BEING N 0°15'20" E 347.61 FT ALG THE 1/4 SEC LINE & N 89°33'40" W 364.84 FT FR THE CENTER OF SEC 31-T3N-R1E, SLM; & RUN TH S 0°26'20" W 157.62 FT; TH N 89°38'25" W 138.10 FT; TH N 0°26'20" E 157.61 FT TO SD S STR LINE; TH S 89°33'40" E 138.10 FT TO THE POB. CONT. 0.50 ACRES.

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

**STAFF REPORT
AGENDA: ITEM 1**

PROPERTY OWNER: ROBERT AND SHARLENE HAWKES
77 WEST LUND LANE
CENTERVILLE, UT 84014

APPLICANT: PHIL HOLLAND
WRIGHT DEVELOPMENT GROUP
1178 WEST LEGACY CROSSING #100
CENTERVILLE, UT 84014

EMAIL ADDRESS: PHIL@WRIGHTDEVELOPMENTGROUP.NET

PROPERTY: 77 WEST LUND LANE
THE MANOR AT LUND LANE

ACREAGE: 4.85

TOTAL LOTS: 12

CURRENT ZONING: AGRICULTURAL-LOW (A-L)

APPLICATIONS: ZONE MAP AMENDMENT, REZONE FROM
AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW
(R-L)
CONCEPTUAL SUBDIVISION

RECOMMENDATION: RECOMMEND THE REZONE TO THE CITY COUNCIL
AND ACCEPT THE CONCEPTUAL SUBDIVISION

BACKGROUND

The Hawkes Family, who own the property located at 77 West Lund Lane, desire to develop their land into a subdivision and have chosen Wright Development to pursue this plan. Phil Holland with Wright Development is requesting a rezone of the property from Agricultural-Low (A-L) to Residential-Low (R-L) and divide the parcel into 12 individual lots. With the total size being 4.85 acres, the average density for the project would be 2.47 units per acre. This would be an allowable density, since an R-L Zone allows up to 4 units per acre. This report will first look at the request for a rezone and then address the idea of a conceptual

subdivision. The conceptual plat acceptance will be based on the approval by the City Council for the rezone.

PROPOSED ZONE MAP AMENDMENT



REVIEW AND ANALYSIS OF THE REQUEST

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

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

- **Staff Response:** This parcel of land is located within Neighborhood 4, Northwest Centerville (GP Section 12-480-5). One of the main goals for this neighborhood is that only compatible land uses be developed adjacent to each other. Another goal found within this section is preserving the viability of the area for potential future development. Finally, it discourages lots of one acre, describing them as being too large to maintain, yet to small for property owners to divide in the future.

This section of the General Plan appears vague when narrowing down an exact plan for the area along Lund Lane. Yet, staff believes the proposed amendment is consistent with the goals and objectives that have been described in the General Plan.

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

- **Staff Response:** Based on the abundance of area zoned R-L, low-density single-family development appears to be the preferred type of housing within the City. The property on Lund Lane is found within a semi-rural residential area with single-family homes to the east and west. Further to the west is the

Woods Park Subdivision, which is zoned R-L/PD and to the east of Main Street is also zoned R-L. Staff believes the proposed amendment will be in harmony with the overall character of the existing development in the vicinity.

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

- **Staff's Response:** Some may see this subdivision as an impact to the rural atmosphere of Centerville. Yet, if the rezone meets the criteria found in Section 12-21-080(e), and negative impacts can be mitigated, a property owner has the right to develop his property as he sees fit. Staff has met with the developer and does not see any adverse effects to the rezone. However, a few issues will need to be addressed as part of the subdivision process; such as a soils report and proper drainage.

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

- **Staff Response:** The proposed development already has an existing home with all the necessary utilities stubbed from Lund Lane. The other proposed 11 lots will need to have adequate service and be stubbed from Lund Lane. Other public improvements will need to be completed on the south side of Lund Lane and meet all applicable City Standards.

PLANNING STAFF RECOMMENDATIONS

PROPOSED ACTION: I hereby make a motion for the Planning Commission to accept the Zone Map Amendment for the property located at 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L), and to recommend approval to the City Council.

SUGGESTED REASONS FOR THE ACTION:

1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
2. The proposed Zone Map Amendment meets the goals and objectives of the General Plan concerning Neighborhood 4 [Section 12-480-5].
3. Adequate facilities are located within the subject property along Lund Lane [Section 12-21-080(e)(5)].
4. Any further conceptual plat acceptance by the Planning Commission is subject to approval of the rezone by the City Council.

CONCEPTUAL SUBDIVISION REVIEW - CHAPTER 15-2

Process

The conceptual subdivision review gives the applicant an opportunity to receive guidance from the City in relation to subdivision regulations and the layout. It also allows the public an opportunity to express their concern regarding the proposed subdivision.

General Plan

As stated previously in the Zone Map Amendment review, the property is found within Neighborhood 4, Northwest Centerville (GP Section 12-480-5). The goals and objectives for this area were indistinct for the location of Main Street and Lund Lane. It did state that development should be compatible with one another and should be adjacent to each other. It also encouraged preserving the viability of land for potential future development. The most specific statement for the area is the discouragement of one-acre lots, stating they are too large to maintain, yet too small for property owners to divide in the future. With Wright Development pursuing a rezone from A-L to R-L and desiring to divide the property into a single-family development, staff believes they have met the intent of the General Plan.

Zoning Ordinance

The property is currently zoned A-L (Agricultural-Low), yet Wright Development has requested a rezone to R-L (Residential-Low). Therefore, staff will review the zoning criteria for the requested rezone.

According to Section 12-30-020(b)(1) of the Zoning Ordinance, the R-L Zone has been established to permit the development of detached single-family homes on individual lots at 4 units per acre. The applicant is requesting the 4.85 acre parcel be divided into 12 lots, which average out to be about 2.47 units per acre. The lots have differing sizes ranging from the largest being 23,829 square feet to the smallest at 15,733 square feet. On the largest of the lots (Lot 11), is found the existing home which will remain intact and sold to a prospective buyer.

All of the lots exceed the minimum frontage at an average of 98.43 feet, with the largest being 138.10 feet and 9 of the lots measuring 90 feet. Although each lot has plenty of buildable area, the preliminary plans will need to show required setbacks and a buildable pad for each lot. Each new home will need to meet the required Development Standards found in Table 12-32-1 of the Zoning Ordinance concerning development within the R-L Zone.

Staff is confident the proposed subdivision will meet the requirements found within the Zoning Ordinance that pertain to development of a single-family dwelling.

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS - CHAPTER 15-5

Layout Section 15-5-101 and Lots Section 15-5-102

"Subdivision means any land that is divided, re-subdivided or proposed to be divided into two or more lots..."[Section 15-1-104(48)]. The Manor at Lund Lane will have 12 lots with driveway access from Lund Lane. Each lot has been designed in a rectangular shape, and as

stated previously, meet and exceed the requirements for a lot within the R-L Zone. One issue of concern in regard to the layout was that of the length of the block. Section 15-5-101(5) of the Subdivision Ordinance states the following:

“In blocks over 800 feet in length, a dedicated public walkway through the block, at approximately the center of the block, *may be required*. Such walkways shall not be less than 10 feet in width unless otherwise approved by the City.”

City staff or the Planning Commission may require a public walkway if a need is evident. However, staff does not believe this is necessary since Main Street has a dedicated sidewalk and there is no knowledge of future development to the south, and eventually the road to the west of the project will be completed with an additional sidewalk.

Street, Drainage, and Utility Improvements Section 15-5-103, 105, 106

Lund Lane does not currently meet the Street Improvement Standards for Centerville. The street along the new subdivision will need to be improved to include new curb and gutter, along with new pavement as necessary to meet the required width. A 4-foot park-strip and 4-foot sidewalk will also need to be installed along the entire length of the street frontage. This information will need to be indicated on the preliminary plans. In addition, all driveway access should be from Lund Lane, with Lot 1 not having access off the future road to the West, and Lot 12 not having access from Main Street.

The Public Works Director has requested as part of the approval process, a soils report be prepared and submitted to City Staff for review. He believes the property has had a large amount of fill in some sections and would like to ensure that proper stability can be found. Along with this report, drainage should be reviewed to ensure that all necessary drainage does not flow to other properties. The soils and drainage will need to be addressed with the preliminary plans and reviewed by City staff.

Utility improvements will be required for all lots except for Lot 11, which already exists. These utility improvements will need to be addressed on the preliminary plat and reviewed by City Staff. All utility provider sheets will need to be submitted indicating they can serve each lot. The preliminary plans will also need to depict three public utility easements with the front measuring 10 feet and all others at 7 feet. Finally, the applicant will need to depict all fire protection, including the existing and proposed fire hydrants (if required by the Fire Marshal).

CONCLUSION

The applicant has provided adequate information to depict how the property is to be developed. As a reminder, the Conceptual Subdivision Acceptance is subject to the approval of the rezone by the City Council.

PLANNING STAFF RECOMMENDATION

Suggested Motion for the Conceptual Subdivision Plat for The Manor at Lund Lane Subdivision located at 77 West Lund Lane: I hereby make a motion for the Planning

Commission to accept the Conceptual Subdivision Plat for The Manor at Lund Lane Subdivision, located at 77 West Lund Lane, subject to the following:

1. Conceptual subdivision acceptance is subject to the rezone approval by the City Council.
2. The applicant shall submit an application for a preliminary plat and meet all the standards found in Chapter 15-3 of the Subdivision Ordinance.
3. The preliminary plat shall indicate the following information:
 - a. Correct setbacks standards found on Table 12-32-1 of the Zoning Ordinance
 - b. Buildable pad on each lot.
 - c. A 4-foot sidewalk, 4-foot park-strip, curb and gutter and extension of asphalt as needed. All public improvements shall meet City specifications and be bonded for by the developer.
 - d. Three public utility easements on each lot with the front easements measuring 10 feet and all other sides measuring 7 feet.
 - e. Adequate fire protection including all existing fire hydrants and any new fire hydrants as required by the Fire Marshal.
4. All driveways for each lot shall be located off Lund Lane.
5. A soils report and drainage information shall be submitted to City staff for review.
6. Utility provider sheets shall be submitted indicating all utility providers can service each lot.
7. The midblock access as stated in Section 15-5-101(5) of the subdivision should not be required for this development

Suggested Reasons for the Action (Findings):

1. The conceptual plat acceptance is subject to the rezone approval by the City Council from A-L to R-L [Section 12-21-080(d)(4)].
2. The conceptual subdivision is in harmony with the General Plan [Section 12-480-5].
3. The new subdivision meets the objectives for development within a Residential-Low Zone [Section 12-30-020(b)(1)].
4. It appears all applicable development standards for development within an R-L Zone have been satisfied [Table 12-32-1].
5. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
6. All applicable standards found in the Subdivision Ordinance pertaining to a conceptual subdivision application have been satisfied [Chapter 15-2].
7. Staff does not believe the midblock pedestrian access as stated in Section 15-5-101(5), is necessary since Main Street has a dedicated sidewalk, there is no knowledge of future development to the south, and eventually the road to the west of the project will be completed with an additional sidewalk.



FEMA FLOOD INFORMATION
THE SUBJECT PROPERTY IS LOCATED WITH A FEMA FLOOD PLAIN ZONE X
ZONING DATA
CURRENT ZONING = A-1
PROPOSED ZONING = R-L

Profil Method
Wolpin Development Group
 1128 W. Leggett Consulting Blvd., Ste. 100
 Centerville, Utah 84014
 Office: (801) 773-7239
 Cell: (801) 565-1565
 Fax: (801) 773-7555
info@wolpindevelopmentgroup.com



AXIOM
INVESTMENT
GROUP

DRAWING IS NOT TO SCALE # 848 DOES NOT MEASURE 1 INCH 0 1/2 1	NO.	DATE	REVISION

CONCEPT PLAN
THE MANOR AT LUND LANE
CENTERVILLE CITY, DAVIS COUNTY, UTAH

DESIGN: _____	DATE: _____	 MEAC MECHANICAL ELECTRICAL & CIVIL ASSOCIATES, INC.	Steven P. McFarland, PE Steven P. REG. NO. 1 FURNISHING NO. 10000 EXP. 01/01/2011 NO FEE FOR REVIEW www.mecacorp.com
DRAWN: _____	DATE: _____		
CHECKED: _____	DATE: _____		
SHEET: _____			
C1			

1 **PLANNING COMMISSION MINUTES OF MEETING**

2 **Wednesday, March 23, 2016**

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 Cheylynn Hayman
11 David Hirschi, Chair
12 Gina Hirst
13 Scott Kjar
14 Logan Johnson
15 Becki Wright

16
17 **STAFF PRESENT**

18 Corvin Snyder, Community Development Director
19 Lisa Romney, City Attorney
20 Brandon Toponce, Assistant Planner
21 Kathy Streadbeck, Recording Secretary

22
23 **VISITORS**

24 Interested Citizens

25
26 **PLEDGE OF ALLEGIANCE**

27
28 **OPENING COMMENT/LEGISLATIVE PRAYER**

Chair Hayman

29
30 **MINUTES REVIEW AND APPROVAL**

31
32 The minutes of the Planning Commission meeting held March 9, 2016 were reviewed and
33 amended. Commissioner Johnson made a **motion** to approve the minutes as amended. The
34 motion was seconded by Commissioner Wright and passed by unanimous vote (7-0).

35
36 **PUBLIC HEARING | THE MANOR AT LUND LANE | 77 WEST LUND LANE -**
37 **Consider the proposed applications: Request #1: Zone Map Amendment from A-L**
38 **(Agricultural-Low) to R-L (Residential-Low), 4.85 acres; and Request #2: (Pending Actual**
39 **Rezone Approval) Conceptual Subdivision Plan, 12-Lots. Phil Holland, Wright**
40 **Development Group, Applicant.**

41
42 Commissioner Johnson recused himself from this matter.

1 Brandon Toponce, Assistant Planner, reported the applicant desires to rezone (zone map
2 amendment) their property from Agricultural-Low (A-L) to Residential-Low (R-L) and then
3 subdivide the property into twelve (12) lots, which calculates to approximately 2.47 units per
4 acre. The R-L zone permits four (4) units per acre. Mr. Toponce reviewed the criteria for a
5 rezone approval explaining the proposed use is consistent with the General Plan, is harmonious
6 with surrounding uses, does not appear to pose an adverse effect on its surroundings, and has
7 adequate services available for each lot. Overall, staff recommends approval of the rezone.

8
9 Mr. Toponce reviewed the conceptual site plan for the proposed development of twelve
10 (12) lots. He explained each lot is a bit different in size but all lots are larger than required for the
11 R-L Zone. He said the 12-lot subdivision includes the existing home as one of the lots, so only
12 11 properties will be available for build. He reviewed the proposed setbacks, street frontage, lot
13 widths, and required public utility easements. He explained the preliminary plans will be
14 required to show all setbacks, buildable pads, sidewalk, curb and cutter, street improvements,
15 utilities, and fire protection. All properties and driveways will front on Lund Lane. Mr. Toponce
16 reviewed the Subdivision Ordinance with regard to the proposed plan. He explained the
17 Ordinance states the City may require a mid-block walkway for blocks over 800 feet in length.
18 The proposed lots exceed this 800-foot length but staff believes a walkway is unnecessary for
19 this subdivision since Main Street has an existing dedicated sidewalk, the road to the west will
20 have a completed sidewalk, and there is no knowledge of future development to the south. Staff
21 has requested a soil report due to concerns of fill dirt on the property. In addition, the applicant
22 will be required to work with City staff on an appropriate drainage plan. Overall, staff is
23 comfortable with the proposed subdivision concept and recommends approval.

24
25 Commissioner Wright asked how the existing home is calculated into the proposed
26 density. She asked if the proposed 4-foot park strip is standard or if the Commission could
27 require a greater width for appropriate street trees and public space. She said the Commission has
28 discussed (previous past meetings) proactive planning and urban trails. She said this may be an
29 opportunity to require a greater public space since the mid-block walkway is not being required.

30
31 Cory Snyder, Community Development Director, said the density calculation includes all
32 lots, even the existing home. He said the only allowable use in the R-L Zone is single-family.
33 Mr. Snyder explained Lund Lane is owned by both Centerville City and Farmington City. The
34 municipal boundary runs down the middle of Lund Lane. He said Centerville's public utility
35 easement runs along the south side of Lund Lane. Any street improvements will be required to
36 the south side of Lund Lane only. He also explained the City is only allowed to ask for the
37 standard 4-foot park strip as required per City Ordinance. He said the Commission could ask the
38 applicant their opinion on a greater public space, but cannot require it.

39
40 Chair Hirschi said Lund Lane always seems to be in disrepair and improvements have
41 always been a challenge because of the dual ownership. He encouraged staff to use this
42 opportunity to work with Farmington City and make the necessary road improvements to better

1 this area and community. Commissioner Wright said the staff report mentioned a complete
2 street plan per the City Engineer. She said the applicant should make the necessary
3 improvements as if a full road repair were to be completed.

4
5 Phil Holland, applicant, said the R-L Zone is the biggest zone in Centerville. He said the
6 R-L Zone allows up to 4-units per acre but they have chosen to go with larger lots (2.43 units per
7 acre) because of the surrounding area which includes A-L Zones. He believes the larger lots will
8 help maintain the feel of the community in this area. He said all standards and ordinances as
9 discussed and required will be completed for the project. He plans to follow the ordinances as
10 outlined. He agreed the mid-block walkway does not make sense because it would end in the
11 middle of the block at the property line, essentially making a sidewalk to nowhere.

12
13 Lisa Romney, City Attorney, explained there are two (2) applications for this applicant.
14 The first application is for the rezone from A-L to R-L. This is a legislative process and the City
15 Council will provide the final approval for the proposed rezone. The second application is for the
16 conceptual site plan, i.e., the proposed layout for 12 lots. She explained the rezone would permit
17 4-units per acre which is allowed regardless of the accepted conceptual site plan.

18
19 Chair Hirschi opened the public hearing for both the zone map amendment (rezone) and
20 the conceptual site plan.

21
22 Chris Cutler said he owns the A-L property to the south of this site. He said he would
23 prefer this property remain A-L as well. He said the applicant could slightly increase the lot sizes
24 to ½-acre allowing the A-L Zone to remain. He said most of this area is agricultural and should
25 be allowed to remain as such. He also agreed the mid-block walkway would lead to nowhere and
26 is unnecessary because it would dead end at his horse pasture.

27
28 Lisa Robinson said she too lives in the vicinity and her property is also zoned A-L. She
29 too would prefer a ½-acre lot subdivision that is kept agricultural. She said larger lots will help
30 maintain the diversity of the community. She also said Centerville residents have been very clear
31 they prefer lower density in Centerville.

32
33 Brent Robinson also requested the property remain A-L. He said he has no aversion to
34 development but believes it could be nicely developed with ½-acre lots. He said the majority of
35 Centerville is already R-L and this area should be kept as A-L. He expressed concern that the R-
36 L zone will tempt the developer to amend his plan and increase it to the permitted 4-units per
37 acre. He said keeping the A-L Zone will ensure the community gets a larger ½-acre lot
38 development.

39
40 Mila Cutler said she would like the A-L zone to stay. She expressed concern with child
41 safety. She said this development will bring more children to the area and will put them at risk as
42 they will be next to her horse property which can be dangerous.

1 Josh Christensen said he recently purchased a home in the area because of the large lots
2 and open feel. He would prefer it stay that way.

3
4 John Higley said he is happy to see a larger lot development concept rather than a high
5 density, small lot development like the one to the west recently built on the Frontage Road. He
6 said Centerville will continue to grow and develop and this is a good option for this area that will
7 help encourage compatible future development.

8
9 Seeing no one else wishing to comment, Chair Hirschi closed the public hearing.

10
11 Mr. Snyder explained the higher density project to the west was a development of mutual
12 benefit. He explained the City and this neighborhood got a much needed, significant water
13 drainage system upgrade and in return the development got a slightly higher density allotment.

14
15 Mr. Holland thanked the public for their comments. He reviewed the zoning map for this
16 area showing the majority of the area is zoned R-L with a limited A-L zone remaining. He said
17 the only reason these properties have not rezoned to R-L is because they have been owned by the
18 same families for years. He projected the entire area will develop at some point in the future and
19 said his larger lot concept will be beneficial when that happens because it will allow the City to
20 require development similar to those existing. He said he has no intention of maximizing the
21 density for this development. He said this is the best plan for the market.

22
23 Commissioner Daly asked if the applicant would still be required to install street
24 improvements if the rezone was not approved. Commissioner Wright questioned how many lots
25 would be possible if the developer chose to increase the development to the permitted 4-units per
26 acre.

27
28 Mr. Snyder said any development, whether in the A-L Zone or the R-L Zone, would be
29 required to make all necessary street improvements. However, he is unsure if a development
30 would be cost effective if the density was too low. He also said he is unsure how many lots
31 would be possible at 4-units an acre as there are many factors involved. The Commission
32 speculated that a potential of 15 lots may be possible.

33
34 Chair Hirschi made a **motion** for the Planning Commission to accept the Zone Map
35 Amendment for the property located at 77 West Lund Lane from Agricultural-Low (A-L) to
36 Residential-Low (R-L), and to recommend approval to the City Council.

37
38 ***Reasons for the Action:***

- 39 1. The proposed amendment meets the requirements found in Section 12-21-080(4)(e).
40 2. The proposed Zone Map Amendment meets the goals and objectives of the General
41 Plan concerning Neighborhood 4 [Section 12-480-5].

1 3. Adequate facilities are located within the subject property along Lund Lane [Section
2 12-21-080(e)(5)].

3 4. Any further conceptual plat acceptance by the Planning Commission is subject to
4 approval of the rezone by the City Council.

5
6 The motion was seconded by Commissioner Kjar.

7
8 Chair Hirschi said although this carves out a small portion of the A-L zone there is also
9 several R-L zones in the vicinity including residential uses across the street in Farmington. He
10 said the proposed development is the least impacting option for this area.

11
12 Commissioner Kjar said the residential lots across the street in Farmington are
13 substantially smaller than the lots proposed for this development. He said the proposed lot sizes
14 are very nice and will make for an upscale development that will greatly enhance the area.

15
16 Commissioner Wright disagreed. She said the lots are so close to the ½-acre mark she
17 believes the A-L Zone could remain and the developer would only lose one lot. She is not
18 comfortable allowing 4-units per acre for this area.

19
20 Commissioner Hayman expressed concern that rezoning this property will box in the A-L
21 Zone creating an island. She agreed the layout is nice but is worried this will create a domino
22 effect for future smaller lot development.

23
24 Mr. Snyder reminded the Commission that a finding related to the four (4) approval
25 criteria would need to be called out if the rezone is not recommended. He said the General Plan
26 encourages R-L development for this area.

27
28 Commissioner Wright said she does not believe the proposed development is harmonious
29 with surrounding uses. She said keeping this property A-L is consistent with the character for
30 this area and will still allow the applicant to develop.

31
32 Mr. Snyder said, as a planner, he does not see a reasonable way to deny the rezone. He
33 said the plan for the future is to move toward development. He said the purpose of the A-L Zone
34 is to allow animals and a ½-acre lot cannot adequately accommodate horses or other farm
35 animals. He said the General Plan defines both A-L and R-L as low density. Centerville's
36 General Plan policy is to move to low density 4-units per acre lots. The proposed plan follows
37 that policy.

38
39 Chair Hirschi said the proposed concept will set an acceptable precedent for future
40 development in this area. This will allow future Commissions to require the same large lot, high
41 standard. He agreed A-L does not serve the purpose of the General Plan policy for the future.

42

1 Chair Hirschi called for **vote** on the motion. The motion passed with a roll-call vote (5-1).
2 Commissioner Wright opposed.

3
4 Commissioner Wright said she does like the proposed layout and believes it will bring
5 some diversity to the area but also believes compatible development is possible while
6 maintaining the A-L Zone. Commissioner Hayman thanked the developer for maximizing the lot
7 sizes and said she would be disappointed if this changes to maximize density. Commissioner
8 Hirst said she likes the proposed development and lot sizes and she too would be disappointed if
9 the density was increased from this original concept.

10
11 Commissioner Kjar made a **motion** for the Planning Commission to accept the
12 Conceptual Subdivision Plat for The Manor at Lund Lane Subdivision, located at 77 West Lund
13 Lane, subject to the following directives:

- 14
15 1. Conceptual subdivision acceptance is subject to the rezone approval by the City
16 Council.
17 2. The applicant shall submit an application for a preliminary plat and meet all the
18 standards found in Chapter 15-3 of the Subdivision Ordinance.
19 3. The preliminary plat shall indicate the following information:
20 a. Correct setbacks standards found on Table 12-32-1 of the Zoning Ordinance
21 b. Buildable pad on each lot.
22 c. A 4-foot sidewalk, 4-foot park-strip, curb and gutter and extension of asphalt as
23 needed. All public improvements shall meet City specifications and be bonded
24 for by the developer.
25 d. Three public utility easements on each lot with the front easements measuring 10
26 feet and all other sides measuring 7 feet.
27 e. Adequate fire protection including all existing fire hydrants and any new fire
28 hydrants as required by the Fire Marshal.
29 4. All driveways for each lot shall be located off Lund Lane.
30 5. A soils report and drainage information shall be submitted to City staff for review.
31 6. Utility provider sheets shall be submitted indicating all utility providers can service
32 each lot.
33 7. The midblock access as stated in Section 15-5-101(5) of the subdivision should not be
34 required for this development.

35
36 ***Reasons for Action (findings):***

- 37 1. The conceptual plat acceptance is subject to the rezone approval by the City Council
38 from A-L to R-L [Section 12-21-080(d)(4)].
39 2. The conceptual subdivision is in harmony with the General Plan [Section 12-480-5].
40 3. The new subdivision meets the objectives for development within a Residential-Low
41 Zone [Section 12-30-020(b)(1)].

4. It appears all applicable development standards for development within an R-L Zone have be satisfied [Table 12-32-1].
5. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
6. All applicable standards found in the Subdivision Ordinance pertaining to a conceptual subdivision application have been satisfied [Chapter 15-2].
7. Staff does not believe the midblock pedestrian access as stated in Section 15-5-101(5), is necessary since Main Street has a dedicated sidewalk, there is no knowledge of future development to the south, and eventually the road to the west of the project will be completed with an additional sidewalk.

The motion was seconded by Commissioner Wright and passed by unanimous roll-call vote (6-0).

