CENTERVILLE CITY

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Incorporated in 1915

interoffice
MEMORANDUM

to: Mayor Russell
City Council
cc: Department Heads
Planning Commission
from: Steve Thacker, City Manager S. Thacker
subject: City Manager's Summary of January 15, 2013 Council Meeting
date: January 11, 2013

5:30 **Work Session with State Legislators** – The City Council will meet with the State Legislators representing Centerville to discuss issues of municipal concern which may be considered by the Legislature in the upcoming session. We will eat dinner while meeting with them. We expect Senator Todd Weiler, Senator Stuart Adams and Representative Roger Barrus to all attend. I have enclosed under the work session tab in the meeting notebook some issues of municipal concern as identified by the Utah League of Cities and Towns, as well as a list of topics the City Council identified in last week's work session.

7:00 **City Council meeting**

E.1. **Minutes Review and Acceptance** – The minutes to be approved are enclosed.

E.2. **Summary Action Calendar**

a. **Commence warranty period** – The site improvements for the Abe Millet property on the Frontage Road have been accepted by the City Engineer and are ready to begin a warranty period.

b. **Sex Offender Registry Fees** – Utah cities are required by State law to register sex and kidnap offenders who reside within the City's jurisdiction and are not under the supervision of the Utah Division of Probation and Parole. This process is known as the Sex and Kidnap Offender Registry. State law allows local police departments to assess an annual fee of not more than $25 for providing offender registrations. Police departments are also authorized by statute to charge a DNA specimen collection fee in conjunction with such registrations when necessary. The adoption of the proposed fees will allow the Police Department to offset at least some of the cost of complying with State law.

c. **Proposals from LYRB** – Centerville City has not updated its culinary water impact fee nor its storm water impact fee since the 1990s. Staff recommend hiring the firm of Lewis Young Robertson Burningham (LYRB) to prepare the facilities impact fee plans and related analyses as a basis for determining what these fees should be. LYRB's studies will also include the preparation of a Comprehensive Financial Sustainability Plan for the storm water utility system—i.e., a complete review of financing needs for drainage improvements and how those could be financed through a combination of impact fees, drainage utility fees, etc.

E.3. **Zone Map Amendment—Property at Frontage Road and Lund Lane** – In November of 2012 a public hearing was held on an application to change the zoning of property located at the southeast corner of Frontage Road and Lund Lane from A-L to R-L in order to accommodate a proposed development known as Wood Park Subdivision. Following the public hearing, the matter was tabled and staff was directed to review the criteria required for a rezone decision under applicable City ordinances, including an analysis of the adequacy of facilities that would be necessary to support development of the land under an R-L designation. Staff have completed that analysis. Cory Snyder's report is enclosed. In summary, his report indicates that public facilities are not currently adequate, but would become adequate under the requirements imposed upon the developer of this land. Staff, however, recommend the City Council remand the matter back to the Planning Commission to consider an R-L with PDO Overlay zoning designation and conceptual plan. It is proposed by staff that a development agreement would accompany the matter when it returns to the City Council, addressing all the public improvement requirements, as well as amenities associated with a PDO designation.

E.4. **Public Hearing re Park Impact Fee** – State law allows cities to adopt impact fees for the development of parks, recreational facilities, open space and trails. These fees are imposed on new development only—i.e., new residential units. These fees help the City fund park improvements that are needed to accommodate population growth. The City's current Park Impact Fee, $1,200 per residential unit, has not been changed since the 1990s. Before increasing the fee, State law requires the City to prepare a Park Impact Fee Facilities Plan and Park Impact Fee Analysis, as a basis for determining what an appropriate impact fee would be. Over the past several months, City staff have prepared this plan and analysis and reviewed it with the City Council in a recent work session. The analysis recommends a Park Impact Fee of $2,058 per new residential unit. State law requires a public hearing on the Plan/Analysis and proposed Impact Fee before the City Council considers adoption.

E.5. **Concept Report re Frontage Road Widening** – Last fall the Wasatch Front Regional Council notified its member cities of the annual opportunity to submit requests for Federal funding for transportation related projects—i.e., road improvements, bicycle path, etc. Last year the City submitted an application for funding for a pedestrian overpass over I-15, but were informed that such a project would be more favorably viewed in the future in conjunction with reconstruction of I-15. This year City staff recommend the Council submit an application for widening the Frontage Road to accommodate standard bike lanes. Last year the City did some restriping of the Frontage Road to realign travel lanes to enhance bicycle safety, but that fell short of establishing standard bike lanes. The City's Trails Committee supports an application for funding for this purpose. In November the City submitted the enclosed Letter of Intent expressing the intent to submit a concept report (due to WFRC by January 17), formally requesting such funding. Staff have been working on the concept report and if it is available for the packet it will be enclosed. Otherwise, it will be sent to the Council next Monday via email.

E.6. **Cell Phone Policy** – The City's Personnel Policies and Procedures do not currently include a section regarding cell phones. Staff have drafted a new policy that establishes guidelines for employee use of cell phones, both personal and City-owned, provides for reimbursement for the business use of personal cell phones and limits the providing of cell phones or reimbursement to employees who have a "substantial noncompensatory reason" to use a cell phone as defined by the IRS. This Policy, once approved by the City Council, will be the basis for establishing some administrative guidelines regarding the amount of monthly allowance for employees who are using their personal cell phones for City business. Those administrative guidelines have yet to be developed and would be subject to determination that sufficient budget exists to fund those allowances.

E.7. **Discuss use of Technology for Council meetings and City Attorney guidelines for decision making** – Several Council members have expressed a desire to discuss the possibility of going paperless for City Council meetings. The Council has also requested staff prepare guidelines that would be used by the City Council when making land use decisions—to improve the decision-making process. Lisa Romney, City Attorney, has prepared a sample of those guidelines. Please see here enclosed example of guidelines for one type of land use decision. If Council likes this approach, she will proceed to develop guidelines for other types of land use decisions.

E.8. **Financial Report** – Blaine Lutz, Finance Director, has prepared the enclosed financial report for the six-month period ending December 31, 2012.

E.9. **Mayor's Report** – I assume the Mayor will report on a few matters.

E.10. **City Manager's Report** – I would like to update the Council regarding the water well project, enforcement of the dangerous buildings on Chase Lane, the Main and Parrish intersection project and a number of grants received recently by the Police Department. I have also enclosed the six-month code enforcement report, which the Council has been receiving the past several years.

E.11. **Miscellaneous Business** – Registration information is enclosed for the Local Officials Day, which is January 30 beginning at the State Capitol. The Council also needs to set a date for the annual Centerville Community Foundation meeting, which is typically a very brief meeting.

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

E.13. **Appointments to City boards, committees, etc.** – The Council's tradition has been to appoint a Mayor Pro Tem either annually or semiannually. I have enclosed a list of those who have served as Mayor Pro Tem in recent years. Also enclosed is a list of City representatives on various entity boards as well as City committees. This may be an appropriate time to consider possible changes in those appointments. One change that is necessary is the City's representative on the UIA Board. Paul Cutler, former Council member, has been representing the City. He was appointed to the UIA Board while serving as a Council member and was asked to continue serving upon expiration of his Council member term. However, we have realized recently that the Bylaws require the City's representative be an elected official or City employee. In determining whether to appoint an elected official or City employee to this position, the Mayor and Council may want to talk about possible adjustments in other appointments or roles currently filled by Council members.

9:10 **RDA Meeting** – The only item of business for the RDA meeting is the appointment of Chair and Vice Chair for 2013. The RDA Bylaws require that this be done in annual meeting held on the 3rd Tuesday of January. The Bylaws also dictate that the Mayor will be the Chair, but the Vice Chair appointment is at the discretion of the RDA Board. A list of those who have served recently as Vice Chair is enclosed.

Potential Agenda Items for February 5, 2013 City Council Meeting (subject to change):

- Code Enforcement program
- Special events in public parks

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, JANUARY 15, 2013 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:** www.centervilleut.net.

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

5:30 Work Session with State Legislators representing Centerville re Legislative Issues affecting cities

7:00 **A. ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT – Mayor Ronald Russell

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

E. **BUSINESS**

7:10 1. **MINUTES REVIEW AND ACCEPTANCE** – December 18, 2012 meeting

7:10 2. Summary Action Calendar
   a. Commence warranty period for Abe Millet site plan located at 2138 North Frontage Road
   b. Amendment to City Fee Schedule re: Sex Offender Registry Fees - Consider Resolution No. 2013-01
   c. Accept proposal from Lewis Young Robertson Burningham for preparation of:
      1) Culinary Water System Impact Fee Facilities Plan/Impact Fee Analysis

2) Storm Water Comprehensive Financial Sustainability Plan and Impact Fee Facilities Plan/Impact Fee Analysis

7:10 3. Zone Map Amendment on property located at the Frontage Road and Lund Lane from A-L to R-L—Wood Park Subdivision **(tabled from December 4 meeting)**

7:25 4. Public hearing re adopting Park Impact Fee Facilities Plan, Park Impact Fee Analysis and Revised Park Impact Fee – Consider Ordinance No. 2013-01

7:35 5. Review/approve Concept Report requesting funding to widen Frontage Road to accommodate standard bike lanes

7:45 6. Cell Phone Policy – Consider Resolution No. 2013-02

7:55 7. Discuss use of technology for Council meetings and City Attorney guidelines for decision making

8:25 8. Financial Report for period ending December 31, 2012

8:30 9. Mayor's Report

8:40 10. City Manager's Report
- a. Water well project update
- b. Chase Lane dangerous buildings enforcement update
- c. Six-month code enforcement report
- d. Main and Parrish project update
- e. Police Department Grants

8:55 11. Miscellaneous Business
- a. Local Officials Day at the Legislature
- b. Set date for annual Community Foundation meeting

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

9:00 13. Possible action following closed meeting, including appointments to:
- a. City boards and committees
- b. UTOPIA/UIA Boards
- c. Other appointments affecting Council members

F. ADJOURNMENT

9:10 RDA meeting

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. Work Session

Date of City Council Meeting: January 15, 2013

Short Title: Work Session with State Legislators Representing Centerville

Initiated By: ______

Scheduled Time: 5:30

BACKGROUND

For a number of years the Centerville City Council has met in January with State Legislators representing Centerville to discuss issues of municipal concern anticipated to be addressed in the upcoming Legislative Session. The City Council will meet with Senator Todd Weiler, Senator Stuart Adams, and Representative Roger Barrus, all of whom represent at least a portion of Centerville. In a recent work session the City Council identified the following issues to be discussed with the State Legislators at the January 15 work session:

- **Fire District legislation** – Senator Todd Weiler is working with the South Davis Metro Fire Agency and its member cities to sponsor a bill amending the law relating to special districts. The bill is currently entitled "Service Area Board of Trustees" bill. In summary, the changes sought would allow the current South Davis Metro Fire Agency to convert to a Taxing District and maintain the current structure for its governing board, rather than having to conform to current provisions that would give the County three board representatives and only one representative for each member city. If this bill became law, then the member cities of the South Davis Metro Fire Agency would have the option of considering conversion to a taxing district. The City Councils of the member cities have not yet determined to do this, but changing the law would allow this option.

- **Sales Tax Distribution Formula** – Centerville City is concerned that the current sales tax distribution formula—a 50/50 formula—may be altered to further diminish the amount of revenues collected in Centerville that actually are returned to the City for funding City services. Currently approximately $600,000 collected annually in sales taxes by Centerville businesses is distributed to other Utah cities under the 50/50 distribution formula. Servicing retail/commercial areas does impose additional costs on city governments and Centerville staff believe the current 50/50 formula is a reasonable approach for providing cities with the additional funds to provide these services without creating a disproportionate incentive to pursue retail development.

- **Transportation Funding** – The buying power of the funds received by Centerville City from the Class C Road Fund has been cut more than half in the last 10 years. This requires the City's General Fund to pick up a greater percentage of road maintenance costs every year. Our Legislators should be encouraged to support legislation that will increase transportation funding for cities at the same time it increases such funding for state highways.

- **UTOPIA** – UTOPIA's struggles to become successful have been well documented in last year's legislative audit. UTOPIA staff and its member cities are working in good faith to carry out the audit's recommendations. Our Legislators should be encouraged, however, not to impose additional shackles on the ability of UTOPIA to succeed and should be encouraged to consider ways to enhance UTOPIA's success, such as restoring the right for cities to provide retail telecommunications services rather than being limited to wholesale services. Spanish Fork City is a good example of a city that has been allowed to offer retail services (under a grandfathered status) and has a telecommunication service that has proven profitable.

- **Pedestrian Overpass Funding** – This would be an opportunity to remind the Legislators that Centerville is interested in a safe passageway for pedestrians crossing I-15. If funding cannot be secured to construct this project independently, we would like our Legislators to support an effort to include funding for a pedestrian overpass in conjunction with future widening or reconstruction of I-15.

A document entitled "ULCT Issue Dashboard" may also be useful background information for the work session discussion.

ULCT Issue Dashboard

Land Use:

The Land Use Task Force has discussed several topics this summer including comprehensive amendments to the referendum and initiative laws, such as authorization to create distinct districts for these purposes to assure that initiative and referenda signatures reflect geographic diversity within the jurisdiction, a fiscal and legal analysis to provide accurate information regarding the consequences of the initiative or referendum, and a public hearing requirement.. State law currently prohibits the expenditure of public funds in advocating a response to a referendum petition. However, because vested private property rights and important budget impacts may be at stake if the referendum or initiative passes, the current prohibition of public spending on voter information efforts may not lead to an informed vote.

The group is also exploring further standards for infrastructure performance bonds, guidelines on exactions by a municipality for another governmental entity, and truing up the rules that apply to cities and counties but that have not yet been applied to local districts.

Supervised by the Lieutenant Governor, the LUTF has engaged in a significant debate over the benefits of changing many technical aspects of the eminent domain laws. The eminent domain debate foreshadows an extended effort to obtain broader support for our eminent domain for trails initiative.

Finally, the group is working on a sample Sign Code for distribution to interested cities.

Billboards:

ULCT continues to gather information about existing municipal policies and actions towards the outdoor advertising industry. We also are collecting data about billboard locations and controversies. After last year's heated conclusion to the legislative session, ULCT is meeting regularly with legislators and other policymakers to find a proactive solution. Several cities are engaged in negotiations with the industry and ULCT is monitoring those discussions. Additionally, ULCT is weighing several different legislative proposals that should clarify local authority over billboards. The discussions are ongoing and change quickly. Most cities that have imposed moratoria on their billboards regulations will take action this month as their moratoria are scheduled to expire. The billboard industry has been encouraged by recent discussions with many cities and will evaluate whether or not it will press legislation in the next week or so.

Impact Fees:

The Land Use Task Force has discussed relatively minor changes to the impact fees legislation that it had presented to, and then withdrew from the 2012 legislative session. Those changes include a modification to the definition of those private entities, which are also subject to the impact fees laws.

Local Government Ethics Law

Last session the Utah Legislature passed a local government ethics bill. The essence of the bill was to establish a process to deal with ethics complaints against elected officials and in some cases city managers. In effect, the bill created a default process. Cities could create their process or default to the state process that was outlined in the bill. In our view the bill also allows cities to maintain their existing process if they have one, or to establish an interlocal process with other cities. The critical issue is that cities must establish a process by ordinance. Although the bill took effect September 1st, appointments to the commission and other *structural implementation* issues have not concluded at the state government level.

Water/Nutrients:

The Environmental Protection Agency is requiring states to develop standards for nitrogen and phosphorus in surface waters but are deferring to states to determine a state-specific standard. Utah has not yet determined what such standards should be. As such, ULCT participates in a stakeholder group organized by the Division of Water Quality. ULCT meets regularly with water treatment plant officials, industry representatives, and science experts to discuss appropriate nitrogen and phosphorus standards for Utah's water supply. ULCT has also invited the Director of the Division of Water Quality and other stakeholders to address ULCT members on this issue.

Alcohol:

The Utah Legislature conducted a special session in June to address the quantity of full service restaurant licenses, limited service restaurant licenses, and public safety officers assigned to prevent underage or excessive alcohol use. Effective July 1, the state could issue a combined 90 additional full service or limited service licenses. Nevertheless, the legislature continues to discuss the backlog of club license applications, operational requirements for institutions that sell alcohol, and the function and leadership of the Department of Alcoholic Beverage Control.

Additionally, during the November interim meetings, Sen. John Valentine introduced draft *legislation to* further aid chain restaurants by allowing them to apply for a single "master" license for the chain instead of requiring individual licenses for each location. This will be a big issue for us in the 2013 session. While it only deals with three license categories (limited service, full service, and beer only license) it will have a significant impact on increasing the number of licenses available for potential restaurants. This should create a positive economic development scenario, as the concern over the lack of licenses is often cited as a reason chains refrain from expansion in Utah. However, The current "club license" which is used for bars and dining clubs will not be allowed to use the "master license" concept.

ULCT meets regularly with key policymakers to ensure that they understand the concerns of local government, including how restaurants are a key cog of local economic development projects.

Referendum Issues:

While it is widely recognized citizenry shall have the right to appeal action of a legislative body to the voters, the practical application of state law is crippling to municipalities in Utah. Under state law any municipality that desires to increase property tax is required to have a "Truth in Taxation" hearing the first half of August and then adopt the certified tax rate for the fiscal year. Because of time constraints, any item to be placed on the ballot must be in the County's hands no later than the end of August. This means that a property tax increase passed the first part of August may be referred to the voters in mid to late September but would not be placed on the ballot until the next election held late the next year. Of course by that time the fiscal year is completely finished, without the property tax in place.

ULCT staff is working on a legislative solution to address the signature gathering requirements and the timing of referendum signature gathering requirements that more appropriately dovetail into the current timing of truth in taxation, notice, and collections of municipal taxes. It is likely that a comprehensive referendum solution will be pursued that included all items that are referable at the local level. We are currently working with potential sponsors on draft language to address this issue.

Water/Change Application:

The ULCT Water Group continues to negotiate with all interested parties in an attempt to reach consensus on Change Application policy and bill draft language for the 2013 General Session. Fortunately, all parties have agreed that last year's SB187 needed some tweaks in order to reach consensus, and that is the desired goal. While we have not hammered all policy items out and consensus among cities has not yet been achieved, many items have been negotiated in an effort to ensure due process for applicants (cities) and further specify the criteria that can be evaluated by the state engineer when evaluating the validity of the underlying water right.

We will continue to meet internally in an effort to gain a consensus position among our member cities.

A draft bill was presented in the Natural Resources committee during the November Interim meeting and it was widely acknowledged by both committee members as well as many interested parties that the draft bill still needs some work. The committee encouraged all parties to come together on this issue prior to the session. The bill was not considered for endorsement by the committee due to the outstanding policy issues that need to be addressed.

We will provide updates on the progress of these negotiations as they occur.

Telecommunication Taxation:

There are several aspects of this taxation area that merits some clarification. At the risk of gross over-simplification we will comment on a few general areas.

First, the terms "regulatory fees" and actual "taxation" are often blurred together. Although to the final consumer this distinction may same seem meaningless, as it relates to our cities it is important. The largest numbers of charges are in fact regulatory charges (Universal Service Fund, for example) that are tied to the deregulation of telecommunications. They are managed by the PSC. The next group is tied to emergency services – E911 – that have a specific purpose. The only one unique to our cities is the Municipal Telecommunication and Business License Tax.

Second, although there are obvious questions about technological changes and their impact on taxation some points merit clarification. Internet services such as VOIP are taxable. There may be legitimate questions about administration and nexus but there are not vast areas of telecommunications services that are structurally exempt from taxation. That does not mean that the revenue base may not be changing and that area does merit continued study.

Lastly, the largest bone of contention appears to revolve around cable television and Satellite Services (DBS) and whether there is equity in their treatment. This question largely involves questions of federal law and federal preemption.

Justice Courts:
The legislature continues to express concern regarding the operation and regulation of municipal justice courts. Whether we are dealing with the perceived lack of autonomy of justice court judges, or perceived use of justice courts to generate revenue for general operations, this issue continues to be a point of contention. The ULCT will be putting together a justice court working group to create a legislative strategy for this issue.

The legislature did hear a bill to have DUI's taken from the jurisdiction of municipal justice courts and given to district courts. The bill was not advanced as several key groups acknowledged that tweaks to justice courts have significant unintended consequences.

ULCT Staff has meetings set up with legislative leadership to discuss this issue in an effort to put a stakeholders group together to look comprehensively at justice courts, district courts and all related issues.