PUBLIC HEARING | BARTILE ROOFS | 725 NORTH 1000 WEST - Consider the proposed Amended Site Plan for Bartile Roofs on property located at 725 North 1000 West, for the purpose of constructing new storage sheds. Lewis Evans, Bartile Roofs Inc., Applicant.

Commissioner Johnson rejoined the meeting.

Cory Snyder, Community Development Director, reported the applicant desires to construct three (3) large storage buildings on his property and possibly reconfigure some of the parking on site. The purpose of the site plan amendment is to house most of the current outdoor product storage. The site does not currently comply with the architectural, landscaping, and parking provisions of the current ordinances and is required to come into compliance unless the expansion is less than 30% of the floor area. The applicant desires to limit the new construction to just below the 30% threshold. The applicant previously built some storage sheds in the northeast corner of the property without proper approvals. Those sheds will need to be brought into compliance as well. The proposed new buildings and the unsanctioned sheds will be required to meet current architectural and building standards. The applicant will address drainage and public utility easements as required. The applicant will be required to install parking lot landscaping dependent of the parking lot reconfiguration. Overall, staff believes the proposed changes to the site will enhance the site by upgrading the condition and appearance as encouraged by the General Plan.

Commissioner Daly said the applicant may choose to remain under the 30% threshold for these improvements but questioned if the applicant could choose to do another upgrade in the future, again staying under the 30% threshold, and again be exempt from coming into compliance. Mr. Snyder said that any additional improvements after this point would require full compliance. He said the record will show that the applicant is over the 30% with any additional upgrades.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 5.

Short Title: Municipal Code Amendment - Section 7-02-024 - Possession of Wild Animals Prohibited

Initiated By:

Scheduled Time: 7:40

SUBJECT

Consider Ordinance No. 2016-09 enacting Section 7-02-024 of the Centerville Municipal Code regarding the Possession of Wild Animals

RECOMMENDATION

Adopt Ordinance No. 2016-09 enacting Section 7-02-024 of the Centerville Municipal Code regarding the Possession of Wild Animals

BACKGROUND

Pursuant to an Interlocal Agreement entered into by Davis County and Centerville City, the County provides animal control services for the City. To simplify enforcement matters the City has adopted by reference the Davis County Animal Control Ordinances as set forth in Title 6 of the Davis County Ordinances. It has come to the City's attention that the County Animal Control Ordinances provide a number of exceptions to the prohibition on the possession of wild animals. While these exceptions may be reasonable for enforcement within the County given the semi-rural development within the County, not all of these exceptions make sense for developed areas of the City. These exceptions also conflict with certain provisions of the Centerville Zoning Code. As such, the City Council directed Staff to prepare an ordinance amending and revising Section 6.16.130 of the Davis County Ordinances (as adopted by reference by the City) to prohibit wild animals within the City except under limited circumstances. As directed, Ordinance No. 2016-09 has been prepared amending and restricting the possession of wild animals within the City. A copy of Section 6.16.130 (possession of wild animals) and Section 6.04.010 (definitions) of the Davis County Ordinances are attached.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2016-09-Wild Animals
- ☐ Davis County Ordinance 6.16.130
- ☐ Davis County Ordinance 6.04.010

ORDINANCE NO. 2016-09

AN ORDINANCE ENACTING SECTION 7-02-024 OF THE CENTERVILLE MUNICIPAL CODE PROHIBITING THE POSSESSION OF WILD ANIMALS

WHEREAS, Centerville City has previously adopted Title 7, Chapter 2, of the Centerville Municipal Code regarding Animal Control and has pursuant to Section 7-02-020 adopted by reference the animal control ordinances and regulations of Davis County; and

WHEREAS, Section 6.16.130 of the Davis County animal control ordinances prohibits the possession of wild animals, subject to certain exceptions, including any person or entity authorized by the Utah State Department of Wildlife Resources to possess and use the wild animal for educational or scientific purposes; and

WHEREAS, the Centerville City Council finds that the possession of wild animals and the exception for the possession of such animals under Davis County animal control ordinances is in conflict with existing provisions of the Centerville Zoning Code, dangerous to the public health, safety and welfare, and incompatible with the commercial and residential development and uses within the City; and

WHEREAS, the Centerville City Council desires to enact Section 7-02-024 of the Centerville Municipal Code amending Section 6.16.130 of the Davis County animal control ordinances and clarifying that the possession of wild animals is prohibited within the City; and

WHEREAS, the Centerville City Council has determined that the proposed enactment of Section 7-02-024 of the Centerville Municipal Code is in the best interest of the public health, safety and welfare.

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

Section 1. Enactment. Section 7-02-024 the Centerville Municipal Code prohibiting the possession of wild animals requiring a certificate of registration from the Utah Division of Wildlife Resources is hereby enacted to read in its entirety as follows:

7-02-024. Possession of Wild Animals Prohibited.

(a) It shall be unlawful for any person to possess, give, keep, or sell any wild animal within the City. For purposes of this Section, "wild animal" shall constitute any wild animal as defined in Section 6.04.010 of the Davis County Ordinances. "Wild animal" shall also include any protected or controlled species of amphibian or reptile as defined in Utah Administrative Rule R657-53-2 or any noncontrolled species of amphibian or reptile as defined in Section R657-53-2 when possession of such noncontrolled amphibian or reptile requires a certificate of registration from the Division of Wildlife Resources due to the number of noncontrolled animals possessed by any person or entity.

(b) Subsection (a) does not apply to a veterinarian or veterinarian facility which is treating the animal, an animal shelter, or the Davis County Animal Control Department or authorized agent which has impounded or otherwise obtained possession of the animal. Any person or entity in possession of a wild animal under this subsection (b) shall comply fully with all applicable federal, state and county rules and regulations regarding the care, keeping, treatment, quarantine and vaccination of the animal, including, but not limited to, compliance with Section 6.16.130(B) of the Davis County Code, as amended.

(c) Except as otherwise provided in Subsection (b), this Section 7-02-024 is intended to replace and supersede the provisions of Section 6.16.130 of the Davis County Code regarding the possession and exceptions for wild animals.

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. Penalty Provision. Any person who violates the provisions of this Ordinance shall be subject to the penalties set forth in Section 7-02-030 of the Centerville Municipal Code.

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 5th DAY OF APRIL, 2016.**

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 _____, 2016.

PUBLISHED OR POSTED this ____ of _____, 2016.

Davis County Code

Section 6.16.130 - Possession of wild animals prohibited—Exceptions.

A. It shall be unlawful for any person or entity to:

1. Own, possess, give, keep, or sell any wild animal as defined in this title except only for the following persons or entities;
 - a. The Department which has impounded or otherwise obtained possession of a wild animal;
 - b. Veterinarian or veterinarian facility which is treating the animal;
 - c. A licensed zoological facility or zoo;
 - d. An educational or scientific facility or laboratory owned and operated by a governmental entity or a licensed individual or private non-profit corporation for educational or a scientific purpose;
 - e. A circus or other entertainment person or entity having the necessary and appropriate license or governmental permit for the wild animal;
 - f. An animal shelter; or
 - g. A person or entity authorized by the Utah State Department of Wildlife Resources to possess and use the wild animal for educational or scientific purposes.
2. Keep or maintain a wild animal on the premises of the owner other than under a controlled confinement.
3. Allow the animal to run at large or to maintain, transport, display, or use the animal in a manner which endangers any person whether on the premises of the owner or elsewhere.

B. Any person or entity lawfully in possession or custody of a wild animal under this section shall be guilty of a misdemeanor if that person or entity does not:

1. Maintain, transport, display, and use the wild animal using protective devices and procedures approved by the Department. Such devices and procedures shall be adequate and appropriate to protect the animal, persons, and the public and prevent the animal from escaping, running at large, causing injury to or constituting potential danger for the public or other animals.
2. Comply fully with all applicable federal, state, city, and county laws, rules, and regulations regarding the care, keeping, treatment, quarantine, and vaccination of the animal.

(Ord. 07-2004, Add, 08/17/2004)

Davis County Code

Section 6.04.010 - Definitions.

As used in this title:

1. "Animal" means any and all types of livestock, dogs and cats, fowls, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.
2. "Animal boarding establishment" means any establishment that takes in animals and boards them for profit.
3. "Animal Control Director" and "Director" each mean the Director of the Animal Care and Control Department.
4. "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
5. "Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
6. "Animal at large" means any animal, whether licensed or not, when:
 - a. The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.
 - b. The animal is on the property of the owner or custodian and is not:
 - (1) Securely confined in a building, fenced area, cage or kennel;
 - (2) Under the immediate physical restraint by the owner or custodian; or
 - (3) Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.
 - c. A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.
7. "Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
8. "Cat" means any age feline of the domesticated types.
9. "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.
10. "Center" means the Davis County Animal Control Center.
11. "Custodian" means a person having formal or informal custody, control, or possession.
12. "Dangerous animal" means any animal that:
 - a. Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property;
 - b. Has been previously found to be a potentially dangerous animal, whose owner has received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

- c. Is found to be in violation of any of the restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.
- 13. "Department" means the Davis County Department of Animal Care and Control.
 - 14. "Dog" means any canis familiaris.
 - 15. "Domestic animals" means animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.
 - 16. "Estray" means any livestock found at large.
 - 17. "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.
 - 18. "Kennel" means land or buildings used in the keeping of three (3) or more dogs, four (4) months or older.
 - 19. "Livestock" means any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.
 - 20. "Owner" means any person having an ownership or proprietary interest in an animal or having formal or informal custody of an animal.
 - 21. "Pet" means a domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
 - 22. "Pet shop" means any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.
 - 23. "Potentially dangerous animal" means any animal:
 - a. That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;
 - b. Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or
 - c. That, because of witnessed and documented conduct is reasonably believed to be capable or causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.
 - 24. "Quarantine" means the isolation of an animal as required by this title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
 - 25. "Restraint device" means any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.
 - 26. "Riding school or stable" means an establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.
 - 27. "Vicious animal" means any animal which has:
 - a. Inflicted severe injury on a human being with or without provocation on public or private property;
 - b. Has killed a domestic animal with or without provocation while off the owner's property; or
 - c. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or

it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to Sections 6.16.050 and 6.16.060 of this title.

28. "Wild animal" means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

- a. Alligators, crocodiles, Caiman;
- b. Bears (Ursidae). All bears including grizzly bears, brown bears and black bears;
- c. Cat Family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
- d. Dog Family (Canidae). All, except domesticated dogs, and including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;
- e. Porcupine;
- f. Primates (all subhuman primates);
- g. Raccoon (all varieties);
- h. Skunks;
- i. Venomous snakes or lizards;
- j. Weasels. (All weasels, martens, wolverines, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed legally operated ranch.

(Ord. 8-2011, § 1, Amended 12/20/2011; Ord. No. 7-2010, § 1, Amended 12/21/2010; Ord. 06-2006, Amended, 07/19/2006; Ord. 03-2003, Amended, 03/11/2003)

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 6.

Short Title: Continue discussion of proposed Accessory Dwelling Units Ordinance

Initiated By: City Council and Planning Commission

Scheduled Time: 7:50

SUBJECT

Consider Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs), including amendments to Section 12-12-040 regarding definitions for ADUs, amending Table 12-36 regarding Table of Uses, and enacting Chapter 12-60 regarding ADUs - Consider Ordinance No. 2016-04

RECOMMENDATION

The City Council held a continued public hearing on the proposed Zoning Ordinance Text Amendments regarding Accessory Dwelling Units (ADUs) on January 19, 2016. After taking public comment and discussing the proposed ADU ordinance, the City Council voted to table action on the matter and to bring it back to the City Council in 60-120 days. As directed, this matter is now before the City Council for review and consideration.

BACKGROUND

Previous Background: In 2014, the City Council asked the Planning Commission to consider the possibility of amending the zoning code to allow accessory dwelling units (ADUs) in single-family residential areas.

After a public outreach effort and numerous public hearings before the Planning Commission, the Planning Commission forwarded a recommended ordinance to the City Council on March 25, 2015. By way of history, the Planning Commission reviewed this matter at public meetings held on January 28, 2015, February 25, 2015, and March 25, 2015. Minutes from these Planning Commission meetings are attached.

The City Council reviewed the proposed ordinance and held a public hearing on the matter on May 5, 2015 and July 7, 2015. After some discussion about this ordinance, the City Council agreed to suspend further consideration of the ordinance until after they completed revisions to the South Main Street Corridor (SMSC) Overlay Zone. In their November 17, 2015 meeting, during which they adopted amendments to the SMSC Overlay Zone, the City Council agreed to discuss the ADU ordinance again on December 1, 2015 and directed Staff to advertise a public hearing on the matter for the City Council meeting on December 15, 2015. On December 1, 2015, the City Council directed Staff to postpone the public hearing scheduled for December 15, 2015 until January 19, 2016. On January 19, 2016, the City Council held a public hearing on the proposed ADU ordinance. This matter is now before the City Council for review and consideration. Previous Staff Reports, Minutes, and the proposed Ordinance No. 2016-04 are attached.

ATTACHMENTS:

Description

- ☐ 03-26-15 Staff Transmittal Report
- ☐ Ordinance No. 2016-04-ADUs

- ▢ Exhibit A-Chapter 12-60-ADUs
- ▢ 03-25-15 PC Staff Report
- ▢ 03-25-2015 PC minutes re recommendation on ADUs
- ▢ 02-25-2015 PC Minutes re discussion on ADUs
- ▢ 01-28-2015 PC minutes re discussion on ADUs
- ▢ May 5, 2015 CC minutes re ADUs
- ▢ July 7, 2015 CC minutes re ADUs
- ▢ ADU Summary Brief

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

STAFF TRANSMITTAL REPORT

DATE: MARCH 26, 2015

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

APPLICATION: ZONING CODE TEXT AMENDMENTS

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

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

BACKGROUND

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

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

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

PLANNING COMMISSION RECOMMENDATION

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

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

Suggested Reasons for Action (findings):

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

Planning Commission Vote (4-2):

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

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

- ✓ January 28, 2015
- ✓ February 25, 2015

ORDINANCE NO. 2016-04

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

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

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

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

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

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

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

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

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

12-12-040. Definitions.

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

* * *

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

* * *

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

* * *

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

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

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

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

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

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

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

ATTEST:

CENTERVILLE CITY

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 Meham	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

MARSHA L. MORROW, City Recorder

DATE: _____

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ of _____, 20__.

Exhibit A

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

Chapter 12-60-Accessory Dwelling Units

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

12-60-010. Purpose

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

12-60-020. Scope

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

12-60-030. Definitions

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

12-60-040. Use Allowed

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

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

- (a) *Use in Combination.* An ADU shall be established as a secondary accessory dwelling unit in both use and size and shall only be established in combination with a primary single-family dwelling unit.
- (b) *Owner Occupancy Required.* An ADU shall only be established for single-family dwellings that are occupied by an owner in accordance with the "Owner Occupancy" requirements of subsection 12-60-080.
- (c) *Number allowed.* Only one (1) ADU is allowed for a:
 - (1) Lot, parcel, or tract of land; and
 - (2) Main building or structure of a primary single-family dwelling.
- (d) *Location or Placement.* The ADU may be integrated within or a part of the primary use structure; or may be separated or detached from the primary structure provided its building or structure is located entirely within the yard area that is present behind (*rear portion*) the primary building of the lot or parcel.
- (e) *Separate Dwelling Units.* Any portion of a single-family dwelling that has been sectioned off, mechanically, physically, or by other means, so that any occupant in the single family dwelling does not have full and free access to the separated portion of the dwelling and such separated area contains living quarters which provide sleeping, sanitary, and fixed kitchen facilities, or any separate accessory building or structure containing the same, shall be subject to the provisions of this Chapter, regardless of the relationship of the occupants.
- (f) *Termination of ADU use.* The approval permit for an ADU shall become null and void if the occupancy requirements of this Chapter are not satisfied, or the owner declares termination through writing or through neglect or any other action violates the provisions of this Chapter. Upon such termination of ADU use, the owner shall remove one or more features that make up an ADU including but not limited to living, sleeping, or kitchen facilities-including electrical, gas, or plumbing, as deemed acceptable to the City to render the ADU removed or unusable.
- (g) *Exemptions.* The following exemptions shall apply to the use of ADUs:
 - (1) Accessory dwelling units shall not be included in the gross density calculations for single-family zoning districts (i.e. A-L and R-L Zones).
 - (2) Except as provided in this Chapter regarding establishing a separate

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

12-60-060. General Development Standards

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

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

- (1) Converting existing living area, attic, basement, other area of a main dwelling. The conversion of the primary dwelling's garage space is prohibited without providing the required parking stalls in another appropriately City approved location.
- (2) Adding floor area to the main building.
- (3) Integration of an ADU into the design plan for new construction of a single family dwelling.
- (4) Constructing or converting a detached accessory building (e.g. guest house) for use as an ADU.

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

- (1) Every ADU shall have a minimum habitable space of 200 square feet for each person occupying the ADU, or as amended by applicable state and local construction codes.
- (2) The maximum area or size of the ADU dwelling shall not exceed 25% of the gross floor area of the primary dwelling unit (*for all types, conversion, additions, integrated or detached*) or 800 square feet, whichever is less.
- (3) The primary dwelling unit shall maintain at least 900 square feet of habitable space separate from the ADU, if it is constructed or converted within the primary or main building.

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

- (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable front, side, and rear yard setbacks for “main buildings” as listed in the development standards of its respective residential zone.
- (2) Detached ADUs shall be setback as follows:
 - i. A minimum of 60 feet from the front lot line of a lot or parcel, or six (6) feet behind the primary or main building of the lot or parcel.
 - ii. A minimum of six (6) feet from any perimeter side or rear line of the lot or parcel.
 1. *Exception.* For conversion of an existing accessory structure on a lot or parcel, the minimum six (6) foot setback may be reduced to the standard accessory building three (3) foot setback, provided there is sufficient emergency ingress/egress from all habitable space areas within the structure and the structure meets the applicable building and fire regulations.

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

- (1) An ADU created within or attached to the primary or main building of a single-family dwelling shall meet the applicable height requirement for primary or main buildings as listed in the development standards of its respective residential zone.
- (2) Detached ADUs shall be limited to a height of 20 feet, as measured by the average of all four (4) sides of the building’s elevation using the mid-point between the lowest eave and the highest ridge line.

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

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

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

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

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

12-60-070. Design Standards

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

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

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

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

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

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

- (d) *Windows*. Windows should be compatible or visually appear to be harmonious in proportion (i.e. width to height) and orientation (i.e. horizontal or vertical) to windows used for the main or primary building.
- (e) *Eaves*. Building eaves for ADUs should meet one of the following designs:
 - (1) The eaves are to project from the walls the same distance as the eaves on the primary or main building.
 - (2) The eaves are to project from the walls at least one (1) foot on all elevations.
 - (3) If the primary or main building style has no eaves, then eaves are not required for the ADU.
- (f) *Exceptions*. If there is a conflict between these design standards and the adopted construction codes of the City, then the applicable construction code shall govern that particular design element.

12-60-080. Occupancy Requirements

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

- (a) *Definitions and Terms*. The following definitions or terms are applicable to the creation and use of ADUs:
 - (1) *Owner*. An owner is defined as a person having at least 50% or greater interest in the property.
 - (2) *Full-time Residency*. Full-time residency means the owner must live in a dwelling for at least six (6) months of each calendar year.
 - (3) *Owner Occupancy Covenant*. A signed and notarized owner-occupancy agreement that is recorded on the property title for sanctioning an ADU.
 - (4) *Temporary Owner Absence Waiver*. An approval granting a waiver of the occupancy requirement due to specific short term or temporary absences.

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

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

- (1) That he/she/ they are owner(s) of the property located in Centerville, Utah.
- (2) That he/she/they applied and received approval to construct or use an accessory dwelling pursuant to Centerville City ordinances.
- (3) That the owner(s) of the property will restrict the use of the principal dwelling and ADU in compliance with Centerville City ordinances.
- (4) That an owner with at least a 50% interest in the property will occupy either the primary dwelling or ADU for six months of each calendar year, except where a "temporary owner absence waiver" is granted by Centerville City ordinances.
- (5) That if the owner(s) of property are unable or unwilling to fulfill the requirements for use of an ADU, then the owners agree to remove one or more features that make it an ADU, including but not limited to living areas, sleeping areas, or kitchen facilities-including electrical, gas, or plumbing and further agree to terminate, in writing, the ADU permit and approval.
- (6) That the covenant shall run with the land and be binding upon the owners, heirs, and assigns, and upon any parties acquiring any right, title, or interest in the property.
- (7) That the owners and their heirs, successors, and assigns will inform all prospective purchasers of the property of the terms and conditions of the covenant.

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

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

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

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

12-60-090. Other Applicable Regulations and Codes

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

- (a) *Construction and Fire Codes.* An ADU shall be subject to all related regulations regarding the construction and fire codes, as adopted by the City and State.
- (b) *Utilities and Charges.* An ADU shall provide the necessary utilities and services such as, but not limited to, sewer, water, gas, electricity, and garbage collection. All City provided utilities shall be in the property owner(s) name and the owner shall be responsible for the payment of such services.
- (c) *Addressing.* An ADU will not be given a new distinct address by the City. Such ADUs may refer mail to be delivered separately by the same address as the primary building using with a subsidiary numerical or alphabetical reference (*e.g. 1390 West #A*), as approved by the local postmaster and/or emergency service agencies.

12-60-100. Conditional Use Permit Required

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

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

**STAFF REPORT
AGENDA: ITEM 3**

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

APPLICATION: ZONING CODE TEXT AMENDMENTS

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

**RECOMMENDATION: CONSIDER RECOMMENDING APPROVAL OF THE
 ZONING CODE TEXT AMENDMENTS TO THE CITY
 COUNCIL**

BACKGROUND

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

Generally, these meetings indicated that allowing such a housing type might be appropriate, provided sufficient use regulations could be developed. However, there were some concerns regarding allowing detached ADUs, or units constructed separately from the primary dwelling. Additionally, the Commission also questioned whether some aesthetic design standards were actually needful. Due to consensus that allowing ADUs might be appropriate, the Commission asked staff to prepare a draft Ordinance to review and discuss.

DRAFT ADU ORDINANCE SUMMARY

The draft Ordinance is compiled using typical standards found throughout many Utah cities. However, such provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville City. Each section contains a brief description of the issues described in the

Ordinance section. Additionally, staff has performed several edits as discussed in the previous meetings held by the Commission.

Purpose – General Ordinance language describing the “why” of the Ordinance.

Scope – General Ordinance language setting the “who” of the Ordinance.

Definitions – General Ordinance language referencing the use of terms and locations for further understanding.

Use Allowed – General Ordinance language describing the allowance and zoning districts regarding ADUs. Ordinance currently only proposes ADU use in (A-L) and (R-L) Zones.

Limitations, Termination, and Exemptions – Specific Ordinance language addressing the parameters for ADU use. ADU use fundamentals such as occupancy, density, location, measurement, termination, and exceptions are identified.

General Development Standards – Specific Ordinance language setting terms and conditions of ADU use with regards to ensuring that the dwelling is subordinate to the primary home. The regulations address establishment, space and size, setbacks, heights, parking, etc.

Design Standards (Optional Consideration) – Specific Ordinance language addressing visual aesthetics for additions or detached structures. Elements identified include use of exterior materials, entrance locations, roof pitch, window treatment, etc.

Occupancy Requirements – Specific Ordinance language establishing an owner occupancy requirement and/or when a termination is warranted. The regulations also allow a temporary leave of absence before any cessation is required. A written recorded agreement with specific terms and conditions is required as part of establishing an ADU.

Other Applicable Regulations and Codes – General Ordinance language referencing other applicable codes and requirements such as building and fire codes.

Conditional Use Required – General Ordinance language indicating the requirement to obtain a conditional use permit to allow an ADU use.

ZONE TEXT AMENDMENT REVIEW PROCESS

Factors to be Considered

The deciding entity must consider three (3) factors when making a recommendation and a final decision for a zone text amendment. These required factors are found in Section 12-21-080(e) of Centerville City’s Zoning Ordinance. Staff’s review and conclusions for these factors are provided below:

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

1 **PLANNING COMMISSION MINUTES OF MEETING**
2 **Wednesday, February 25, 2015**
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 David P. Hirschi, Chair
10 Gina Hirst
11 William Ince (arrived at 7:07 p.m.)
12 Logan Johnson
13 Scott Kjar (arrived at 7:04 p.m.)
14 Kevin Merrill
15 Debra Randall

16
17 **STAFF PRESENT**

18 Corvin Snyder, Community Development Director
19 Lisa Romney, City Attorney
20 Katie Rust, Recording Secretary

21
22 **VISITORS**

23 Interested citizens (see attached sign-in sheet)

24
25 **OPENING COMMENT/PRAYER** Commissioner Randall

26
27 **PLEDGE OF ALLEGIANCE**

28
29 **MINUTES REVIEW AND APPROVAL**

30
31 The minutes of the February 11, 2015 Planning Commission meeting were reviewed.
32 Chair Hirschi and Commissioners Merrill and Kjar requested amendments. Commissioner Kjar
33 made a **motion** to approve the minutes as amended. Chair Hirschi seconded the motion, which
34 passed by unanimous vote (7-0).

35
36 **PUBLIC HEARINGS | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 -**
37 **ACCESSORY DWELLING UNITS (ADUs)**

38
39 During 2014 the Planning Commission held some public discussion meetings to assess
40 the possibility of allowing accessory dwelling units as part of the housing options within the city.
41 Generally, these meetings indicated that allowing such a housing type might be appropriate,
42 provided sufficient use regulations could be developed. However, there were some concerns
43 regarding allowing detached ADUs, or units constructed separately from the primary dwelling.
44 The Commission also questioned whether some aesthetic design standards were actually
45 needful. Staff was asked to prepare a draft Ordinance to review and discuss.

46
47 At 7:14 p.m. Chair Hirschi made a **motion** to reopen the public hearing to receive a letter
48 from Linda Harrison into the public record for consideration, and for further public comment.
49 Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).

50
51 **Dale Engberson** – Mr. Engberson owns a home and property in Centerville that he thinks
52 would work well with the addition of an ADU. He said he thinks the draft Ordinance is well

1 written. Mr. Engberson referred to the size limit of 200 square feet per resident and the
2 maximum limit of 800 square feet per ADU, which equals a proposed maximum ADU occupancy
3 of four residents. The State has an occupancy limit of 200 square feet per person, but Mr.
4 Snyder stated that he is not aware of occupancy levels being enforced in the State of Utah
5 during his career. Mr. Engberson said he assumes inspections would be required to make sure
6 everything is up to code. He added that he thinks it would be a good idea for the City to
7 maintain a list of ADU occupants for emergency situations. He also suggested that the City
8 provide an instructive packet for ADU property owners that could include ways to screen
9 potential occupants. Mr. Engberson mentioned the limitations imposed by required setbacks.
10 He suggested that it would be fair to charge a percentage of some of the impact fees rather than
11 the full amount.

12
13 At 7:24 p.m. Chair Hirschi closed the public hearing. Chair Hirschi said he knows there
14 are some citizens who could benefit from the Ordinance, but he is not sensing a huge amount of
15 support or need right now. Mr. Snyder reported that three or four citizens call him regularly in
16 support, and he regularly hears from one citizen against. Mr. Snyder said he personally
17 believes that an ADU ordinance would be low-key in Centerville to begin with, but the General
18 Plan states that the option should be considered. Commissioner Randall said she believes
19 there are quite a few ADUs already in operation.

20
21 Mr. Snyder mentioned several concerns brought to him by Commissioner Merrill,
22 including placement of ADUs, and the question of whether or not the City should address
23 existing ADUs. Chair Hirschi referred to the issue of "free access" on page two, item (e) of the
24 draft Ordinance. Mr. Snyder responded that access is a distinguishing factor between a duplex
25 and an ADU. An ADU is intended to be subsequent to the main residence, with a proposed size
26 allowance of 25% of the main residence, which would avoid a duplex situation. The
27 Commission discussed the proposed requirement of owner occupancy of at least six months of
28 the year. Mr. Snyder explained that a provision is included for "sabbatical leave" if the City is
29 given notice.

30
31 As written, the draft Ordinance restricts detached ADUs to the backyard of a residential
32 property. Through the conditional use permit process the Commission will have an opportunity
33 to check the location of any detached ADU and analyze potential impact on neighboring
34 properties. Mr. Snyder responded to a question from Chair Hirschi that he is not aware of any
35 study related to ADU impact fees. Chair Hirschi brought up a potential scenario involving
36 homeowners who pay impact fees when they purchase a home, raise a family, and years later
37 decide to rent out a portion of their home, with the rental situation causing less impact on the
38 community than the family did when the home was purchased and the family was young. He
39 asked if the homeowners would be required to pay impact fees again if they decide to rent out a
40 portion of the home. Commissioner Randall stated that charging impact fees twice in that
41 situation would not seem right. Chair Hirschi suggested that one solution might be to assess a
42 different impact fee for a detached dwelling than for a converted portion of an existing home.
43 Impact fees are determined, in part, by the number of fixtures in a dwelling. The Planning
44 Commission indicated that some type of tiering might be preferable for ADU impact fees,
45 depending on potential added impact. Chair Hirschi asked staff for further education regarding
46 how flexible the City can be with impact fees. Lisa Romney, City Attorney, responded that
47 impact fees are intended to pay a fair share for services in a community, not to increase level of
48 service. She commented that the City does not charge impact fees based on family size or
49 number of residents, and stated that the final decision should be defensible with analysis. Chair
50 Hirschi agreed that the City needs to be clear and consistent. Ms. Romney added that the City

1 includes an exception in all of its impact fee ordinances that allows residents to provide proof of
2 lesser impact and apply for a reduction.

3
4 Chair Hirschi commented that some of the City's residential roads are narrow, and
5 additional need for parking might exacerbate an already difficult parking situation, especially in
6 winter months. Mr. Snyder stated that the draft Ordinance allows a maximum of 800 square
7 feet, with four occupants and one required parking spot. City Code requires two parking spaces
8 for a primary residence, and the Commission could recommend requiring two parking spaces
9 for ADUs as well.

10
11 Commissioner Ince asked how strictly the City enforces exact setbacks and design
12 requirements. Mr. Snyder responded that enforcement of design require is disciplined
13 approach. Enforcement of behavior is on a complaint basis. Chair Hirschi added that through
14 the conditional use process the Commission will have the ability to look closely at individual
15 situations. He stated that the provision regarding location of entrances was confusing. Mr.
16 Snyder responded that character of the neighborhood and privacy are factors considered in
17 determining location of entrances. Mr. Snyder confirmed that the draft Ordinance requires at
18 least six feet between a main residence and a detached ADU for emergency personnel access.

19
20 Commissioner Johnson referred to the letter sent by Linda Harrison that cites Orem as a
21 negative example of ADU occurrence, and asked Mr. Snyder if he knows the difference in the
22 number of single family units in Orem compared to Centerville. Mr. Snyder responded that he
23 imagines Orem has significantly more single family homes than Centerville. Commissioner
24 Johnson said he felt the letter centered around the topic of expectations, and asked how the
25 Planning Commission should balance people's expectations with the needs of the City. Mr.
26 Snyder stated that Centerville was originally organized with the idea of varying single-family lot
27 sizes. In 2003 the City instituted completely different parameters based on gross density.
28 Cities change through time and zoning, creating differences in expectations. Chair Hirschi
29 added that the demographics in Centerville have changed significantly. Commissioner Merrill
30 commented that the city has changed since he bought his first home 40 years ago, but he still
31 loves Centerville. He feels the city still has a small-town feel, but provides what people need
32 and want within the city. Commissioner Merrill stated he has embraced the change that has
33 taken place, and he thinks the younger generation in the community will want to stay.
34 Commissioner Johnson stated that he would personally tend to disregard expectations that
35 things remain the same, and asked how much the expectations should affect decisions made by
36 the Commission.

37
38 Commissioner Randall commented that if all the properties on her block built detached
39 ADUs in the backyard, there would be a big impact on the neighborhood. She said she is fine
40 with existing structures being converted to ADUs, but the detached concept makes her nervous.
41 She would not want the neighborhood to become a different place. Chair Hirschi added that
42 there are parts of the city where separate structures would be possible, but many
43 neighborhoods in the city where it would not be possible. Commissioner Randall agreed that it
44 would increase what some citizens are able to do with their property. Commissioner Hirst
45 stated she agrees with some of the concerns voiced in Ms. Harrison's letter, but at the same
46 time, Centerville is not Orem City. Commissioner Hirst said she cannot imagine that many
47 homeowners will be interested in adding ADUs, and she does not think the City will see an
48 entire block of properties add detached structures. Commissioner Merrill seconded what
49 Commissioner Hirst said, and added that he does not anticipate a clamor to add ADUs.

Commissioner Ince asked about enforcement against existing ADUs. Mr. Snyder repeated that the City enforces on a complaint basis. If a report were to come in on a pending ordinance, he would not take action until a decision is made. The proposed draft Ordinance may not make all existing ADU situations legal. Some would benefit from the draft Ordinance, some would not. Commissioner Ince said he has an issue with things seeming to be arbitrary in government, and stated that the 25% and 800 square foot limitations seem to him to be arbitrary. He suggested there should be some latitude or tolerance for different circumstances. Mr. Snyder stated that the 25% and 800 square foot limit is consistent with other communities with ADU ordinances. ADUs are a limited use opportunity. Mr. Snyder clarified that an owner could live in either the primary residence or the ADU to satisfy the occupancy requirement. Chair Hirschi suggested clarifying the definition of "the dwelling" on page 6 Section (a)(2) of the draft Ordinance.

Commissioner Randall made a motion to table the issue, which was seconded by Commissioner Merrill. Mr. Snyder asked the Commission for direction regarding design standards. Chair Hirschi stated that he personally thinks design standards make a lot of sense because appearance reflects the character of a neighborhood. Commissioners Merrill, Kjar, and Randall indicated support for leaving design standards in the Ordinance. Chair Hirschi voiced support for requiring that exterior finishes must be compatible with the primary residence, and that entrances remain non-intrusive. Chair Hirschi suggested changing the word "must" to "should" with regards to matching windows on the main home. Commissioner Ince suggested requiring that exteriors be "complimentary" to the main home. Mr. Snyder agreed to continue working on the design standards portion of the Ordinance.

The motion to table passed by unanimous vote (7-0). Commissioner Ince asked what constitutes the definition of a family in a residential situation. Mr. Snyder responded that State law states that family/guardianship situations constitute family, as well as four unrelated individuals sharing a dwelling. The City Codes include related individuals, plus two additional individuals in the definition of a family.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

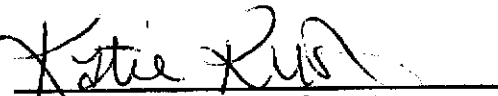
The Planning Commission will meet next on March 11, 2015, beginning with a work session before the regular Planning Commission meeting. The Planning Commission will also participate in a planning priorities work session with the City Council on March 17, 2015

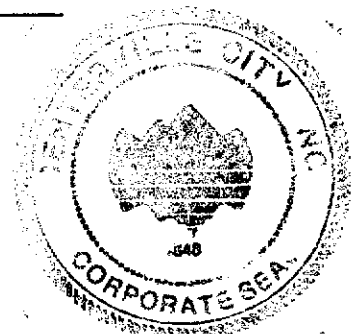
ADJOURNMENT

At 8:59 p.m. Chair Hirschi made a motion to adjourn. Commissioner Johnson seconded the motion, which passed by unanimous vote (7-0).


David P. Hirschi, Chair

3-11-2015
Date Approved


Katie Rust, Recording Secretary



CENTERVILLE PLANNING COMMISSION MEETING

Wednesday, February 25, 2015
7:00 p.m.

7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Laila Samuelsen

Paul + Robin Neville

Dale Engelsen

Caden Campbell

SPENCER MC KEE

Cutter

CHARLES D. CECIL

Olivier Joseph Dickes

Wilfred Adams

Cathy Hartzel

Scott Langer

Bruce Cox

Lee Stabelund

114 Bradley Dr. Cent

415 South Main C' 09/10

696 E Cedar St

1480N 50W Oakcrest circle

1443 North Sun Crest Circle

1361 N. Magna conservatory.

1361 N. Main centerville Utah.

345 ~ 1400 M

383w 1400w

36°4'W. 137°5'N.

**** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the Planning Commission meeting.**

3. It appears all applicable development standards for development within an R-L Zone have be satisfied [Table 12-32-1].
4. It appears all general requirements for all subdivisions have been satisfied [Chapter 15-5].
5. All applicable standards found in the Subdivision Ordinance pertaining to a preliminary subdivision application have been satisfied [Chapter 15-3].

The motion was seconded by Chair Hirschi and passed by unanimous vote (6-0).

**PUBLIC HEARING | ZONING CODE TEXT AMENDMENT, CHAPTER 12-60 –
ACCESSORY DWELLING UNITS (ADUs) - Consider a proposed zoning code text
amendment to Chapter 12-60-Accessory Dwelling Units (ADUs), by adding new regulations
to this chapter. Centerville City, Applicant.**

Mr. Snyder, Community Development Director, reported the Planning Commission has held some public discussion meetings to assess the possibility of allowing accessory dwelling units (ADUs) as part of the housing options within the city. Generally, these meetings indicated that allowing such housing type might be appropriate, provided sufficient use regulations could be developed. Concerns discussed have included allowing detached ADUs (units constructed separately from the primary dwelling) and aesthetic design standards.

Staff has prepared a draft ordinance using typical standards found throughout many Utah cities. Some provisions have been modified or altered to reflect Centerville's Zoning Ordinance style; as well as elements that attempt to reflect the characteristics of using ADUs in Centerville City. Mr. Snyder reviewed each section of the draft ordinance with the Commission including termination, design, parking, exemptions, occupancy, etc. Staff believes the proposed draft is consistent with the City's Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards. The proposed draft includes compatibly elements to maintain neighborhood characteristics including ADUs as subordinate to the primary use, owner occupancy requirements, location and size limitations, and design expectations. The proposed draft also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties. Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems.

Mr. Snyder explained as part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted "impact fees." Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees

1 cover items such as water lines and meters, storm drains, fire service, and even for providing.
2 parks. Since ADUs may create added demands for some services, it may not always be the case
3 for other such services. The concept of ADUs are to capitalize an opportunity to use existing
4 single-family style developments and associated infrastructure to keep costs down but increase
5 the opportunity to find housing options. Charging a full service impact fee to an ADU may be a
6 dis-incentive and may not be a flawless balance between the actual impact and the end user of an
7 ADU. The Commission and Council need to consider this as part of any decision to allow ADUs
8 in the City.

9
10 Commissioner Randall said her biggest concern is parking. This is often the reason a
11 neighbor will report an illegal ADU. She questioned if one additional parking space was
12 adequate for an ADU. Mr. Snyder said the Commission could increase the required parking to 2
13 spaces, but staff believes it may not be necessary for a maximum 800 square feet dwelling.

14
15 Chair Hirschi opened the public hearing.

16
17 Dale Engberson said he has read the proposed ADU draft and is accepting of the
18 document. He likes that the parking is behind the setback and believes this will help with
19 alleviate parking concerns. He likes that the draft requires ADUs to have their own meters but
20 that both meters must be in the property owner's name. He believes if ADUs are done right they
21 are a benefit to the community.

22
23 Stephanie Ivie, City Councilwoman, said she is glad to see the ADU issue come to this
24 point. She agrees ADUs should be legal with set parameters. She is concerned the proposed draft
25 may be a bit more restrictive than she would like. She does appreciate the owner occupancy
26 requirement.

27
28 Lee Skabelund said legalizing ADUs has been a long time coming. He said ADUs can
29 work out nicely for a community and provide cohesiveness when done right. He said ADUs
30 provide housing options for citizens who do not want to leave their large homes but need
31 supplemental income to keep it and citizens who would like a smaller more reasonable place to
32 live or elderly who do not want to live in a facility. He said ADUs need to have their own
33 parking and entrance and separate heating, bathroom, kitchen and fire protection. He said ADUs
34 increase diversity which keeps a community healthy.

35
36 Chair Hirschi made a **motion** for the Planning Commission to **TABLE** this matter and the
37 public hearing until the Planning Commission meeting to be held on February 25, 2015. The
38 motion was seconded by Commissioner Hirst and passed by unanimous vote (6-0).

39

SUMMARY ACTION CALENDAR

- a. Award bid for re-roofing City Hall
- b. Award bid for the 2015 Street Overlay Project
- c. Accept Public Utility Easements for Island Parcel lot split

Lisa Romney, City Attorney, explained item (c) on the Summary Action Calendar. Councilman Wright made a **motion** to approve all three items on the Summary Action Calendar. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

MUNICIPAL CODE AMENDMENT – REPEAL SECTION 2-03-110 – CAMPAIGN FINANCE STATEMENT

The Council discussed campaign finance requirements with Ms. Romney. Ms. Romney recommended the Council adopt State law in place of the outdated City Ordinance. State law currently requires financial disclosure after a primary election, and no later than seven days prior to a general election. Councilwoman Fillmore stated she understands the benefits of adopting the State Code for uniformity, but stated that the question of financial disclosure prior to a primary election is a valid point. She suggested that those wanting to see the requirement in the State Code for State elections could lobby at the State level.

Councilman Wright made a **motion** directing staff to draft an ordinance that adopts State law regarding campaign finance with the addition of a municipal reporting requirement prior to primary elections. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – ZONING CODE TEXT AMENDMENT, CHAPTER 12-60, ACCESSORY DWELLING UNITS (ADUs)

On March 25, 2015, the Planning Commission reviewed and recommended approval of proposed amendments to the Centerville Zoning Ordinance regarding Accessory Dwelling Units (ADUs) by majority vote. Cory Snyder, Community Development Director, briefly explained the proposed amendments. The size and occupancy component is based on the International Building Code occupancy limit of 200 square feet per resident. The owner occupancy component would allow the homeowner to occupy either the primary residence or the ADU. The Council discussed whether ADUs should be a conditional use, with Planning Commission review, or a permitted use. Impact fees are an unresolved matter. Mr. Snyder explained Planning Commission recommendations, and Ms. Romney recommended the Council direct staff to review impact fee studies before making changes.

Mayor Cutler opened a public hearing at 8:27 p.m.

Nancy Smith – Ms. Smith asked if ADUs could also be allowed on single-family dwellings in Residential-Medium Zones, rather than restricting to Agricultural and Residential-Low Zones.

Kyle Green – Regarding impact fees, Mr. Green stated that increased use of services would be offset by increased utility fees. He also suggested that all parking should take place off the street to maintain the appearance of single-family neighborhoods.

William Ince – As a member of the Planning Commission, Commissioner Ince voted against the 25% size restriction because he believes more flexibility should be given – i.e. allowing more than 25% of floor area to be used for an ADU.

1 Lee Skabelund – Mr. Skabelund stated he is in favor of ADUs. He said he feels the 25%
2 limit is too restrictive. He agreed that off-street parking should be provided. He is not in favor of
3 impact fees, because increased use is paid for with increased utility fees. Mr. Skabelund
4 cautioned against micromanaging, and added that there is no better landlord than an owner-
5 occupant.

6
7 At 8:39 p.m. the Mayor closed the public hearing.

8
9 Steve Thacker, City Manager, stated that the different impact fees should be considered
10 separately, giving thought to the rationale behind each impact fee. Responding to Ms. Smith's
11 comment, Mr. Snyder stated that Residential-Medium Zones are already multi-family zones.
12 ADUs are meant for single-family neighborhoods. The 25% size restriction is the controlling unit
13 for occupancy and parking. Councilman Averett stated that parking is the biggest issue. Mr.
14 Snyder added that the proposed ordinance is not intended to put all existing units in compliance.
15 Councilwoman Fillmore suggested the size restrictions could be different for attached units and
16 detached units. Mr. Snyder responded that different size allowances would add complications.
17 The Mayor invited two additional public comments.

18
19 Kyle Green – Mr. Green mentioned that in Logan up to three unrelated individuals are
20 allowed to live in the same unit. He said he believes parking restrictions would be the easiest
21 way to mitigate the occupancy issue.

22
23 Nancy Smith – Ms. Smith asked if an ADU would be allowed on a duplex or a fourplex
24 property.

25
26 The Council and staff discussed impact fees. Councilman Wright made a **motion** to
27 table the issue and schedule a work session for staff to make a report and recommendation
28 within the next two months. Councilwoman Ivie seconded the motion, and requested an
29 additional public hearing following the work session. The motion passed by unanimous vote (5-
30 0). Mayor Cutler expressed appreciation for the time spent by the Planning Commission on this
31 issue.

32
33 At 9:06 p.m. the Council took a break, returning at 9:11 p.m.

34
35 **FY 2016 BUDGET**

36
37 Mr. Thacker presented the City Manager's Proposed Budget for FY 2016. Councilman
38 Wright made a **motion** to adopt the Proposed Budget as the FY 2016 Tentative Budget, and
39 allow the Mayor and City Manager to recommend a meeting schedule and public hearing date
40 at the May 19th meeting. Councilman Higginson seconded the motion, which passed by
41 unanimous vote (5-0).

42
43 **RDA MEETING**

44
45 At 9:20 p.m. Councilman Wright made a **motion** to adjourn to a meeting of the
46 Redevelopment Agency of Centerville. Councilwoman Ivie seconded the motion, which passed
47 by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson, Vice
48 Chair; Directors Averett, Fillmore, Ivie, and Wright; Steve Thacker, Executive Director; Blaine
49 Lutz, Finance Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

1 Travis Davis – Mr. Davis thanked the Council for taking the time to listen to the public.
2 He said it is not a good idea to lower the acreage requirement for a PDO. He stated that
3 residential works better than anything else on Main Street. He asked that the Council maintain
4 the density cap at 1-4 units per acre if they do decide in favor of the PDO, possibly allowing 5-6
5 units per acre if they are going to incent. Mr. Davis expressed the opinion that the SMSC Plan
6 needs to be completely reworked, or at least put a density cap in place that would maintain the
7 integrity of the community.

8
9 Robyn Mecham – Ms. Mecham agreed with Mr. Snyder that a PDO is a bonus to
10 density, and would be going the wrong direction. A vote for reducing the acreage for PDO
11 would be going against 99% of the residents who have stated they do not want higher density.
12 She said it would also be sending the wrong message to builders, because residents do not
13 want higher density.

14
15 At 9:30 p.m. Mayor Cutler closed the public hearing. Councilman Wright made a motion
16 to reject Ordinance No. 2015-15 reducing the minimum acreage required for planned
17 developments. Councilwoman Ivie seconded the motion. Councilwoman Fillmore said that, at
18 face value, reducing the acreage requirement for a PDO city-wide is fine, because a PDO is a
19 good tool to ensure a quality product. However, in the Main Street Corridor it could be
20 problematic and she has reservations. Councilwoman Fillmore stated she would vote against
21 taking action to reduce at this time because it has been mixed up in the SMSC issue. The
22 motion to reject Ordinance No. 2015-15 passed by unanimous vote (5-0).

23
24 At 9:33 p.m. the Council took a break, returning at 9:41 p.m.

25
26 **CONTINUE PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT,**
27 **CHAPTER 12-60, ACCESSORY DWELLING UNITS (ADUs)**

28
29 Jake Smith, Management Assistant, reported on the varied impact fee policies regarding
30 ADUs in other cities. Mr. Snyder recommended separating any ADU impact fee from the
31 ordinance with a reference to the City Fee Schedule. He commented that an ADU is intended
32 to be secondary to the primary dwelling unit. Councilwoman Fillmore stated that her greatest
33 concern about the proposed ordinance is the setbacks and how they affect neighboring
34 properties. She said she would want the ordinance to clarify that a detached ADU must be built
35 within the remaining buildable area of the lot. The Council and staff discussed setbacks and
36 ADU size, and it was suggested that setbacks could vary based on the square feet of the
37 structure.

38
39 At 9:56 p.m. Mayor Cutler opened a public hearing regarding ADUs.

40
41 Spencer Summerhays – Mr. Summerhays showed photographs of a large accessory
42 structure that has been constructed on the property adjacent to his backyard. He stated that the
43 definition of ADU is ambiguous regarding whether an accessory dwelling unit can be part of a
44 larger accessory building, and expressed the opinion that the two should not be mingled. He
45 said the ordinance needs clarification regarding size and height of structure. The ordinance is
46 close to what it needs to be, but there are still pieces that remain to be figured out. He asked
47 the Council to be careful with setbacks in terms of relationships with other buildings.

48
49 Mr. Snyder clarified that the ordinance allows an existing accessory building to be
50 converted to an ADU. Councilman Wright said it sounds like the accessory building ordinance
51 is a companion to the ADU ordinance. Councilwoman Fillmore agreed that the ordinances are
52 related, and suggested the Council discuss general concerns to direct back to Planning staff or
53 the Planning Commission. Mr. Summerhays recommended the Council ensure that an ADU,

1 whether stand-alone or part of another structure, meet some measure of size restriction in
2 relationship to nearby structures. He suggested increasing setback with increasing height.

3
4 Mark Briggs – Mr. Briggs said one of his neighbors built an ADU on top of their garage,
5 which does not work in his type of neighborhood. The deck of the ADU can look down on
6 everyone's backyard taking away privacy. He suggested the Council restrict the height of ADUs
7 to be level with the existing primary dwelling.

8
9 William Ince, Planning Commission – Commissioner Ince strongly encouraged the
10 Council to reconsider the restriction that an ADU cannot exceed 25% of the size of the primary
11 dwelling. He said he suspects most citizens who take advantage of the ADU ordinance will
12 convert their basement, which could easily exceed 25% of the primary living area.
13 Commissioner Ince stated he supports the 25% restriction for a separate structure, but equal
14 size allowance for upstairs and downstairs makes sense to him. He recommended the Council
15 send the ordinance back to the Planning Commission for further consideration.

16
17 At 10:14 p.m. the Mayor closed the public hearing. Councilman Wright stated he is in
18 favor of ADUs. The Council needs to look at balancing one person's property rights against
19 another's. He said the Council needs to look at the accessory building ordinance again, and
20 pointed out that changes can be made as issues arise. Councilwoman Fillmore and Mayor
21 Cutler expressed a desire to refer the ordinance back to the Planning Commission with clear
22 guidance. Councilman Wright suggested eliminating the 25% size restriction. Mayor Cutler
23 expressed the concern that equal size opens up the possibility for duplex situations.
24 Councilman Wright stated he is resistant to sending the ordinance back to the Planning
25 Commission. Councilwoman Fillmore said she feels there should be more clear distinction
26 between ADUs in an existing home versus a separate structure, and said she would like to see
27 a dual-track ordinance. Mr. Snyder cautioned the Council that it is more difficult to decrease
28 than to increase size allowance, and said he feels it would be a mistake to try to accommodate
29 individual scenarios with an ordinance that would apply city-wide. He added that the size
30 restriction is related to density – 800 square feet can accommodate up to four residents, with an
31 additional resident allowed with each additional 200 square feet.

32
33 Mr. Snyder explained the complications involved in calculating building height.
34 Councilwoman Fillmore agreed with Mr. Summerhays' suggestion that the relation to other
35 buildings needs to be considered. She said the basement ADU issue could be solved easily if
36 the two types of ADUs are separated in the ordinance. Mr. Snyder said the separate structure
37 issues could probably be solved with the accessory building ordinance. Mayor Cutler and
38 Council members Higginson, Ivie, and Fillmore indicated support for separating the two types of
39 ADUs in the ordinance. Councilman Averett stated that he does not personally like ADUs, and
40 has been asked by some of his constituents to not support ADUs. He said it is a density issue
41 that deteriorates a single-family neighborhood, and he will not vote in favor of ADUs.
42 Councilman Wright said he understands Councilman Averett's point of view, but pointed out that
43 ADUs can be appropriate, and can be an opportunity to provide accommodations for an aging
44 population.