We anticipate that significant legislation will likely be pursued in the 2014 session.

Transportation:
With the ever increasing growth in population the demand for new transportation infrastructure never seems to subside. Coupled with new construction, long winters and heavy traffic are waging a pothole-war on the operation and maintenance budget for both state and local government transportation authorities. Balancing funding for new construction with the funding for preservation and maintenance of our current infrastructure continues create the tug of war for our precious and limited funding resources.

Add to this dynamic the public and pragmatic demand for alternative modes of transportation to include bike paths, walking/hiking trails, and high-speed and light rail; the demand on resources far exceeds what is politically or realistically possible.

Lastly, with the need to ensure federal clean air standards are met in order to qualify for federal transportation dollars the balance between the many modes of transportation (transit, bike, and road) becomes critical; all while reliance on federal funds cannot be anticipated. The boom years of federal spending has waned significantly since the Olympics of 2002, and there is no anticipation that those funding levels will be reached again, thus forcing greater reliance on state and local resources to meet the demand.

The ULCT is working with various interest groups to determine how best to fund the 2040 plan which embraces a multi-modal approach to transportation funding that crosses the political boundaries of federal, state and local infrastructure needs, while simultaneously balancing out the internal funding struggle of the various demands.

We anticipate legislation in the 2013 session to address local transportation funding. As draft proposal are made available we will provide them to the ULCT Policy Committee for review and comment.

Sales Tax and Economic Development:
With a municipal tax structure that no longer represent the current economy which has largely migrated to more of a service based economy, coupled with changing demographics that add additional demands on municipal services, the need to take a comprehensive look at the mix of municipal funding sources is significant.

Added to that, the current economic development incentives for local governments don't match the economic development incentives for the state, where the state pursues job creation to gain greater income tax, local governments are incented to pursue retail in order to add sales tax receipts to their budgets.

Recognizing the complexities of this issue and how it is intertwined with several other issues such as RDAs, Transportation Funding, and the like, ULCT is working on a strategy to create long-term sustainability in local government financial tools. Recognizing the sensitivities of distribution of sales tax, discrepancies in funding between rural and urban areas, and other items that may prove to create some contention among members, this will likely be a multi-year effort.

We don't anticipate significant comprehensive legislation on this topic for 2013. The ULCT will, however, reconvene the tax working group upon the completion of the 2013 session to evaluate ideas and scenarios in preparation for the 2014 session.

Minutes of the Centerville **City Council** meeting held Tuesday, December 18, 2012 at 7:06 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Council Members	John T. Higginson Sherri Lyn Lindstrom Lawrence Wright, Mayor Pro Tem
MEMBERS ABSENT	Ronald G. Russell, Mayor Justin Y. Allen Ken S. Averett
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Katie Rust, Recording Secretary
VISITORS	Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Zayne Webb, Baha'i Faith Representative

OPEN SESSION

No one wished to comment.

PRESENTATION TO WINNERS OF YOUTH COUNCIL COLORING CONTEST

Youth Mayor Marissa Farmer announced winners of the Youth Council coloring contest and Mayor Pro Tem Wright presented awards.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the December 4, 2012 Council meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve the minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (3-0).

PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT

Blaine Lutz introduced Jeff Miles, an auditor with Hansen Bradshaw Malmrose & Erickson. Mr. Lutz thanked Mr. Miles and his firm for the work they have done on the audit of the Annual Financial Report, and also recognized Jeannine Teel in the City office for her excellent work. Mr. Miles reviewed the Annual Financial Report with the Council and stated they found the City to be fully compliant with government auditing standards, with no material findings to report.

Steve Thacker, City Manager, referring to the audit finding about recreation program expenses, commented that an analysis of the recreation and baseball programs is being conducted to assist staff in setting participation fees for the coming year.

CONTINUED DISCUSSION OF PARKS CAPITAL IMPROVEMENT PLAN, IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS

With only three Council members present Mayor Pro Tem Wright chose to postpone discussion of the Parks Capital Improvement Plan, Impact Fee Facilities Plan and Impact Fee Analysis until the next Council meeting.

HIRE CONSULTANT FOR UPDATE OF WATER AND STORM DRAIN IMPACT FEES

Discussion of Water and Storm Drain Impact Fees was also postponed to the next Council meeting.

DISCUSSION OF USE OF TECHNOLOGY FOR COUNCIL MEETINGS AND CITY ATTORNEY GUIDELINES FOR DECISION MAKING

At the December 4, 2012 Council meeting, Councilman Allen suggested the Council discuss the use of technology for Council meetings. At the same meeting Councilman Averett requested the City Attorney include decision-making criteria in the staff reports given to Council members prior to their meetings. With Councilmen Allen and Averett absent from the meeting, Mayor Pro Tem Wright postponed the discussions to a future meeting when the whole Council is present.

CITY COUNCIL 2013 MEETING SCHEDULE – CONSIDERATION OF RESOLUTION NO. 2012-25

The Council will meet on the first and third Tuesday of each month in 2013 with two exceptions: the Council will have only one regular meeting in January on January 15th, and the first meeting in November will be held on Wednesday, November 6th. Mr. Thacker reported that all three Legislators will be attending a work session with the Council prior to the regular meeting on January 15th. Councilwoman Lindstrom made a **motion** to approve Resolution No. 2012-25 establishing the City Council's 2013 meeting schedule. Councilman Higginson seconded the motion, which passed by unanimous vote (3-0).

FINANCIAL REPORT

Blaine Lutz presented a financial report for the period ending November 30, 2012.

APPOINTMENT

Mayor Pro Tem Wright informed the Council that Mayor Russell supports Councilman Averett's recommendation that Brad Porter be appointed to the Landmarks Commission. Councilwoman Lindstrom made a **motion** to appoint Brad Porter to the Landmarks Commission effective January 1, 2013. The motion was seconded by Councilman Higginson and passed by unanimous vote (3-0).

CITY MANAGER'S REPORT

- Steve Thacker explained his Review of 2012 Projects and Issues and his Look Ahead to 2013 Projects and Issues.
- The Centerville Centennial Celebration will take place in 2015.

- Mr. Thacker informed the Council that the Island View Tank has a leak and is in need of repair. The repair will be paid for with Water Fund revenues and will cost approximately $24,000 - $27,000, plus in-house labor expenses. No action is required by the Council at this time.

MISCELLANEOUS

Mayor Pro Tem Wright commented he is aware of a citizen who would like to participate in the 4th of July parade. Staff will pass the information on to the Committee Chair.

ADJOURNMENT

At 8:27 p.m. Councilwoman Lindstrom made a **motion** to adjourn the meeting. Councilman Higginson seconded the motion, which passed by unanimous vote (3-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No 2a

Date of City Council Meeting: January 15, 2013

Short Title: Commence Warranty Period for Abe Millett Site Plan Project

Initiated By: City Engineer

Scheduled Time: 7:10 (SAC)

RECOMMENDATION

Approve commencement of the warranty period for the Abe Millet site plan project, effective January 15, 2013.

BACKGROUND

The Abe Millet site plan, located at 2138 N. Frontage Road, was given final approval by the Planning Commission on November 9, 2011. According to the City Engineer, all public improvements have been completed and he recommends commencement of warranty period. The amount of security (in the form of an escrow deposit) posted for the warranty period will be $1,086.50.

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 2b

Date of City Council Meeting: January 15, 2013

Short Title: Amendment to Fee Schedule re: Sex Offender Registry Fees

Initiated By: Staff

Scheduled Time: 7:10 (SAC)

RECOMMENDATION

Approve Resolution No. 2013-01 amending the City Fee Schedule regarding Police Department fees for sex offender registration and DNA specimen collections.

BACKGROUND

The State of Utah has adopted the Sex and Kidnap Offender Registry, as more particularly set forth in *Utah Code Ann.* §§ 77-41-101, *et seq.*, providing for the development and operation of a system to collect, analyze, maintain and disseminate information regarding sex and kidnapping offenders. Centerville City is required under the provisions of the Sex and Kidnap Offender Registry to register sex and kidnap offenders who reside within the City's jurisdiction and are not under the supervision of the Division of Probation and Parole. The Centerville City Police Department has been trained, certified and authorized by the Utah Department of Corrections to conduct such sex and kidnap offender registrations for persons residing within Centerville City. The Police Department has been conducting such registrations in accordance with applicable statutes for about a year. The Sex and Kidnap Offender Registry statutes allow local jurisdictions to assess an annual fee of not more than $25 for providing offender registrations. Local jurisdictions are also authorized by statute to charge a DNA specimen collection fee in conjunction with such registrations, when necessary. The Police Department desires to assess a fee for registration and DNA specimen collection, as applicable, in order to recover costs incurred by the City for such services, including, but not limited to, costs for staff time, data entry, processing registration packets, updating registry information, and specimen collection. Staff recommends adoption of the attached Resolution proposing amendments to the City Fee Schedule to add Police Department Fees regarding Sex Offender Registration and DNA Specimen Collection fees.

RESOLUTION NO. 2013-01

A RESOLUTION AMENDING THE CENTERVILLE CITY FEE SCHEDULE REGARDING POLICE DEPARTMENT FEES FOR SEX OFFENDER REGISTRATION AND DNA SPECIMEN COLLECTIONS

WHEREAS, municipal law enforcement agencies are required to register kidnap offenders and sex offenders who reside within such agencies' jurisdiction and are not under the supervision of the Division of Adult Probation and Parole in accordance with the provisions of the Utah Sex and Kidnap Offender Registry set forth in *Utah Code Ann.* § 77-41-101, *et seq*., as amended; and

WHEREAS, municipal law enforcement agencies are authorized to assess an annual fee of not more than $25 for providing the registration required by the Utah Sex and Kidnap Offender Registry as provided in Utah Code Ann. § 77-41-111, as amended; and

WHEREAS, the City is certified and qualified to conduct offender registration and DNA specimen collection under the Sex and Kidnap Offender Registry statutes and desires to adopt and assess a fee for such services in accordance with applicable provisions of the law as more particularly set forth herein; and

WHEREAS, the City Council has determined that amendments to the City Fee Schedule set forth herein adopting a Sex Offender Registration Fee and DNA Specimen Collection Fee are reasonable and necessary and are in the best interest of the public to recover actual costs incurred by the City for fees related to offender registration and DNA collection and processing.

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

Section 1. Amendment. The City Consolidated Fee Schedule is hereby amended to add a new Section XII regarding Police Department Fees, including a Sex Offender Registration Fee and DNA Specimen Collection Fee, to read in its entirety as follows:

XIV. POLICE DEPARTMENT FEES.

A.	Sex Offender Registration Fee	$25 per year
B.	DNA Specimen Collection Fee	$25

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 15th DAY OF JANUARY, 2013.

CENTERVILLE CITY

By: ___________________________________
Mayor Ronald G. Russell

ATTEST:

____
Marsha L. Morrow, City Recorder

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 2c

Date of City Council Meeting: January 15, 2013

Short Title: Proposals from LYRB re Preparation of Impact Fee Studies

Initiated By: ____________________

Scheduled Time: 7:10 (SAC)

RECOMMENDATION

Accept the proposals from the financial advisory firm of Lewis Young Robertson Burningham for the preparation of:

1) Culinary Water System Impact Fee Facilities Plan/Impact Fee Analysis;
2) Storm Water Comprehensive Financial Sustainability Plan and Impact Fee Facilities Plan/Impact Fee Analysis

BACKGROUND

- **Culinary Water IFFP/IFA Proposal.** LYRB prepared a Capital Facilities Finance Plan and User Rate Analysis a couple of years ago, which became the basis for adjusting water rates and issuing a bond for water system improvements. That document also recommended the City update its Culinary Water Impact Fee that is collected from new development—but this has not been done. The enclosed Culinary Water IFFP/IFA proposal would complete this process by determining what the appropriate Culinary Water Impact Fee should be. Currently that fee is $1,200 for a ¾ inch connection, and the fee escalates for bigger connections. Since the appropriateness of the current fee has not been re-evaluated since it was adopted in the 1990s, staff recommend this be done. The proposed fee for this consulting work is $10,040, which would be paid by the Water Fund.

- **Storm Water CSFP IFFP IFA Proposal.** This proposal involves a broader scope of work than the one immediately above. It includes a Comprehensive Financial Sustainability Plan (CFSP) for the storm water utility system, as well as an Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA). It will evaluate not only the adequacy of the current storm water impact fee (which hasn't been reviewed or changed since the 1990s), but also the Drainage Utility fees—i.e., the monthly fees collected on the utility bills for stormwater and subsurface water system maintenance. The consultant's work on this assignment will be limited until Kevin Campbell, City Engineer, has updated the City's master plan for drainage improvements (storm water and subsurface water). Therefore, this work will be on a delayed schedule when compared with the Culinary Water

IFFP/IFA, because Kevin is not expected to complete his update of the city-wide drainage master plan until the end of February. Due to the broader scope of work for the consultant in the storm water subject area, the total proposed fee is $20,490—or $10,450 for the CFSP and $10,040 for the IFFP/IFA. The consultant's fees for this work would be paid from both the Storm Drain Impact Fee Fund and the Drainage Utility Fund. The consultant's calendar for completing the work—for the Culinary Water as well as the Storm Water studies—will have to be adjusted from what is shown in the enclosure proposals. These proposals were received in December with the intent of beginning work that same month, but have been delayed.

PROPOSAL FOR:

IMPACT FEE FACILITIES PLAN & IMPACT FEE ANALYSIS:

CULINARY WATER SYSTEM

CENTERVILLE CITY

DECEMBER 17, 2012

LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

SECTION 1: EXECUTIVE SUMMARY

Lewis Young Robertson & Burningham, Inc.'s ("LYRB") proposed scope of services is designed to provide Centerville City (the "City") with defensible and accurate planning documents and fee schedules that will stand the test of challenge or question related to equity and fairness. Other firms may provide a low-cost estimate which can appear appealing. However, it is our experience that these proposals are often hidden with caveats or based on providing sub-par products that will not ultimately achieve the long-term goals of the City. Our proposal is to **provide the City with what you need, when you need it**. The City can be assured the product we provide is the product you need to make proper decisions.

The following highlights the key elements of this proposal:

- **LYRB will meet with the City on a regular basis to gather information**. LYRB's proposal includes (3) formal meetings: beginning with a "kick-off" meeting; a work-session to be held with staff and council as a "capstone" to the impact fee analysis; and, a final public hearing. LYRB will also meet with the City staff and engineers regularly to complete the IFFP.

- **LYRB will develop the Impact Fee Facilities Plan (IFFP) for culinary water**. LYRB will work with the City's engineers to draft the IFFP and to ensure statutory compliance, ensuring all necessary notifications are completed, etc. LYRB and the City will provide the necessary *IFFP certification, as required by the Impact Fee Act.*

- LYRB will work with the City to ensure strict compliance with the Impact Fee Act (§11-36a), specifically the Proportionate Share Analysis. **LYRB will provide the necessary Impact Fee Analysis** ("IFA") certification, as required by the Impact Fee Act.

- **LYRB will assist the City in the creation of all necessary noticing documentation**. LYRB will provide a written **impact fee analysis** that includes the appropriate executive summary and impact fee calculation. LYRB will coordinate with the City to collect all necessary information.

- *LYRB will create a project "transcript". **The transcript serves as a warehouse of all pertinent project data (i.e. project timeline, draft*** **reports, noticing documents, official contract and scope of services, etc.).** This data is organized in a single location (i.e. a three-ring binder) which ensures project timeliness and efficiency.

LYRB proposes a total project budget for the Culinary Water IFFP and IFA of $10,040.

SECTION 2: WORK PLAN

SUGGESTED SCOPE OF SERVICES AND PROJECT SCHEDULE

The proposed scope of services is designed to provide the City with defensible and accurate planning documents and fee schedules. The scope of work outlined below provides the City with a systematic approach to identify the key components needed to meet the specific requirements of the Utah Impact Fees Act. The IFFP and IFA will assist the City in making prudent financial decisions related to the culinary water system in the future.

SCOPE OF WORK

The proposed scope of services is to provide the City with a defensible Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) for the City's **Culinary Water.**

TASK 1: KICK-OFF MEETING

An initial kickoff meeting with City staff and other consultants is crucial and can help provide a vision for the entire project. The following tasks will be completed at the initial kickoff meeting:

- Orient staff to the project and clarify scope.
- Review and Identify data needed for culinary water IFFP and IFA.
- Review recent legislative changes that may create a different approach or methodology from previous City impact fees.
- Receive feedback from the City regarding any concerns and issues so that these can be adequately addressed in the analysis.
- Establish consensus regarding timeframe and scheduling of project.
- Discuss project transcript which will include final documents, project schedule noticing, contract agreements etc.

An important element of this task will be the creation of a project "transcript". **The transcript serves as a warehouse of all pertinent project data (i.e. project timeline, process maps, draft reports, noticing documents, official contract and scope of services, etc.).** This data is organized in a single location (i.e. a three-ring binder) which ensures project timeliness and efficiency. LYRB will facilitate the inclusion of all final documents into the project transcript for each department and for administrative personnel. In addition to a hard copy transcript, LYRB will *provide an electronic version of the complete transcript for the future benefit of the City.*

TASK 2: CONDUCT THE IFFP ANALYSIS AND OBTAIN DATA NECESSARY FOR IFA

LYRB will develop an appropriate IFFP. According to the Impact Fees Act, local political subdivisions with populations or serving populations of more than 5,000 as of the last federal census must prepare an IFFP. As stipulated in UC 11-36a-302, the IFFP must identify the following elements before impact fees can be imposed:

- Demands placed upon existing public facilities by new development activity; and
- The proposed means by which the local political subdivision will meet those demands.

Though not specifically stated, certain considerations should be made within the IFFP to properly complete the legislative requirements found above and to ensure the IFFP serves as a working document in the calculation of appropriate impact fees. These include projecting population data, projecting demand, providing an inventory of existing facilities, conducting a level of service analysis, identifying existing and future capital facilities necessary to serve new growth and identify system improvements vs. project improvements. The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.

LYRB will work with the City to establish appropriate demand projections, inventory existing facilities, conduct a level of service analysis for each service, identify excess capacity within the system and determine new facilities related to growth. LYRB will draft the IFFP, with support from the City and the City's engineers. As part of this task, LYRB suggests the following sub-tasks to ensure accuracy and consistency throughout this process:

- LYRB will review all noticing procedures and ensure legislative compliance. LYRB will record all noticing in the project *transcript.*
- LYRB will conduct a **mid-project meeting** to review the IFFP analysis. This meeting will ensure the City is aware of interim project progress and that all parties provide input into the formation of the IFFP.
- Once a draft IFFP is prepared, **LYRB will hold a review meeting with the City** to discuss any issues or further considerations that may arise once a more global picture is presented.

TASK 3: IMPACT FEE ANALYSIS (PROPORTIONATE SHARE ANALYSIS)

Following the completion of the IFFP analysis, LYRB will then conduct the IFA including the proportionate share analysis. The proportionate share analysis satisfies the requirements of the Impact Fees Act found in UC 11-36a. LYRB will ensure the impact fee analysis and proportionate share analysis complies with all legislative requirements. This analysis will ensure that only the costs relating to growth related improvements are included in the calculation of the impact fee. Specific tasks include:

- Establish any excess capacity in the existing system that could be used to serve new growth;
- Review City engineer's allocation of project improvements versus system improvements;
- Identify the anticipated impact on the system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
- Demonstrate how the anticipated impacts described above are reasonably related to the anticipated development activity;
- Review the City engineer's opinions of the proportionate share of system improvements that will serve new growth;
- Estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity;
- Review City revenue sources and what they fund to ensure that capital costs are equitably distributed among new development and existing users;
- Consider specific service areas defined by the City;
- Calculate a gross cost component for impact fee expenditures;
- Create impact fee schedule and formulas for calculating adjusted impact fees; and
- Prepare a cash flow analysis of impact fee funds to more accurately forecast impact fee revenues, annual growth-related costs and any impact fee revenue shortfalls.

TASK 4: IDENTIFY A FINANCING STRUCTURE FOR FUTURE CAPITAL PROJECT NEEDS

The next step of the analysis is to determine how the growth-related infrastructure will be funded. Once the impact fee related costs have been identified, LYRB will prepare a cash flow analysis to ensure that the City will have the ability to cover anticipated capital costs. Specific tasks include:

- Create a financing structure for the growth-related projects that combines debt and pay-as-you-go financing;
- Review the basis for current revenue credits against the impact fees; and
- Prepare a cash flow analysis of impact fee funds to more accurately forecast impact fee revenues, annual growth-related costs and any impact fee revenue shortfalls.