45
46 Councilwoman Fillmore made a motion to separate the ADU use in existing structures
47 from detached ADU structures, table the ADU use in existing structures to another Council
48 meeting, and direct Planning staff and the Planning Commission to revisit separate accessory
49 buildings when they have time on their schedule. Councilwoman Ivie seconded the motion.
50 Councilman Wright made a substitute motion to table discussion of the proposed ordinance to
51 a Council meeting in August, and ask staff to make a recommendation that reconciles some of
52 the issues. Mr. Snyder pointed out that the Council has made the Main Street issue a priority.
53 Councilman Wright amended his substitute motion to table discussion of the property ordinance

1 until the TZRO on the SMSC is lifted or expires. Councilwoman Ivie seconded the substitute
2 motion, which passed by majority vote (4-1), with Councilwoman Fillmore dissenting.
3

4 **MAYOR'S REPORT**

- 5
- 6 • Mayor Cutler reported that the Chair of the UIA called a special meeting to discuss
7 starting the process of issuing the remaining authorized UIA bonds for the purpose of
8 continuing construction. The Mayor said he sent a letter stating he thinks they
9 should wait until the Macquarie situation is ended and a new executive director is
10 hired. It has been recommended that the bonds be issued in two tranches. He
11 reported that a vigorous discussion occurred regarding whether assessments should
12 continue to be levied for a couple more months to provide a financial buffer and
13 avoid assessments in the future. Mayor Cutler said he argued that assessments
14 should end if cash flow is positive. He expressed a desire for Centerville to be
15 current with the assessments. The Council discussed UTOPIA's construction goals
16 moving forward. Mayor Cutler expressed the opinion that Centerville may have been
17 able to influence ending the Macquarie situation sooner if the City were current with
18 assessments. Councilman Higginson stated that Centerville agreed to be a partner,
19 and UTOPIA needs to be whole at some point. He added now that UTOPIA is cash
20 flow positive it should never go back to levying an assessment. Councilman
21 Higginson said he believes a lot of Centerville residents really don't know about
22 UTOPIA. Mayor Cutler said he would like to have a flier included in the utility bill
23 notifying residents what is available (without advocating any specific service
24 provider).
25

26 **CITY COUNCIL LIAISON REPORT**

27
28 Councilwoman Ivie reported that the Landmarks Commission is scheduled to host a
29 social in September, and is eagerly waiting time on the Council agenda to discuss the historic
30 district. She reported on the success of the historic home tour held on June 6th. She also
31 reported that the June community hike scheduled by the Trails Committee was postponed to
32 July 8th.
33

34 **CITY MANAGER'S REPORT**

35
36 Mr. Lutz explained the calculation of property tax valuation, and explained his frustration
37 with the values determined by the County. Mayor Cutler suggested he meet with the County
38 Assessor and County Clerk.
39

40 **MISCELLANEOUS BUSINESS**

41
42 Councilman Wright made a motion to approve commencement of the warranty period
43 for The Pasture commercial project, effective July 7, 2015. Councilwoman Ivie seconded the
44 motion, which passed by unanimous vote (5-0).
45

46 **RDA MEETING**

47
48 At 11:08 p.m. Councilman Wight made a motion to move to a meeting of the
49 Redevelopment Agency of Centerville. Councilman Higginson seconded the motion, which
50 passed by unanimous vote (4-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson,
51 Vice Chair; Directors Averett, Fillmore, Ivie, and Wright; Blaine Lutz, Finance Director; Lisa
52 Romney, City Attorney; Jacob Smith, Management Assistant; and Katie Rust, Recording
53 Secretary.

- ✓ [Moderate Income Housing Plan Statement] **Goal 6-D** – “Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City”

- **City Objective 6-D.4** – “Consider Adopting an ‘Accessory Dwelling’ Ordinance with design standards. Such allowances may also be considered ‘conditional uses’ in single family zones...”
- **City Objective 6-D.5** – “Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.”

Staff’s Conclusion – The objective is to consider the use of ADUs. Additionally, the concept of also including design standards was to be considered. Thus, staff concludes that the proposed Ordinance is consistent with the City’s Moderate Income Housing Element concerning both the use of ADUs and of implementing design standards.

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

Staff Response: The proposed Ordinance includes several compatible elements to maintain neighborhood characteristics, such as:

- ADUs are to be clearly and distinctly subordinate to the primary use
- Owner Occupancy Requirements
- Location & Size Limitations
- Design Expectations

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

- **Staff’s Response:** The proposed Ordinance also includes parameters, restrictions or limitations to prevent or mitigate impacts to adjacent properties. Such elements provide self-contained on-site needs to minimize off-site conflicts with adjoining properties. Additionally, an ADU use is deemed a conditional use (CUP). A CUP allows the approving authority (i.e. Planning Commission) to review each case to assess the potential impacts and set conditions to mitigate concerns or potential problems. The listed parameters, restrictions or limitations include:

- Size & Location
- Minimum and Maximum Habitable Space Area for ADU
- Provision of Parking Spaces for Both House and ADU
- Provision of Yard Areas for Both House and ADU
- Design Standards (*optional considerations*)
 - Exterior Finishes
 - Location of Entrances
 - Roof Pitch & Eave Expectations

ADDITIONAL CONSIDERATIONS – IMPACT FEES

As part of any development proposal, from single-family subdivisions to large commercial development, the City has adopted “impact fees.” Impact fees are charged to cover the costs of expanding or sizing utility service infrastructure. Such fees cover items such as water lines and meters, storm drains, fire service, and even for providing parks. Since ADUs may create added demands for some services, it may not always be the case for other such services. The concept of ADUs are to capitalize an opportunity to use existing single-family style developments and associated infrastructure to keep costs down, but increase the opportunity to find housing options. Charging a full service impact fee to an ADU may be a dis-incentive and may not be a flawless balance between the actual impact and the end user of an ADU. The Commission and Council need to consider this as part of any decision to allow ADUs in the City.

PLANNING STAFF RECOMMENDATION

Staff Suggested Action #1 – REOPEN the Public Hearing to allow for comment regarding the other sections mentioned (i.e. Definitions & Table of Uses) mentioned in the draft regulations and then close the public hearing and discuss the matter.

Staff Suggested Action #2 - I hereby make a motion for the Planning Commission to **RECOMMEND APPROVAL** of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs), as follows:

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

Suggested Reasons for Action (findings):

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

- 1 1. The acceptance of this conceptual site plan is not intended to permit actual
2 development of property and such review does not create a vested right (e.g. City
3 authorization) to develop.
- 4 2. The acceptance of this conceptual site plan is intended to represent how the property
5 could be developed so that the applicant can receive feedback from the Planning
6 Commission.
- 7 3. The acceptance of this conceptual site plan does NOT indicate that the proposed plan
8 meets the current relevant City Codes and Ordinances. Furthermore, several
9 significant steps would need to happen to make the current proposed layout even
10 feasible, such as, but not limited to, the following:
 - 11 • Lot Frontage Width Regulations – Obtain an amendment to the Subdivision
12 Ordinance to allow flag lots to be used in the multi-family zoning districts, or
13 amend the “lot frontage width” requirements for the residential zones.
 - 14 • Site Plan Amendment – Obtain a site plan amendment for the commercial use and
15 address the applicable Zoning Ordinance requirements, including but not limited
16 to, parking, landscaping, and buffers.
 - 17 • Subdivision of Land - Secure a subdivision approval to facilitate establishment of
18 a zone boundary opportunity between the area of the Traditional Main Street
19 District and the area for the duplex to be zoned multi-family.
 - 20 • Rezone of Duplex Site – If the subdivision and site plan amendments are secured,
21 obtain a rezone for the duplex site to a multi-family zoning district (e.g. R-M
22 Zone).
- 23 4. The acceptance of this conceptual site plan does NOT indicate the City’s commitment
24 or the future probability of making the current proposed layout even feasible.

25
26 The motion was seconded by Commissioner Randall and passed by unanimous roll-call
27 vote (5-0).

28
29 Commissioner Hirst recused herself as she is a personal acquaintance of both the
30 applicant and the property owner.

31
32 **PUBLIC HEARING | ZONING CODE TEXT AMENDMENTS, CHAPTER 12-60 -**
33 **ACCESSORY DWELLING UNITS (ADUs) - [Continuation from February 25, 2015**
34 **Meeting] - Consider proposed zoning code text amendments for Chapter 12-60-Accessory**
35 **Dwelling Units, Chapter 12-12-Definitions and Table 12-36-Tables of Uses for the new**
36 **Accessory Dwelling Units (ADUs) Ordinance. Centerville City, Applicant**

37
38 Cory Snyder, Community Development Director, reviewed the proposed Accessory
39 Dwelling Unit (ADU) ordinance draft. The Planning Commission has been working toward the
40 proposed draft for the past year. After much research, meetings, public input, and discussion it

1 was evident such a housing type might be appropriate, provided sufficient use regulations could
2 be developed. The proposed draft Ordinance was compiled using typical standards found
3 throughout many Utah cities. The draft ordinance also includes modifications to reflect
4 Centerville's Zoning Ordinance style and characteristics. Mr. Snyder reviewed each section of
5 the proposed Ordinance and responded to questions from the Commission. The Commission
6 reviewed the draft ordinance making non-substantive changes. The Commission discussed
7 impact fees and agreed with the proposed language.

8
9 Chair Hirschi opened the public hearing. Seeing there was no one wishing to comment,
10 he closed the public hearing.

11
12 Commissioner Ince said he does not agree with the maximum floor area of 25% (Section
13 12-60-060[b][2]). He said if he were to rent his basement it would be closer to 35%. He said for
14 many homes that calculation could jump as high as 50% for a basement. He believes 25% is too
15 restrictive. Commissioner Kjar agreed that 25% may be too limiting. He said if he were to rent
16 his basement and keep to this restriction it would require significant remodeling and cost.

17
18 Chair Hirschi said over this past year it has been determined there is value in allowing
19 ADUs, but cautiously. He believes the 25% is cautious and appropriate. He said this number will
20 help ensure that Centerville does not become a city of duplexes, which is possible with a 50%
21 allowance. Commissioner Randall said 25% is plenty if you consider a separate structure may be
22 used as an ADU. Mr. Snyder agreed that 50% is too great and no longer considered accessory,
23 but rather creates two (2) primary dwellings or a duplex.

24
25 Commission Merrill made a **motion** for the Planning Commission to recommend
26 approval of the proposed text amendments for allowance of Accessory Dwelling Units (ADUs),
27 as follows:

- 28
29 1. Amend Title 12-Zoning by adding Chapter 12-60-Accessory Dwelling Units, as
30 submitted, or modified by the Planning Commission.
31 2. Amend 12-12-Definitions regarding ADUs, as submitted to the Commission.
32 3. Amend 12-36-Table of Uses to allow ADUs as a conditional use in the A-L and R-L
33 Zones, as submitted to the Commission.

34
35 ***Reasons for Action (findings):***

- 36 a. The Planning Commission finds that the proposed Ordinance is consistent with the
37 City's Moderate Income Housing Element concerning the use of ADUs.
38 b. The Planning Commission finds that the proposed Ordinance includes several
39 compatibly elements to maintain expected neighborhood characteristics.

- 1 c. The Planning Commission finds that the proposed Ordinance also includes
2 parameters, restrictions or limitations to prevent or mitigate impacts to adjacent
3 properties.
4

5 The motion was seconded by Commissioner Hirst and passed by roll-call vote (4-2).
6

7 Commissioner Kjar and Commissioner Ince opposed. Commissioner Kjar said he agrees
8 with the concept of ADUs and believes they should be allowed. He is uncomfortable with the
9 25% limitation. He said 50% may be too great, but perhaps somewhere in between is
10 appropriate. Commissioner Ince agreed. He too believes ADUs are appropriate but believes a
11 greater percentage may be best.
12

13 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**
14

- 15 1. The next Planning Commission meeting will be Wednesday, April 8, 2015.
16 2. Upcoming Agenda Items
17 • Maverick Convenience Store, conceptual site plan
18
19

20 The meeting was adjourned at 8:28 p.m.
21
22

23
24 _____
25 David Hirschi, Chair
26
27

Date Approved

28 _____
Kathleen Streadbeck, Recording Secretary



ADU's Summary Brief

♦ ACCESSORY DWELLING UNIT ♦

Accessory Dwelling Units (ADU's)

Accessory Dwelling Units (ADU's) are an additional, self-contained housing unit that are secondary to a main residence. ADU's are sometimes referred to as "mother-in-law" apartments or "granny flats," since their origins were to provide space for extended family members.

ADU's can take many forms such as attachments or additions to the main home, use of basement areas, a second-story over an detached garage, or separate backyard building.

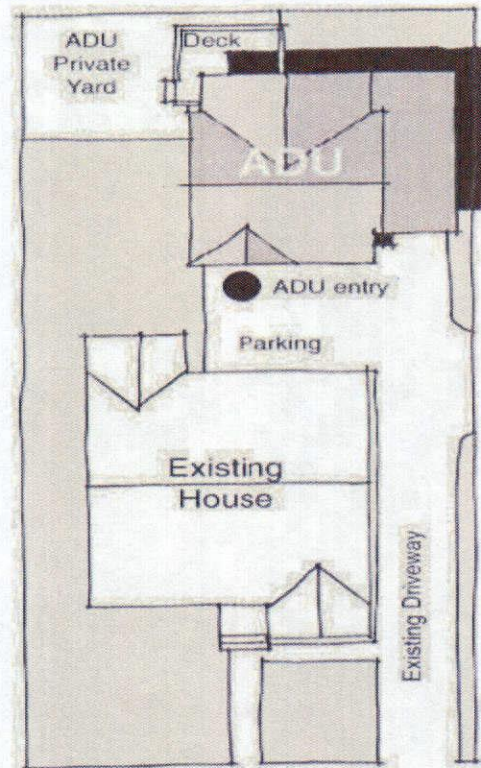
Purpose of ADU's

The intent or use of ADU's is often to provide places for the elderly to be taken care of by family members, places for newly married or return of adult children, or even perhaps to supplement a mortgage payment. ADU's are typically used in single-family areas when the following conditions exist:

- Excess space within the primary dwelling or above a garage exists that can be conveniently converted into living quarters.
- An under-utilized or odd lot exists and further division of land is not feasible or is prohibited.
- The housing stock is located near a college or educational institution.
- A shortage and/or demand for affordable housing exists in a particular area.

Typical ADU Regulations

- Ownership and occupancy restrictions
- Maximum dwelling sizes
- Setback modifications



- Maximum lot area coverage
- Parking space and location requirements
- Building orientation standards
- Building exterior standards

Potential Drawbacks of ADU's

- Establishing acceptable densities
- ADU's building compatibility and aesthetics
- Excessive parking of vehicles
- Introduction of excessive rental properties within a stable neighborhood.
- ADU's construction costs & fees
- Zoning Enforcement problems



Considering ADU's

♦ ACCESSORY DWELLING UNIT ♦

Why Consider Allowing ADU's

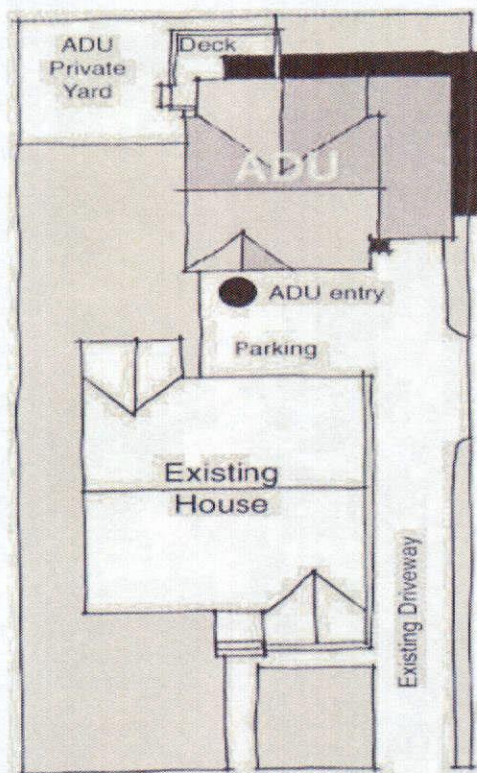
- Provide opportunities for people moving through life's stages to be able to live and/or grow up in the same community.
- Increase opportunities for redevelopment to reduce the demand for new extensions of utility lines and services.
- Encourage the development of sustainable and/or walkable neighborhoods, where employment, goods, and services can be obtained with less driving distances.
- Encourage opportunities for establishing a variety of housing types in keeping with the income ranges of more families.

Who Typically Chooses to Build ADU's

- Older Singles/Couples
- Younger Singles/Couples
- Middle-aged Empty Nesters
- Single Person Households
- People that Travel Often/Extended Periods

Who Benefits From ADU's

- *Home Owners* — creating a "home based" supplemental income
- *Aging Persons* — ability to prolong their normal living arrangements
- *Local Businesses* — provides a larger client base to provide needed services
- *Local Contractors* — provides opportunities to construct significant home improvements
- *Lending Institutions* — provides a base for home improvement loans
- *Real Estate Firms* — potentially provides slightly higher priced housing resale stock



Utah Counties/Cities Currently Allowing ADU's*

- | | |
|------------------|------------------|
| • Orem City | • Centerfield |
| • Draper City | • Salt Lake City |
| • Lindon City | • Grand County |
| • Sandy City | • Summit County |
| • Mapleton City | • Toole County |
| • Eagle Mountain | • Weber County |
| • Murray City | |
| • Alpine City | |
| • Bountiful City | |
| • West Point | |
| • Provo City | |
| • Payson City | |
| • Taylorsville | |

* As found using internet search engines



Types Guide to ADU's

♦ ACCESSORY DWELLING UNIT ♦

Types of ADU's

There are five (5) main types of ADU's.

These types are:

- Dwelling created in a portion of an existing single family (e.g. basements, attics)
- Dwelling created as a dedicated addition to an existing single family home
- Dwelling created as a free-standing accessory building (e.g. guest house, or cottage)
- Dwelling created from by converting the garage into livable space
- Dwelling purposely designed into the layout of new construction.

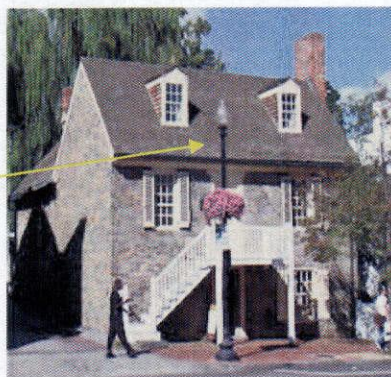
ADU Guest House/Cottage — (example)

Potential Location of ADU



Existing Home Renovation — (example)

Potential Location of ADU



Garage Conversion — (example)

Potential Location of ADU



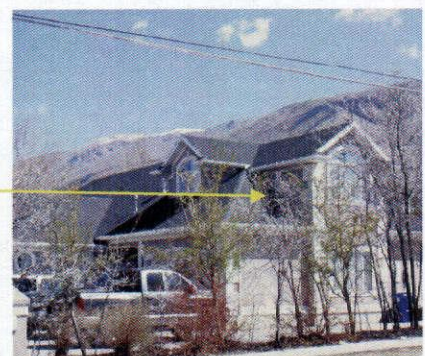
Dedicated ADU Additions — (example)

Potential Location of ADU



Integrated New Construction — (example)

Potential Location of ADU





Typical Regulations for ADU's

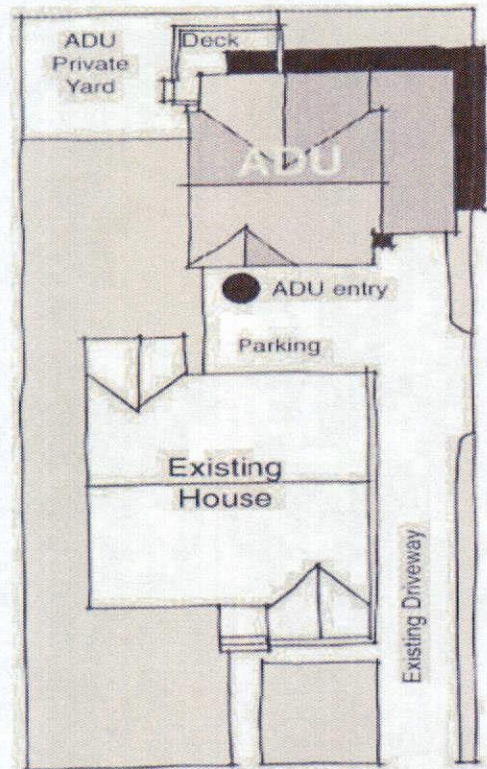
♦ ACCESSORY DWELLING UNIT ♦

Requirements for Allowing ADU's

- Owner occupancy (at least 6 months) of either the home or the ADU. Owner is defined as a person with at least 50% or greater interest in the property
- Owner must sign a owner-occupancy covenant in order to construct or use an ADU
- Occupancy limit for unrelated persons for both units
- Limit one (1) ADU within single family zones
- Limitation of ADU unit sizes (minimums/maximums) based on lot sizes of a residential zone.
- Detached ADU setback/height restrictions
- Entry Door Orientations for ADU's
- Providing for additional parking stalls
- Minimum pervious surface requirements for entire property.
- Building & safety regulations for sleeping areas, kitchens, etc. for the use of ADU's

Ordinance Enforcement for ADU's

- Receiving some type of official City approval for construction and use of ADU's
- Recordation of ADU covenants for the property.
- Establishing procedures for the sale or transfer of ownership for properties containing ADU's
- Removal of select features (e.g. kitchen) within ADU's, if no longer desired or abandoned.
- Establishing legalizing procedures for existing illegally developed ADU's or their



removal

- Requirements for submittal, approval, and permit issuance to establish ADU's

Ordinance Exceptions For ADU's

- Waiver of parking requirements based on location in relation to mass transit, goods & services, historic preservation, etc.
- Temporary Owner Absence Allowance due to job dislocation, sabbatical leave, educational pursuits, illness, etc.
- Encouraging affordability through exemptions or reductions of approval fees, building permit fees, and/or impact fees.



Additional Information about ADU's

♦ ACCESSORY DWELLING UNIT ♦

State & Local Planning Policies (examples)

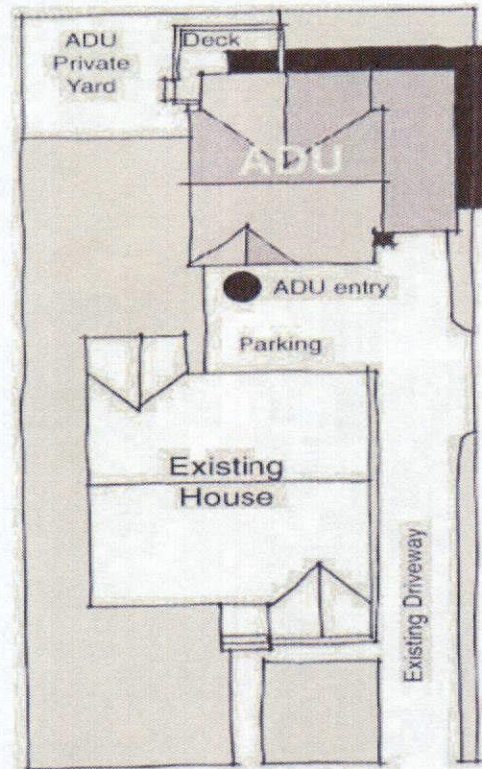
- UCA 10-9a-403, "in drafting the moderate income housing element [cities] shall consider the Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing types
- Centerville City General Plan, Moderate Income Housing, See Strategy 6-D.4

Planning Toolkits About ADU's (examples)

- Urban Planning Tools for Quality Growth, Chapter 2, Page 36, an Envision Utah Publication (www.envisionutah.org/Urban%20Planning%20Tools%20for%20QG_ch2_1.pdf)
- Getting to Smart Growth, 100 Policies for Implementation, Chapter 3, Section 3, a ICMA Smart Growth Publication (www.smartgrowth.org/pdf/gettosg.pdf)
- Smart Growth/Smart Energy Toolkit, Accessory Dwelling Units (www.mass.gov/envir/smart_growth_toolkit/pages/mod-adu.html)

ADU Publications & Studies (examples)

- Accessory Dwelling Units: Case Study, by the US. Department of Housing and Urban Development (<http://www.huduser.org/portal/publications/adu.pdf>)
- Granny Flats Add Flexibility and Affordability, Better Cities & Towns (<http://bettercities.net/article/granny-flats-add-flexibility-and-affordability>)
- Missouri Gerontology Institute, Accessory Apartments (<http://extension.missouri.edu/publications/DisplayPub.aspx?P=GG14>)



Local Newspaper Articles (examples)

- Salt Lake Tribune, Mother-in-law apartments back in fashion?, 03-10-2013
- Daily Herald, Poll—Should Utah valley cities allow accessory apartments?, 02-10-2013
- Ezine @articles, Orem Utah Accessory Apartment 2012 Update, Denise C. Martin, 07-18-2012
- Daily Herald, Pleasant Grove says no to accessory apartments, Laura Giles, 04-20-2010
- Deseret News, Check zoning laws on building apartment in family's house, 05-09-1993

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. Z

Short Title: Liaison Report - John Higginson - Wasatch Integrated Waste Management District

Initiated By:

Scheduled Time: 8:20

SUBJECT

RECOMMENDATION

Allow John Higginson to report on the issues and activities of the solid waste district. He serves as the City's representative on the Board of Directors.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 8.

Short Title: Consider Extension of Solid Waste Collection Contract with ACE Disposal

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

Scheduled Time: 8:30

SUBJECT

RECOMMENDATION

BACKGROUND

As per the direction of the Council from their March 15th meeting, I have received some additional specific information on a proposal from ACE Disposal. This information has been forwarded to the Committee appointed by the City Council. We hope to be able to have a recommendation from the Committee on Monday. If a recommendation is decided on Monday, I will attach additional information to the agenda and notify the Council. I have prepared a draft RFP as an option which I will attach Monday if that is a recommendation from the Committee.

I have included several new attachments regarding the status of recycling. Included in the attachments is a letter from ACE clarifying how mixed recycling has been handled. As noted in the letter, they have always taken recyclables to a recycling facility and not the landfill. Currently the material is taken to the Weber County Transfer Station. Attached is a letter from Weber County regarding the upcoming charges to dispose at the facility. I have also attached a breakdown of the tonnage that has been collected in the City for solid waste, green waste, and recycling for the last 6 years.

Larry Gibbons from Rocky Mountain Recycling will attend the Tuesday night meeting as well as a representative from ACE to respond to questions on recycling and collection.

ATTACHMENTS:

Description

- ☐ Waste District
- ☐ Waste Management Statement
- ☐ Ace Letter
- ☐ Letter - Wasatch
- ☐ John Higginson letter - Waste District Rep
- ☐ Wasatch - Nathan Rich email (1)
- ☐ Recycle Materials Disposal
- ☐ Waste Tonnage

- ▢ Weber County Letter
- ▢ Wasatch - Nathan Rich email (2)



Printed: March 10, 2016

Davis landfill ends drop-off recycling

After 10 cities started curbside recycling, landfill's collection has fallen 1,000 tons



PHOTO PROVIDED BY CALEB LARKIN

The Davis County landfill has closed its on-site recycling program because the amount of material it collected had fallen from 1,200 tons in 2012 to 164 tons in 2014.