TASK 5: COMPLETE WRITTEN IFFP & IFA DRAFTS

Specific tasks include:

- Prepare written IFFP report
- Prepare written IFA report with proportional share analysis;
- Prepare a summary of the IFA designed to be understood by an average citizen;
- Disseminate draft IFFPA & IFA to all related parties;
- Coordinate noticing and public process for enacting impact fees;
- Begin the coordination of the Public Hearing;
- Create impact fee schedule and formulas for calculating non standard impact fees; and
- Identify any possible challenges associated with the facilities plan and provide feasible solutions to such.

TASK 6: WORKSHOP AND PRESENTATION

The proposed scope will include a preliminary findings presentation to the City. LYRB will utilize this meeting to re-evaluate the goals originally established at the beginning of the project and address any changes or recommendations. This meeting will also provide final direction for the impact fee analysis. During this workshop, LYRB will also work with the City to finalize the project completion timeline to ensure all milestones are met. The primary sub-tasks will include:

- Workshop with City staff to present preliminary results and refine results as needed;
- Presentation of preliminary data to City staff;
- If requested, a principal of LYRB will have additional meetings with the City Manager, and those he designates including representatives from the development community, to review and explain the proposed plan; and,
- Begin drafting of ordinance and fee schedule.

TASK 7: ASSIST WITH NOTICING AND ENACTMENT

If requested by the City, LYRB will assist with all noticing requirements and the drafting of the impact fee enactment. All notice records and the official enactment will be recorded in the impact fees transcript. Specific tasks include:

- Notice of intent to create or amend IFA;
- Notice of intent to adopt a new IFA; and
- Notice of public hearing.

TASK 8: PROVIDE FINAL WRITTEN IMPACT FEE FACILITIES PLAN & IMPACT FEE ANALYSIS, TRANSCRIPT AND CERTIFICATION

The written analysis will ensure that all elements of the Impact Fees Act (including impact fee certification) are considered in the analysis. Although the Resolution will be prepared by the City's attorney, LYRB will work with the attorney to ensure that all elements required by the Act are incorporated into the Resolution and will assist in the adoption process as needed. LYRB will provide the required certifications related to the IFA and will consolidate all pertinent information into a final transcript document. An electronic version will be provided as well.

TASK 9: HOLD PUBLIC HEARING AND FINAL ADOPTION OF IMPACT FEES

The final stage of the feasibility study will be the public hearing. LYRB will prepare a presentation of findings for the public hearing and will ensure the project transcript is complete with all legal notices and documents. If requested, a principal of the firm will make one or more personal appearances at a public hearing before the City Council to present the final report and the implementation documents.

COMPARATIVE ANALYSIS

A comparative analysis can be beneficial to the City in the process of adopting impact fees. LYRB will provide comparative analysis of all legislation, fees, and practices to determine and propose the most current best practices and regional practices. LYRB will work with the City to establish the benchmark cities used for comparative analysis. LYRB's experience completing impact fees for several communities throughout the state positions us to provide the City with valuable insight regarding this task.

Additionally, if a challenge to the validity of the Plan or Analysis is filed, LYRB will assist the City in defense of the IFA.

PROPOSED TIMELINE:

Upon acceptance of this proposal, LYRB will provide the City with a list of required information in an initial kick-off meeting and discuss the project scheduling. LYRB has the capacity to begin work immediately. The time line for the completion of the study is not to exceed **April 2013**. The time required to accurately complete the studies is contingent upon the ability of the City to provide all required information to complete the consulting project. LYRB proposes the following schedule to ensure the project is completed in a timely manner. This schedule can be altered depending on the City's needs.

Task 1: Kick Off Meeting
Estimated Completion: December 10-21

Task 2: Conduct the IFFP Analysis
Estimated Completion: January 1-18

Task 3: Conduct the IFA Analysis
Estimated Completion: January 28 – Feb 15

Task 4: Identify Financing Structure for Future Capital Facilities
Estimated Completion: January 28 – Feb 15

Task 5: Complete IFFP & IFA Drafts
Estimated Completion: February 25 – March 15

Task 6: Workshop and Presentation of Preliminary FIndings
Estimated Completion: March 11 – March 15

Task 7: Assist with Noticing and Enactment
Estimated Completion: February 25 – March 15

Task 8: Provide Final Written Impact Fee Analysis, Transcript, & Certification
Estimated Completion: March 25-29

Task 9: Public Hearing
Estimated Completion: April 8-12

DECEMBER

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SECTION 3: COST PROPOSAL

The total cost for the Culinary Water IFFP and IFA is estimated not to exceed $10,040. The proposed cost includes periodic meetings with City Staff, presentation to the City Council and coordination of the public hearing process. The table below summarizes the total cost for each phase of the Culinary Water impact fee process.

Hourly Rate	$170	$150	$90		
Fee Estimate for Culinary Water IFFP & IFA	Principal	Project Lead	Analyst	Total Hours	Total Cost
Task 1: Kick-off Meeting	2	2	2	6	$820
Task 2: Conduct IFFP Analysis (LYRB to Facilitate with City Departments)	2	6	8	16	$1,960
Task 3: Conduct IFA Analysis	1	8	12	21	$2,450
Task 4: Identify a Financing Structure for Future Capital Project Needs	-	2	3	5	$570
Task 5: Complete the IFFP & IFA Drafts	-	3	5	8	$900
Task 6: Workshop and Presentation of Preliminary Findings	2	5	6	13	$1,630
Task 7: Assist with Noticing and Enactment	-	2	2	4	$480
Task 8: Provide Final Written Impact Fee Analysis, Transcript and Certification	1	1	1	3	$410
Task 9: Hold Public Hearing	2	2	2	6	$820
Total	**10**	**31**	**41**	**82**	**$10,040**

PROPOSAL FOR:

COMPREHENSIVE FINANCIAL SUSTAINABILITY PLAN,
IMPACT FEE FACILITIES PLAN,
& IMPACT FEE ANALYSIS

STORM WATER UTILITY SYSTEM

CENTERVILLE CITY

DECEMBER 17, 2012

LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

SECTION 1: EXECUTIVE SUMMARY

Lewis Young Robertson & Burningham, Inc.'s ("LYRB") proposed scope of services is designed to provide Centerville City (the "City") with a comprehensive review of the City's Storm Water Utility System and to provide accurate planning documents and fee schedules that will meet all requirements of state law and ensure an adequate and sustainable financial framework for the future. Other firms may provide a low-cost estimate which can appear appealing. However, it is our experience that these proposals are often hidden with caveats or based on providing sub-par products that will not ultimately achieve the long-term goals of the City. Our proposal is to **provide the City with what you need, when you need it**. The City can be assured the product we provide is the product you need to make proper decisions.

The following highlights the key elements of our proposal:

PHASE 1:

- **LYRB will development the Comprehensive Financial Sustainability Plan (CFSP) for storm water.** Much like the capital facilities finance plan and user rate study LYRB conducted for the culinary water utility, LYRB will conduct a comprehensive financial sustainability plan (CFSP) for the storm water utility. The CFSP will include: (1) developing a master plan for the utility and 5-year capital improvement plans, (2) develop key financial and management policies, (3) develop a multi-year financial model for the utility, and (4) conducting a user rate study. The CFSP will ensure the utility remains functionally and fiscally viable into the future and will link the engineering and planning process to the implementation of a financial plan.

PHASE 2:

The following components of the proposal are related to creating an Impact Fee Facilities Plan ("IFFP") and conducting an Impact Fee Analysis ("IFA"). Creating an IFFP and conducting an IFA will only be done if it is determined necessary which determination will be done at some point early on in the CFSP process.

- **LYRB will meet with the City on a regular basis to gather information.** LYRB's proposal includes (3) formal meetings: beginning with a "kick-off" meeting; a work-session to be held with staff and council as a "capstone" to the impact fee analysis; and, a final public hearing. LYRB will also meet with City regularly to complete the IFFPs.

- **LYRB will develop the Impact Fee Facilities Plan (IFFP) for storm water.** LYRB will work with the City's engineers to draft all IFFPs and to ensure statutory compliance, ensuring all necessary notifications are completed, etc. LYRB and the City will provide the necessary IFFP certification, as required by the Impact Fee Act.

- LYRB will work with the City to ensure strict compliance with the Impact Fee Act (§11-36a), specifically the Proportionate Share Analysis. ***LYRB will provide the necessary Impact Fee Analysis*** *("IFA") certification, as required by the Impact Fee Act.*

- **LYRB will assist the City in the creation of all necessary noticing documentation.** LYRB will provide a written **impact fee analysis** that includes the appropriate executive summary and impact fee calculation. LYRB will coordinate with the City to collect all necessary information.

- LYRB will create a project "transcript". **The transcript serves as a warehouse of all pertinent project data (i.e. project timeline, draft *reports, noticing documents, official contract and scope of services, etc.).*** *This data is organized in a single location (i.e. a three-ring* binder) which ensures project timeliness and efficiency.

LYRB proposes a total project budget for the Storm Water CFSP of <u>$10,450</u> and a total project for the Storm Water IFFP and IFA (if necessary) of <u>$10,040</u>.

LYRB proposes a combined total project budget for the Storm Water CFSP, IFFP, and IFA of $20,490.

SECTION 2: WORK PLAN FOR CFSP

SUGGESTED SCOPE OF SERVICES AND PROJECT SCHEDULE

Much like the capital facilities finance plan and user rate study LYRB conducted for the *culinary water utility*, LYRB *will conduct a comprehensive* financial sustainability plan (CFSP) for the storm water utility. The following is LYRB's approach to the CFSP after the Master Plan for the storm water utility has been created.

TASK 1: PROJECT INITIATION:

The project initiation or "kick-off" meeting (or meetings) provides an opportunity for LYRB to understand in detail the issues affecting the storm water utility and establish the appropriate lines of communication. This meeting also **establishes consensus** around the key issues that affect the City as a whole. LYRB staff will utilize this meeting to begin the process of gathering and reviewing planning information, growth projections, historic demands, billing information, future capital project needs and financing information related to the utility funds. LYRB will focus on issues of particular importance that affect the City including:

- Definition of key fiscal health metrics such as cash on hand, debt service coverage ratios, funding of deprecation;
- Conservation policy definition and goals;
- The proper allocation of the operations and maintenance budget to each user class; and,
- A review of necessary maintenance and depreciation expenses that may not be accounted for within current planning documents or rate structures.

It is important that **the project goals** are defined at the start of the process as they will guide the final work product toward the City's needs. LYRB will *start working immediately with* the City to evaluate the City's situation, discuss strengths or weaknesses within the existing system, and define policies that will best fit the City's needs.

TASK 2: REVIEW EXISTING UTILITY FUND SYSTEM FINANCIAL STRUCTURE

LYRB will ensure that it fully comprehends the storm water utility fund's financial structures as the first step in the study. LYRB will develop preliminary pro forma that illustrate the different components of the utility fund and that reflects the objectives of the study as defined above. As part of this task, LYRB will also review the existing rate structure and customer classifications to understand the unique dynamics of the City's storm water utility system. This task will focus on the following key areas:

- Review existing billing structure;
- Review existing customer accounts and historic growth; and,
- Develop with City staff alternative billing structures, keeping in mind existing resources and ability to implement changes to existing mechanisms.

TASK 3: DEMAND PROJECTIONS AND MODELING

Based on existing conditions, building permits, projects within the pipeline, and historic growth in customer accounts; LYRB will establish five year growth projections for each of the customer classifications. Usage and flow patterns will also be analyzed with the assistance of the City Staff and engineering consultants. Often this data is already included in the Master Plans.

TASK 4: *REVENUE AND EXPENDITURE ANALYSIS*

Based on the anticipated growth within the service area, LYRB will project annual system revenues. LYRB will divide the annual revenue requirements into fixed and variable components and proportionately allocate the annual revenue requirements to each user class according to demand. LYRB will compare the forecasted revenues to historic revenue changes.

LYRB will then compare projected revenues to anticipated expenditures. Utilizing historic financial information and budgets, as well as interviews with City staff, LYRB will project the annual expenditures for a five-year planning horizon to meet all operational needs, capital requirements and all bond covenants and other obligations. Other areas reviewed in this task include non-operating revenues and expenditures.

TASK 5: ANALYSIS OF REMAINING REVENUE FOR DEBT COVERAGE AND CIP

From Task 4, LYRB will illustrate the net revenues available for the payment of outstanding debt, capital improvements, repair and replacement, and the funding of depreciation. The debt service coverage ratio is a key metric for determining the financial soundness of a utility system and influences the credit rating of the agency. In most cases, the coverage ratio must remain above a certain threshold (typically 1.25x coverage) to comply with certain bond covenants. This task will also include a review of the City's Capital Improvement Plan (CIP) to determine the timing and impact of necessary future projects. Since future projects are often costly, this step can have a dramatic impact on the proposed rates.

The resulting analysis will provide the City with an estimate of year end fund balances and revenues available for debt service payments and capital repair, while ensuring equity and maintaining the necessary debt service coverage ratios.

TASK 6: FINDINGS/UPDATE MEETINGS

After the completion of Tasks 1-5, LYRB will meet with City staff to review the preliminary findings of the model. During this meeting LYRB will review:

- A summary of the model inputs (i.e. growth assumptions, number of customer accounts, etc.);
- The estimated revenue generation under the baseline model;
- The timing of future capital improvements, the inclusion of depreciation, and how this affects revenue sufficiency; and,
- The impact of all model inputs on the debt service coverage ratio.

This meeting (or meetings) will allow LYRB to provide a status update for the project and receive any feedback regarding model assumptions. LYRB feels this meeting also provides important interaction with the City and ensures quality control. Through coordination with City, LYRB will develop several scenarios that will address the goals of the City, while balancing political and financial constraints. LYRB anticipates that the City will desire update meetings frequently throughout the process with staff, executive staff, council staff, elected officials, and others.

TASK 7: ALLOCATION OF DEPRECIATION/REPAIR & REPLACEMENT FUNDING

Based on the preliminary findings meeting, LYRB will build into the pro forma several scenarios regarding the funding of repair and replacement in order to extend the useful life of the City's utility assets. The funding of depreciation which is traditionally a non-cash item is one means of estimating the amount of funding to implement a repair and replacement budget. The allocation of depreciation will be excluded if the CIP includes a specific designation for repair and replacement. Funding a capital repair and replacement budget or depreciation can reduce the District's need to issue debt and therefore decrease future interest expense.

TASK 8: RATE DESIGN AND SCENARIO ANALYSIS

The rate design analysis will incorporate several scenarios. LYRB will review the existing rate structure as a **baseline scenario** to determine any deficiencies and establish base service measurements. LYRB will also address the existing rate schedule for equity amongst user classifications and address conservation policies. From the findings of the baseline analysis, LYRB will establish **alternative rate scenarios** and structures to promote the objectives of the City. The proposed rate will equitably distribute the total costs allocated to each user. Additionally, we will ensure the recommended rate can be easily administered with the City's current financial software and by staff.

The rates will be designed to meet at least three objectives as defined by City policy in Task 1: revenue sufficiency, equity among users, and conservation. The rates must ensure **revenue sufficiency** to meet operation and maintenance (O&M) obligations, construct necessary infrastructure (repair & replacement and new capital expense), meet bond covenants, and enhance the overall creditworthiness of the storm water utility funds.

The second objective is to show an **equitable allocation** of the revenue requirements to utility user classes according to the demand characteristics *(included both fixed and variable costs) historically displayed by each. This allocation is based upon each user class's proportionate demand on the* capacity of the system's functional components. Reviewing past and projected expenses will provide information to create the revenue requirement analysis, categorize expenses according to major functions, allocate costs according to classes based on demand and determine rates based on revenue requirements.

The scenario analysis will ensure revenue sufficiency based on current and projected expenses, cash flow stability, necessary debt coverage, the proposed CIP, and the funding of depreciation. LYRB will coordinate with City personnel to ensure that the rate is structured to allow for a successful and smooth implementation with the City's billing mechanisms. This task will also provide an assessment of the impacts the recommended rate structure will have on an average customer bill as shown in the example below.

TASK 9: PRESENTATIONS TO CITY AND CONSTITUENTS

LYRB will meet with City staff and steering committees and then the City Board to review all assumptions and findings in preparation for the development of the final draft document. During these meetings, LYRB will take all input and make recommended changes to the analysis.

The LYRB team will also work with City staff to prepare for and present information at Town Hall Style Meetings. LYRB will provide assistance in preparing any brochures, flyers, or other media to communicate the purpose of the rate changes to the public. LYRB has successfully assisted other entities with similar community outreach initiatives.

TASK 10: PROVIDE WRITTEN ANALYSIS

As the project approach is *finalized and work is progressing, LYRB will begin the written user rate analysis. The written analysis will summarize* recommendations regarding modifications to the existing rate schedule. LYRB will provide the City with as many copies of the final analysis as it feels is necessary.

TASK 11: FINAL PRESENTATION AND IMPLEMENTATION OF USER RATES

LYRB will prepare a final presentation of the study findings and a report that will be delivered to the City Council. LYRB will also provide comparable *information for surrounding communities as needed, to help City Staff educate the public about the rate change.* ***LYRB personnel will attend*** **necessary City Council meetings and public hearings; and work sessions with the public, key community leaders, and City Staff. LYRB will present the study and recommendations to City Staff, the City Council, and stakeholders in order to answer questions and address any concerns that may arise.**

PROPOSED CFSP TIMELINE:

Upon acceptance of this proposal, LYRB will provide the City with a list of required information in an initial kick-off meeting and discuss the project scheduling. LYRB has the capacity to begin work immediately. The time line for the completion of the study is not to exceed **May 3, 2013.** The time required to accurately complete the studies is contingent upon the ability of the City to provide all required information to complete the consulting project. LYRB proposes the following schedule to ensure the project is completed in a timely manner. This schedule can be altered depending on the City's needs.

Task 1: Project Initiation and Goal Setting
Estimated Completion: December 10-21

Task 2: Review Existing Storm Water System Financial Structure
Estimated Completion: January 1-11

Task 3: Demand Projections and Modeling
Estimated Completion: January 21 – Feb 1

Task 4: Revenue and Expenditure Analysis
Estimated Completion: February 4 – 15

Task 5: Analysis of Remaining Revenue for Debt Coverage and CIP
Estimated Completion: February 4 – 15

Task 6: Preliminary Findings
Estimated Completion: March 11 – March 15

Task 7: Allocation of Depreceation/Repair & Replacement Funding
Estimated Completion: March 11 – March 15

Task 8: Rate Design and Scenario Analysis
Estimated Completion: March 18-29

Task 9: Presentations to City and Constituents
Estimated Completion: April 1-5

Task 10: Provide Written Analysis
Estimated Completion: April 8-19

Task 11: Final Presentation and Implementation of Rates
Estimated Completion: April 8-19

Task 12: Rate Implemented
Estimated Completion: April 8-19

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SECTION 3: WORK PLAN FOR IFFP & IFA

SUGGESTED SCOPE OF SERVICES AND PROJECT SCHEDULE

The proposed scope of services is designed to provide the City with defensible and accurate planning documents and fee schedules. Other firms may provide a low-cost estimate which can appear appealing. However, it is our experience that these proposals are often hidden with caveats or based on providing sub-par products that will not ultimately achieve the long-term goals of the City. Our proposal is to **provide the City with what you need, when you need it**. In other words, the City can be assured the product we provide is the product you need to make proper decisions.

SCOPE OF WORK

The proposed scope of services is to provide the City with a defensible Impact Fee Facilities Plan and Impact Fee Analysis for **Storm Water.**

TASK 1: KICK-OFF MEETING

An initial kickoff meeting with City staff and other consultants is crucial and can help provide a vision for the entire project. The following tasks will be completed at the initial kickoff meeting:

- Orient staff to the project and clarify scope.
- Review and Identify data needed for storm water IFFP and IFA.
- Review recent legislative changes that may create a different approach or methodology from previous City impact fees.
- Receive feedback from the City regarding any concerns and issues so that these can be adequately addressed in the analysis.
- Establish consensus regarding timeframe and scheduling of project.
- Discuss project transcript which will include final documents, project schedule noticing, contract agreements etc.