BY LORETTA PARK STANDARD-EXAMINER STAFF

LAYTON — Davis County residents who once saved plastics, aluminum cans and glass bottles to take to the landfill for recycling no longer have that option, waste management officials say.

Last week the Wasatch Integrated Waste Management District stopped letting Davis County residents drop off items they want recycled at its location. The change, which went into effect March 3, was made because of a significant decrease in the number of recyclables the district has collected in the past few years, said Nathan Rich, chief executive officer and executive director of the district.

Since 10 of 15 Davis County cities opted to start curbside recycling programs in the past few years, the number of recyclables brought to the landfill has plummeted, Rich said.

The recycling program peaked in 2012 — two years after it started — when it took in 1,200 tons of recyclable items, Rich said. However, that number was down to 164 tons in 2014. Those numbers, paired with a nationwide drop in the amount of money waste management can fetch for the recycled items, led to the Layton landfill's decision.

"There are more convenient ways to recycle, and there are companies that offer private curbside pickup to residents," Rich said.

However, the landfill will continue to accept items like tires, hazardous waste, motor oil, metal, carpet pads and green waste.

Rich said many residents who have delivered their own recyclables to the landfill in the past are upset about the change.

One Layton couple, Mac and Kelly White, are among them. The Kellys live in a condominium operated by a homeowners association that doesn't have curbside recycling.

"We have always recycled," said Mac White. "We always have sorted our trash, putting the recycled items in one bag, and then we took it to the Layton recycling center on Saturdays."

So when the couple tried to drop off their recyclables last Saturday, they were surprised to hear it would no longer accept the items.

"I'm shocked. In times like this when we're environmentally conscious, it simply doesn't make sense," Mac White said.

He said he wasn't told the service would be discontinued at any of his prior visits to the waste management district.

"It's really frustrating to me," said Kelly White, who pointed out the closure impacts everyone in her neighborhood. "We like to recycle."

She said they were told they can take their items to the Ogden recycling center, where they will have to pay a fee, or just throw them in the trash.

A news release from the city of Layton said curbside pickup of recyclables is available throughout the city, operated by Mountain West Curbside Recycling.

The service's cost varies by area but averages about \$10 a month, said Richard Hamik, sales manager with Ace Recycling & Disposal, the company that owns and operates Mountain West.

The curbside pickup service collects items like plastic, glass, aluminum and newspapers. Mountain West can also arrange one-time only recycling collections, Hamik said.

For more information about the service, call 801-627-3056.

In the wake of the change, the Wasatch Integrated Waste Management District building where recyclable items were once taken is undergoing its own transformation — it's being recycled into a thrift store.

The grand opening of the thrift shop, run by Pioneer Adult Rehabilitation Center (PARC), is slated for 10 a.m. March 14, though its soft opening was in December.

The store sells items gathered from the landfill, though Davis County residents can also take items directly to the store, Rich said.

The thrift store will be open from noon to 6 p.m. Tuesday through Saturday. PARC has leased part of the building for the store and is providing jobs to its clients who have disabilities.

You can reach reporter Loretta Park at lpark@standard.net or at 801-625-4252. Follow her on [Twitter@LorettaPark SE](#) or like her on Facebook.

From: Holbrook, Beth [mailto:bholbroo@wm.com]

Sent: Tuesday, July 07, 2015 8:06 AM

To: Rich Knapp

Subject: RE: Facebook Post

Rich,

This is from our communications team.

The recycling commodities market is down due to low demand and Waste Management has to offset the cost of collecting and processing recyclables that are bringing in lower value.

Recycling is a global business that is impacted by events like the price of oil dropping, which weakens the demand for recycled plastics as well as the amount of recyclable materials on the global market.

Although it's the right thing to do, recycling isn't free. Typically, recyclable collectors will pay customers a rebate for the value of Single Stream materials, minus any processing costs. As markets have shifted downward in the last few years, profits have turned into negative revenue with recyclable collectors subsidizing the costs. More and more, you will begin to see these costs shared by customers, resulting in a fee for recyclable collection service. The comment from Melissa Harward seems to be discussing getting money back from turning it in to a recycler; these are actually different things. Curbside offers the direct pick up of recyclables; which allows for more recyclables to be picked up.

Regards: Current Status of Mixed Recyclables market

To who it may concern,

The Economic condition in Americas recycling markets is being described as "no longer sustainable", and a "national crisis." As a result our local recycling processor has asked us to start paying a fee, effective Dec 1st 2015, to continue processing our Municipal "mixed" recyclables. All over the nation fees ranging from \$15 to \$45 dollars are being assessed by Recycling Processors to cover the costs of a massive loss market value. Ace is writing today to express the concern with our current contracts, and make you aware of our recycling programs future.

The reason for this sudden market change dates back to middle 2014 when China introduced a "Green Fence" policy. This demanded that material commodities such as cardboard or paper be "clean" or free of contaminants to allow for a better final product. This mandate fell heavy on many Recyclers that process "mixed recyclables" because when you have a mixed stream, liquids or contaminants can easily pollute a paper product. Many loads were rejected and shipped back to the states at cost of over \$10,000 per rejected load. This added cost to recyclers drove rebates down and added stress to the ports in California where most of Utah's recyclables end up.

Many failed to see that this was the beginning of China's economic downturn. Over the last 15 years China has been growing at an incredible rate and consumed a majority of our Steel, Paper, and Plastics to reduce their cost for raw materials. Many Municipalities across the U.S. started "curbside" recycling programs in the past 10 years that fed China's needs. Now, many Steel mills and paper mills across China have shut down. The value of plastics is incredibly low due to low oil prices and cheaper raw materials. The U.S. does not have enough mills to keep the recyclables market competitive, and now we have a surplus of sorted material selling at very low rates, if at all. These conditions are expected to remain or worsen over the next year.

As you know our agreements and contracts stipulate that we are responsible for Recycling fees and in some cases obligated to rebate your cities from revenues of sold product. Ace has "floor" agreements in place with our processor, Rocky Mountain Recycling, to protect us from losing money on our jobs. We have been informed that they can no longer honor these agreements, and worse, they will have to start charging us. We believe Rocky Mountain is experiencing a hardship that they cannot overcome right now, and the fact is we can pay to recycle this material right now, or choose to landfill it. With these conditions there would be savings to landfilling this material, but you must decide if this direction would be best for your cities.

Many believe that these market conditions are worsening due to high contamination levels in our cans and a lack of recycling education. There is no doubt both of these can be improved, and we are working with our recycling coalitions to improve education to reduce contamination. Reducing contamination will help offset the recycler's burden to process and dispose of "waste" material. This is something we can take action on right away to help offset our fees, and any help from you would be greatly appreciated. If your residents understand nature of this crisis now, they may make stronger efforts to help "keep it clean."

We have attached multiple items describing the value of your "Curbside Recyclables", articles regarding the market, and even commodity market rebate prices at the mills. With a zero rebate year for 2015 we hoped the market would rebound, but it has worsened. At this point we are asking to discuss contract amendments for the remainder of our contracts to allow a cost sharing option. In return for this amendment we plan to turn over all proceeds for the remainder of our contract when the market returns to "rebate" status. We anticipate you would have to pass costs to your residents ranging from \$.30 to .40 per home to help cover these new fees. With the light weight of recyclables, if the market worsened to match the cost of landfill disposal the worst fees would be is \$.70 per home per month. And if we could reduce our contamination, it would help offset the fees as well. Our business relationship is extremely important to everyone at Ace, and we thank you for reading this and considering any options.

Example of Rocky Moutntain Recycling Rebate/Charge structure (each home produces an average of 43 lbs mixed recyclables per month, which equals roughly .021 tons)

1 ton example (2000 lbs)

83% Recyclable material = .83 ton x \$10 fee= \$8.30

17% additonal Contamination (trash)= .17 ton x 55 (disposal processing costs)= \$9.35

Total tipping fee \$17.65

Price per home division = .37 per home

RECYCLING INFORMATION

Due to lack of participation and the increasing availability of other recycling services, the Recycling Center at the Davis Landfill was closed, effective Thursday March 3, 2016. Wasatch Integrated Waste Management apologizes for any inconvenience the closing of that facility has caused its customers.

In order to assist customers in finding alternatives and encourage continued recycling, the following information is provided.

For those customers living in the following cities, curbside collection of recyclables is available:

- Centerville (801) 295-3477
- Farmington (801) 451-2383
- Kaysville (801) 546-1235
- Layton (801) 336-3800
- Sunset (801) 825-1628
- Syracuse (801) 825-1477
- West Point (801) 776-0970
- Woods Cross (801) 292-4421

Please contact your city for more information on curbside costs and frequency of collection.

Customers living in Davis, Morgan, and Weber Counties, in cities where municipal curbside recycling is not available, may contact Mountain West Recycling to inquire about commercially available curbside recycling. They can be reached at www.mountainwestrecycling.com or (800) 208-3389.

Recycling drop off opportunities within the community are also available, including:

- Clearfield Recycling, www.clearfieldrecycling.com or (801) 776-0377 (most recyclables)
- Weber County Transfer Station,
http://www.co.weber.ut.us/solid_waste/services.php, (801) 399-8359

Please contact recyclers before attempting to drop off recyclables.

Another excellent resource for locating recycling opportunities in your area is, www.earth911.com. Drop off information for most types of recyclables are available here.

Blaine and Mayor,

Please see Director Nathan Rich's response below.

He said industry is guessing the recycling market won't rebound for 2 to 3 years.

I think you should be comfortable with the flexibility to negotiate either a 2, 3 or 4 year contract in order to get the best terms.

If the Board decides to move ahead with the expanded MRF (which he mentions...this is the expansion that would allow recyclables to be put in the garbage cans and separated at the landfill), there still will be some growing pains, and maybe we allow them to get the process perfected until our contract would expire with a curbside program.

Or, maybe the curbside continues to exist.

Let me know if you have any questions. Nathan Rich is also willing to discuss with any of you by phone, or in person if desired.

John Higginson

LDS Church Purchasing

801-240-0228

John:

I am guessing that you will be facing a substantial increase in your recycling can cost when you renew. I understand that Rocky Mountain Recycling is currently charging \$30/ton to drop curbside recyclables at their MRF where 2 to 3 years ago they were paying \$10/ton.

The market outlook is pretty flat for the next year to 18 months. The market is tied directly to the price of oil and the economy of China where 80% of the recyclables go. The market is expected to recover somewhat, but most folks are guessing 2 to 3 years.

I would suggest passing the cost directly to residents so they know what they are paying for. Covering the cost with other revenue may not be the best solution as prices are not likely to rebound in the short term.

We will still be considering the expanded MRF at the Energy Recovery Facility, but it is early to consider that as a viable alternative to curbside collection. I expect we will be making those decisions over the next 6 to 9 months which would put that facility into operation mid-year 2017 at the earliest. Even with that facility you may want to continue collection of recyclables at the curb if your residents are willing to pay for the service.

I hope this helps and please don't hesitate to call me, or have any member of the city management call me, if you would like to discuss in further detail.

Nathan Rich, P.E.
Executive Director
Wasatch Integrated Waste Management District
801.614.5601 direct
801.726.5018 cell



March 23, 2016

Centerville City
Blaine Lutz

Dear Blaine,

Since 2009, Ace has been providing an opt-out curbside recycle program for the residents of Centerville City. This opt-out program let resident's opt-out of the service if they did not want to participate. Today there are 3710 homes currently using this service which is an 87% participation rate, which is excellent for an opt-out program.

This service allows residents to co-mingle paper, cardboard, most plastics, metal and aluminum into a single container. **Since its inception, we have taken all of the recyclables we collect for the city to Rocky Mountain Recycling, our main recycle processor. All of this material since day 1 has been sorted, processed and shipped to different mills around the world.** The only material that has not been recycled is the contamination that has been placed in the containers. This is the material that should not have been in the container to begin with (example: food, wood, used clothing etc.). This material is separated from the recyclables by the recycle processor and ultimately ends up in a landfill. This is a small percentage of the total material we collect.

Starting a few weeks ago, we started delivering the recyclables from your city to the Weber County Transfer Station. Although this is a transfer station where most of the material they handle is garbage, they also accept curbside recyclables that they prep and ship to outside recycle processors for processing. The material is still being recycled, just by a different processor. The reason we shifted your material was due to recent financial changes in the recycle markets. We are now being charged tipping fees to drop recyclables. Weber County was not charging tipping fees but that has now changed so all of your material will be going back to Rocky Mountain Recycling beginning next week. Rocky Mountain is charging us \$15.00 per ton and \$55.00 per ton for contamination for the recyclables. Weber County is charging \$20.00 per ton beginning in April.

I hope this information is helpful in understanding the program and how the recyclables are handled.

Sincerely,
Richard Hamik
Ace Recycling & Disposal

2010	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	68.06	303.07	N/A	371.13	18.34%	81.66%	N/A
February	60.08	283.39	N/A	343.47	17.49%	82.51%	N/A
March	65.17	427.61	N/A	492.78	13.22%	86.78%	N/A
April	77.22	436.21	N/A	513.43	15.04%	84.96%	N/A
May	63.67	437.2	N/A	500.87	12.71%	87.29%	N/A
June	82.61	587.36	N/A	669.97	12.33%	87.67%	N/A
July	64.71	547.51	N/A	612.22	10.57%	89.43%	N/A
August	65.73	598.01	69.15	732.89	8.97%	81.60%	9.44%
September	71.01	570.94	65.09	707.04	10.04%	80.75%	9.21%
October	62.91	430.08	44.94	537.93	11.69%	79.95%	8.35%
November	70.69	535.93	61.85	668.47	10.57%	80.17%	9.25%
December	83.71	482.26	N/A	565.97	14.79%	85.21%	N/A
Totals	835.57	5,639.57	241.03	6,716.17	12.44%	83.97%	3.59%

2011	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	66.9	301.11	N/A	368.01	18.18%	81.82%	0.00%
February	50.49	290.42	N/A	340.91	14.81%	85.19%	0.00%
March	55.09	418.05	6.21	479.35	11.49%	87.21%	1.30%
April	59.66	407.26	40.33	507.25	11.76%	80.29%	7.95%
May	72.26	573	95.92	741.18	9.75%	77.31%	12.94%
June	73.49	650.38	102.15	826.02	8.90%	78.74%	12.37%
July	65.71	489.01	75.56	630.28	10.43%	77.59%	11.99%
August	73.25	540.65	85.11	699.01	10.48%	77.35%	12.18%
September	66.45	512.48	74.85	653.78	10.16%	78.39%	11.45%
October	63.11	422.37	59.11	544.59	11.59%	77.56%	10.85%
November	74.36	564.45	84.24	723.05	10.28%	78.07%	11.65%
December	73.17	520.45	N/A	593.62	12.33%	87.67%	0.00%
Totals	793.94	5,689.63	623.48	7,107.05	11.17%	80.06%	8.77%

2012	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	74.08	369.25	0	443.33	16.71%	83.29%	0.00%
February	65.77	328.08	0	393.85	16.70%	83.30%	0.00%
March	64.58	364.09	24.14	452.81	14.26%	80.41%	5.33%
April	61.46	472.64	62.6	596.7	10.30%	79.21%	10.49%
May	77.93	698.78	129.8	906.51	8.60%	77.08%	14.32%
June	59.05	470.67	60.53	590.25	10.00%	79.74%	10.25%
July	62.03	536.19	82.68	680.9	9.11%	78.75%	12.14%
August	80.84	575.12	104.41	760.37	10.63%	75.64%	13.73%
September	60.5	488.29	85.22	634.01	9.54%	77.02%	13.44%
October	68.22	532.93	81.14	682.29	10.00%	78.11%	11.89%
November	70.09	540.29	84.74	695.12	10.08%	77.73%	12.19%
December	66.39	381.62	0	448.01	14.82%	85.18%	0.00%
Totals	810.94	5,757.95	715.26	7,284.15	11.13%	79.05%	9.82%

2013	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	79.28	355.68	0	434.96	18.23%	81.77%	0.00%
February	54.08	276.15	0	330.23	16.38%	83.62%	0.00%
March	61.01	349.1	17.79	427.9	14.26%	81.58%	4.16%
April	64.38	433.34	52.07	549.79	11.71%	78.82%	9.47%
May	74.35	643.52	134.3	852.17	8.72%	75.52%	15.76%
June	66.66	493.37	94.1	654.13	10.19%	75.42%	14.39%
July	74.61	541.68	98.75	715.04	10.43%	75.76%	13.81%
August	67.1	503.99	92.41	663.5	10.11%	75.96%	13.93%
September	59.3	491.3	90.35	640.95	9.25%	76.65%	14.10%
October	76.77	549.41	75.29	701.47	10.94%	78.32%	10.73%
November	65.64	470.69	83.66	619.99	10.59%	75.92%	13.49%
December	72.8	390.37	0	463.17	15.72%	84.28%	0.00%
Totals	815.98	5,498.60	738.72	7,053.30	11.57%	77.96%	10.47%

2014	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	70.14	346.43		416.57	16.84%	83.16%	0.00%
February	60.41	298.98		359.39	16.81%	83.19%	0.00%
March	60.96	359.16	25.53	445.65	13.68%	80.59%	5.73%
April	70.3	482.12	71.31	623.73	11.27%	77.30%	11.43%
May	66.7	725.88	132.14	924.72	7.21%	78.50%	14.29%
June	60.58	573.57	85.99	720.14	8.41%	79.65%	11.94%
July	69.2	685.15	102.11	856.46	8.08%	80.00%	11.92%
August	61.34	579.18	100.86	741.38	8.27%	78.12%	13.60%
September	79.5	590.87	94.49	764.86	10.39%	77.25%	12.35%
October	61.27	600.71	87.07	749.05	8.18%	80.20%	11.62%
November	59.78	443.41	66.76	569.95	10.49%	77.80%	11.71%
December	68.42	449.82	0	518.24	13.20%	86.80%	0.00%
Totals	788.6	6,135.28	766.26	7,690.14	10.25%	79.78%	9.96%

2015	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	74.26	346.84		421.1	17.63%	82.37%	0.00%
February	51.84	315.51		367.35	14.11%	85.89%	0.00%
March	78.61	366.34	17	461.95	17.02%	79.30%	3.68%
April	67.78	470.5	71.04	609.32	11.12%	77.22%	11.66%
May	84.75	480.98	124.21	689.94	12.28%	69.71%	18.00%
June	68.05	510.48	106.69	685.22	9.93%	74.50%	15.57%
July	68.51	549.04	68.51	686.06	9.99%	80.03%	9.99%
August	59.71	469.16	93.02	621.89	9.60%	75.44%	14.96%
September	67.94	517.89	96.87	682.7	9.95%	75.86%	14.19%
October	60.79	468.87	87.32	616.98	9.85%	75.99%	14.15%
November				0		#DIV/0!	#DIV/0!
December						#DIV/0!	#DIV/0!
Totals	682.24	4,495.61	664.66	5,842.51	11.68%	76.95%	11.38%

Oct-15					
Total tons	616.98				
Waste	75.99%				
Recycle	9.85%				
Green	14.15%				
Total	100.00%				
				% of Primary	
Primary residential waste cans -	4,247	100.00%			
Secondary residential waste cans -	715	16.84%			
Recycling cans -	3,707	87.29%			
Green waste cans -	1,229	28.94%			



Tuesday, March 15, 2016

Ace Disposal,

This letter is to inform all commercial recycling companies using Weber County's Transfer Station to dispose of commingled recyclable materials from outside of Weber County, that the County will be charging a tipping charge for all commingled recyclables effective March 28, 2016. The rate will be \$20 per ton.

Weber County is the only entity at this time accepting commingled recyclables free of charge. It is not the County's intention to turn away commingled recyclables, but to help off-set the operational costs Weber County is absorbing due to low recyclable markets. We are currently receiving recyclables from Bountiful to Brigham City, Utah.

Thank you for recycling and recycling the right way!

Respectfully yours,

Kevin McLeod
Director
Weber County Transfer Station
867 Wilson Lane
Ogden, Utah 84401
801 399-8803

Mayor:

Interesting to know that ACE is proposing a different approach, not just increasing your rate. In my experience they are an excellent outfit.

I do not anticipate a reduction in city rates in the foreseeable future. Our cash reserves have been substantially depleted by the large amount of necessary maintenance and environmental improvements completed at the Energy Recovery Facility over the past two years. We also experience the continual upward pressure on the price of materials and labor that all operations see. The last time we increased the per-can fee to cities was in 1995 when it was implemented. Since that time, rates have been reduced from \$10 to the current \$5.20.

You are correct, the current charge for a green waste container is \$2 per month. While the green waste recycling does provide good local recycling, the program does not generate positive cash flow, even with product sales. The program currently covers operating costs and about half of the equipment depreciation. We continue to operate the program at a loss precisely because of the other system benefits that you mention. Like all recycling, it is not free. I do not anticipate a reduction in the cost of the green waste can.

We will be discussing the potential of installing a materials recovery facility (dirty MRF) in front of the Energy Recovery Facility over the next six months or so. This facility could recover some recyclables directly from the waste stream. The project is expensive and I anticipate a lively discussion by the board, but it could arguably replace (or augment) curbside collection systems. Stay tuned.

I invite you and your council and staff to come on a tour of our facilities any time.

I hope this information helps.

Nathan Rich, P.E.

CENTERVILLE CITY, UTAH

Request for Proposal

Introduction:

For: Solid Waste & Recycling Collection Services

Centerville City, Utah is seeking proposals from solid waste collection firms to provide curbside solid waste, green waste and recycling collection services for the City.

City Contact Information:

Blaine Lutz
250 North Main
Centerville, Utah
801-295-3477
blainel@centervilleut.com

Key Dates, Addresses and Instructions:

Proposals must be delivered to:

Centerville City
250 North Main
Attn: Blaine Lutz
Centerville, Utah 84014

RFP RESPONSE DUE DATE: Wednesday, .

- The proposal must be delivered in a sealed envelope.
- Clearly label the outside of your envelope: **"Solid Waste, Green Waste & Recycling Collection Services Proposal"**
- Any proposal received after the due date and time will not be accepted.
- The City will not accept proposals via facsimile or electronically.

Pre-proposal meeting:

Pre-proposal meeting will be held on

Questions regarding this RFP:

Questions regarding this RFP should be directed to: Blaine Lutz Email:
blainel@centervilleut.com, phone 801-295-3477.

Opening of Proposals

On the closing date and time, proposals shall be opened at the Centerville City Hall and Community Center, 250 North Main Centerville, Utah.

Proposals, modifications, or corrections received after the closing time on the "Due Date" will be considered late and will not be opened. Electronically transmitted RFPs will not be considered.

Contract Information:

The Contract start of service date will by July 1, 2016.

The successful proposer will be issued a **contract for five years**. Additional 2 year extensions may be considered as part of the contract. However, the contract may be terminated by either party, in advance of the specific termination date, based upon the termination terms and conditions included in the contract with 90 days advanced written notice.

It is the intention of the City to issue a contract to the firm whose proposal is deemed to be the most advantageous and in the best interest of the City; however, the City does not guarantee to any award based upon this RFP.

General Information:

There are approximately 4,250 residential units that are currently billed for solid waste pick-up in the City.

There are approximately 700 additional residential containers that are currently billed for solid waste pick-up in the City.

There are approximately 3,700 residential units currently participating in the opt-out recycling program.

There are approximately 1,225 Green Waste containers that are currently billed for the voluntary green waste program.

Solid waste, green waste and recycling are currently collected on the same day of the week. We require that trash, green waste and recycling be collected the same day of the week for each residential unit. Collection services for regular solid waste are on a weekly basis. Green waste is on a weekly basis. Recycling cans are emptied bi-weekly.

Additionally, collection services are currently being provided at approximately 12 designated City parks and City facilities. The cost for collection at these locations should be rolled into the monthly solid waste and/or recycling charge to the city.

The City will collect all garbage, green waste and recycling collection fees from residential dwelling units and shall pay to the contractor a monthly rate per residential dwelling unit whether for a single container or additional containers and green waste and recycling containers which amount shall be so indicated in the contractor's proposal.

Collected solid waste is delivered to Wasatch Integrated Waste Management District in Layton, UT. The City pays the Wasatch Integrated tipping fees directly.

The City provides and owns all residential containers related to this proposal.

The City provides and owns all the green waste containers related to this proposal.

The contractor shall provide and maintain recycle containers related to this proposal.

Scope of Services:

Provide curbside solid waste, green waste and recycling collection services for the City.

Services are to include:

- weekly curbside collection and disposal of mixed solid waste
- weekly curbside collection and disposal of green waste
- bi-weekly curbside collection and processing of recyclables
- collection and disposal of refuse and recycling from all City facilities, including but not limited to parks, at no additional cost to the City

Specifications - General Requirements

1. A contract consistent with these specifications will be required. The contract shall include specific performance measures and provisions for termination for failure to perform.
2. Collection services will be completed between the hours of 7:00 a.m. and 7:00 p.m., Tuesday through Thursday, except the following designated holidays: New Year's Day, Fourth of July, Thanksgiving Day, and Christmas Day, in which case collections

may be accomplished within the same hours but one day later than the normal scheduled day. Any deviation to these days or hours and collection due to unforeseen circumstances (i.e.: weather, road construction, emergency occurrences, etc.) will be communicated and approved by the City.

3. A residential property shall be defined as an occupied dwelling unit such as a single family home, a duplex or multi-family dwelling of three (3) or less units, which is located adjacent to a public street; residential property shall not include neighborhoods with private roads, unless otherwise approved by the City. Each unit of a multiple-unit property shall be considered a separate residence for purposes
4. The contractor shall be paid monthly within 30 days after the end of the month for services performed in that monthly period. The contractor shall bill the City for the services performed.
5. Proposed collection services will follow a route and schedule provided by the contractor and approved by the City. All changes to this schedule must be pre-approved by the City and all affected customers notified by the contractor. Concurrent with entering into the contract, the contractor shall provide the City with maps and schedules of collection routes and keep such information current at all times. It shall be the customer's responsibility to place customer's solid waste, green waste and recycling container(s) at the appropriate location for collection before the approved starting hour.
6. The contractor will expand the service area to include all newly constructed residential units and on newly constructed and accepted City streets at the contracted price per household.
7. No hazardous waste shall be collected or disposed of by the contractor.
8. Collection trucks must be curbside collection type units designed for the collection and compaction of residential solid waste. The contractor shall provide an adequate number of trucks as approved by the City for scheduled collection services. All equipment must be kept in good repair, appearance, and sanitary condition at all times. Trucks must be equipped to handle any spill or leakage of hydraulic or other fluids. Equipment shall be maintained in such a manner that it will not scrape, peel, gouge or otherwise damage containers.
9. The contractor must maintain a local telephone number. The office will be equipped with sufficient communications capacity, and shall have a responsible person in charge and available to answer all inquiries during normal working day/ collection hours, and an emergency response process after normal business hours.