An important element of this task will be the creation of a project "transcript". **The transcript serves as a warehouse of all pertinent project data (i.e. project timeline, process maps, draft reports, noticing documents, official contract and scope of services, etc.).** This data is organized in a single location (i.e. a three-ring binder) which ensures project timeliness and efficiency. LYRB will facilitate the inclusion of all final documents into the project transcript for each department and for administrative personnel. In addition to a hard copy transcript, LYRB will provide an electronic version of the complete transcript for the future benefit of the City.

TASK 2: CONDUCT THE IFFP ANALYSIS AND OBTAIN DATA NECESSARY FOR IFA

LYRB will develop an appropriate IFFP. According to the Impact Fees Act, local political subdivisions with populations or serving populations of more than 5,000 as of the last federal census must prepare an IFFP. As stipulated in UC 11-36a-302, the IFFP must identify the following elements before impact fees can be imposed:

- Demands placed upon existing public facilities by new development activity; and
- The proposed means by which the local political subdivision will meet those demands.

Though not specifically stated, certain considerations should be made within the IFFP to properly complete the legislative requirements found above and to ensure the IFFP serves as a working document in the calculation of appropriate impact fees. These include projecting population data, projecting demand, providing an inventory of existing facilities, conducting a level of service analysis, identifying existing and future capital facilities necessary to serve new growth and identify system improvements vs. project improvements. The IFFP must also include a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.

LYRB will work with the City to establish appropriate demand projections, inventory existing facilities, conduct a level of service analysis for each service, identify excess capacity within the system and determine new facilities related to growth. LYRB will draft the IFFP, with support from the City and the City's engineers. As part of this task, LYRB suggests the following sub-tasks to ensure accuracy and consistency throughout this process:

- LYRB will review all noticing procedures and ensure legislative compliance. LYRB will record all noticing in the project transcript.
- LYRB will conduct a **mid-project meeting** to review the IFFP analysis. This meeting will ensure the City is aware of interim project progress and that all parties provide input into the formation of the IFFP.
- Once a draft IFFP is prepared, **LYRB will hold a review meeting with the City** to discuss any issues or further considerations that may arise once a more global picture is presented.

TASK 3: IMPACT FEE ANALYSIS (PROPORTIONATE SHARE ANALYSIS)

Following the completion of the IFFP analysis, LYRB will then conduct the IFA including the proportionate share analysis. The proportionate share analysis satisfies the requirements of the Impact Fees Act found in UC 11-36a. LYRB will ensure the impact fee analysis and proportionate share analysis complies with all legislative requirements. This analysis will ensure that only the costs relating to growth related improvements are included in the calculation of the impact fee. Specific tasks include:

- Establish any excess capacity in the existing system that could be used to serve new growth;
- Review City engineer's allocation of project improvements versus system improvements;
- Identify the anticipated impact on the system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
- Demonstrate how the anticipated impacts described above are reasonably related to the anticipated development activity;
- Review the City engineer's opinions of the proportionate share of system improvements that will serve new growth;
- Estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity;
- Review City revenue sources and what they fund to ensure that capital costs are equitably distributed among new development and existing users;
- Consider specific service areas defined by the City;
- Calculate a gross cost component for impact fee expenditures;
- Create impact fee schedule and formulas for calculating adjusted impact fees; and
- Prepare a cash flow analysis of impact fee funds to more accurately forecast impact fee revenues, annual growth-related costs and any impact fee revenue shortfalls.

TASK 4: IDENTIFY A FINANCING STRUCTURE FOR FUTURE CAPITAL PROJECT NEEDS

The next step of the analysis is to determine how the growth-related infrastructure will be funded. Once the impact fee related costs have been identified, LYRB will prepare a cash flow analysis to ensure that the City will have the ability to cover anticipated capital costs. Specific tasks include:

- Create a financing structure for the growth-related projects that combines debt and pay-as-you-go financing;
- Review the basis for current revenue credits against the impact fees; and
- Prepare a cash flow analysis of impact fee funds to more accurately forecast impact fee revenues, annual growth-related costs and any impact fee revenue shortfalls.

TASK 5: COMPLETE WRITTEN IFFP & IFA DRAFTS

Specific tasks include:

- Prepare written IFFP report
- Prepare written IFA report with proportional share analysis;
- Prepare a summary of the IFA designed to be understood by an average citizen;
- Disseminate draft IFFPA & IFA to all related parties;
- Coordinate noticing and public process for enacting impact fees;
- Begin the coordination of the Public Hearing;
- Create impact fee schedule and formulas for calculating non standard impact fees; and
- Identify any possible challenges associated with the facilities plan and provide feasible solutions to such.

TASK 6: WORKSHOP AND PRESENTATION

The proposed scope will include a preliminary findings presentation to the City. LYRB will utilize this meeting to re-evaluate the goals originally established at the beginning of the project and address any changes or recommendations. This meeting will also provide final direction for the impact fee analysis. During this workshop, LYRB will also work with the City to finalize the project completion timeline to ensure all milestones are met. The primary sub-tasks will include:

- Workshop with City staff to present preliminary results and refine results as needed;
- Presentation of preliminary data to City staff;
- If requested, a principal of LYRB will have additional meetings with the City Manager, and those he designates including representatives from the development community, to review and explain the proposed plan; and,
- Begin drafting of ordinance and fee schedule.

TASK 7: ASSIST WITH NOTICING AND ENACTMENT

If requested by the City, LYRB will assist with all noticing requirements and the drafting of the impact fee enactment. All notice records and the official enactment will be recorded in the impact fees transcript. Specific tasks include:

- Notice of intent to create or amend IFA;
- Notice of intent to adopt a new IFA; and
- Notice of public hearing.

TASK 8: PROVIDE FINAL WRITTEN IMPACT FEE FACILITIES PLAN & IMPACT FEE ANALYSIS, TRANSCRIPT AND CERTIFICATION

The written analysis will ensure that all elements of the Impact Fees Act (including impact fee certification) are considered in the analysis. Although the Resolution will be prepared by the City's attorney, LYRB will work with the attorney to ensure that all elements required by the Act are incorporated into the Resolution and will assist in the adoption process as needed. LYRB will provide the required certifications related to the IFA and will consolidate all pertinent information into a final transcript document. An electronic version will be provided as well.

TASK 9: HOLD PUBLIC HEARING AND FINAL ADOPTION OF IMPACT FEES

The final stage of the feasibility study will be the public hearing. LYRB will prepare a presentation of findings for the public hearing and will ensure the project transcript is complete with all legal notices and documents. If requested, a principal of the firm will make one or more personal appearances at a public hearing before the City Council to present the final report and the implementation documents.

COMPARATIVE ANALYSIS

A comparative analysis can be beneficial to the City in the process of adopting impact fees. LYRB will provide comparative analysis of all legislation, fees, and practices to determine and propose the most current best practices and regional practices. LYRB will work with the City to establish the benchmark cities used for comparative analysis. LYRB's experience completing impact fees for several communities throughout the state positions us to provide the City with valuable insight regarding this task.

Additionally, if a challenge to the validity of the Plan or Analysis is filed, LYRB will assist the City in defense of the IFA.

PROPOSED IFFP & IFA TIMELINE:

Upon acceptance of this proposal, LYRB will provide the City with a list of required information in an initial kick-off meeting and discuss the project scheduling. LYRB has the capacity to begin work immediately. The time line for the completion of the study is not to exceed **April 2013**. The time required to accurately complete the studies is contingent upon the ability of the City to provide all required information to complete the consulting project. LYRB proposes the following schedule to ensure the project is completed in a timely manner. This schedule can be altered depending on the City's needs.

Task 1: Kick Off Meeting
Estimated Completion: December 10-21

Task 2: Conduct the IFFP Analysis
Estimated Completion: January 1-18

Task 3: Conduct the IFA Analysis
Estimated Completion: January 28 – Feb 15

Task 4: Identify Financing Structure for Future Capital Facilities
Estimated Completion: January 28 – Feb 15

Task 5: Complete IFFP & IFA Drafts
Estimated Completion: February 25 – March 15

Task 6: Workshop and Presentation of Preliminary FIndings
Estimated Completion: March 11 – March 15

Task 7: Assist with Noticing and Enactment
Estimated Completion: February 25 – March 15

Task 8: Provide Final Written Impact Fee Analysis, Transcript, & Certification
Estimated Completion: March 25-29

Task 9: Public Hearing
Estimated Completion: April 8-12

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SECTION 4: COST PROPOSAL

The total cost for the Storm Water CSFP is estimated not to exceed $10,450. The total cost for the Storm Water IFFP and IFA is estimated not to exceed $10,040. The proposed cost includes periodic meetings with City Staff, presentation to the City Council and coordination of the public hearing process. The table below summarizes the total cost for each phase of the Storm Water impact fee and CFSP processes.

Hourly Rate	$170	$150	$90		
Fee Estimate for Storm Water CFSP	**Principal**	**Project Lead**	**Analyst**	**Total Hours**	**Total Cost**
Task 1: Project Initiation and Goal Setting	1	1	1	3	$410
Task 2: Review Existing Storm Water System Financial Structure	1	3	4	8	$980
Task 3: Demand Projections and Modeling	1	5	10	16	$1,820
Task 4: Revenue and Expenditure Analysis	1	3	6	10	$1,160
Task 5: Analysis of Remaining Revenue for Debt Coverage and CIP	-	3	5	8	$900
Task 6: Preliminary Findings	1	3	4	8	$980
Task 7: Allocation of Deprececiation/Repair & Replacement Funding	-	2	3	5	$570
Task 8: Rate Design and Scenario Analysis	1	3	7	11	$1,250
Task 9: Presentations to City and Constituents	2	2	2	6	$820
Task 10: Provide Written Analysis	1	2	3	6	$740
Task 11: Final Presentation and Implementation of Rates	2	2	2	6	$820
Task 12: Rate Implemented	-	-	-	-	$0
Sub Total	11	29	47	**87**	**$10,450**
Fee Estimate for Storm Water IFFP & IFA	**Principal**	**Project Lead**	**Analyst**	**Total Hours**	**Total Cost**
Task 1: Kick-off Meeting	2	2	2	6	$820
Task 2: Conduct IFFP Analysis (LYRB to Facilitate with City Departments)	2	6	8	16	$1,960
Task 3: Conduct IFA Analysis	1	8	12	21	$2,450
Task 4: Identify a Financing Structure for Future Capital Project Needs	-	2	3	5	$570
Task 5: Complete the IFFP & IFA Drafts	-	3	5	8	$900
Task 6: Workshop and Presentation of Preliminary Findings	2	5	6	13	$1,630
Task 7: Assist with Noticing and Enactment	-	2	2	4	$480
Task 8: Provide Final Written Impact Fee Analysis, Transcript and Certification	1	1	1	3	$410
Task 9: Hold Public Hearing	2	2	2	6	$820
Sub Total	10	31	41	**82**	**$10,040**
Combined Total	**21**	**60**	**88**	**169**	**$20,490**

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC. SALT LAKE CITY, UTAH 84101 OFFICE 801.596.0700 FAX 801.596.2800

#3

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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

STAFF REPORT

PROPERTY OWNER:	**VAL WOODS TRUST** **103 EAST 500 SOUTH** **FARMINGTON, UT 84025**
APPLICANT:	**ALAN PRINCE** **4255 SUGAR PINE COURT** **LEHI, UT 84043**
PROPERTY:	**WOODS PARK PROJECT** **2250 NORTH 800 WEST**
ACREAGE:	**4.74 ACRES**
ZONING:	**A-L (AGRICULTURAL-LOW)**
APPLICATION:	**ZONE MAP AMENDMENT: REZONE FROM A-L TO R-L**
RECOMMENDATION:	**REAMAND TO PLANNING COMMISION**

As per the City Council's request, this staff memo will address the following:

- ***Zone Map Amendment Approval Criteria of Section 12-21-080(e), including a review of the availability of infrastructure and utility services.***
- ***The role of the General Plan in making rezone decisions.***
- ***Thoughts or concerns of approving/dissenting Planning Commissioners in recommending approval.***

ZONE MAP AMENDMENT APPROVAL CRITERIA [12-21-080(E)[1-4]

a) *Consistent with General Plan Policies (Criterion 1)*
The area of Lund Lane and the Frontage Road is within Neighborhood 4, Northwest Centerville [12-480-5];

- [*Plan Statement*] ***"Issue: Future land uses and transitions between different land uses"***
    - **Goal** – "*Establish appropriate land-use patterns and land use transitions*"
    - **Policy** – "*Only compatible land uses shall be located adjacent to each other, as outlined in the Land-Use Hierarchy Standards section of this ordinance.*"
    - **Staff's Conclusion** – Low (i.e. less than 4 units/ac) to medium (i.e. 4-8 units/ac) are deemed compatible transitions (see Land Use Hierarchy Standards of the Neighborhood Plan). Therefore, the request from A-L to R-L is consistent with the Neighborhood Plan.

- *[Plan Statement]* ***"<u>Issue</u> – Semi-rural areas (i.e. north of Jennings Lane); such areas do not qualify as true rural residential, which typically consist of 5 acres per dwelling. Historical planning practices show that [1/2 to 1 acre] is too small."***
  - **<u>Goal</u>** – *"Preserve existing areas of semi-rural residential for current property owners"*
  - **<u>Policy</u>** – *"Amend zone text to create overlay or other designation establishing a boundary for area to be preserved as semi-residential."*
  - **<u>Staff's Conclusion</u>** – A semi-rural overlay has not been applied to the area being reviewed and no such overlay has been enacted, not even in the 2003 Zoning Code Update for the entire City. The preservation of semi-rural was intended to preserve agricultural uses on parcels larger than one acre lots. The preservation was also limited to current property owners (assuming then some owners were interested) and was not intended to limit future development of the entire neighborhood. Thus, staff believes that leaving the property in an A-L zone, which allows ½ acre lots, is not consistent with this semi-rural idea.

- *[Plan Statement]* ***"<u>Issue</u> – Frontage Road, 400 West, and Main Street."***
  - **<u>Goal</u>** – *"Preserve viability of area for potential future development"*
  - **<u>Policy</u>** – *"Anticipate future ordinances allowing accessory dwellings units and/or small PUD's in these areas."*

    <u>Staff's Conclusion</u> – A PUD is a clustered development designed to enhance home appeal and efficiency, encourage thematic landscaping, and provide some open space amenities. This was originally why staff supported the developer in bringing to the table for discussion both the rezone petition and the PDO Conceptual Plan. However, the Planning Commission tabled their PDO review and recommendation to have the City Council weight in on the rezone question. Staff believes that the City Council ought to consider having the Commission act on the PDO proposal before a decision is made with regards to the rezone to R-L.

- *[Plan Statement]* ***"Residential Densities/Development."***
  - **<u>Statement</u>** – *"The maximum density allowed on residential property is as follows..."*
  - **<u>Directive</u>** – *"...PUD's developments with private roads and other similar types of projects are permitted only on parcels 3 acres or larger.*
  - **<u>Directive</u>** – *"The base density for all of Centerville will be a maximum of 4 units/acre" (additional density is allowed in relation to the distance to specified services).*

    <u>Staff's Conclusion</u> – The request for R-L, which allows up to 4 units per gross acre) is consistent with the base density allowed by the Plan and the proposed property is larger than the 3 acre directive. Again, staff believes that the City Council ought to consider having the Commission act on the PDO proposal before a decision is made with regards to the rezone to R-L.

b) <u>Harmonious with Overall Character of Existing Development (Criterion 2); and</u>

c) <u>Adverse Effects on Adjacent Property (*Criterion* 3)</u>

- The subject property is located at the north/eastern boundary of the City, or the corner of Frontage Road and Lund Lane. Parcels to the north are within Farmington City Limits, with a single family home development located directly across the street. To the east and south of the property are a few single family homes on larger agricultural lots, with some undeveloped agriculturally used parcels in between. Within the City limits, typical residential development to the south lies approximately 879 feet way (0.16 of a mile) and to the east approximately 1,500 feet away (0.28 of a mile). The frontage road along the I-15 corridor is located immediately to the west.

  Staff's Conclusion – It appears that the property and surrounding area functions as a transitional area between single family suburban residential to the north (within Farmington City) and single family suburban residential with Centerville City. There are a few lingering undeveloped agricultural uses immediately surrounding two sides of the property to be rezoned. The agricultural uses adjacent consist of limited pasture, mainly used for grazing purposes. The immediate area appears to occasionally be inundated by water, resulting in the presence of weeds and low quality pasture area.

  Although staff would recognize that shift in the use from low quality pasture to typical suburban residential would be another step in the inevitable elimination of unimproved grazing land, it is the opinion of staff that the rezone would have no impact to the transitioning nature or character of this area of the City.

d) Adequacy of Facilities (*Criterion* 4)
- At the direction of the City Council, the staff met with the petitioner on November 21, 2012 to outline a process to address the Council's concerns with infrastructure and utility services. The following is a summary of what took place and the related results:
  - Power, Natural Gas, Water and Sanitary Services – All such facilities are available to the property.
  - Streets and Related Infrastructure – The Public Works Director believes that upon construction of required infrastructure related to developing the property, all streets are adequate to accommodate the density of the R-L Zone. However, the need for continued maintenance of all surrounding roads beyond the development would be part of the ongoing streets maintenance budget decided by the Council each budget year.
  - Sidewalks – The Public Works Director prepared maps depicting the distances and the length of missing segments for the sidewalk network to Reading Elementary School. The average distance for using public property to the school is 4,132 feet or about ¾ of a mile. It is staff's opinion that most of the parents of such small children will drive them to school rather than walk. However until future infill development occurs, there is sufficient area along the frontage road to re-grade and install a temporary walking path if residents of the area desire it from the City.
  - Drainage and Sub-surface Water – This issue is the most significant facility to address with the rezone, except the sub-surface water. Sub-surface would be studied at the time of development and land drains would be installed if deemed needed. Upon review of drainage issue by the City Engineer, it was determined

there was insufficient data to understand and provide an adequate response to the City Council. The City Manager then authorized some funds from the drainage and utility funds to perform a localized hydrology study in relation to this rezone request. The following outline is an attempt to explain the complexity of the matter:

- The property is located in a FEMA Flood Zone (based on a 100 year storm event). Such Flood Zone requires that all new development needs to be designed and constructed in such a manner to prevent flooding of new structures and it cannot put other existing or future structures at risk.
- Adding to the potential problem of a 100 year storm event, the Lone Pine Creek, a perennial stream (mainly snow melt), drains into this FEMA flood area.
- The City's Master Drainage Plan calls for a 36 inch culvert under the I-15 Corridor to handle and manage such flood waters. However to date; only a 24 inch culvert exists for this particular area.
- Additionally as flood waters drain westerly beyond the freeway, this 24 inch culvert then ties to a 12 inch culvert under the UTA/UP rail corridor. This creates a choke point and the flood waters will back up within the system
- In order to manage these flood waters, as well as to take the area out of the flood plain, a detention area along the frontage road would need to be constructed to temporarily hold the storm event waters until capacity in the drainage system becomes available. However, such the detention basin to capture the snow melt (over a few weeks) would too massive to construct and also develop the property.
- In order to allow any type of development of this property, with or without rezoning, it requires a minimum off-site installation of a 24 inch culvert under the UTA/UP rail corridor to manage the related flood waters.

Staff's Conclusion – The drainage infrastructure for this area is inadequate. Although, it may seem questionable to approve the rezone, staff desires to emphasize that this inadequacy is present regardless of whether the property is rezoned. Therefore, staff believes that there may (or even likely) be a good solution to resolving this drainage inadequacy. Such a resolution would likely begin to alleviate the existing drainage concerns that were voiced previously by the residents both at the Planning Commission and the City Council meetings. The following concepts have been discussed to some extent or another by staff, representatives of the property owner, and the developer:

a) [Developer Obligation] Prepare a plan, submit, and have FEMA approve a LOMAR or CLOMAR (map amendments) to remove the property from the flood Hazard area.
b) [Developer Obligation] As part of a development approval, a drainage detention needs to be constructed to manage the flood waters that satisfies FEMA and complies with the City's Flood Plain Ordinance.
c) [Developer Obligation] As part of a development approval, project on-site drainage infrastructure would need to be installed (along Lund Lane) to properly manage the Lone Pine Creek water flows.

d) [Developer Obligation] Before developing the property, an off-site 24 inch drainage pipe needs to be installed under the UTA/UP rail corridor. The ability to finance and construct this needs to be secured prior to any rezone and development approval.
e) [Optional City Participation] City fund the upsizing of the 24 inch pipe to a 36 inch pipe to meet the desires of the City's Master Drainage Plan.
f) [Optional City Participation] Enter into an agreement, between the City and the developer, for the City to spearhead a request to install the pipe upgrade to the UTA/UP rail corridor to potentially save significant project costs, specifically with the administrative engineering and UTA/UP permits.
g) [Optional City Decision] Allow opportunity for the developer to recapture some of the off-site costs for pipe upgrade by considering the possibility of rezoning the property using a "Planned Development Overlay" approval, which would allow up to a 20% density bonus for a subdivision development. Staff suggests that the City Council remand the current rezone matter back to the Planning Commission to have them forward a recommendation regarding the PDO Rezone and Plan proposal that has been tabled at their level of review.
h) [Optional City Decision] Package these ideas and proposals together into an appropriate development agreement prior to making a final decision to rezone the property.