10. The contractor shall resolve all complaints regarding services in a prompt, courteous, and expeditious manner. Response and reporting requirements will be included in the contract.
11. All recycling must be hauled to a City-approved facility permitted for such use and meeting all applicable local, State, and Federal laws, rules and regulations.
12. The contractor shall monitor the collection of solid waste and recycling material for compliance with acceptable material in each. For those containers which are not in compliance, the contractor shall educate the customer of the non-conformance. The contractor shall place a City approved sticker or tag on any unacceptable container or item at the scheduled time of service, explaining why the material is unacceptable.
13. Contractor's requirements:
 - a. The contractor shall pay for the services of all its employees, salary wages and related benefits.
 - b. It is understood and agreed that the contractor will be an independent contractor and will be in no way an employee of the City and must agree to hold the City harmless from any damage or liability arising from Contractor's operations.
 - c. The contractor shall bear the costs and expenses of maintenance and operation of its equipment and assume all liability and liability costs connected with the services.
 - d. Each operator shall maintain a valid Utah Commercial Driver's License for the type of vehicle used.
 - e. The contractor shall provide vehicle liability insurance in the amounts of not less than \$2,000,000 for property damage and \$2,000,000 for bodily injury and general liability insurance in the amount of \$2,000,000. Insurance policies shall include the City as an additional insured on all such policies. The contractor shall also provide Workman's Compensation Insurance for all of its employees in accordance with the laws of the State of Utah.
 - f. Once a year Contractor shall provide Christmas tree pickup services beginning on the first or second Saturday following New Year's Day and

continuing until each residence in the City has been serviced, such pickup to be at no additional cost to the City.

- g. The Contractor will provide special service for disabled persons or senior citizens not able to handle the approved garbage container. Such special service will be as directed and approved by the City.
- h. The Contractor will also be required to provide a weekly or twice weekly pickup for City facilities designated on Exhibit "A". Upon request from the City, extra collection of park or City facility disposal bins must also be picked up within 24 hours notice. Tipping fee charges for disposal of such garbage shall be paid by the City. Additional pickup will be required at the City's July 4th celebration.

14. Default

- a. The standard for default in performance is one or more of the following:
 - i. failure to provide the services indicated for a period in excess of two consecutive scheduled working days, weather permitting;
 - ii. Excessive bona fide complaints or missed services during a month

15. Proposals must remain valid for a minimum of 60 days from the date of proposal opening.

16. Adjustments to the rates, either upward or downward, may be considered annually throughout the term of the contract or set for an annual adjustment if deemed in the best interest of the City.

Proposal Content:

Proposals should include the following major parts:

- 1. The contractor's experience, references, and qualifications
- 2. The contractor's equipment and capacity to perform
- 3. The contractor's methodology and operational plan
- 4. The contractor's customer service plan
- 5. Overall cost

Proposals may also contain any other additional information that the proposer deems appropriate; however, voluminous or overly elaborate proposals are discouraged.

Experience, References, and Qualifications:

Proposals must include a brief summary of the company's experience and qualifications, including a list of current contracts within the State of Utah.

Proposals must include at least five (5) references from contracting cities, counties, or districts.

Equipment List and Capacity:

Proposals must include an itemized list of the contractor's equipment to be used in fulfilling the contract, including standby units. This list shall include a brief description of the equipment and age of each unit and proposed replacement schedule and type of fuel used.

Proposal must include evidence as to the contractor's equipment, personnel, and financial capacity to perform if awarded a contract with the City.

Methodology and Operational Plan:

Proposals must include the contractor's methodology to deliver the desired end product and services the City is seeking as specified above.

In addition to the specific services listed above, proposers are invited to recommend any additional services and/or products provided by their firms that may be helpful to the City; however, these additional services and/or products must be directly related to solid waste collections services. Proposals must include a detailed plan of operation describing the routes to be established and alternative procedures to be followed in case of severe weather or equipment failures.

If there are better ways for the City to package or define solid waste collection services than those listed above in order to obtain better pricing and/or service please explain what modifications would be required to achieve it.

Customer Service Plan:

Proposal must include a detailed plan and policy for customer service, and how the contractor will respond to service complaints in a timely matter.

Pricing/Cost:

Proposals must include a detailed and itemized pricing break down for the following service options:

Option 1:

1. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for first container
2. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for additional containers
3. 96-100 gallon roll-out cart – green waste rate (weekly curbside pick-up) – monthly rate per container
4. 96-100 gallon roll-out cart - recycle waste (bi-weekly curbside pick-up) – monthly rate
5. 96-gallon roll-out cart – recycle waste (weekly curbside pick up) – monthly rate for additional containers

Option 2:

1. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for first container
2. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for additional containers
3. 96-100 gallon roll-out cart – green waste rate (weekly curbside pick-up) – monthly rate per container

Option 3:

1. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for first container
2. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for additional containers
3. 96-100 gallon roll-out cart - recycle waste (bi-weekly curbside pick-up) – monthly rate
4. 96-gallon roll-out cart – recycle waste (weekly curbside pick up) – monthly rate for additional containers

Option 4:

1. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for first container
2. 96-100 gallon roll-out cart - mixed garbage (weekly curbside pick-up)
– monthly rate for additional containers

The City is also interested in receiving a detailed and itemized pricing break down for the following optional emergency/disaster events services.

Rates should be for “Standard Hours – Mon-Fri – 7 am to 5 pm” and “After Hours – Overtime and Holidays”

1. 30 yard dumpster (or equivalent) – household or green waste
(hailed to the most economical disposal site)
2. 30 yard dumpster (or equivalent) – recyclables (hailed to local processing facility)
3. Loader (3 yard min.) with operator

Formation of the Agreement with the Selected Applicant:

After selecting an applicant, the City may conduct additional negotiations with the contractor to arrive at a final contract. When both parties are in agreement, a contract will be awarded.

Rejection of Proposals:

The City reserves the right to reject any or all proposals received, and to select the proposal deemed to be the most advantageous and in the best interest of the City. Non-acceptance of a proposal will mean that one or more others were deemed more advantageous to the City or that all proposals were rejected. Applicants, whose proposals are not accepted, will be notified after a binding contractual agreement between the City and the selected applicant is executed, or when the City rejects all proposals.

Proposal Validity Time:

Proposals containing less than 60 days acceptance time will not be considered.

Proprietary Information:

Applicants may mark any specific information contained in their proposal which they wish considered as proprietary and not to be disclosed to the public. All proposals submitted become the property of the City and will not be returned.

Incurring Costs:

Centerville City will not be liable for any cost that applicants may incur in the preparation of their proposals. Proposals should be concise, straightforward, and prepared simply and economically. Expensive displays, bindings, or promotional materials are neither desired nor required.

Key Contract Terms:

Award of the Contract: Upon completion of the evaluation process, the City may award the contract to the respondent whose proposal is determined to be most advantageous to the City irrespective of cost or other individual portion of any submitted proposal.

Contract Period and Effective Date: The initial contract term shall commence upon final execution of the contract by the City and shall expire five (5) years from that date. Additional 2 year extensions may be considered.

Contract Cancellation: Either party may terminate the contract for any reason prior to the expiration date by delivering written notice thereof to the other party at least 90 days in advance.

Additional Information:

1.00 The contractor shall provide the City a Performance Bond for the faithful performance of the contract. The Performance Bond shall be executed by a surety company licensed to do business in the State of Utah. The bond shall be in the amount of \$2 million and may be renewed annually.

2.00 WORKING CONDITIONS

The contractor acknowledges that the City area is subject to inclement weather conditions including but not limited to snow, high velocity winds, fog, rain, heat and flooding. In such situations involving inclement weather, Contractor agrees to make all

reasonable efforts to continue collection services. In the event Contractor is unable to provide service as a result of weather problems or other "Acts of God", Contractor shall notify City of the situation immediately when it becomes known, or should reasonably be known by Contractor, and shall establish a contingency plan agreeable to both the City and the Contractor. The Contractor is responsible for making all reasonable efforts to perform under this contract during times of inclement weather, including, but not limited to, providing additional trucks, personnel, and tire chains, or other appropriate means to continue to fulfill its obligations as set forth herein. The Contractor shall complete the work in and under conditions it may encounter or create, without extra cost to the City. Equipment shall be suitable for collecting containers on 17% slopes.

Exhibit A

Centerville City Hall	250 North Main
Public Works Facility	655 North 1250 West
Parks & Recreation Facility	685 North 1250 West
Davis Center for the Performing Arts	525 North 400 West
Whitaker Museum	168 North Main
Founders Park	300 North 100 East
Island View Park	750 East 550 South
Smoot Park	1550 North Main
Community Park	1235 North 400 West
Freedom Hills Park	2150 North 150 East
Porter Walton Park	95 South 400 West
Cemetery	700 East 400 South

Events -- July 2nd -- July 5th Founders Park

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 9.

Short Title: Municipal Code Amendments - Title 14 - Traffic Code

Initiated By: City Attorney

Scheduled Time: 8:50

SUBJECT

Consider Ordinance No. 2016-10 amending various provisions of Title 14 of the Centerville Municipal Code regarding the Traffic Code

RECOMMENDATION

Approve Ordinance No. 2016-10 amending various provisions of Title 14 of the Centerville Municipal Code regarding the Traffic Code.

BACKGROUND

As part of the City Council's approval and direction to Staff to transition the Centerville Municipal Code to an online electronic code, the City Attorney has reviewed and recommends various amendments to Title 14 regarding the Traffic Code. The suggested amendments to Title 14 have been reviewed with the Police Chief and Staff recommend adoption of Ordinance No. 2016-10.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2016-10-Title 14
- ☐ Title 14-Traffic Code-Redline

ORDINANCE NO. 2016-10

**AN ORDINANCE UPDATING AND AMENDING TITLE 14 OF THE
CENTERVILLE MUNICIPAL CODE REGARDING THE CENTERVILLE
CITY TRAFFIC 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 Title 14 of the Centerville Municipal Code regarding the Traffic Code and recommends updating and amending Title 14 as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes and updates of Title 14 of the Centerville Municipal Code and desires to adopt the recommended revisions and updates as more particularly set forth herein; and

WHEREAS, the City Council finds that the proposed amendments to the Centerville City Traffic Code as more particularly set forth herein are in the best interest of the public health, safety and welfare.

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

Section 1. Amendment. Title 14 of the Centerville Municipal Code regarding the Centerville City Traffic Code is hereby amended to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. General Repealer. The amendment and recodification of Title 14 of the Centerville Municipal 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 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 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 5th DAY OF APRIL, 2016.**

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 _____, 2016.

PUBLISHED OR POSTED this ____ of _____, 2016.

EXHIBIT A

**Title 14
Traffic Code**

TITLE 14

TRAFFIC CODE

CHAPTER 14-01:	GENERAL PROVISIONS
CHAPTER 14-02:	ADOPTION OF STATE CODES
CHAPTER 14-03:	TRAFFIC <u>CONTROL DEVICES</u> SIGNS, SIGNALS AND MARKINGS
CHAPTER 14-04:	ACCIDENTS
CHAPTER 14-05:	SPEED RESTRICTIONS
CHAPTER 14-06:	STOPPING, STANDING AND PARKING
CHAPTER 14-07:	MISCELLANEOUS RULES
CHAPTER 14-08:	TRUCK ROUTES

CHAPTER 14-01: GENERAL PROVISIONS

14-01-010.	Short Title.
14-01-020.	Rules of Construction.
14-01-030.	Police Chief to Administer.
14-01-040.	Applicability Generally.
14-01-050.	Applicability to School Property.
14-01-060.	Penalties.
14-01-070.	Fines/ <u>Bail Schedule</u> .

14-01-010. ~~Short Title.~~

This Title shall be known and may be cited as the "Centerville City Traffic Code."

14-01-020. Rules of Construction.

The provisions of this Title and the *Utah Code Annotated* provisions adopted herein shall be construed in a manner to ensure enforcement consistent and in accordance with the traffic laws of the State of Utah. Pursuant to *Utah Code Ann.* § 41-6a-207, as amended, the City is prohibited from enacting or enforcing any rule or ordinance in conflict with the provisions of Title 41, Chapter 6a, but may adopt ordinances consistent with Title 41, Chapter 6a, and additional traffic ordinances not in conflict with such Chapter.

14-01-030. Police Chief to Administer.

The Centerville City Chief of Police is ~~hereby~~ vested with the powers necessary to administer the provisions of the Centerville City Traffic Code and all laws relating to the operation of vehicles on the highways within the jurisdiction of the City.

14-01-040. Applicability Generally.

Pursuant to the authority vested in municipalities under *Utah Code Ann.* § 10-8-30, as amended, and to the extent permitted by law, the Centerville City Traffic Code shall be applicable to all pedestrian and vehicular traffic and parking on any public roads, streets and highways within the jurisdiction of Centerville City; provided the operator of an authorized emergency vehicle and persons operating equipment while actually engaged in work on the surface of a highway may exercise the privileges granted under *Utah Code Ann.* § 41-6a-212, as amended. The provisions of this Traffic Code shall be enforceable by any law enforcement officer having jurisdiction over such roads, streets and highways.

14-01-050. Applicability to School Property.

Pursuant to *Utah Code Ann.* § 53A-3-504, as amended, and to the extent requested by the responsible board of education, the Centerville City Traffic Code is hereby made applicable to vehicular traffic and parking on all public school property within Centerville City. All law enforcement officers having jurisdiction within Centerville City are hereby vested with the authority to interpret and enforce the Traffic Code of Centerville City to vehicular traffic and parking on all public school property within Centerville City. The Traffic Code shall be interpreted, construed and applied insofar as practicable to traffic and parking situations arising upon school property to the same extent as though such school property were a public street, road, or highway, and for the purposes of this Chapter, such school property is declared to be and shall be considered a public street, road, or highway.

14-01-060. Penalties.

Unless otherwise provided herein or in the State Codes adopted herein by reference, any violation of this Title shall be a Class C misdemeanor. Pursuant to *Utah Code Ann.* § 41-6a-202, unless otherwise provided, a violation of the provisions of Parts 2 (Obedience to Traffic Laws), 11 (Bicycles), 17 (Miscellaneous Rules), and 18 (Seatbelts) of the Utah Traffic Code, as adopted herein by reference, shall be an infraction. This Section shall not limit the authority of any other relief as may be appropriate and lawful under the laws of the State of Utah.

14-01-070. Fines/Bail Schedule.

Fines and bail for violations of this Title and for all criminal and traffic offenses set forth herein may be assessed shall be set and imposed in accordance with the Uniform Fine/Bail Schedule as adopted and amended by the Utah Judicial Council and the Centerville City Fine/Bail Schedule for Local Ordinances as adopted and amended by the Centerville City Council. This Section does not limit the applicable court from, in its discretion, imposing no fine, or a fine in any amount up to and including the maximum fine, for the offense.

CHAPTER 14-02: ADOPTION OF STATE CODES

- 14-02-010. Adoption of State Motor Vehicle and Traffic Codes.**
- 14-02-020. Adoption of State Transportation Code.**
- 14-02-030. Adoption of State Uniform Driver License Act.**

14-02-010. Adoption of State Motor Vehicle and Traffic Codes.

The following Chapters of Title 41 of the *Utah Code Annotated*, as amended, known as the "Motor Vehicles Code," are hereby adopted by this reference as if fully set forth herein, provided however, that those provisions which are exclusive to the State of Utah or which are not enforceable by Centerville City under the laws of the State of Utah, are excluded:

- Chapter 1a (Motor Vehicle Act)
- Chapter 6a (Traffic Code)
- Chapter 8 (Driving by Minors)
- Chapter 12a (~~Motor Vehicle~~ Financial Responsibility of Motor Vehicle Owners and Operators Act)
- Chapter 21 (Vintage Vehicles)
- Chapter 22 (Off-Highway Vehicles)

14-02-020. Adoption of State Transportation Code.

Title 72 of the *Utah Code Annotated*, as amended, known as the "Transportation Code," is hereby adopted by this reference as if fully set forth herein, provided however, that those provisions which are exclusive to the State of Utah or which are not enforceable by Centerville City under the laws of the State of Utah, are excluded.

14-02-030. Adoption of State Uniform Driver License Act.

Title 53, Chapter 3, of the *Utah Code Annotated*, as amended, known as the "Uniform Driver License Act," is hereby adopted by this reference as if fully set forth herein, provided however, that those provisions which are exclusive to the State of Utah or which are not enforceable by Centerville City under the laws of the State of Utah, are excluded.

CHAPTER 14-03: TRAFFIC-CONTROL DEVICES SIGNS, SIGNALS AND MARKINGS

14-03-010. Traffic-Control Devices Signs, Signals and Markings.

14-03-020. Failure to Obey.

14-03-010. Traffic-Control Devices Signs, Signals and Markings.

The City shall place and maintain official traffic-control devices signs, signals and markings upon highways under its jurisdiction as necessary to regulate, warn, and guide traffic and parking within Centerville City and to carry out the provisions of this Title. All traffic-control devices signs and signals erected under this Section shall conform to and be maintained in conformance with the standards and specifications adopted by the Department of Transportation pursuant to *Utah Code Ann. § 41-6a-301*, as amended.

14-03-020. Failure to Obey.

It shall be unlawful for any person to fail to obey any lawfully erected traffic-control device sign, signal or curb marking provided herein, unless otherwise directed to do so by a police officer or other law enforcement or public safety official.

CHAPTER 14-04: ACCIDENTS

14-04-010. Accident Responsibilities.

14-04-020. Written Report Required.

14-04-010. Accident Responsibilities.

The operator of a vehicle involved in an accident that occurs within Centerville City shall comply with the accident responsibilities and reporting requirements set forth in *Utah Code Ann. §§ 41-6a-401, et seq.*, regarding accident responsibilities.

14-02-020. Written Report Required.

Pursuant to authority granted to the City under *Utah Code Ann. § 41-6a-402*, as amended, the operator or owner of a vehicle involved in any accident occurring within Centerville City shall fill out the required accident forms provided by Centerville City and shall provide additional information regarding the accident upon the request of the Police Department or any investigating officer.

CHAPTER 14-05: SPEED RESTRICTIONS

- 14-05-010. Prima Facie Speed Limit.
- 14-05-020. Posted Limits.
- 14-05-030. Safe and Appropriate Speed.

14-05-010. Prima Facie Speed Limit.

Except as otherwise provided in Section 14-05-030 or applicable State law, the prima facie speed for all highways under the jurisdiction of Centerville City shall be as follows:

- (a) 20 ~~Twenty (20)~~ miles per hour in ~~when passing through a reduced speed school zone as defined in Utah Code Ann. § 41-6a-303, as amended;~~
- (b) 25 ~~Twenty-five (25)~~ miles per hour in ~~when passing through a residential district; and~~
- (c) 30 ~~Thirty (30)~~ miles per hour in ~~when passing through a business district.~~

14-05-020. Posted Limits.

The City may ~~shall~~ declare and post alternative speed limits for highways under the jurisdiction of Centerville City when it is determined after an engineering and traffic study that the reasonable and safe speed limit may be as posted. Any speed limit altered under this Section must be established in accordance with the provisions of Utah Code Ann. § 41-6a-603, as amended, and shall be is ~~is~~ effective when appropriate signs giving notice are erected upon the affected highway.

14-05-030. Safe and Appropriate Speed.

Pursuant to Utah Code Ann. § 41-6a-601, as amended, a person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when approaching and crossing an intersection or railroad grade crossing, approaching and going around a curve, approaching a hill crest, traveling upon any narrow or winding roadway, and approaching other hazards that exist due to pedestrians, other traffic, weather, or highway conditions.

CHAPTER 14-06: STOPPING, STANDING AND PARKING

- 14-06-010. All-Night Parking.**
- 14-06-020. Authorization for All-Night Parking.**
- 14-06-030. Parking for Certain Purposes.**
- 14-06-040. Storing and Parking Restrictions.**
- 14-06-050. Explosive Materials.**
- 14-06-060. Hazardous Parking.**
- 14-06-070. Parking in Narrow Roadway.**
- 14-06-080. Owner's Responsibility for Parking Violation.**
- 14-06-090. Parking Unregistered Vehicles.**

14-06-010. All-Night Parking.

No person shall park a vehicle on any street within the jurisdiction of Centerville City during the period from ~~December 1st~~ November 15th through ~~March 31st~~ April 15th, between the hours of 12:00 midnight ~~1:00 a.m.~~ and 6:00 a.m. for more than one (1) hour, except physicians during emergency calls, emergency vehicles or law enforcement vehicles exempted under Section 14-01-040, or other authorized vehicles in accordance with Section 14-06-020.

14-06-020. Authorization for All-Night Parking.

Any resident of Centerville City may apply to the City for authorization for all-night parking when the same is required by emergency or other unusual circumstances. The Chief of Police, upon good cause showing, may authorize such all-night parking for a period not to exceed 24 ~~twenty-four (24)~~ hours. The Chief of Police shall be the sole judge as to the necessity and requirement for the authorized all-night parking.

14-06-030. Parking for Certain Purposes.

No person shall park a vehicle upon any highway within the jurisdiction of Centerville City for the principal purpose of:

- (a) ~~Displaying such vehicle for sale;~~
- (b) ~~Displaying any advertising;~~
- (ac) Greasing or repairing such vehicle other than repairs necessitated by an emergency; or
- (bd) Displaying for sale or selling any foodstuffs or merchandise.

14-06-040. Storing and Parking Restrictions.

(a) Except as otherwise provided herein, no person shall park a motor vehicle or similar conveyance upon any highway within the jurisdiction of Centerville City for more than a continuous 48 ~~forty-eight (48)~~ hour period.

(b) Except as otherwise provided herein, no person shall park a hauling trailer, boat, bus, camping vehicle, truck with gross weight in excess of 10,000 ~~ten thousand (10,000)~~ pounds, or any other similar conveyance upon any highway within the jurisdiction of Centerville City for more than a continuous 24 ~~twenty-four (24)~~ hour period.

(c) Except as otherwise provided herein, no person shall park any vehicle having a total gross weight, loaded or unloaded, in excess of 18,000 ~~eighteen thousand (18,000)~~ pounds, or having a total length in excess of 40 ~~forty (40)~~ feet, within any residential zone or along any collector or arterial street within the jurisdiction of the City as designated on the City General Plan or Zoning Map, except while actually loading or unloading cargo on or in said vehicle.

(d) In determining the total gross weight or total length set forth herein, the length shall be measured from the most forward point of the vehicle or its load, and the length or weight of a trailer connected or attached to or in tandem with the motor vehicle shall be included. Restricted vehicles, as more particularly defined in Section 14-08-020, shall also be subject to the Truck Route provisions set forth in Chapter 14-08.

14-06-050. Explosive Materials.

No person shall park any vehicle carrying more than 100 ~~one hundred (100)~~ gallons of flammable liquid or more than 5 ~~five (5)~~ pounds of dynamite or other explosive of comparable blasting power, or more than 50 ~~fifty (50)~~ gallons or 50 ~~fifty (50)~~ pounds of highly corrosive freight, within a residential zone or along a collector street within the jurisdiction of the City as designated on the City General Plan or Zoning Map, except while actually loading or unloading cargo on or in said vehicle.

14-06-060. Hazardous Parking.

No persons shall stop, stand or park a vehicle at any hazardous or congested place within the jurisdiction of Centerville City as properly designated by the City with official signs or markings. In no event shall any person stop or park a vehicle in such a manner as to interfere with the free flow of traffic along the street upon which it is parked.

14-06-070. Parking in Narrow Roadway.

No person shall park a vehicle in an alley or roadway within the jurisdiction of Centerville City in such a manner as to leave less than 20 ~~twenty (20)~~ feet of the width of the roadway available for the free movement of vehicular traffic, or to block the driveway entrance of any abutting property.

14-06-080. Owner's Responsibility for Parking Violation.

Whenever any vehicle shall have been parked in violation of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty therefor.

14-06-090. Parking Unregistered Vehicles.

It is unlawful to park, or for an owner to knowingly permit to be parked, upon any street or upon public property, a vehicle which is not currently registered in accordance with State law.

CHAPTER 14-07: MISCELLANEOUS RULES

- 14-07-010. Driving within Bicycle Lanes.**
- 14-07-020. Driving over "Wet" Traffic Markings.**
- 14-07-030. Driving on New Pavement.**
- 14-07-040. Avoiding Intersection or Highway.**
- 14-07-050. Duty to Keep Proper Lookout.**
- 14-07-060. Interference with Control.**
- 14-07-070. Seating.**
- 14-07-080. Standing on Seat.**
- 14-07-090. Hanging on Outside of Moving Vehicle.**
- 14-07-100. Attaching Sled or Other Conveyance.**
- 14-07-110. Tampering with Vehicle.**
- 14-07-120. Excessive Acceleration.**
- 14-07-130. Safe Operation.**
- 14-07-140. Negligent Collision.**
- 14-07-150. Driving while Impaired.**
- 14-07-160. Funeral Processions.**
- 14-07-170. Parades and Processions.**
- 14-07-180. Discharge of Debris.**
- 14-07-190. Securing Loads.**
- 14-07-200. Obstruction of Traffic.**
- 14-07-210. Rollerskating and Skateboard Restrictions.**
- 14-07-220. Livestock on Streets.**
- 14-07-230. Trail Regulations.**

14-07-010. Driving within Bicycle Lanes.

It shall be unlawful for the driver of any vehicle to use a marked bicycle lane as a turning lane, or to drive within, through, park or stop within a marked bicycle lane except to briefly cross said lane to turn into an intersection, street, alley, driveway or other parking area. Any vehicle so turning must yield the right-of-way to all bicycles within the lane which are close enough to constitute an immediate hazard.

14-07-020. Driving over "Wet" Traffic Markings.

It shall be unlawful for any person to drive ~~or ride~~ any vehicle ~~or animal~~ over, on or across any painted traffic markings which are indicated as being "Wet."

14-07-030. Driving on New Pavement.

No person shall drive ~~or ride~~ any vehicle ~~or animal~~ over or across any newly made pavement in any public street when there is a person, sign, or barrier warning persons not to drive ~~or ride~~ over or across such pavement or that the street is closed.

14-07-040. Avoiding Intersection or Highway.