THE ROLE OF THE GENERAL PLAN IN MAKING REZONE DECISIONS.
SECTION 12-410-1. INTRODUCTION TO COMPREHENSIVE PLAN - The Centerville City *General Plan has been prepared* by the residents of Centerville *and adopted by Ordinance* of the City Council as part of an effort *to shape the character of the city as it grows in the coming years....*

The Centerville City *General Plan is a statement of the policies of the Planning Commission and City Council with respect to growth and land development in the City*. It is *intended to guide the decisions of these bodies as individual development proposals are brought before them*, and to guide future City investments in community facilities and services.

Staff's Conclusion – Since the General Plan has been adopted by ordinance, it is staff's opinion that the weight of decision to rezone property must markedly consider the policy directives that are contained within the document. It is the opinion of staff and to this point the opinion of the Planning Commission that the request for rezone is consistent with the General Plan. Thus, the City Council should then look next for direction to the rezone criteria of the Zoning Ordinance, as reviewed earlier in this report.

THOUGHTS OR CONCERNS OF APPROVING/DISSENTING PLANNING COMMISSIONERS IN RECOMMENDING APPROVAL.

Commissioner Comments – Recommending Approval:
Commissioner Holbrook said he agreed that more middle aged and older people will buy these homes. He said two cars per household is typical but not all those cars will occupy the road at the same time. He believes Lund Lane and the Frontage Road are adequate to accommodate the

added traffic. He said Mr. Wood has a right to sell his property and the right to develop if the issues can be mitigated. He said the rezone will not change the zone of any of the neighbors; they can keep what they have.

Chair Fillmore addressed the public explaining this is a legislative decision and the final decision will be made by the City Council. She also explained another public hearing will be held at the City Council level for all those wishing to comment again. She explained this is a policy decision. The Commission is required to review written documents and follow their intent. She said there seems to be good arguments on both sides and it is a tragedy to see agricultural land lost. However, from what she understands in the written documents this change is foreseen. She said the applicant has presented a reasonable application that follows the intent of the General Plan and it is not the City's right to take away Mr. Woods right to sell his property.

Commissioner Comments – Dissenting:

Commissioner Holman said it seems premature to rezone this property if there is a possibility that it may not be financially feasible. Perhaps this rezone should wait until all testing is complete. He said cities need diversity to keep them viable; keeping agriculture an option promotes viability. He said there is always a push for different housing types and there is a desire for larger lot single-family homes.

Commissioner Markham said Centerville's mission statement says, "We serve the people of Centerville by promoting their peace, health, safety, and welfare while planning for the future and preserving the past." He said if this rezone is approved then the City is essentially destroying the peace, health, safety, and welfare of the current surrounding residents. He agreed that society may be gravitating toward residential uses in the future, but that future could still be many years away. He said this area has always been agriculture and there does not seem to be an overwhelming trend to change it now. He said this rezone does not make sense because it would create an island of residential as this property is surrounded by A-L. He also agreed that this development will cause drainage problems for all properties up stream.

STAFF RECOMMENDATION

It is the opinion of staff that the request for rezone is consistent with the related Goals and Policies of the applicable Neighborhood Plan. With the exception of the drainage issue, the rezone request meets the majority of the Zone Map Amendment criteria in considering a petition to rezone. Staff also believes that the suggestions made in this report to address the drainage issue are prudent to addressing the concerns of the residents and all the while allowing property owners pursue future development as envisioned in the City's General Plan. This will also preserve the City's right to review the PDO Rezone as a legislative decision, subject to the reasonably debatable standard of review. Therefore, staff recommends the following:

1) The City Council remand this matter back to the Planning Commission to have them forward a recommendation regarding the PDO Rezone and Plan that has been tabled at their level of review, before making any decision regarding rezoning the property.
2) The developer and staff review, prepare, and provide the suggested concepts found in this report to address the lack of adequate drainage infrastructure, before making any decision regarding rezoning the property.

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 4

Date of City Council Meeting: January 15, 2013

Short Title: Park Impact Fee Facilities Plan/Impact Fee Analysis and Revised Park Impact Fee

Initiated By: ____________________

Scheduled Time: 7:25 (10 min.)

RECOMMENDATION

Allow staff to make a brief presentation. Then conduct a public hearing regarding the enclosed Park IFFP/IFA and in particular, the proposed revision to the Park Impact Fee based on that analysis. Following the public hearing, staff recommend the Council adopt Ordinance No. 2013-01 setting the new Park Impact Fee at $2,058 per new residential unit.

BACKGROUND

State law contains very extensive guidelines and requirements pertaining to the adoption of park impact fees by cities. These guidelines require the preparation of a Park Impact Fee Facilities Plan and a Park Impact Fee Analysis as a basis for setting the Park Impact Fee. An impact fee is defined as a payment of money imposed upon new development activity, as a condition of development approval, to mitigate the impact of the new development on public infrastructure. The Utah Impact Fees Act allows cities and towns to charge impact fees for "parks, recreation facilities, open space and trails" as long as there exists a reasonable relationship between the fees imposed and the needs generated by new development.

Park impact fees may be implemented to sustain the current "level of service" (LOS) for developed parks, recreational facilities, and paved trails, but park impact fees may not be used to increase the LOS or for maintenance purposes. City staff have carefully followed the requirements and guidelines in State law in preparing the enclosed Park IFFP/IFA. These documents have also been reviewed by the City's financial advisor, Lewis Young Robertson Burningham, to confirm compliance with State law.

The City's current Park Impact Fee is $1,200 per residential unit. This fee has not changed since the 1990s. The City Council discussed the enclosed documents at their January 8 work session and appeared to be supportive. They cannot approve new fees, however, until after they conduct a public hearing in the January 15 meeting. This

1/8/2013

Parks Capital Improvement Plan

			Impact Fee Eligible
	HIGH PRIORITY		
-1 Trail Improvements	D&RG Trail Match	$ 40,000	$ 40,000
-2 Freedom Hills Park	Phase 6: Basketball/Frisbee Golf	$ 75,000	
	Tennis Court	$ 100,000	
-3 Island View Park	Remove, Rehab, or Retrofit Handball Courts	$ 5,000	
	Renovate Tennis Courts	$ 150,000	
	Construct New Restroom/Pavilion on Upper Level/Replace Playground	$ 200,000	
-4 Community Park Expansion	Phase 1: Concept Planning and Design	$ 20,000	$ 20,000
	Phase 2: Grading	$ 50,000	$ 50,000
	Phase 3: Drainage and Utilities	$ 100,000	$ 100,000
	Phase 4: Irrigation and Seed	$ 500,000	$ 500,000
	Phase 5: Parking and Path (.26 miles)	$ 150,000	$ 150,000
-5 Community Park Other Improvements	Additional Lighting in Parking Lots	$ 25,000	
	Small Bowery	$ 35,000	
	Ballfield Lights/Scoreboards	$ 160,000	
	Tennis Court	$ 100,000	$ 100,000
	Basketball	$ 75,000	
-6 Other Citizen Suggested Projects	Splash Pad	$ 250,000	
	MEDIUM PRIORITY		
-7 Parrish Creek Parkway (i.e. "Pond" Area)	Phase 2&3	$ 150,000	$ 150,000
-8 Trail Improvements	Bonneville Shoreline Trail North End - nonmotorized	?	
	Other Bike Lanes - striping	?	
	LOW PRIORITY		
-9 Porter-Walton Park	Toddler Swing	$ 3,000	
	Water Feature	?	
-10 Porter Lane Enhancement	Main to 200 West	?	
-11 Frontage Road Parkway	Developer Widened Road	$ 50,000	
	West Side Landscaping	$ 400,000	
	Bike Trail	$ 330,000	
-12 Future Park(s) (Location Not Yet Determined)	Purchase of Property (7.21 acres)	$ 680,000	$ 205,000
	Phase 1: Concept Planning and Design	$ 20,000	$ 6,000
	Phase 2: Grading	$ 60,000	$ 18,000
	Phase 3: Drainage and Utilities	$ 120,000	$ 36,000
	Phase 4: Irrigation and Seed	$ 600,000	$ 180,000
	Phase 5: Parking and Path	$ 150,000	$ 45,000
-13 Park Amenities	Pavilion, Restroom, and Playground	$ 200,000	$ 200,000
-14 City Hall/Founders Park Expansion	Purchase and Improve .98 Acres	$ 700,000	$ 700,000
	Total Improvements	**$ 5,498,000**	$ 2,500,000

POTENTIAL FUNDING SOURCES

1. **Future Park Impact Fees/Developer Contributions**
2. **Grants**
3. **General Fund**
4. **Rap Tax**
5. **Recreation District**
6. **Dedicated Property Tax**

ORDINANCE NO. 2013-01

AN ORDINANCE ADOPTING A PARK IMPACT FEE FACILITIES PLAN AND A WRITTEN PARK IMPACT FEE ANALYSIS; AMENDING AND ENACTING PARK IMPACT FEES; AND ESTABLISHING A SERVICE AREA FOR PURPOSES OF THE PARK IMPACT FEES.

WHEREAS, Centerville City (the *"City"*) is a political subdivision of the State of Utah, authorized and organized under applicable provisions of Utah law; and

WHEREAS, the City has previously enacted and imposed impact fees for parks and recreation facilities, known and referred to as the Park Development Fees, as adopted and amended by the City Council by Ordinance No. 98-8 enacted on March 17, 1998, and as more particularly set forth in Section II of the Centerville City Consolidated Fee Schedule; and

WHEREAS, the City has legal authority, pursuant to Title 11, Chapter 36a of the Utah Code Annotated, as amended (*"Impact Fees Act"* or *"Act"*), to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

WHEREAS, the City has not amended or increased its Park Development Fees since 1998 and now desires to update and amend such fees to be referred to hereafter as "Park Impact Fees" in accordance with applicable provisions of the Impact Fees Act in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner as more particularly provided herein; and

WHEREAS, the City has completed the necessary impact fee facilities plan and impact fee analysis associated with park infrastructure and facilities in accordance with applicable provisions of the Impact Fees Act, which facilities plan and analysis are more particularly described and adopted herein; and

WHEREAS, the City has provided the required notice and held a public hearing before the City Council regarding the proposed impact fees in accordance with applicable provisions of the Impact Fees Act; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Centerville City, State of Utah, as follows:

SECTION I
ORDINANCE REPEALED

Ordinance No. 98-8 adopting and amending Park Impact Fees is hereby repealed in its entirety. To the extent any provisions of Title 15, Chapter 8, are in conflict with the provisions of this Ordinance regarding Park Impact Fees, the provisions of this Ordinance shall govern. This Ordinance may be referred to and cited as the "Park Impact Fees Ordinance."

SECTION II
PURPOSE

This Park Impact Fees Ordinance establishes the City's Park Impact Fees policies and procedures and is promulgated pursuant to Title 11, Chapter 36a, Part 4, Enactment of Impact Fees, and other requirements of the Impact Fees Act. This Ordinance amends and adopts Park Impact Fees for parks and recreation facilities within the City Service Area as defined herein, describes certain capital improvements to be funded by Park Impact Fees, provides a schedule of Park Impact Fees for development activity, and sets forth direction for challenging, modifying and appealing Park Impact Fees.

SECTION III
DEFINITIONS

Words and phrases that are defined in the Impact Fees Act shall have the same definition in this Park Impact Fees Ordinance. The following words and phrases are defined as follows:

1. *"City"* means a political subdivision of the State of Utah and is referred to herein as the City of Centerville, Utah.

2. *"Development Activity"* means, except as otherwise provided in the Impact Fees Act, any construction or expansion of a building, structure or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

3. *"Development Approval"* means any written authorization from the City that authorizes the commencement of development activity.

4. *"Impact Fee"* means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. "Impact fee" does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.

5. *"Impact Fee Analysis"* means the written analysis of each impact fee required by Section 11-36a-303 of the Impact Fees Act.

6. *"Impact Fee Facilities Plan"* means the plan required by Section 11-36a-301 of the Impact Fees Act.

7. *"Project Improvements"* means site improvements and facilities that are: planned and designed to provide service for development resulting from a development activity; necessary for the use and convenience of the occupants or users of development resulting from a

development activity; and not identified or reimbursed as a system improvement. "Project Improvements" does not mean system improvements as more particularly defined herein.

8. *"Proportionate Share"* means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

9. *"Public Facilities"* means impact fee facilities as defined in the Impact Fees Act that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision or private entity. As defined in the Impact Fees Act, impact fee facilities includes parks, recreation facilities, open space, and trails.

10. *"Service Area"* means a geographic area designated by the City on the basis of sound planning or engineering principles in which a defined set of public facilities provides service within the area. The Service Area for purposes of this Ordinance is more particularly described in Section V.

11. *"System Improvements"* means existing public facilities that are: identified in the impact fee analysis under Section 11-36a-304 of the Impact Fees Act; and designed to provide services to service areas within the community at large and future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide service to service areas within the community at large. "System improvements" do not include project improvements as defined herein.

SECTION IV
STATUTORY AUTHORITY AND RESTRICTIONS

1. *Impact Fees Act Authority.* The City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Impact Fees Act. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed includes public facilities for "parks, recreation facilities, open space and trails."

2. *Impact Fees Act Restrictions.* Pursuant to Section 11-36a-202 of the Impact Fees Act, the City may not impose an impact fee to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or (4) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement.

3. *Specific Restriction on Park Impact Fees.* As specifically provided in Section 11-36a-202 of the Impact Fees Act, notwithstanding any other provisions of the Impact Fees Act, a political subdivision may not impose an impact fee on a school district or charter school for a park, recreation facility, open space or trail. In addition, the City may not delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees.

SECTION V
SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Park Impact Fees will be imposed includes all of the area within the corporate limits and jurisdictional boundaries of the City. The City has concluded, based on analysis and usage, that the City's parks are a system of regional and City-wide amenities and are considered a parks and trails system for all citizens and residents of the City. Any improvements to this parks and trails system—meaning that they serve the entire community at large—are considered "system improvements". Park improvements serving only specific developments (such as pocket parks) are considered "project improvements". As a matter of fairness and equity, project improvements within the service area are excluded from the level of service or impact fee calculations. The Service Area is more particularly described and set forth in *Exhibit A: Map of City-Wide Park Impact Fee Service Area.*

SECTION VI
IMPACT FEE FACILITIES PLAN

1. *Impact Fee Facilities Plan Required.* Pursuant to Section 11-36a-301 of the Impact Fees Act, before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity. The impact fee facilities plan shall identify the demands placed upon existing public facilities by new development activity and the proposed means by which the City will meet those demands.

2. *Park Impact Fee Facilities Plan.* The City has researched and analyzed the factors set forth in Section 11-36a-302 of the Impact Fees Act and has prepared a Parks Impact Fee Facilities Plan, as more particularly set forth in *Exhibit B: Parks Impact Fee Facilities Plan and Park Impact Fee Analysis.* The Park Impact Fee Facilities Plan has been prepared based on reasonable growth assumptions for the City and general demand characteristics of current and future users of park facilities. The Parks Impact Fee Facilities Plan identifies the impact on system improvements created by development activity and estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to new development activity. As shown in the Parks Impact Fee Facilities Plan, the City has considered all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements. The Parks Impact Facilities Plan establishes that impact fees

are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received.

3. *Plan Certificiation.* The Parks Impact Fee Facilities Plan includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the plan certifying that the Parks Impact Fee Facilities Plan complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with the summary and this Ordinance, in the Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing.

5. *Adoption of Park Impact Fee Facilities Plan.* The Park Impact Fee Facilities Plan as set forth in *Exhibit B: Park Impact Fee Facilities Plan and Park Impact Fee Analysis,* is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VII
WRITTEN IMPACT FEE ANALYSIS

1. *Written Impact Fee Analysis Required.* Pursuant to Section 11-36a-303 of the Impact Fees Act, each local political subdivision intending to impose an impact fee shall prepare a written analysis of each impact fee to be imposed and a summary of the impact fee analysis designed to be understood by a lay person. The impact fee analysis shall identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; demonstrate how the anticipated impacts are reasonably related to the anticipated development activity; estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; and identify how the impact fee is calculated.

2. *Park Impact Fee Analysis.* The City has researched and analyzed the factors set forth in Section 11-36a-304 of the Impact Fees Act, including the proportionate share analysis required therein, and has prepared a Parks Impact Fee Analysis, as more particularly set forth in *Exhibit B: Parks Impact Fee Facilities Plan and Park Impact Fee Analysis.* The Park Impact Fee Analysis identifies the impacts upon public facilities required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the

development activity, estimates the proportionate share of the costs of impacts on system improvements that are reasonably related to the development activity, and identify how the Park Impact Fees are calculated.

3. *Analysis Certificiation.* The Parks Impact Fee Analysis includes a written certification in accordance with Section 11-36a-306 of the Impact Fees Act from the person or entity that prepared the analysis certifying that the Parks Impact Fee Analysis complies in each and every relevant respect with the Impact Fees Act.

4. *Compliance with Noticing Requirements.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with the summary and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing.

5. *Adoption of Park Impact Fee Analysis.* The Park Impact Fee Analysis as set forth in *Exhibit B: Park Impact Fee Facilities Plan and Park Impact Fee Analysis,* is hereby adopted in its entirety by the City in accordance with applicable provisions of the Impact Fees Act.

SECTION VIII
CALCULATION OF IMPACT FEES

1. *Impact Fee Calculations.* Pursuant to Section 11-36a-305, in calculating an impact fee, the City may include: the construction contract price; the cost of aquiring land, improvements, materials, and fixtures; the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and debt service charges if the City might use impact fees as a revenue stream to pay principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. In calculating the proposed Park Impact Fees, the City has based such amounts calculated on realistic estimates and the assumptions underlying such estimates are more particularly disclosed in the Park Impact Fee Analysis set forth in *Exhibit B.*

2. *Previously Incurred Costs.* To the extent that new growth and development will be served by previously constructed improvements, the City's Park Impact Fees may include public facility costs and outstanding bond costs related to the Park improvements previously incurred by the City. These costs may include all projects included in the Park Impact Fee Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

Section IX
Impact Fee Schedule and Formula

1. *Impact Fee Schedule or Formula Required.* Pursuant to Section 11-36a-402 of the Impact Fees Act, the City is required to provide a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the City will use to calculate each impact fee.

2. *Maximum Park Impact Fee Schedule.* Based on the Park Impact Fee Analysis, the maximum Park Impact Fees which the City may impose on development activity within the defined Service Area for park facilities is set forth in the following schedule:

Maximum Park Impact Fee Schedule

Development Activity	Park Impact Fee Per Dwelling Unit
Residential Development	$ 2,057.61

3. *Rates Established by Resolution.* The City Council, by this Ordinance, approves the maximum Park Impact Fees in accordance with the Park Impact Fee Analysis set forth in *Exhibit B: Park Impact Fee Facilities Plan and Park Impact Fee Analysis*. The City reserves the right to establish the Park Impact Fees as established in this Ordinance by Rate Resolution or Resolution amending the Consolidated Fee Schedule. In no event will the Park Impact Fees established by Resolution exceed the maximum supportable Park Impact Fee Schedule as set forth herein.

Section X
Adjustments and Credits

1. *Adjustments.* In accordance with Section 11-36a-402 of the Impact Fees Act, the City may adjust the Park Impact Fees at the time the fee is charged to respond to unusual circumstances in specific cases, to address development activity by the State, or to ensure that impact fees are imposed fairly. The Park Impact Fees may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a development activity or project. The Park Impact Fees assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

2. *Developer Credits.* In accordance with Section 11-36a-402 of the Impact Fees Act, a developer may be allowed a credit against Park Impact Fees or proportionate reimbursement of Park Impact Fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement; or dedicates a public facility that the City and the

developer agree will reduce the need for a system improvement; *provided* that the system improvement is: (i) identified in the City's Park Impact Fee Facilities Plan; and (ii) is required by the City as a condition of approving the development activity. To the extent required in Section 11-36a-402, the City shall provide a credit against Park Impact Fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, as defined herein and included in the Park Impact Fee Facilities Plan; or are dedicated to the public and offset the need for an identified system improvement.