It shall be unlawful for the driver of any vehicle to avoid designated intersections or highways, or the traffic regulations set forth herein, by cutting through any service station lot, parking lot, or other public or private lot.

14-07-050. Duty to Keep Proper Lookout.

It shall be unlawful for any person to drive any vehicle without keeping a reasonable and proper lookout for other traffic, objects, and persons.

14-07-060. Interference with Control.

It shall be unlawful for any person to engage in any activity that interferes with the safe control and operation of any vehicle while the vehicle same is in motion.

14-07-070. Seating.

It shall be unlawful for the driver of any vehicle to have in his or her lap any other person, adult or child, or animal, or for the driver to be seated in the lap of any other person while the vehicle is in motion.

14-07-080. Standing on Seat.

It shall be unlawful for any person to operate any vehicle while any person, adult or child, is standing on a seat within the ~~such~~ vehicle.

14-07-090. Hanging on Outside of Moving Vehicle.

It shall be unlawful for any person to climb, swing, or otherwise hold onto the outside of any moving vehicle.

14-07-100. Attaching Sled or Other Conveyance.

It shall be unlawful for any person to knowingly drive or operate a vehicle upon any street within the jurisdiction of Centerville City while any person riding a bicycle, moped, coaster, skateboard, roller skates, sled, or similar conveyance is attached or connected to the ~~such~~ vehicle.

14-07-110. Tampering with Vehicle.

It shall be unlawful for any person to damage, tamper, or interfere with another person's vehicle without the authority of the owner or the person lawfully in charge of the vehicle. Such acts include but are not limited to climbing upon or into the vehicle, sounding the horn or any other signaling device, manipulating any of the levers, starter, brakes or machinery thereof, or setting the vehicle in motion.

14-07-120. Excessive Acceleration.

It shall be unlawful for any person to race the motor of any vehicle unnecessarily in such a manner that the vehicle is so rapidly accelerated that the vehicle emits a loud noise unusual to its operation or whereby the tires of such vehicle squeal or leave tire marks on the pavement or other surface.

14-07-130. Safe Operation.

No person shall drive a vehicle in such a manner as to endanger life or property by failing to keep his or her vehicle under safe and proper control.

14-07-140. Negligent Collision.

It shall be unlawful for any person to operate a vehicle with such lack of due care and in such negligent manner as to cause the same to collide with any vehicle, person or object.

14-07-150. Driving while Impaired.

It shall be unlawful for any person to operate a vehicle while his or her ability or alertness is so impaired through fatigue, illness or any other cause as to make it unsafe for him or her to drive such vehicle. This Section shall not be interpreted to include circumstances amounting to driving under the influence or reckless driving pursuant to *Utah Code Ann. §§ 41-6a-501, et seq.*, as amended, regarding driving under the influence and reckless driving.

14-07-160. Funeral Processions.

All persons driving a motor vehicle in a funeral procession shall comply with and observe the ~~Traffic Rules and Regulations set forth in this Title, herein,~~ unless otherwise authorized by permit obtained from the Chief of Police City in accordance with Section 14-07-170.

14-07-170. Parades and Processions.

(a) Permit Required. Any persons desiring to engage in a procession or parade shall obtain a permit from the Chief of Police before occupying, marching, or proceeding along any street within the jurisdiction of Centerville City.

(b) Permit Request. All requests for permits shall be made in writing at least ten (10) days prior to the actual time of the procession or parade and shall state the time, place of formation, proposed line of march, destination and such other information as the Chief of Police City may require.

(c) Time, Place and Manner. The Chief of Police City may alter the time, place and manner of the parade or procession as it deems necessary to promote the health, safety, welfare and convenience of the public.

(d) Supervision. The person or persons obtaining a permit, together with the sponsoring organizations, shall provide at their own expense, police supervision for such parades or processions which are not of a community-wide nature when the Chief of Police determines that such supervision is necessary to promote the health, safety and welfare of the public.

(e) Appeal. Any final determination by the Chief of Police made hereunder may be appealed in writing within 10 ~~ten (10)~~ days from the date of the determination to the City Manager ~~or the City Council~~.

14-07-180. Discharge of Debris.

It shall be unlawful for any person to operate or load, or cause to be operated or loaded, a vehicle upon any public highway within the jurisdiction of Centerville City from which any kind of sand, gravel, rocks, materials, or debris fall, discharge, or otherwise escape therefrom. This Section shall not apply to official street maintenance crews or to other persons who have obtained a proper permit from the Chief of Police.

14-07-190. Securing Loads.

It shall be unlawful for any person to operate or load, or cause to be operated or loaded, any vehicle upon any public highway within the jurisdiction of Centerville City in which the contact points of the material being hauled are less than 6 ~~six (6)~~ inches from the top of the bed, unless the vehicle is sufficiently covered or tied down so as to prevent such materials from littering, spilling or otherwise escaping therefrom. This Section shall not apply to official street maintenance crews or to other persons who have obtained a proper permit from the Chief of Police.

14-07-200. Obstruction of Traffic.

It shall be unlawful for any person to remain standing, lying or sitting on any street or highway within the City or to otherwise obstruct or prevent the free passage and use of vehicular or pedestrian traffic on the streets, sidewalks and crosswalks within the City. In accordance with this provision, it shall be unlawful for any person to erect or place a basketball standard or other recreational item in the street or within a park strip or public right-of-way such that the street is used as a playing area or field. Such use of the street is declared to be unsafe and dangerous to the public health and safety.

14-07-210. Rollerskating and Skateboard Restrictions.

It shall be unlawful for any person upon rollerskates, rollerblades, skateboards, or riding in or by means of any coaster, sled, toy-wagon, scooter, or similar device, to obstruct or restrict vehicular traffic upon any roadway within Centerville City or to otherwise use such devices in a dangerous or unsafe manner.

14-07-220. Livestock on Streets.

It shall be unlawful for any person to drive livestock upon any streets within the jurisdiction of Centerville City not designated for such purpose, except as otherwise provided by permit obtained from the Chief of Police.

14-07-230. Trail Regulations.

(a) Trails. Centerville City has a number of designated and publicly dedicated motorized and non-motorized trails within the City and in the foothills, including, but not limited to, the Bonneville Shoreline Trail, as designated on the Centerville City Trail System Map, hereinafter referred to as "Trails" or "Trail System."

(b) Motorized Vehicles. It shall be unlawful for any person to drive any motorized vehicle on a Trail within the Trail System designated and marked as a non-motorized Trail or to otherwise deviate from or to go off a Trail designated for motorized vehicle use. This Subsection shall not apply to emergency or law enforcement vehicles and personnel in the lawful pursuit of their duties.

(c) Signs. It shall be unlawful for any person to remove, cover, deface, or harm in any way, signs regulating or guiding traffic on a Trail within the Trail System.

(d) Right of Way. All motorized vehicles shall yield to non-motorized traffic at any intersection of a non-motorized Trail and a motorized Trail.

CHAPTER 14-08: TRUCK ROUTES

- 14-08-010. Findings and Purpose.**
- 14-08-020. Definitions.**
- 14-08-030. Restrictions.**
- 14-08-040. Truck Route Designation.**
- 14-08-050. Special Permit.**
- 14-08-060. Signs.**
- 14-08-070. Violations.**

14-08-010. Findings and Purpose.

The Centerville City Council finds and declares that the travel of Restricted Vehicles on streets other than those identified as Truck Routes herein, in certain climatic conditions, results in abnormal and accelerated deterioration of public streets. Such travel also presents a hazard to public health and safety. The purpose of this Ordinance is to promote the safe and normal movement of traffic within the City and to prevent undue burden and damage to streets and highways within the City through the establishment of designated "Truck Routes".

14-08-020. Definitions.

As used herein, the following words shall have the meanings set forth below:

(a) "Restricted Vehicle" shall mean all vehicles, combination of vehicles or combinations of vehicles and load having a length of more than ~~45 forty-five (45)~~ feet or a width of more than ~~8 1/2 eight and one-half (8 1/2)~~ feet or a height of more than ~~14 fourteen (14)~~ feet and all vehicles registered for ~~36,000 thirty-six thousand (36,000)~~ pounds or more gross weight.

(b) "Truck Routes" shall mean those streets and highways within the corporate limits of the City designated in Section 14-08-040 which are open to Restricted Vehicle traffic.

14-08-030. Restrictions.

(a) Limited to Truck Routes. No Restricted Vehicle shall move upon any street within the jurisdiction of Centerville City which is not designated as a Truck Route, except as otherwise provided herein.

(b) Necessary Deviations. Restricted Vehicles may use other streets and highways within the City only when such use is sporadic and occasional and is necessary to access a destination point within the City which is not situated along a designated Truck Route or to access the designated Truck Routes when leaving from a place originating within the City which is not situated along a designated Truck Route. Any deviation from the designated Truck Routes as permitted herein shall be accomplished by the most reasonable and direct route available.

14-08-040. Truck Route Designation.

The following streets and parts of streets lying within the corporate boundaries of Centerville City are hereby designated as permissible "Truck Routes" within the City, as further delineated on the map attached hereto:

- (a) Main Street from south City boundary to the north City boundary;
- (b) Frontage Road from south City boundary to the north City boundary;
- (c) 1250 West from the south City boundary to the north City boundary;
- (d) 400 West from 300 South to Parrish Lane;

(e) Parrish Lane from the west City boundary to Main Street; and

(f) Any and all federal, state, or county roads or highways designated as such pursuant to Title 72 of the *Utah Code Annotated*, as amended, not otherwise described herein.

14-08-050. Special Permit.

(a) **Special Permit.** Persons may file with the City an application for a "Special Truck Routing Permit" authorizing the applicant to operate or move a Restricted Vehicle upon City streets not otherwise permitted herein. Unless otherwise provided, any permit issued hereunder shall be in addition to any and all other licenses or permits required by law.

(b) **Application.** Applications for Special Truck Routing Permits shall be made in writing to the City Police Department on a form provided by the City, which form shall require the following information:

- (1) name and address of applicant;
- (2) activity or purposes for which the permit is desired;
- (3) description of the truck(s) to be operated or moved pursuant to the permit;
- (4) specification of the roads or streets to be used; and
- (5) specification of the time frame and number of trips to be covered by the permit.

(c) **Fees.** Each Application for Permit filed hereunder shall be accompanied by the required permit fees as set forth by Resolution by the City Council. No permit shall be issued until the proper fees have been paid to the City. Unless otherwise provided, the fees required herein shall be in addition to any and all other license or permit fees imposed by any other law.

(d) **Issuance.** The City Police Chief shall review all applications filed hereunder and may issue or deny a permit based upon consideration for the safety of the traveling public and protection of the foundation, surfaces, and structures of City streets. Issuance of the permit may be conditioned upon certain terms including, but not limited to the following:

- (1) limiting the number of trips the vehicle may take;
- (2) establishing seasonal or other time limits within which the vehicle may operate or move on the street;
- (3) requiring bonds or other forms of security to assure payment to the City or other damaged parties for any damage or expense caused by such vehicle use; and
- (4) requiring an indemnification agreement holding the City harmless from any damage or expense incurred as a result of such vehicle use.

(e) **Denial.** If the proper fees have not been paid, or the Police Chief determines that the application does not conform with applicable law or it is not in the public's best interest to issue the permit, the Police Chief shall deny the permit and notify the applicant in writing of such denial. The notice shall state the reasons for denial and inform the applicant that he or she may file a written appeal of such denial pursuant to subsection (k).

(f) **Term.** Any permit issued hereunder shall specifically state the term and purpose for which it was issued, not to exceed one (1) year.

(g) Limitation. Except as provided herein, each permit issued hereunder shall be valid only for the person to whom it is issued and only for the purpose for which it is issued.

(h) Records. The Police Department shall keep a record of all permits issued, including the name of the person to whom the permit was issued, the type of permit issued, and the fees collected.

(i) Display. Any permit issued hereunder shall be carried in the truck to which it refers and shall be available for inspection by any peace officer or authorized law enforcement agent.

(j) Revocation. Any permit issued hereunder may be revoked or suspended by the Police Chief due to the permit holder's failure to comply with the provisions hereof or other applicable law. Prior to revocation of any permit, proper notice and an opportunity to be heard shall be provided to the permit holder.

(k) Appeal. Any determination made by the Police Chief relative to the issuance, denial or revocation of a permit hereunder may be appealed to the City Manager by filing within 10 ten (10) days from the date of said determination, a written notice of appeal setting forth the grounds for the appeal and any other pertinent information. Such notice of appeal shall be filed by delivering an original and three (3) copies to the City Manager during regular business hours. Upon receipt of the appeal, the City Manager shall thoroughly and objectively investigate the matter and promptly issue a written decision stating the reasons for the decision and informing the appellant of any right to judicial review provided by law.

14-08-060. Signs.

The City shall install and maintain appropriate truck routing signs, signals and markings upon the streets and highways under its jurisdiction as necessary to regulate and guide traffic in accordance with the provisions of this Ordinance. All signs, signals and markings installed by the City shall conform to and be maintained in conformance with the Manual of Uniform Traffic Control Devices as adopted by the State Transportation Commission pursuant to *Utah Code Ann.* § 41-6a-301, as amended.

14-08-070. Violations.

(a) Penalty. Any person found in violation of this Ordinance shall be guilty of a class B misdemeanor and subject to imprisonment and/or fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended.

(b) Damages. In addition to any criminal penalties provided for herein, any person who operates or moves any vehicle within the City in violation of this Ordinance or who by any means willfully or negligently injures or damages any City street, equipment, or sign, shall be liable for the damages resulting therefrom.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 10.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:00

SUBJECT

- a. Fire Agency
- b. Davis County Council of Governments meeting
- c. July 4th parade route and start time
- d. 1825 North Street Reconstruction Project meeting with property owners

RECOMMENDATION

BACKGROUND

- a. The February monthly report and the 2015 annual report for the South Davis Metro Fire Agency are attached.
- b. Mayor Cutler will report on the recent Davis County Council of Governments meeting.
- c. In an earlier Council meeting, the July 4th Parade Chair, Mary Walter, proposed beginning the parade at 1450 North Main instead of Chase Lane. In the attached email chain, she also suggests the possibility of beginning the parade before 9 a.m.
- d. The Mayor attended the recent meeting with homeowners who will be affected by the 1825 North Street Reconstruction Project and will report on the feedback received at that meeting.

ATTACHMENTS:

Description

- ☐ Fire Agency Monthly Report - February
- ☐ Fire Agency 2015 Annual Report - Excerpts
- ☐ Fire Agency 2015 Annual Report - Excerpts
- ☐ July 4th Parade-email chain

SOUTH DAVIS METRO FIRE AGENCY

February 29, 2016

FINANCIAL REPORT

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

not included

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

SOUTH DAVIS METRO FIRE AGENCY							
IMPACT FEES COLLECTED							
DATE BELOW							
DATE	CENTERVILLE	DAVIS COUNTY	NORTH SALT LAKE	WEST BOUNTIFUL	WOODS CROSS	TOTAL REVENUE	TOTAL FOR THE YEAR
2004-4 Mos	716.00	-	38,593.68	3,402.00	4,158.00	46,869.68	
2005	44,124.86	-	160,858.93	65,640.10	33,128.24	303,751.93	
2006	67,908.61	-	203,896.39	16,793.12	10,156.80	298,754.92	
2007	39,666.50	263.47	118,685.88	52,937.65	65,296.28	276,849.78	
2008	20,118.60	-	95,684.71	5,275.78	10,142.74	131,221.83	
2009	8,231.81	-	73,623.57	3,507.38	41,737.06	127,099.81	
2010	26,063.64	-	24,968.28	2,337.92	18,292.00	71,661.84	
2011	49,665.03	-	30,643.20	3,896.38	16,894.44	101,099.05	
2012	34,245.82	-	90,356.64	12,653.19	41,196.00	178,451.65	
2013	37,542.04	-	155,267.66	9,833.00	25,231.02	227,673.72	
2014	11,095.04	13,990.00	205,859.07	5,179.00	50,727.58	286,850.69	
2015	52,101.51	-	85,036.71	7,006.00	10,165.38	154,309.60	
1/31/16	-	-	4,710.00	2,191.20	-	6,901.20	
2/29/16	8,088.13	-	5,789.05	-	-	13,877.18	
3/31/16						-	
4/30/16						-	
5/31/16						-	
6/30/16						-	
7/31/16						-	
8/31/16						-	
9/30/16						-	
10/31/16						-	
11/30/16						-	
12/31/16						-	20,778.38
TOTAL	399,567.39	14,253.47	1,293,973.77	190,452.72	327,125.53	2,225,372.88	Down
						2,225,372.88	Across

South Davis Metro Fire Agency
Board of Directors Financial Summary Year 2016
February 28, 2016

33% of the year expired
Page No. Comments

"year" is only 6 months, from January through June 2016, then begin Fiscal Year in July

***** **General Fund 10** *****

Revenue					
1	Property Taxes-PM Funding	-	-	0%	7
2	Intergovernmental Revenue-Cities & Co.	951,856	2,855,569	33%	7
3	Ambulance & PM Fees-Net	368,729	1,067,500	35%	7
4	All Other General Fund Revenue	1,005	1,500	67%	7
	Total Revenue	1,321,590	3,914,569		
	Use of Fund Balance (PM Funding)	-	337,696		
	Use of Fund Balance (Transfer to Capital)	-	300,000		
	Use of Fund Balance (Depreciation)	-	175,000	0%	7
6	Total Revenue & Use of Fund Balance	1,321,590	4,727,265	29%	
Expenditures by Division					
7	Operations	1,134,808	3,587,771	32%	8
8	Logistics	78,502	252,850	31%	9
9	Communications	51,170	197,469	26%	9
10	Fire Prevention	0	5,700	0%	9
11	Training	12,826	43,675	29%	10
12	Emergency Medical Services	15,318	64,800	24%	10
13	Transfer to Capital Reserve Fund	33,333	100,000	33%	10
14	Total Expenditures	1,325,957	4,252,265	31%	
15	Revenues Over/(Under) Expenditures Before	(4,367)	475,000	-1%	
15	Transfer to Capital From Fund Balance	-	300,000	0%	10
16	Depreciation & Loss on Fixed Assets Sold	64,886	175,000	31%	10
17	Total Fund Expenditures	1,380,644	4,727,265		
18	Net Revenues Over/(Under) Expenditures	(59,054)	-	0%	

***** **Other Funds** *****

Grant Fund 21					
1	Revenues	11,452	-	0%	12
2	Fund Balance Appropriation/(Addition)	-	-	0%	
3	Expenditures	-	-	0%	
4	Revenues Over/(Under) Expenditures	11,452	-	0%	
Public Training Fund 22					
5	Revenues	2,466	3,950	62%	14
6	Fund Balance Appropriation/(Addition)	-	-	0%	14
7	Expenditures	787	3,650	19%	14
8	Revenues Over/(Under) Expenditures	1,701	-	0%	
Capital Reserve Fund 46					
9	Revenues and Transfers	35,717	406,200	9%	16
10	Fund Balance Appropriation/(Addition)	(13,770)	(41,310)	33%	16
11	Expenditures	-	383,890	0%	16
12	Revenues Over/(Under) Expenditures	21,947	-	0%	
SDFD Equity Fund 70					
13	Revenues	-	-	0%	17
14	Fund Balance Appropriation/(Addition)	23,000	69,000	33%	17
15	Expenditures	21,106	69,000	31%	17
16	Revenues Over/(Under) Expenditures	1,894	-	0%	
Debt Service Fund 72 & 73					
17	Revenues	21,035	75,750	28%	20
18	Fund Balance Appropriation/(Addition)	(3,370)	(10,110)	33%	20
19	Expenditures	23,587	65,640	36%	20
20	Revenues Over/(Under) Expenditures	(5,902)	0	0%	



South Davis Metro Fire Agency February 2016

Fire Response Summary by NIFRS Incident Type Codes

Overall Response Time: 8:03
Fire Response Time: 6:40

	Fire Calls	False Calls	Rescue/EMS	Good Intent	Hazard Cond.	Explosion/Overpressure	Service Call	Special Incid.	Weather Inc.	Totals
Davis County	0	2	4	0	0	0	0	0	0	6
Centerville	2	1	48	3	3	0	2	0	0	59
West Bountiful	0	3	10	1	0	0	0	0	0	14
Woods Cross	0	2	22	5	2	0	2	0	0	33
North Salt Lake	3	6	58	6	1	0	1	0	0	75
Farmington	1	0	3	1	0	0	1	0	0	6
Bountiful	5	18	216	14	8	0	13	0	0	274
SLC & Other	0	0	2	1	0	0	0	0	0	3

Totals:

11 32 363 31 14 0 19 0 0 470

Responses by Station:

ST81: 178 38%
ST82: 43 9%
ST83: 98 21%
ST84: 77 16%
ST85: 74 16%

Responses by Unit:

801 3 802 1
803 0 808 4
BC81 34
ME81 143
EN83 42
TK85 56
HZ85 3

Total Dollar Loss:

Davis County: \$0
Centerville: \$70,000
W. Bountiful: \$0
Woods Cross: \$0
North Salt Lake: \$6,150
Bountiful: \$0
Farmington: \$0
SLC/County: \$0

Mutual/Auto Aid Report:

Aid Received: 0
Aid Given: 4
Farmington FD: 2
SLCFD: 2

470 TOTAL INCIDENTS

474 January 2016

974 YEAR TO DATE

Average Staff on fires: 8

2015 review

2 new fire engines
reduced inventory

July 2015

6 FTE/ 2 per shift. First increase since 1997
Rapid Response Unit

Created Service Area
used for capital expenses
operational cost still billed
budget officer (city manager)

81 Rosenbauer Medic Engine

83 Rosenbauer Heavy Rescue Pumper



Staffing / Response

84 Muller Park, Bountiful
Eng-2 (C,E)
MA-2(PM,ADV)

83 Centerville
Eng-2(C,E)
MA-2(PM,ADV)
Tech Rescue Station

81 Bountiful
ME-3 (C,E,PM)
MA-2(PM,ADV)

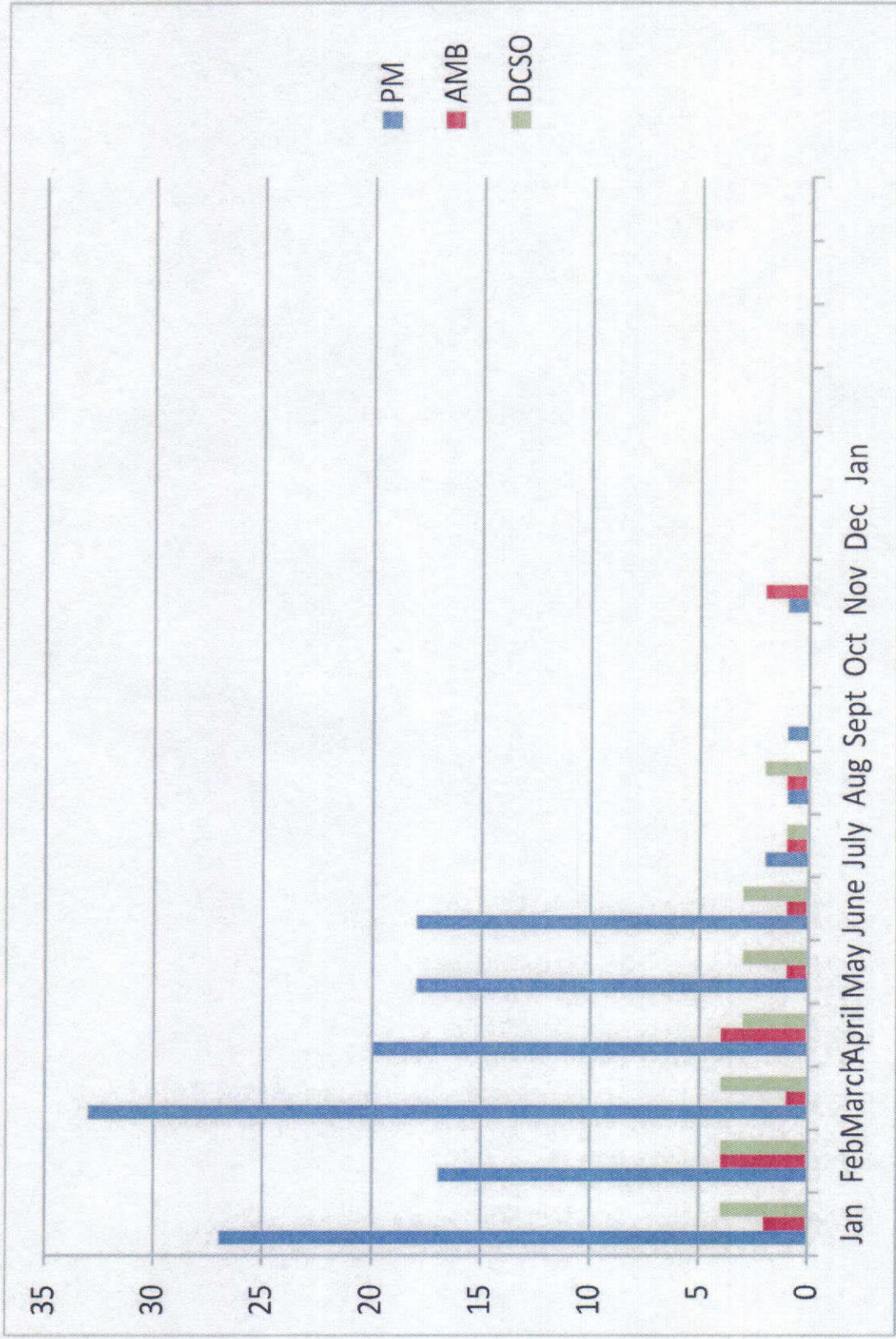
82 Eaglewood, NSL
ME-3(Cpm,E,PM)