3. *Waiver for "Public Purpose"*. The City Council may, on a project by project basis, authorize exceptions or adjustments to the Park Impact Fees for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include affordable housing and other development activities with broad public purposes. The City Council may elect to waive or adjust Park Impact Fees for such projects. Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

SECTION XI
NOTICE AND HEARING

1. *Notice.* All noticing requirements set forth in the Impact Fees Act, including, but not limited to, provisions of Title 11, Chapter 36a, Part 5, Notice, including notice of intent to prepare an impact fee facilities plan, notice to adopt or amend an impact fee facilities plan, notice of preparation of impact fee analysis, and notice of intent to adopt impact fee enactment, have been provided. Copies of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with a summary designed to be understood by a lay person, and this Impact Fee Ordinance, have been made available to the public by placing a copy of the Park Impact Fee Facilities Plan and Park Impact Fee Analysis, together with the summary and this Ordinance, in Centerville Branch of the Davis County Public Library and the City Recorder's Office at Centerville City Hall at least ten (10) days before the public hearing. Notice has also been provided in accordance with applicable provisions of *Utah Code Ann.* § 10-9a-205.

2. *Hearing.* The City Council held a public hearing regarding the Parks Impact Fee Facilities Plan, the Parks Impact Fee Analysis, and this Park Impact Fee Ordinance, on January 15, 2013, and a copy of the Ordinance was available in its substantially final form at the Centerville Branch of the Davis County Public Library and the City Recorder's Office in the Centerville City Hall at least ten (10) days before the date of the hearing, all in conformity with the requirements of *Utah Code Ann.* § 10-9a-205 and applicable noticing provisions of the Impact Fees Act.

SECTION XII
IMPACT FEE ACCOUNTING AND EXPENDITURES

1. *Impact Fees Accounting.* Pursuant to Section 11-36a-601 of the Impact Fees Act, the City will establish a separate interest bearing ledger account for each type of public facility for

which an impact fee is collected, deposit a receipt for an impact fee in the appropriate ledger account established herein, and retain the interest earned on each fund or ledger account in the fund or ledger account.

2. *Reporting.* At the end of each fiscal year, the City shall prepare a report on each fund or ledger account showing the source and expenditures as required by law. Annually, the City shall produce and transmit to the State Auditor a certified report in accordance with Section 11-36a-601 in a format developed by the State Auditor.

3. *Impact Fee Expenditures.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may expend Park Impact Fees only for a system improvement: (i) identified in the Parks Impact Fee Facilities Plan; and (ii) for the specific public facility type for which the fee was collected. Impact fees will be expended on a First-In First-Out basis.

4. *Time of Expenditure.* Except as otherwise provided by law, the City shall expend or encumber Park Impact Fees for a permissible use within six (6) years of their receipt. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

5. *Extension of Time.* Pursuant to Section 11-36a-602 of the Impact Fees Act, the City may hold the impact fees for longer than six (6) years if it identifies in writing: (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

6. *Refunds.* Pursuant to Section 11-36a-603 of the Impact Fees Act, the City shall refund any Park Impact Fees paid by a developer, plus interest earned, when: (i) the developer does not proceed with the development activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; and (iii) no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

7. *Other Impact Fees.* To the extent allowed by law, the City Council may negotiate or otherwise impose impact fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in impact fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

8. *Additional Fees and Costs.* The Park Impact Fees authorized herein are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Park Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

9. *Fees Effective at Time of Payment.* The City will collect the Park Impact Fees at the time of building permit issuance. The fees will be calculated by the City. Unless the City is otherwise bound by a contractual requirement, the Park Impact Fees shall be determined from the fee schedule in effect at the time of payment.

10. *Imposition of Additional Fee or Refund after Development.* Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Park Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Park Impact Fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

SECTION XIII
CHALLENGES TO IMPACT FEES

1. *Request for Information.* Pursuant to Section 11-36a-701, a person or entity required to pay a Parks Impact Fee who believes the the impact fee does not meet the requirements of law may file a written request for information with the City Manager. As required by law, the City Manager shall, within two (2) weeks after the receipt of the request for information provide the person or entity with the Park Impact Fee Facilities Plan, the Park Impact Fee Analysis, and any other relevant information relating to the Park Impact Fee.

2. *Advisory Opinion.* A potentially aggrieved person may request an advisory opinion from a neutral third party regarding compliance of the Park Impact Fees with the Impact Fees Act by filing such request with the Office of the Property Rights Ombudsman in accordance with the procedures and provisions of Title 13, Chapter 43, known as the Property Rights Ombudsman Act. The aggrieved party requesting an advisory opinion is not required to exhaust the admininstrative appeals procedures set forth in Subsection 4 before requesting an advisory opinion.

3. *Appeal.* A person or entity that has paid Park Impact Fees under the provisions of this Ordinance may challenge such impact fees pursuant to the provisions set forth in Title 11, Chapter 36a, Part 7 of the Impact Fees Act regarding Challenges.

   a. *Grounds for Challenge.* Pursuant to Section 11-36a-701, a person or entity that has paid Park Impact Fees under the provisions of this Ordinance may challenge: (1) the impact fees; (2) whether the City complied with the notice requirements of the Impact Fees Act with respect to the imposition of the impact fees; and/or (3) whether the City complied with other procedural requirements of the Impact Fees Act for imposing the impact fee.

   b. *Sole Remedy.* The sole remedy for challenging the notice requirements is the equitable remedy of requiring the City to correct the defective notice and repeat the process. The sole remedy for challenging the impact fee is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated. Reasonable attorneys fees may be awarted to the substantially prevailing party to the extent provided in the Impact Fees Act.

c. *Initiation.* A challenge to an impact fee is initiated by filing:

i. An appeal to the City Council pursuant to the admininstrative a appeal procedures set forth herein;

ii. A request for arbitration as provided in Section 11-36a-705 of the Impact Fees Act; or

iii. An action in district court.

d. *Time Restrictions.* The time for filing a challenge to the impact fees shall be filed in accordance with the time limitations set forth in Section 11-36a-702, depending upon the type of challenge. The deadline to file an action in district court is tolled from the date that a challenge is filed using the admininstrative procedures set forth in Subsection 4 until thirty (30) days on which a final decision is rendered in the administrative appeals procedure.

4. *Administrative Appeal Procedure.* The City hereby adopts an administrative appeal procedure to consider and decide challenges to the Park Impact Fees. Any person or entity that has paid a Park Impact Fee pursuant to this Ordinance may challenge or appeal the impact fee by filing written notice of administrative appeal with the City Manager within thirty (30) days after the day on which the person or entity paid the impact fee. The notice of appeal shall set forth the grounds for the appeal and shall include any applicable filing fees as set forth in the City's Consolidated Fee Schedule. Upon receiving the written notice of appeal, the City Council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee. The City Council shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

5. *Mediation.* In addition to the methods of challenging an impact fee as provided herein, a specified public agency may require the City to participate in mediation of any applicable impact fee in accordance with the provisions of Section 11-36a-704 of the Impact Fees Act. A written request for mediation must be filed in accodance with Section 11-36a-704 no later than thirty (30) days after the day on which the impact fee is paid.

6. *Declaratory Judgment Action.* Pursuant to Section 11-36a-701, a person or entity residing in or owning property within the Service Area, or an organization, association, or a corporation representing the interests of persons or entities owning property within the Service Area, are deemed to have standing to file a declaratory judgment action challenging the validity of an impact fee.

Section XIV
Miscellaneous

1. *Severability.* If any section, subsection, paragraph, clause or phrase of this Park Impact Fee Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Park Impact Fee Ordinance are declared to be severable.

2. *Interpretation.* This Park Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Ordinance shall not be affected by such division or by any heading contained herein.

3. *Other Impact Fees Not Repealed.* Except as otherwise specifically provided herein, this Park Impact Fee Ordinance shall not repeal, modify or affect any impact fee of the City in existence as of the effective date of this Ordinance.

Section XV
Effective Date

In accordance with the provisions of *Utah Code Ann.* § 11-36a-401, this ordinance and the impact fees adopted herein or pursuant hereto shall not take effect until ninety (90) days after the day on which the ordinance is approved.

[Signature Page to Follow]

PASSED AND APPROVED this _____ day of January, 2013.

CENTERVILLE CITY COUNCIL

By: ________________________________
Mayor Ronald G. Russell

[SEAL]

VOTING:

Council Member Allen	Yea ___	Nay ___
Council Member Averett	Yea ___	Nay ___
Council Member Higginson	Yea ___	Nay ___
Council Member Lindstrom	Yea ___	Nay ___
Council Member Wright	Yea ___	Nay ___

ATTEST:

By________________________________
Marsha L. Morrow, City Recorder

DEPOSITED in the office of the City Recorder this _____ day of _____________, 2013.

RECORDED this _____ day of ______________, 2013.

EXHIBIT A

MAP OF CITY-WIDE PARK IMPACT FEE SERVICE AREA

EXHIBIT B

PARK IMPACT FEE FACILITIES PLAN AND PARK IMPACT FEE ANALYSIS

CENTERVILLE CITY PARK IMPACT FEE FACILITIES PLAN AND PARK IMPACT FEE ANALYSIS

December 2012

TABLE OF CONTENTS

Park Impact Fee Facilities Plan Certification 2
Park Impact Fee Analysis Certification 3
Executive Summary 4
Legislative Framework 5
Impact Fee Facilities Plan Explanation 5
Impact Fee Analysis Explanation 5
Impact Fee Calculation 6
Service Area 6
Centerville Park and Park Amenity Standards 7
Table A: Developed Park Inventory 7
Adjustments to the Park Standards for Impact Fees 7
Park Financing 7
Non-City Owned/Donated Parcels 8
Pocket Parks 8
Adjusted LOS for Developed Parks and Park Amenities 8
Centerville Paved Trails Standard 9
Table B: Paved Trails Inventory 9
Future Demand 9
Table C-1: Available Land and Zoning Designations 9
Table C-2: Projected Growth for Centerville 10
Meeting the Demand 10
Table D: Park Impact Fee Facilities Plan 11
Funding 11
Cash Flow Analysis for Parks, Park Amenities and Trails 11
Table E: Cash Flow Analysis 12
Current Park Impact Fees 13
Table F: Park Impact Fee Comparison 13
Recommended Park Impact Fee 13

PARK IMPACT FEE FACILITIES PLAN CERTIFICATION

I certify that the attached impact fee facilities plan:

1. Includes only the costs of public facilities that are:
    a. Allowed under the Impact Fees Act; and
    b. Actually incurred; or
    c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
    a. Costs of operation and maintenance of public facilities;
    b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
    c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodology standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. Complies in each and every relevant respect with the Impact Fee Act.

Centerville City

Jacob J. Smith
Management Assistant

PARK IMPACT FEE ANALYSIS CERTIFICATION

I certify that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
   a. Allowed under the Impact Fees Act; and
   b. Actually incurred; or
   c. Projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. Does not include:
   a. Costs of operation and maintenance of public facilities;
   b. Costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
   c. An expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. Offsets costs with grants or other alternate sources of payment; and
4. Complies in each and every relevant respect with the Impact Fees Act.

Centerville City

Jacob J. Smith
Management Assistant

EXECUTIVE SUMMARY

Centerville City is growing and that growth increases the demand on the City's public systems including its parks, recreational facilities, and trails. An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. The Utah Impact Fees Act allows cities and towns to charge impact fees for "parks, recreation facilities, open space and trails," as long as there exists a reasonable relationship between the fees imposed and the needs generated by new development [Utah Code 11-36a-102 (15)(f)].

Park impact fees may be implemented to sustain the current level of service (LOS) for developed parks, recreational facilities, and paved trails, but park impact fees may not be used to increase the LOS. The purpose of this Park Impact Fee Facilities Plan (IFFP) and Park Impact Fee Analysis (IFA) is to identify the parks, park amenities and trails LOS standards to ensure that the capacities of projects financed through impact fees do not exceed the standard. This is done through estimating future demand, explaining how future demand will be met along with the associated costs, and distributing the impacts equally with a park impact fee.

The Centerville parks, park amenities, and trails standards as identified in the Park IFFP and IFA is 2.79 acres of developed parks per 1,000 residents, 1 pavilion/restroom and playground per 2,723 residents, 1 sport court per 3,268 residents, and .51 miles of paved trails per 1,000 residents.

It is estimated that Centerville currently has 16,339 residents and according to current land availability and zoning designations, it is anticipated the City will add an additional 1,215 units or 3,815 new residents to its population. Build out is projected to occur sometime in 2029 with a total population of 20,154 residents. To maintain the current LOS with an additional 3,815 residents, the City will need to provide an additional 10.64 acres of developed parks, 1 additional sport court, pavilion, restroom, and playground (park amenities) and 1.95 miles of paved trails.

The Park IFFP identifies the planned parks, park amenities, and trails needed to maintain the current LOS along with the associated costs. The total cost to add the additional park acreage, park amenities, and paved trails is estimated to be around $2,500,000. Impact fees will be charged only to residential development as commercial development is assumed to create no new demand on the parks, park amenities and trail systems. Impact fees will also be the primary source for funding the additional improvements.

Centerville currently charges and has been charging since July 7, 1998 a park impact fee of $1,200 per residential unit. This is the lowest fee in South Davis County except for the notable exception of Bountiful, which does not charge a park impact fee. The average park impact fee in neighboring communities is $2,238.17 ($1,918.43 including Bountiful).

The proportionate cost for the future 1,215 units to maintain the current LOS for developed parks, park amenities and paved trails in Centerville is $2,500,000. This cost distributed equally to the new residential units would justify a maximum park impact fee of $2,057.61.

LEGISLATIVE FRAMEWORK

Centerville City is authorized to impose impact fees subject to and in accordance with applicable provisions of the Utah Impact Fees Act, as set forth in *Utah Code Ann.* §§ 11-36a-101, *et seq.*, as amended ("Impact Fees Act"). An impact fee is defined as a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. Impact fees may only be established for public facilities as defined in Section 11-36a-102 that have a life expectancy of 10 or more years and are owned or operated by or on behalf of a local political subdivision. Public facilities for which impact fees may be imposed includes public facilities for "parks, recreation facilities, open space and trails."

Impact fees may not be imposed or calculated to: (1) cure deficiencies in public facilities serving existing development; (2) raise the established level of service of a public facility serving existing development; (3) recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or (4) include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement. *Utah Code Ann.* § 11-36a-202. Notwithstanding any other provisions of the Impact Fees Act, a political subdivision "may not impose an impact fee . . . on a school district or charter school for a park, recreation facility, open space or trail." *Utah Code Ann.* § 11-36a-202.

IMPACT FEE FACILITIES PLAN EXPLANATION

Before imposing or amending an impact fee, the City is required to prepare an impact fee facilities plan ("IFFP") to determine the public facilities required to serve development resulting from new development activity. *Utah Code Ann.* § 11-36a-301. The IFFP is required by law to identify demands placed upon existing public facilities by new development activity and the proposed means by which the city will meet those demands. In preparing the IFFP, the City shall generally consider all revenue sources, including impact fees and anticipated dedication of system improvements, to finance the impacts on system improvements. The City may only impose impact fees on development activities when the City's plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. *Utah Code Ann.* § 11-36a-302.

IMPACT FEE ANALYSIS EXPLANATION

Before imposing or amending an impact fee, the City is required to prepare a written analysis of each impact fee ("IFA"), together with a summary of such impact fee analysis designed to be understood by a lay person. *Utah Code Ann.* § 11-36a-303. The IFA shall: (1) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity; (2) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility; (3) demonstrate how the anticipated impacts described are reasonably related to the anticipated development activity; (4) estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity; and (4) identify how the impact fee was calculated. *Utah Code Ann.* § 11-36a-304.

In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the City shall identify, if applicable: (1) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity; (2) the cost of system improvements for each public facility; (3) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants; (4) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by payment from the proceeds of general taxes; (5) the relative extent to which development activity will contribute the cost of existing public facilities and system improvements in the future; (6) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development; (7) extraordinary costs, if any, in servicing the newly developed properties; and (8) the time-price differential inherent in fair comparison of amounts paid at different times.

IMPACT FEE CALCULATION

In calculating an impact fee, the City may include: (1) the construction contract price; (2) the cost of acquiring land, improvements, materials and fixtures; (3) the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvement; and (4) debt service charges, if the City might use impact fees as a revenue stream to pay the principal and interest on bonds, notes, or other obligations issued to finance the costs of the system improvements. *Utah Code Ann.* § 11-36a-305. All impact fee calculations shall be based on realistic estimates and the assumptions underlying such estimates shall be disclosed in the IFA.

SERVICE AREA

The Impact Fees Act requires the City to establish one or more service areas within which the City will calculate and impose a particular impact fee. The service area within which the proposed Park Impact Fees will be imposed includes all of the area within the corporate limits and jurisdictional boundaries of the City. The City has concluded, based on analysis and usage, that the City's parks are a system of regional and City-wide amenities and are considered a parks and trails system for all citizens and residents of the City. Any improvements to this parks and trails system— meaning that they serve the entire community at large— are considered "system improvements". Park improvements serving only specific developments (such as pocket parks) are considered "project improvements". As a matter of fairness and equity, project improvements within the service area are excluded from the level of service or impact fee calculations.

CENTERVILLE PARK AND PARK AMENITY STANDARDS

According to Centerville City's General Plan [12-460-1(3)(a)], the City's LOS for developed parks based on 2010 census data is 3.24 acres per 1,000 residents. The following data illustrates the current inventory of developed parks and park amenities.

TABLE A: DEVELOPED PARK INVENTORY

Park Name	Developed Acres	Planned Acres	Pavilion/ Restrooms	Playgrounds	Sport Courts
Centerville Community Park	21.23	6.0	1	1	-
Freedom Hills Park	9.28	-	1	1	-
Island View Park	6.00	-	1	1	2
Parrish Creek Parkway	0.00	1.5	-	-	-
Centerville Commons	0.68	-	-	-	-
Founders Park	2.52	-	1	1	-
Porter-Walton Park	3.00	-	1	1	1
Smoot Park	6.90	-	1	1	2
Total	**49.61**	7.5	6	6	5

According to the 2010 U.S. Census, Centerville had a population of 15,335 with an average of 3.14 persons per household. Table A shows a total of 49.61 acres of developed parks. The LOS was determined using the following formula:

49.61 ACRES OF DEVELOPED PARK/15,335 RESIDENTS X 1,000 =
3.24 ACRES OF DEVELOPED PARKS PER 1,000 RESIDENTS

ADJUSTMENTS TO THE PARK STANDARDS FOR IMPACT FEES

The standard of 3.24 acres/1,000 residents as outlined in the General Plan was based on the inventory of developed parks and the population in 2010. The population has since changed. In 2011, 212 building permits were issued and in 2012 there were 127 (339 total). Based on the following calculation, Centerville's estimated population is 16,339.

339 BUILDING PERMITS X 3.14 PERSON PER HOUSEHOLD + 15,335 2010 POPULATION = 16,339

When determining the LOS that should be used to determine the maximum park impact fee, the inventory of parks needs to be adjusted to reflect the following: how the parks were financed to arrive at the 49.61 acres of developed parks, any park parcels donated to the City or owned by other entities and any pocket parks that should not be included in the park inventory as they do not serve the entire population of Centerville.

PARK FINANCING

The Centerville Community Park, the developed part of the Freedom Hills Park, Island View Park, and the Porter-Walton Park were all purchased and developed by the City either through the sale of other city-owned property, impact fees, or General Funds.

NON-CITY OWNED/DONATED PARCELS

The City owns 1.15 of the 2.52 acres of Founders Park, but developed and maintains all of it. All 6.9 acres of Smoot Park was donated to Centerville City as the land was located in a flood plain and unbuildable. The original owners donated the land with an agreement the City would develop and maintain the property as a park. The City developed and maintains all of Smoot Park.

As the Park Impact Fee Facilities Plan (Table D) shows, development of a park can conservatively be estimated to be 60% of the cost of a city park. For this reason, 1.97 acres of Founders park (1.15 city owned + .82 county owned) and 4.14 acres of Smoot Park will remain in this analysis as being financed and developed by the City. The remaining 3.31 will be removed from the total acres of developed parks for an adjusted total of 46.3 acres.