Squad 2 Part time emp
Ford Expd 12 hrs, 5 days

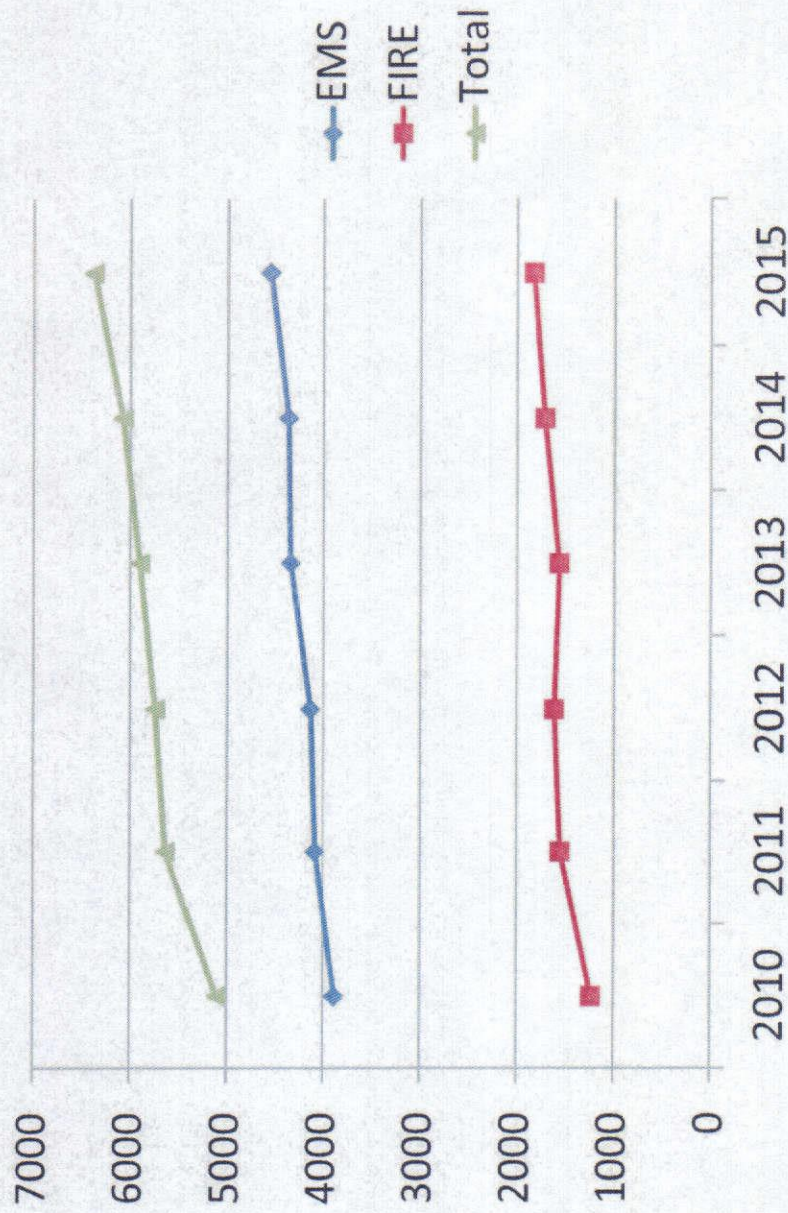
85 Foxboro, NSL
Truck-2(C,E)
MA-2(PM,ADV)
Hazmat Station

Key
C=Captain
E=Engineer
PM=Paramedic
ADV=EMT Advance
ME=Medic Engine
MA=Medic Ambulance

All Firefighter trained as EMT-ADV/PM



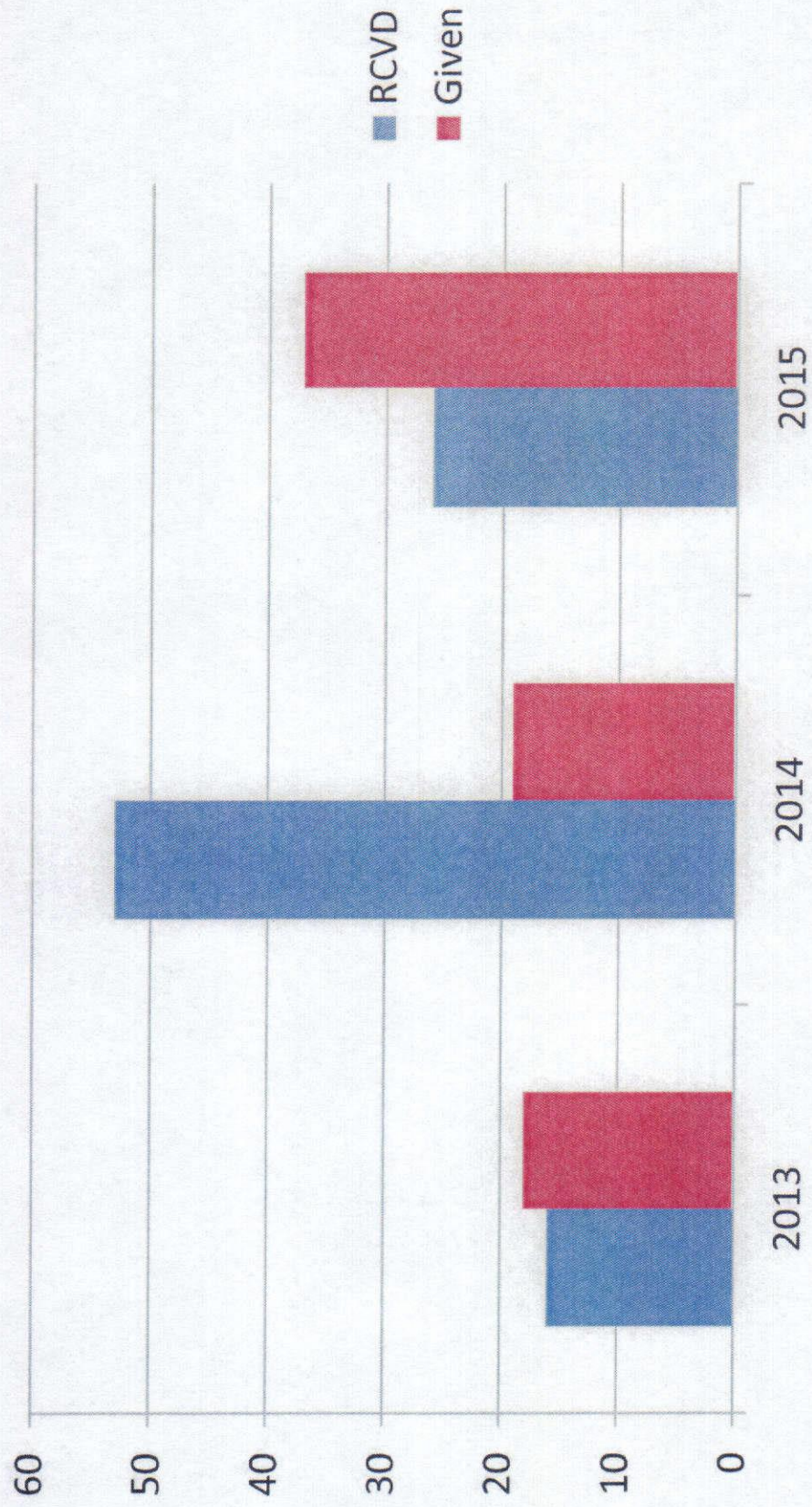
Call Volume



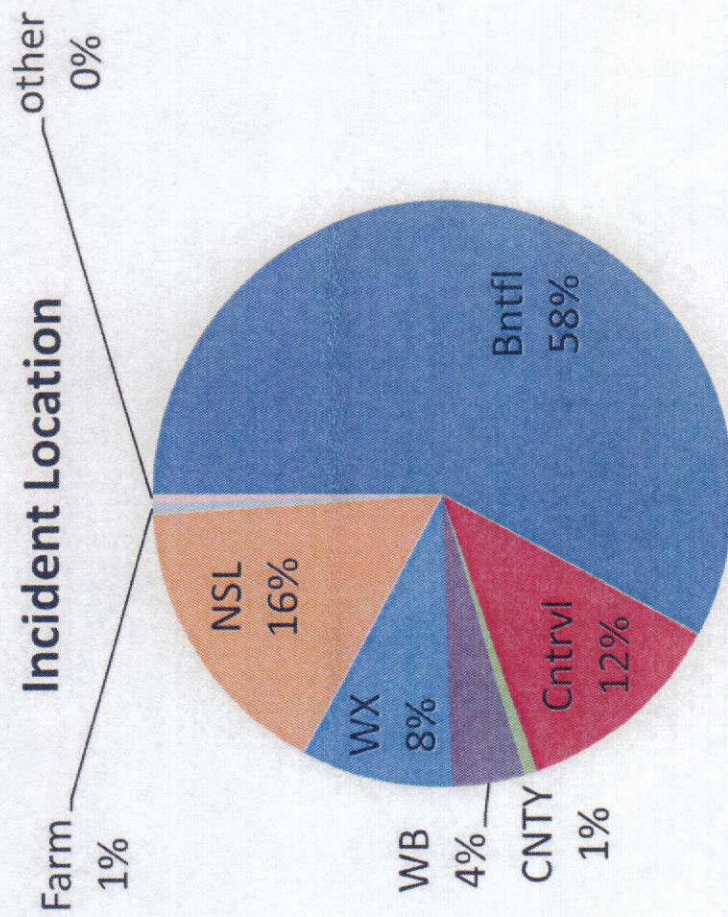
Dept. Wide 2014 vs 2015

- 5 % increase in call volume
 - Medicals
 - Mental Illness
 - Cardiac
 - Traffic accidents
 - 52% increase in working fires
 - Fire and Co Alarms

Mutual Aid



2015 Call data incident location (fire & EMS)



2015 review

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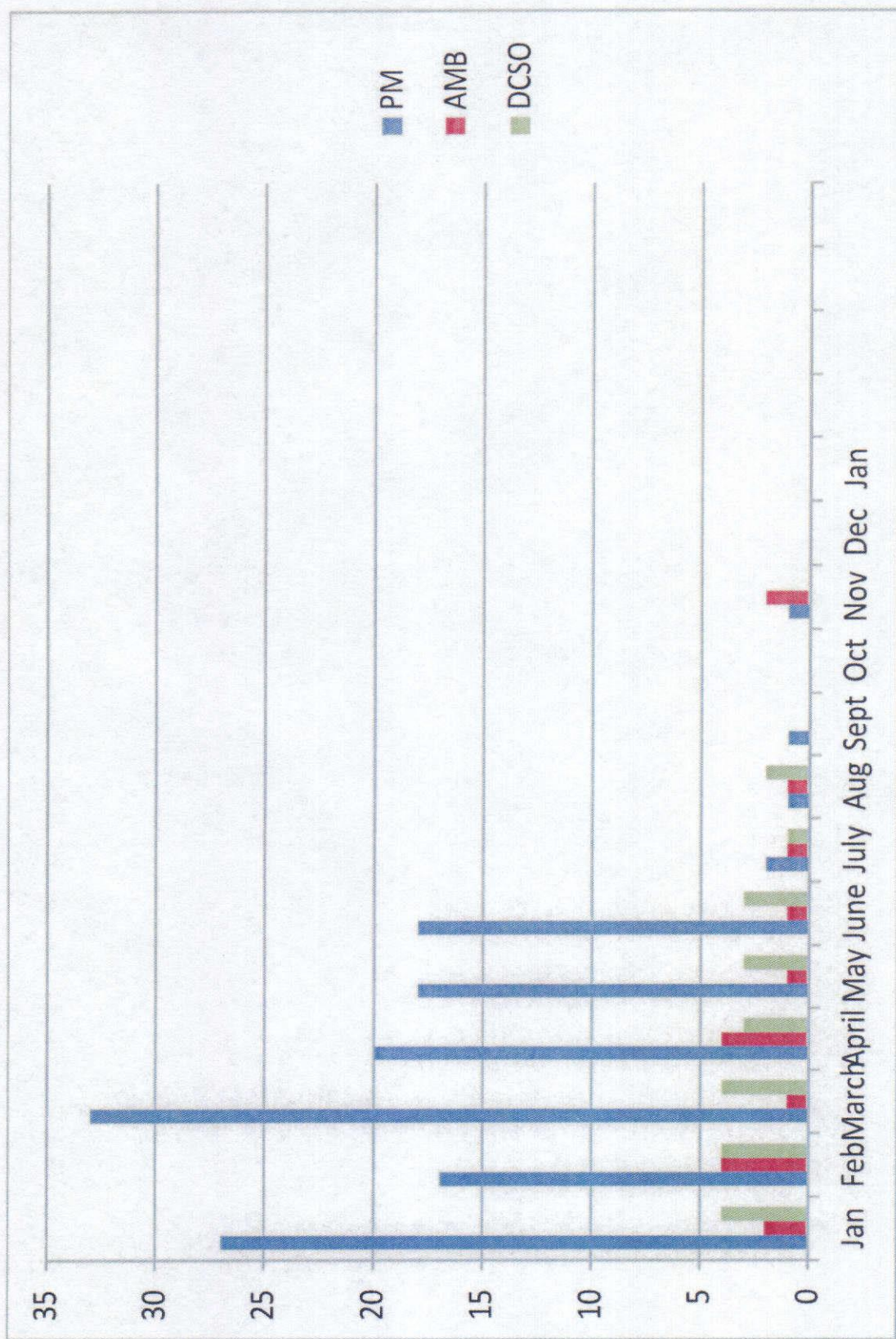
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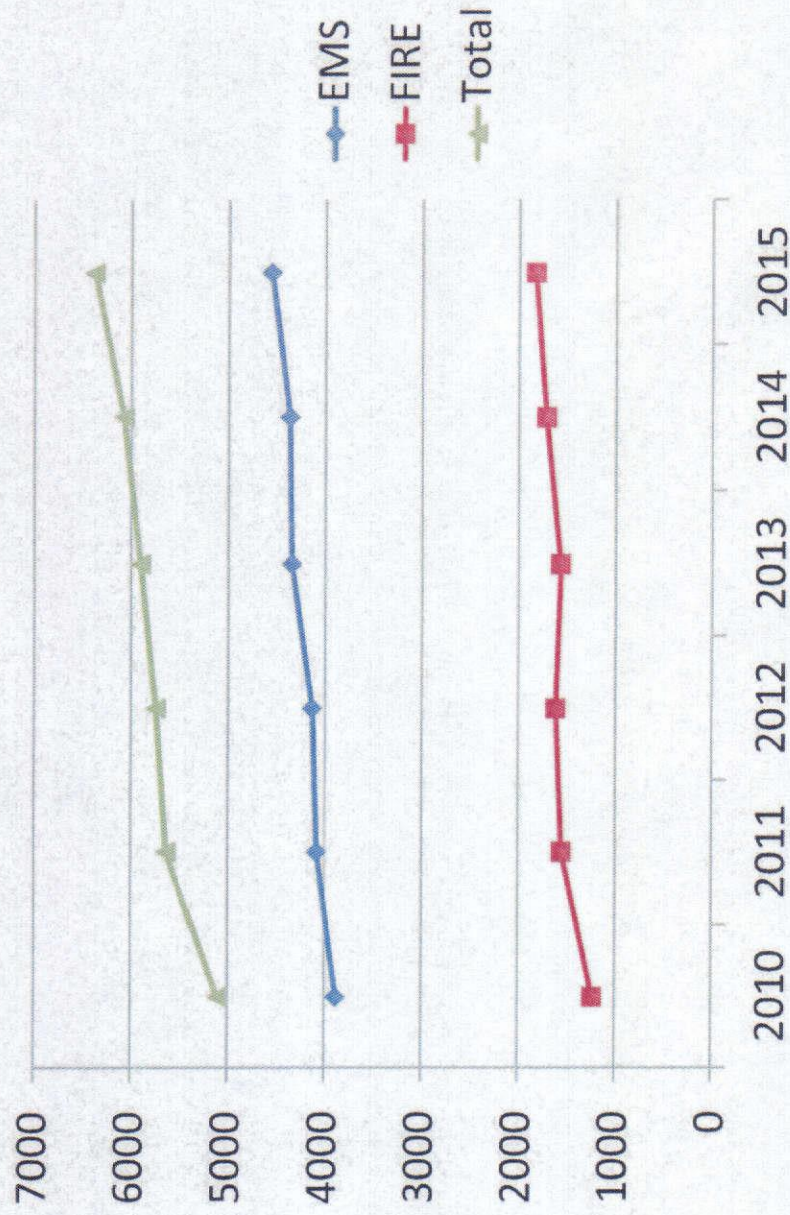
Squad 2 Part time emp
Ford Expd 12 hrs, 6 days

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All Firefighter trained as EMT-ADV/PM



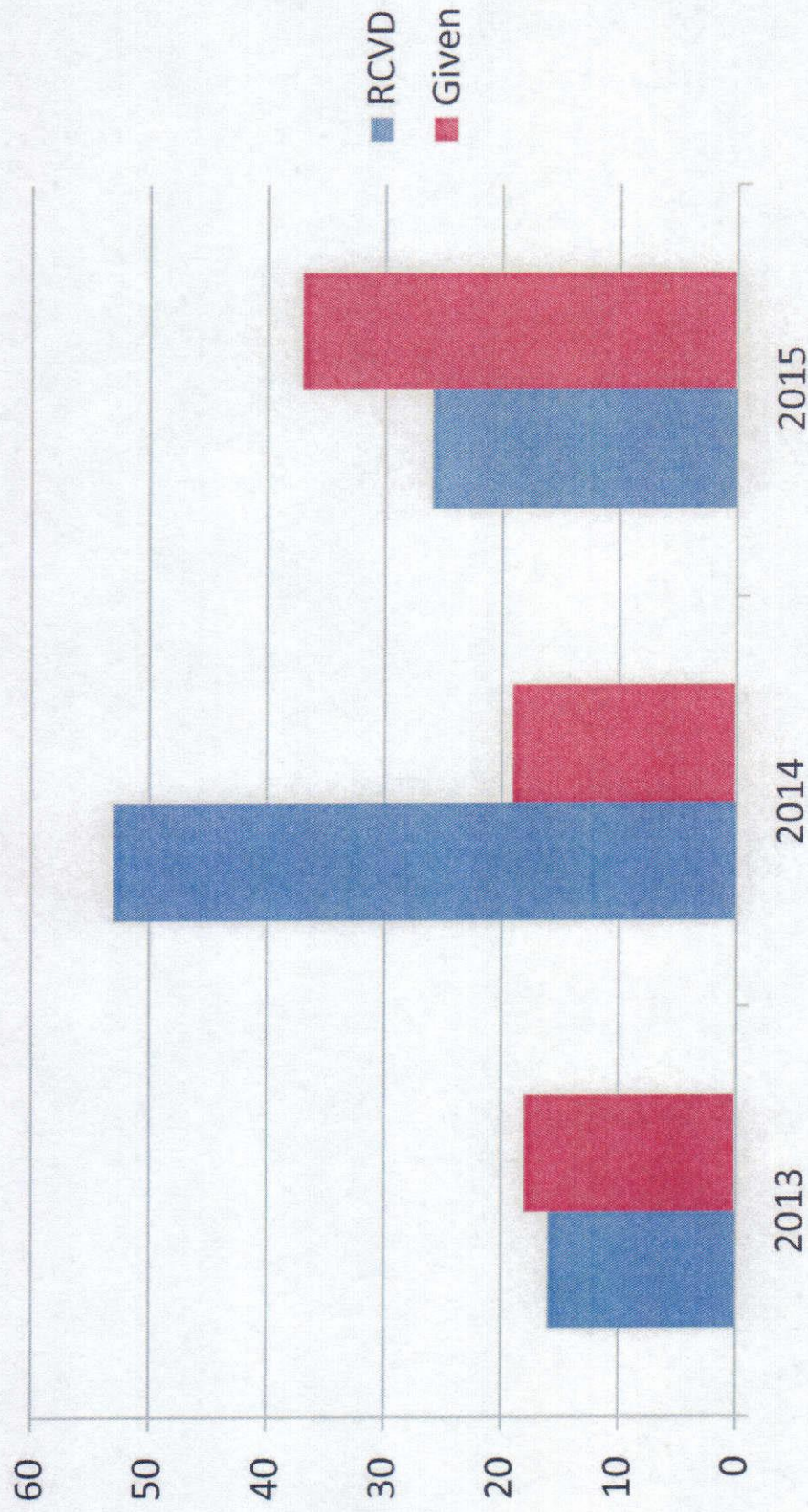
Call Volume



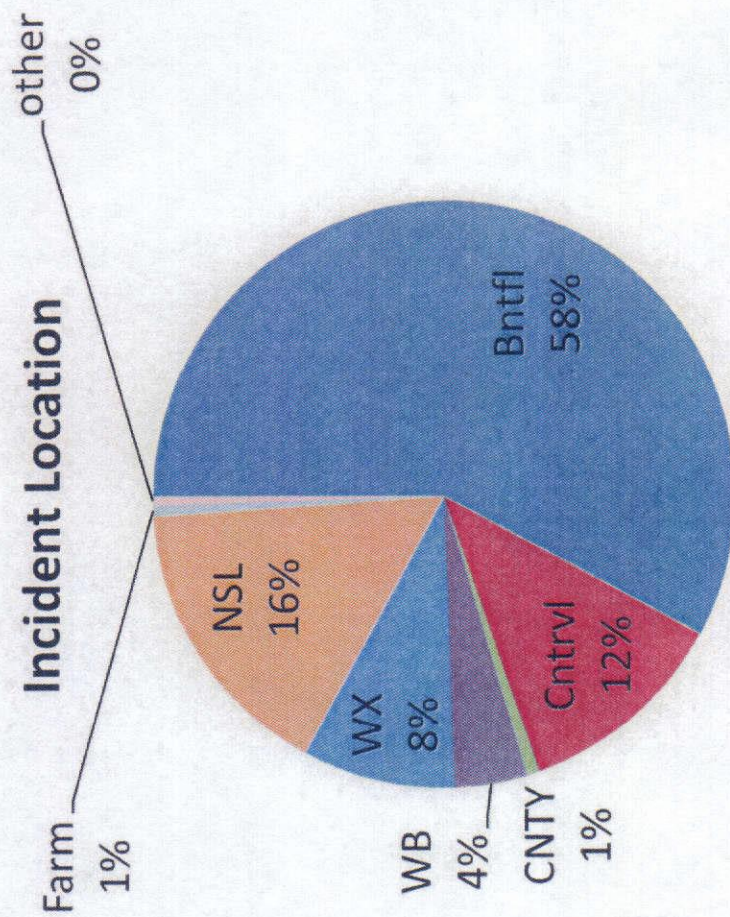
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Mutual Aid



2015 Call data incident location (fire & EMS)



Steve Thacker

From: Paul Child
Sent: Thursday, March 31, 2016 6:33 PM
To: Steve Thacker
Cc: Paul C; Jeremy Brown
Subject: Re: More comments from Mary Walter about parade

We will do whatever is needed so if they need to start at 0845 we will do everything we can to be ready for that. Jeremy has indicated that he thinks we can make it happen but if we are not ready the parade will just have to be delayed for a few minutes until we are in place and ready.

Paul Child
Chief of Police
Centerville Police Dept
Sent from my iPhone

On Mar 31, 2016, at 4:36 PM, Steve Thacker <stevet@centervilleut.com> wrote:

FYI.
Steve

From: mary walter [<mailto:marywalterut@hotmail.com>]
Sent: Thursday, March 31, 2016 4:06 PM
To: Steve Thacker
Subject: RE: Comment from Centerville Online Contact Form

Steve,

Primarily, the start would be to accommodate the time the extra half of a mile would take for the parade entries. I would anticipate that the parade would be at Chase Lane apx. 9:00. That way the parade would end around the same time, before it gets too hot. And, would allow those parade entries who are needing to get to other parades not to be delayed.

Thanks,
Mary

From: stevet@centervilleut.com
To: marywalterut@hotmail.com
CC: paulcutler@gmail.com; pechild@centervilleut.com; jbrown@centervilleut.com
Subject: RE: Comment from Centerville Online Contact Form
Date: Thu, 31 Mar 2016 19:20:22 +0000

Mary, is the suggested earlier start to accommodate bands or other entries that may be trying to get to other parades later that morning?

Steve

From: mary walter [<mailto:marywalterut@hotmail.com>]
Sent: Thursday, March 31, 2016 12:44 PM
To: Steve Thacker
Subject: RE: Comment from Centerville Online Contact Form

Steve,

Thanks for passing this on. The start time is only a suggestion if the parade route is lengthened.

Thanks,
Mary

From: stevet@centervilleut.com
To: pechild@centervilleut.com; jbrown@centervilleut.com
CC: marywalterut@hotmail.com; paulcutler@gmail.com
Subject: FW: Comment from Centerville Online Contact Form
Date: Thu, 31 Mar 2016 16:24:09 +0000
Chief and Jeremy: Please give me your thoughts about the proposal below to begin at 8:45 instead of 9:00. There is an issue of whether police officers will be available at that time when they are also needed at the 5K Freedom Run and children's races earlier in the morning.

Steve

From: marywalterut@hotmail.com [<mailto:marywalterut@hotmail.com>]
Sent: Monday, March 28, 2016 6:25 PM
To: Mayor; City Council
Subject: Comment from Centerville Online Contact Form

Mary Walter filled out the Centerville Contact form. The following is the submitted information and comment(s):

Contact: Elected

First and
Last Name: Mary Walter

Address: 1470 N 150 E

Phone: 801-298-0440

Email: marywalterut@hotmail.com

Dear Mayor and City Council-

Comments: Thanks for allowing my husband and me to discuss lengthening the July 4th parade route at the City Council meeting. I talking with those who have currently entered, there is no opposition to adding the extra 1/2 mile. And it was suggested, if the route were lengthened, to

have the parade start entering Main street from the church parking lots @ 8:45 so the parade would end apx. the same time. Please let us know what you decide.

And, of course, we want each of you in the parade. Please take a minute and go to the city webpage and then to the July 4th link and complete an entry form. I greatly appreciate it.

Thanks.

Mary Walter

Submitted

2016-03-29 00:25:12

On:

IP Address: 204.228.139.44

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 11.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:10

SUBJECT

RECOMMENDATION

BACKGROUND

In the absence of the City Manager, Assistant City Manager/Finance Director Blaine Lutz may use this time to report on or answer questions about City matters.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 12.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:15

SUBJECT

RECOMMENDATION

BACKGROUND

At this time there are no topics showing under this agenda item.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 13.

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: 9:20

SUBJECT

RECOMMENDATION

The City Attorney would like to go into a closed session with the City Council to discuss pending or reasonably imminent litigation.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 14.

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

Initiated By:

Scheduled Time: 9:40

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City boards/committees.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

Item No. 15.

Short Title: Adjourn to RDA Meeting

Initiated By:

Scheduled Time: 9:40

SUBJECT

RECOMMENDATION

Following their regular meeting, the City Council should adjourn into an RDA Board meeting to approve tax increment funding for the City's share of the Barnard Creek Culvert Project—assuming the City Council approved the Interlocal Agreement with Davis County for this project earlier in the evening.

BACKGROUND

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
4/5/2016**

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