POCKET PARKS

The Centerville Commons Park does not serve the entire population of Centerville; for this reason, the .68 acres will not be considered when determining the park impact fee. The total acres of developed parks for this study will then be adjusted to 45.62 acres.

ADJUSTED LOS FOR DEVELOPED PARKS AND PARK AMENITIES

The current estimated population is 16,339 residents and the adjusted amount of developed parks is 45.62 acres. The actual LOS for developed parks is then 2.79 acres of developed parks per 1,000 residents.

45.62 ACRES OF DEVELOPED PARK/16,339 RESIDENTS X 1,000 =
2.79 ACRES OF DEVELOPED PARKS PER 1,000 RESIDENTS

In addition, Centerville currently has six (6) pavilions and restrooms, (6) community playgrounds and five (5) sport courts used for either tennis or basketball. Together, these are referred to as the park amenities. The LOS for the park amenities are one (1) pavilion/restroom and playground per 2,723 residents and one (1) sport court per 3,268 residents.

6 PAVILIONS/RESTROOMS AND PLAYGROUNDS/16,339 = 1 PER 2,723 RESIDENTS
5 COURTS/16,339 RESIDENTS = 1 PER 3,268 RESIDENTS

CENTERVILLE PAVED TRAILS STANDARD

Table B is an inventory of paved trails in Centerville.

TABLE B: PAVED TRAILS INVENTORY

Trail Location/Name	Miles
Freedom Hills Park	1.66
Community Park	0.86
Frontage Road Parkway	1.80
Porter/Walton Park	0.33
Island View Park	0.22
Legacy Parkway	2.86
Bamberger Trail	0.58
Total	**8.31**

Using the same methodology for determining parks per 1,000 residents, the LOS for paved trails in Centerville is .51 miles of paved trail per 1,000 residents. The LOS was determined using the following formula:

8.31 MILES OF PAVED TRAILS/16,339 RESIDENTS X 1,000 =
.51 MILES OF PAVED TRAILS PER 1,000 RESIDENTS

FUTURE DEMAND

The build out population for Centerville is projected to include an additional 1,215 units or 3,815 new residents based on December 2012 data of available land and the zoning designations for that land.

1,215 UNITS X 3.14 PERSONS PER HOUSEHOLD = 3,815 NEW RESIDENTS

This land and zoning data is provided below.

TABLE C-1: AVAILABLE LAND AND ZONING DESIGNATIONS

Zone	Acres	Units/Acre	~New Units
R-H	1.4	12	17
R-L	37.7	4	151
A-L Redevelopment	179.1	3	537
A-L Undeveloped	127.6	4	510
		Total New Units	**1,215**

Source: Cory Snyder, Centerville Community Development Director

Based on demographic and economic projections provided by the Utah Governor's Office of Planning and Budget (GOPB) for Davis County beginning in 2013 and beyond, the assumption Centerville will grow at the same rate as the County, building permit data in 2011 and 2012 (1,004 new residents), and census data of 3.14 persons per household, Centerville is projected to reach build-out sometime in 2029 with a population of 20,154 as shown in the Table C-2.

TABLE C-2: PROJECTED GROWTH FOR CENTERVILLE

Year	Growth Rate	Population	Additional Units	Year	Growth Rate	Population	Additional Units
2012		16,339		2021	1.25%	18,568	73
2013	1.60%	16,600	83	2022	1.22%	18,791	72
2014	1.56%	16,859	82	2023	1.19%	19,012	71
2015	1.52%	17,115	82	2024	1.16%	19,230	70
2016	1.48%	17,368	81	2025	1.13%	19,444	69
2017	1.44%	17,618	80	2026	1.10%	19,656	68
2018	1.41%	17,866	79	2027	1.07%	19,865	67
2019	1.37%	18,111	78	2028	1.05%	20,070	66
2020	1.28%	18,341	74	2029	0.31%	20,154	20
						Total	**1,215**

To maintain the LOS of 2.79 acres of developed community and neighborhood parks per 1,000 residents, 1 pavilion/restroom and playground per 2,723 residents and 1 sport court per 3,268 residents for the estimated 3,815 future residents, the City will need an additional 10.64 acres of developed parks as well as 1 additional pavilion/restroom, playground, and sport court.

3,815 NEW RESIDENTS X 2.79 ACRES OF DEVELOPED PARK/1,000 = 10.64 ACRES
3,815 NEW RESIDENTS/2,723 = ~1 PAVILION/RESTROOM AND PLAYGROUND
3,815 NEW RESIDENTS/3,268 = ~1 SPORT COURT

Further, the current LOS for paved trails is .51 paved miles per 1,000 residents. To maintain this LOS with the additional residents, the City will need to provide an additional 1.95 miles of paved trails.

3,815 NEW RESIDENTS X .51 MILES/1,000 = 1.95 MILES PAVED TRAILS

MEETING THE DEMAND

Centerville has purchased undeveloped land to provide for future development. As a result, the City now owns six (6) undeveloped acres next to the Community Park for future Community Park Expansion and one and one-half (1.5) acres on Frontage Road south of Chase Lane currently designated as the Parrish Creek Parkway.

Centerville uses a plan-based methodology to determine the total cost and the maximum park impact fee allowed. A park impact fee would fund the demand created by the additional 3,815 residents on the City's developed parks, park amenities and paved trails. Centerville has adopted a Parks Capital Improvement Plan (CIP) outlining the future development and improvement of the City's park system. Table D constitutes the Park Impact Fee Facilities Plan (IFFP) incorporating elements of the Parks CIP that can be funded with park impact fees. Included in the Park IFFP is a description of the planned parks, park amenities and trails and the estimated costs as of December 2012, provided by Centerville City's Engineer from ESI Engineering, Inc. ESI has been involved extensively in developing the City's current parks.

TABLE D: PARK IMPACT FEE FACILITIES PLAN

Park/Trail	Description	Cost
Trail Improvements	D&RG Trail Match (pave 1.34 miles)	**$ 40,000**
Community Park Expansion (6.0 acres)	**Total**	**$ 820,000**
	Phase 1: Concept and Design	*$ 20,000*
	Phase 2: Grading	*$ 50,000*
	Phase 3: Drainage and Utilities	*$ 100,000*
	Phase 4: Irrigation and Seed	*$ 500,000*
	Phase 5: Parking and Path (pave .26 miles)	*$ 150,000*
Parrish Creek Parkway (1.5 acres)		**$ 150,000**
Future Park(s) (Location Not Yet Determined)*	**Total**	**$ 490,000**
	Purchase of Property (2.16 acres)	*$ 205,000*
	Phase 1: Concept and Design	*$ 6,000*
	Phase 2: Grading	*$ 18,000*
	Phase 3: Drainage and Utilities	*$ 36,000*
	Phase 4: Irrigation and Seed	*$ 180,000*
	Phase 5: Parking and Path (pave .35 miles)	*$ 45,000*
Park Amenities (Sport Court, Pavilion/Restroom, Playground)		**$ 300,000**
City Hall/Founders Park Expansion (.98 acres)	Purchase and Improve	**$ 700,000**
	Total	**$ 2,500,000**

Included in the Park IFFP are 10.64 acres of developed parks, park amenities including 1 pavilion/restroom, playground, and sport court and 1.95 miles of paved trails needed to maintain the current LOS in Centerville for parks, park amenities and trails with the additional 3,815 future residents.

*The Parks CIP shows Future Park(s) at 7.21 additional acres, this is based on a park standard of 3.24 acres per 1,000 residents. The Park IFFP shows 2.16 acres; this is the portion of the Future Park(s) required to maintain the adjusted LOS of 2.79 acres of developed parks per 1,000 residents.

FUNDING

Centerville will use park impact fees as the primary source of revenue for new parks, park amenities and trails identified in the Park IFFP in an effort to maintain the LOS. Impact fees are necessary to achieve an equitable allocation of costs incurred as a direct result of new growth.

At the discretion of the City and in accordance with the applicable ordinances, General Plan and Parks CIP, a developer may choose to donate land for parks and trails in lieu of paying park impact fees. The City would determine if a potential donation would meet City needs and determine the fair market value of the donation.

Because commercial development is assumed to create no new demand for developed parks, park amenities or paved trails, only residential development will be charged a park impact fee.

CASH FLOW ANALYSIS FOR PARKS, PARK AMENITIES AND TRAILS

The cash flow summary shown below in Table E indicates impact fee revenue and expenditures necessary to meet demand for growth-related parks, park amenities and trail facilities. This cash flow analysis is for illustrative purposes only and is based on the Park IFFP and maximum justified park impact fee; The City

Council will determine the actual timing and costs of specific park improvements and trails as well as the actual amount of the park impact fee.

Population estimates are based on demographic projections provided by the GOPB, building permit information and assume Centerville will grow at the same rate as Davis County. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the cash flow and timing of projects.

TABLE E: CASH FLOW ANALYSIS

Year	Population	New Units	Impact Fee Revenue	Park/Trail Project (Identified in IFFP)	Capital Costs	Surplus (Deficit)
2013	16,600	83	$ 170,781.89	D&RG Trail Match; Community Park Exp P1 & 2	$ 110,000.00	$ 60,781.89
2014	16,859	82	$ 168,724.28	Community Park Exp P3	$ 70,000.00	$ 129,506.17
2015	17,115	82	$ 168,724.28		$ 100,000.00	$ 298,230.45
2016	17,368	81	$ 166,666.67	Community Park Exp P4	$ 500,000.00	$ (35,102.88)
2017	17,618	80	$ 164,609.05	Community Park Exp P5	$ 150,000.00	$ (20,493.83)
2018	17,866	79	$ 162,551.44	Parrish Creek Parkway	$ 150,000.00	$ (7,942.39)
2019	18,111	78	$ 160,493.83			$ 152,551.44
2020	18,344	74	$ 152,263.37	Future Park Purchase	$ 205,000.00	$ 99,814.81
2021	18,573	73	$ 150,205.76	Future Park P1 & 2	$ 24,000.00	$ 226,020.58
2022	18,799	72	$ 148,148.15	Future Park P3 & 4	$ 216,000.00	$ 158,168.72
2023	19,022	71	$ 146,090.53	Future Park P5	$ 45,000.00	$ 259,259.26
2024	19,242	70	$ 144,032.92	Park Amenities	$ 300,000.00	$ 103,292.18
2025	19,459	69	$ 141,975.31			$ 245,267.49
2026	19,674	68	$ 139,917.70			$ 385,185.19
2027	19,885	67	$ 137,860.08			$ 523,045.27
2028	20,093	66	$ 135,802.47	Founders Park Expansion	$ 700,000.00	$ (41,152.26)
2029	20,154	20	$ 41,152.26			$ 0.00
		Total	**$ 2,500,000.00**		**Balance**	**$ 0.00**

The Impact Fee Act requires that any funds collected by impact fees be used within six years of collection and must be used for projects identified on the Park IFFP. This cash flow analysis assumes park improvements outlined on the Park IFFP would take place in a timely manner as development occurs and impact fees are collected. However, if City Council chooses to accelerate the construction of park improvements, they could ask voters to approve a bond issue. Any related indebtedness could then be paid, at least in part, with future park impact fees as they become available.

CURRENT PARK IMPACT FEES

Centerville currently charges and has been charging since July 7, 1998 a park impact fee of $1,200 per residential unit. This is the lowest fee in South Davis County except for the notable exception of Bountiful, which does not charge a park impact fee. The average park impact fee in neighboring communities is $2,238.17 ($1,918.43 including Bountiful). Kaysville is currently reviewing their park impact fee.

TABLE F: PARK IMPACT FEE COMPARISON

City	Park Impact Fee
West Bountiful	$ 2,822.00
Bountiful	$ -
Farmington	$ 2,500.00
Woods Cross	$ 2,314.00
North Salt Lake	$ 2,300.00
Layton	$ 1,873.00
Kaysville	$ 1,620.00
Centerville	$ 1,200.00

RECOMMENDED PARK IMPACT FEE

The proportionate cost for the future 1,215 units to maintain the current LOS for developed parks, park amenities and paved trails in Centerville is $2,500,000. This cost distributed equally to the new residential units would justify a maximum park impact fee of $2,057.61.

$2,500,000 TOTAL COSTS/1,215 UNITS = $2,057.61

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 6

Date of City Council Meeting: January 15, 2013

Short Title: Cell Phone Policy

Initiated By: Staff

Scheduled Time: 7:45 (10 min.)

RECOMMENDATION

Approve Resolution No. 2013-02 enacting Section 7.075 of Chapter 7 of the City's Policies and Procedures adopting a City Cell Phone Policy.

BACKGROUND

The City's Personnel Policies and Procedures do not currently include a section regarding cell phones. Staff have drafted a new policy that establishes guidelines for employee use of cell phones, both personal and City-owned, provides for reimbursement for the business use of personal cell phones, and limits the providing of cell phones or reimbursement to employees that have a "substantial noncompensatory business reason" to use a cell phone as defined by the IRS.

RESOLUTION NO. 2013-02

A RESOLUTION ADOPTING SECTION 7.075 OF THE CENTERVILLE CITY PERSONNEL POLICIES AND PROCEDURES REGARDING CELL PHONE USE AND REIMBURSEMENT

WHEREAS, the City Council has previous adopted the Centerville City Personnel Policies and Procedures ("Personnel Policies and Procedures"); and

WHEREAS, City Staff has prepared and recommends the adoption of Section 7.075 of the Centerville City Personnel Policies and Procedures regarding cell phone use and reimbursement to address the use of City-provided cell phones and/or reimbursement to employees for City-business use of personal cell phones; and

WHEREAS, the City Council has reviewed the recommended provisions of Section 7.075 of the Personnel Policies and Procedures and desires to adopt Section 7.075 as more particularly provided herein; and

WHEREAS, the City Council finds that the proposed provisions of Section 7.075 of the Personnel Policies and Procedures regarding cell phone use and reimbursement for City employees are in the best interest of the City and will help maintain a productive workforce and provide appropriate use of City resources in accordance with applicable provisions of the law.

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

Section 1. Adoption. Section 7.075 of the Centerville City Personnel Policies and Procedures regarding cell phone use and reimbursement for City employees is hereby amended to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

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

Section 3. Effective Date. This Resolution and the adoption of Section 7.075 of the Personnel Policies and Procedures adopted herein shall become effective February 1, 2013.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 15th DAY OF JANUARY, 2013.

CENTERVILLE CITY

____
Mayor Ronald G. Russell

ATTEST:

____
Marsha Morrow, City Recorder

EXHIBIT "A"

Section 7.075 of Centerville City Personnel Policies and Procedures

7.075. Cell Phone Policy.

(a) Purpose. Cell phones and other communication devices may be used or required for employees to conduct City business. The City recognizes that the use of cell phones for business purposes increases work efficiency, improves internal communications, and enhances emergency response capabilities and safety. The purpose of this Section is to establish guidelines for employee use of City-provided cell phones or business use of personal cell phones. All participating employees are responsible for complying with the requirements of this policy as a condition of participation.

(b) Department Head Responsibility. Department heads shall monitor and fund approved communication expenses within their respective budgets. Department heads are responsible for determining the eligibility of employees for use of City-provided cell phones or for reimbursement for use of personal cell phone for business purposes. Department heads shall ensure the assignment of a City-provided cell phone to an employee or reimbursement to an employee for business use of a personal cell phone under the terms and conditions of this policy is prudent and necessary to add value to the operation of City business.

(c) Substantial Business Reason. A City-provided cell phone or reimbursement to employees for City-business use of personal cell phones under the terms and conditions of this policy shall only be provided to employees for a "substantial noncompensatory business reason". Examples of substantial noncompensatory business reasons include: (i) the need to contact the employee at all times for work-related emergencies; (ii) the requirement that the employee be available to speak to citizens or City officials when the employee is away from their office or at times outside the employee's normal work schedule; and (iii) the need to conduct business outside of normal business hours. City cell phones or reimbursement under this policy may not be provided for compensatory reasons such as attracting a prospective employee, promoting goodwill of an employee, or furnishing additional compensation to an employee.

(d) Definitions. For purposes of this policy, the following words shall have the meaning set forth herein.

(1) City Business – Any act by an employee required to perform their assigned duties or any act which is within the employee's course and scope of employment.

(2) City Owned Cell Phone Plan – A cell phone rate plan paid for directly by Centerville City.

(3) Cell Phone Reimbursement –Reimbursement to an employee for the City-business use of employee's personal cell phone.

(4) Personal Owned Cell Phone – A cell phone and rate plan paid for directly by the employee.

(5) Personal Use – Use of a cell phone's voice, text, or data abilities that lie outside the scope of the employee's job functions or assigned duties.

(e) City-Provided Cell Phone. Department heads may provide a cell phone and/or plan to an employee for substantial business reasons when determined reasonable and necessary by the department head. Employees issued a City-provided phone and/or plan shall be required to comply with all terms and conditions of this policy. Under this option, the City shall be responsible for paying for the cell phone and/or plan up to a predetermined amount as established by the department head based on the level of service required to conduct City-business. The department head shall determine what service level the employee needs (i.e. voice only, voice and text, data, etc.). If an employee wants to add any additional services, upgraded phone selection, and/or cosmetic or technical extras that have no business purpose, the employee must receive pre-approval from the department head for such additions and all costs associated with such additions or personal overages shall be the sole responsibility of the employee. If an employee who owns their own cell phone terminates their employment with the City, the City shall retain the associated cell phone number and rate plan for a City-provided plan under the provisions of this subsection.

(f) Reimbursement for Business Use of Personal Phone. Employees may be required to use their personal cell phones to conduct City-business. Department heads may authorize reimbursement to employees who are required to use their personal cell phones for substantial business reasons when determined reasonable and necessary by the department head. Employees provided reimbursement for City-business use of a personal cell phone shall be required to comply with all terms and conditions of this policy. Under this option, the City may reimburse the identified employee monthly for the business use of their cell phone. The department head shall determine at what service level the employee should be reimbursed (i.e. voice only, voice and text, data, etc.). A reimbursement for the business use of personal owned cell phones shall not exceed an employee's actual costs.

(g) Employee Obligations for Reimbursement. Employees eligible for reimbursement under Subsection (f) shall provide their cell phone number to Centerville City personnel and shall use such phone as needed to efficiently and effectively perform all of their assigned duties. The personal cell phone must be kept in working order and should be available to the employee at all times in the case of emergencies. Employees shall also immediately advise city personnel of any phone number changes. Employees eligible for reimbursement under Subsection (f) must also agree that he/she will assume the risk of cell phone plan cost changes, adjustments and/or early termination fees, including fees/charges resulting from changes in job duties when an employee may no longer be eligible to receive a cell phone reimbursement.

(h) Disclaimer. The provisions of this policy and any City-provided cell phones and/or plans or reimbursements to employees for City-business use of personal cell phones may be amended or terminated at any time for any reason and shall not be deemed a vested right for the employee or an on-going obligation of the City. Employees shall be responsible for any tax implication for personal use of cell phones under the terms and conditions of this policy.

(i) Periodic Review. City-provided cell phones and/or reimbursement for City-business use of personal cell phones should be reviewed periodically to ensure the amount of City business is consistent with the need for an employee to have a cell phone or to receive reimbursements under this policy.

(j) Use Regulations. The use of City-owned or personal cell phones for personal use during working hours must be incidental, occasional and de minimus, shall not interfere with an employee's duties. The use of City-owned or personal cell phones for email, internet, texting, or network services during working hours shall be subject to and comply with Section 7.070 of the Centerville City Personnel Policies and Procedures regarding computer, internet, social media and email use. A City-provided cell phone is prohibited from being used in an illegal, illicit, or offensive manner, including harassment. Employees shall be responsible for the cost of a lost, stolen or damaged cell phone. The use of a cell phone shall not impair or impede the employee while operating a City vehicle.

(k) Violations. An employee who violates the terms and conditions of this policy may be subject to disciplinary action, up to and including termination.

#7

Steve Thacker

From: Lisa Romney
Sent: Thursday, December 13, 2012 3:54 PM
To: Steve Thacker
Cc: Cory Snyder
Subject: Rezone Decisions
Attachments: Council-Rezone Decision Factors.docx

Attached is a proposed handout to provide to the City Council when they are reviewing a rezone application. I have tried to address process AND factors for the Council to understand their decision-making process for zoning map amendments. If acceptable, we can submit this to the Council for feedback and comment. If they want something shorter or simpler, I am happy to revise as needed. After we get feedback on length and content, I can prepare a similar handout for other decisions such as general plan amendments, final plat, text amendments, etc.

Thanks, Lisa

Lisa G. Romney
Centerville City Attorney
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Centerville, Utah 84014
(801) 335-8842 (Direct Line)
(801) 295-3477 (Main Office)
Lromney@centervilleut.com

CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

ZONING MAP AMENDMENTS (REZONES)

CITY COUNCIL DECISION-MAKING PROCEDURES AND FACTORS

1. Authority.

When reviewing an application for zoning map amendment, also known as a "rezone," the City Council is governed by applicable provisions of State law and City Ordinances. Under *Utah Code Ann.* § 10-9a-503, the City Council is authorized to amend the number, shape, boundaries, or area of any zoning district.

2. Procedures – Public Hearing Required.

Zone map amendments must follow the procedures specified in *Utah Code Ann.* § 10-9a-502 and *City Ordinance* § 12-21-080 which require review and recommendation from the Planning Commission prior to consideration of any zoning map amendment by the Council. Both the Planning Commission and the City Council are required by law to provide notice and hold a public hearing on all proposed zoning map amendments. After receiving a recommendation from the Planning Commission and holding a public hearing on the matter, the Council may thereafter approve, approve with modifications, or deny the proposed amendment.

3. Decision-Making Factors.

In making a decision regarding a zoning map amendment, the Council should consider the following factors set forth in Section 12-21-080:

a. Whether the proposed amendment is consistent with the goals, objectives and policies of the City's General Plan;

b. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

c. The extent to which the proposed amendment may adversely affect adjacent property; and

d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

4. Legislative Decision – Reasonably Debatable Standard.

The Council's review of a zoning map amendment is a legislative decision, meaning such decision establishes public law and policy as opposed to an administrative decision that merely implements such policies or applies them to factually distinct and individual circumstances. As a legislative decision, the Council's decision is subject to the highly deferential "reasonably debatable" standard. Under the reasonably debatable standard, it must be reasonably debatable that the Council's decision promotes the public interest and general welfare. A reviewing court will ask whether the Council's decision to grant or deny a rezone is in the interest of the general welfare. The courts have also recognized under the reasonably debatable standard that public hearings and citizen comments are a legitimate source of information for the Council to consider in making legislative decisions.

5. Appeal.

Any person adversely affected by a final decision of the City Council regarding a zoning map amendment may appeal that decision to the District Court by filing a petition for review pursuant to *Utah Code Ann.* § 10-9a-801, as amended. Such petition for review must be filed within 30 days after the Council's decision is final. Alternatively, a person adversely affected by a final decision of the Council regarding a rezone may file a complaint against the City which may include a variety of claims, including constitutional claims of due process or equal protection. A property owner may also file a request for arbitration of a constitutional taking issue with the Property Rights Ombudsman under *Utah Code Ann.* § 13-43-204. On a petition for review to the District Court under Section 10-9a-801, the court shall:

a. Presume that a decision made under the land use statutes is valid;

b. Determine only whether or not the decision is arbitrary, capricious, or illegal;

c. In reviewing a decision involving the exercise of legislative discretion, consider such decision valid if it is reasonably debatable that the decision promotes the purposes of the land use statutes and is not otherwise illegal; and

d. In determining whether a decision is illegal, consider whether the decision violates a law, statute, or ordinance in effect at the time the decision was made.

#8

General Fund
Unaudited Summary
December 31, 2012 (50% of year)

	This Month	Year to Date	FY 13 Budget	% Budget
Revenues				
Property Tax	$709,718	$801,945	$986,081	81.33%
Fee in Lieu	$4,838	$50,629	$95,000	53.29%
Sales & UseTax	$239,928	$1,561,640	$3,259,500	47.91%
Franchise Taxes	$68,501	$488,055	$1,118,000	43.65%
Licenses & Permits	$42,400	$192,922	$337,250	57.20%
Intergovernmental	$17,993	$277,173	$504,540	54.94%
Charges for Serv.	$61,900	$496,133	$785,875	63.13%
Fines	$21,503	$217,630	$475,000	45.82%
Miscellaneous	$378	$25,761	$56,250	45.80%
Transfers/Contributions	$359	$350	$132,500	0.26%
Total	$1,167,518	$4,112,238	$7,749,996	53.06%
Expenditures				
City Council	$3,113	$29,119	$112,203	25.95%
Judicial	$17,092	$99,766	$217,860	45.79%
Executive	$28,050	$186,412	$383,648	48.59%
Finance	$49,666	$263,406	$484,830	54.33%
Attorney	$2,360	$33,155	$0	-
Legal	$10,001	$41,642	$127,000	58.90% *
Emergency Management	$1,180	$8,207	$8,400	97.70%
Fire	$0	$391,738	$783,477	50.00%
Elections	$0	$0	$0	0.00%
Youth Council	$0	$973	$7,000	13.90%
Police	$151,497	$1,060,208	$2,148,316	49.35%
Liquor Law	$0	$271	$20,000	1.36%
School Xing	$6,340	$22,695	$52,099	43.56%
DARE	$6,825	$45,898	$99,648	46.06%
K-9	$128	$810	$2,250	36.00%
Animal Control	$1,941	$9,707	$23,300	41.66%
PW Admin	$19,920	$136,127	$273,713	49.73%
Streets	$45,055	$315,540	$628,858	50.18%
Street Projects	$1,549	$203,897	$587,000	34.74%
GIS	$6,229	$37,495	$88,192	42.52%
Engineering	$7,637	$47,498	$86,500	54.91%
Parks	$34,214	$311,518	$742,842	41.94%
Community Events	$718	$1,075	$23,650	4.55%
Parks & Rec Facility	$656	$2,754	$10,910	25.24%
Maint Facility	$3,747	$17,939	$32,790	54.71%
Maint Facility Storage	$536	$1,474	$6,210	23.74%
City Hall	$9,675	$63,651	$119,151	53.42%
Community Dev.	$21,541	$133,578	$285,376	46.81%
Building Inspection	$7,074	$35,315	$121,550	29.05%
Transfers - Non Dep.	$0	$181,143	$274,223	66.06%
Total	$436,744	$3,683,011	$7,750,996	47.52%
Use/Contribtion to Fund balance (Revenues Over/Under Expenditures)		$429,227	$ (1,000)	

Fund Balance at Beginning of Year (est.)	$1,156,052
Fund Balance estimate 12/31/2012	$1,585,279
Projected Fund Balance %	**21.88%**

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

Special Revenue Funds
(Unaudited)
December 31, 2012

	This Month	Year to Date	FY 13 Budget	% Budget
Component Units				
RDA				
Revenues	$36,292	$93,530	$1,555,990	6.01%
Expenditures	$340	$122,857	$1,361,490	9.02%
Fund Balance at Beginning of Year (est.)		$244,971		
Fund Balance estimate 12/31/2012		$215,644		
MBA				
Revenues	$0	$1,143	$1,300	87.92%
Expenditures	$0	$1,143	$1,300	87.92%
Fund Balance at Beginning of Year		$0		
Fund Balance estimate 12/31/2012		$0		
Special Revenue Funds				
Recreation				
Revenues				
Recreation	$3,445	$17,244	$84,000	20.53%
Youth Baseball/Softball	$0	$0	$28,000	0.00%
Concession Sales	$0	$209	$30,000	0.70%
Other	$0	$30,000	$30,000	100.00%
Total Revenues	$3,445	$47,453	$172,000	27.59%
Expenditures				
Recreation	$1,978	$43,279	$124,770	34.69%
Concessions	$0	$298	$22,135	1.35%
Youth Baseball/Softball	$0	$0	$31,925	0.00%
Total Expenditures	$1,978	$43,577	$178,830	24.37%
Revenue Over/Under Expend	$ 1,467	$ 3,876	$ (6,830)	
Balance at Beginning of Year (est.)		$26,598		
Fund Balance estimate 12/31/2012		$30,474		

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

Debt Service Funds
December 31, 2012 (Unaudited)

Debt Service	This Month	Year to Date	FY 13 Budget	% Budget
City Hall				
Revenues	$0	$76,875	$76,875	100.00%
Expenditures	$0	$76,226	$76,875	99.16%
Reserved Fund Balance		$60,596		
Fund Balance estimate 12/31/2012		$649		

Sales Tax (DCAC)	This Month	Year to Date	FY 12 Budget	% Budget
Revenues	$0	$212,618	$1,517,488	14.01%
Expenditures	$0	$152,693	$1,517,488	10.06%
Reserved Fund Balance		$28,896		
Fund Balance estimate 12/31/2012		$88,821		

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

Capital Project Funds
(Unaudited)
December 31, 2012

	This Month	Year to Date	FY 13 Budget	% Budget
Capital Improvement				
Storm Drain				
Revenues:				
Fund Balance			$27,794	
Impact Fees	$0	$2,160	$10,000	21.60%
Grants	$0	$0	$0	0.00%
Other	$72	$385	$75	513.33%
Total Revenues	$72	$2,545	$37,869	6.72%
Expenditures	$0	$0	$37,869	0.00%
Fund Balance at Beginning of Year (est.)		$36,011		
Fund Balance estimate 12/31/2012		$38,556		
Park				
Revenues:				
Fund Balance			$160,962	
Impact Fees		$87,600	$42,000	208.57%
Transfer	$0	$0	$0	0.00%
Grants	$0	$0	$0	0.00%
Other	$0	$0	$0	0.00%
Total Revenues	$0	$87,600	$202,962	208.57%
Expenditures	$0	$522	$202,962	0.26%
Fund Balance at Beginning of Year (est.)		$297,073		
Fund Balance estimate 12/31/2012		$384,151		
Capital Projects Fund				
Revenues:				
Fund Balance			$47,120	
Transfers	$0	$150,000	$379,977	39.48%
Other	$0	$0	$500	0.00%
Total Revenues	$0	$150,000	$427,597	100.00%
Expenditures	$35,641	$178,205	$427,597	41.68%
Balance at Beginning of Year		$41,105		
Fund Balance estimate 12/31/2012		$12,900		

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

Enterprise Funds
(Unaudited)
December 31, 2012

	This Month	Year to Date	FY 13 Budget	% Budget
Water				
Revenues:				
Impact/construction Fees	$1,200	$42,000	$230,000	18.26%
Water Sales	$140,465	$918,531	$1,712,800	53.63%
Bond Revenue	$0	$211,000	$1,810,000	11.66% *
Other	$2,265	$14,596	$41,500	35.17%
Total Revenues	$143,930	$1,186,127	$3,794,300	31.26%
Expenditures				
Operating/Dep/Debt	$142,182	$843,597	$1,825,684	46.21%
Capital Improvement	$3,277	$128,967	$2,158,900	5.97%
Total Expenditures	$145,459	$972,564	$3,984,584	24.41%
Unresrestricted Cash Beginning of Year (est.)		$349,955		
Fund Balance estimate 12/31/2012		$3,432,799		
Sanitation				
Revenues:				
Collection Fees	$53,687	$338,909	$626,645	54.08%
Recycling fees	$13,055	$77,210	$148,400	52.03%
Green Waste fees	$6,197	$36,822	$65,600	56.13%
Other	$490	$3,720	$4,700	79.15%
Total Revenues	$73,429	$456,661	$845,345	54.02%
Expenditures:				
Disposal	$27,687	$83,046	$280,000	29.66%
Collection	$23,509	$117,473	$252,350	46.55%
Recycling	$13,447	$67,045	$143,800	46.62%
Green Waste	$2,862	$14,278	$24,000	59.49%
Other	$21,164	$58,424	$180,050	32.45%
Total Expenditures	$88,669	$340,266	$880,200	38.66%
Unresrestricted Cash Beginning of Year		$18,680		
Fund Balance estimate 12/31/2012		$135,075		
Drainage				
Revenues	$47,310	$282,943	$559,500	50.57%
Operating Expenditures	$20,680	$250,440	$502,490	49.84%
Capital Expenditures	$0		$52,140	0.00%
Total Expenditures	$20,680	$250,440	$554,630	45.15%
Unresrestricted Cash Beginning of Year		$91,168		
Fund Balance estimate 12/31/2012		$123,671		
Telecommunications				
Revenues	$14,405	$108,626	$330,000	32.92%
Contractual obligations	$6,500	$108,275	$330,000	32.81%
Total Expenditures	$6,500	$108,275	$330,000	
Unresrestricted Cash Beginning of Year		$2,452		
Fund Balance estimate 12/31/2012		$2,803		
Whitaker Trust				
Beginning fund balance				
Revenues	$0	$17,677	$37,365	47.31%
Expenditures	$63	$11,330	$37,365	30.32%
Fund Balance at Beginning of Year		$5,571		
Fund Balance estimate 12/31/2012		$11,918		

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

+5

CENTERVILLE CITY

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

Incorporated in 1915

November 13, 2012

Ben R. Wuthrich
Transportation Engineer
Wasatch Front Regional Council
295 North Jimmy Doolittle Road
Salt Lake City, Utah 84116

Re: Letter of Intent from Centerville City for Frontage Road Bike Lanes

Dear Ben:

Centerville City intends to submit a project concept report for the Frontage Road Bike Lanes Project. The limits of the project would be from McDonalds (north of Parrish Lane) to the north city limits (i.e., Lund Lane). Based on the eligibility categories mentioned in the October 8, 2012 letter from WFRC staff, we are seeking either CMAQ or Transportation Alternatives (TA) funds for this project.

This project would add 8 to 10 feet of additional road base and asphalt along the west side of the existing road and realignment of the travel lanes to accommodate a standard width bike lane on both sides. The estimated cost is $330,000.

The Frontage Road is a very popular route for bicyclists commuting between communities and fits well with the regional plans that include Centerville. Currently bicyclists riding north/south through Centerville are either sharing the Frontage Road or Main Street with vehicles without the desired protection of exclusive bike lanes. Making this alternative form of transportation safer in our community is a high priority of both the City Council and the Centerville Trails Committee.

Thanks for considering our request. We look forward to your direction regarding the submittal of a Project Concept Report in January 2013.

Sincerely,

Ronald G. Russell
Mayor

WASATCH FRONT REGIONAL COUNCIL

DAVIS | MORGAN | SALT LAKE | TOODLE | WEBER

295 North Jimmy Doolittle Rd
Salt Lake City, UT 84116
Salt Lake (801) 363-4250
Ogden (801) 773-5559
Fax (801) 363-4236
www.wfrc.org

MEMORANDUM

TO: Prospective Project Sponsors
FROM: Ben Wuthrich
DATE: December 10, 2012

SUBJECT: Response to the "Letters of Intent" and request for "Project Evaluation Concept Reports"

The Wasatch Front Regional Council is now requesting concept reports from those that submitted a "Letter of Intent" for an eligible project for the Urban Surface Transportation Program (STP), the Congestion Mitigation/ Air Quality (CMAQ) Program, and the new Transportation Alternatives Program (TAP) for fiscal years 2014-2019. The required concept report forms and worksheets are available on our website at: http://www.wfrc.org/cms/index.php?option=com_content&view=article&id=98:tip-concept-report-forms&catid=49&Itemid=48

You may also obtain a copy by contacting Ben Wuthrich at (801) 363-4230 ext. 1121 (Salt Lake) or 773-5559 ext. 1121 (Ogden), fax (801) 363-4236, or e-mail at bwuthrich@wfrc.org.

The concept reports are due to WFRC by Thursday, January 17, 2012.

As noted in the email, included with this letter is a list of projects that were identified by the "Letters of Intent". Please review the list for indication of your prospective project's eligibility and WFRC staff notes.

Please keep in mind if you have filled out a concept report in the past, **the forms have changed** and you will be required to complete and submit a new concept report. Please refer to the instruction tab or the pdf instruction on the concept evaluation report form. If for some reason you cannot download a copy of the "14-19 Project Evaluation Concept Report", "14-19 TAP Project Evaluation Concept Report", the 14-19 Concept Cost Estimation Form", or the CMAQ Emissions Analysis Forms, please contact me for a copy. **Reports will need to be filled out completely and according to instructions in order for WFRC staff to review and evaluate each project.**

For those who have submitted multiple projects to be considered for STP, CMAQ, or TAP funds, please prioritize your project submittal on the last question of the concept report and consider submitting no more than three or four total projects. This will streamline the evaluation process and reduce unnecessary preparation on your part and review on our part.

Please contact me should you have any questions or require additional assistance concerning this information.

10C

Code Enforcement July – December 2012 Report

Code Enforcement 2012																		
Code Enforcement ID	Property Owner	Property Address	Mailing Address	Tax ID Number	*Violation Type*	Violation Code	Investigator	Date First *Investigation*	Findings	Action Taken	Date of Action	Date Second	Second Findings	Second Action	Action Date	Final Action and Findings	Final Action	File Status
2012-017	Hogan & Assoc	1000 West 850 North	940 North 1250 West	06-006-0098	Weeds	10-325(c)	Brandon	07-10-12	Weeds over 1 foot	Letter	07-10-12	09-28-12	Weeds Cut				Closed Letter	Closed
2012-018	Russell Erickson	381 East Center Street	PO Box 765 Bountiful, UT 84011	02-103-0022	Weeds	10-325(c)	Brandon	07-10-12	Weeds over 1 foot	Letter	07-10-12	08-22-12	Weeds have been cut	Closed Letter	08-22-12		Closed Letter	Closed
2012-019	Eddie Marsing	1958 North Main Street		07-073-0074	Weeds	10-325(c)	Brandon	08-03-12	Weeds are over 1 foot	Letter	08-08-12	09-12-12	Weeds were cut	Closed Letter	09-18-12		Closed Letter	Closed
2012-020	Orval Hayes	97 West 625 North		02-039-0014	Rooster	12-55-240(a)	Brandon	09-12-12	No rooster was heard at that moment	Letter	09-12-12	11-29-12	No sound of rooster, no more complaints from the neighbors	Closed Letter	11-29-12		Closed Letter	Closed
2012-021	Dale Engberson	580 East 100 South	696 East Center Street	02-104-0067	Duplex, junk, building without a permit	See File	Cory	09-12-12	Duplex is being remodeled without a permit, junk and debris on lot	Letter		11-29-12	Received Building permit to make a single family home from the duplex	Closed Letter	11-29-12		Closed Letter	Closed
2012-022	Wayne Carlson	473 South 75 West	2653 Cave Hollow Way Bountiful, UT 84010	See file	Weeds	10-325(a)	Brandon	08-17-12	Weeds over 1 foot	Letter	09-12-12	10-05-12	Weeds Cut				Closed Letter	Closed
2012-023	Wayne Carlson	192 West Porter Lane	2653 Cave Hollow Way Bountiful, UT 84010	03-208-0001-0005	Weeds	10-325(a)	Brandon	08-17-12	Weeds over 1 foot	Letter	09-18-12	10-05-12	Weeds Cut				Closed Letter	Closed
2012-025	Linda Mound	307 East Barnard	5725 Bigelow Street Lakewood, CA 90713	02-020-0042	Weeds/Junk	10325a,1255180	Brandon	09-28-12	Weeds and junk in back yard	Letter	10-10-12	10-25-12	Talked to her on the phone and they will be coming out in the spring to do the work. A neighbor will take care of the immediate concerns			Check back in March 2013	Phone Conversation	Closed
2012-016	Todd Hooloway/Doyle Johnson	85 East Chase Lane	SEE FILE	02-015-0039	Weeds	10-325(c)	Brandon	06-26-12	Weeds over 1 foot	Letter	06-28-12		This enforcement is in the hands of the City Council – Staff needs direction from them					Open?
2012-024	Cricket	330 N Marketplace B400		02-161-0016	Signs	12-54-080(b)(3)	Brandon	SEE LOG	Signs to high and to close to the street	SEE LOG	9-11-12	9-28-12	Signs still up	Civil Penalty	09-28-12	12-13-12 Sign taken down, Manager never received the information and thought he could have one flag.	Spoke in person	Closed
2012-026	Neil Lish	478 East Bernard St.		02-010-0024	Fence in front yard	12-55-110(b)	Brandon/Cory/Randy	10-30-12	Fence is over 4' in the front setback, on section of fencing must be lowered	Visit/Letter	10-31-12 12-11-12	11-29-12	The fence still looks the same, they are working with the City in resolving the problem may hold off until spring					Open
2012-027	Gray Jensen	Rolling Hills Dr.	PO Box 1031 Morgan, UT 84050	07-073-0056	Junk pushed over hillside	12-55-180	Ray	12-13-12	Ray could not see anything from the road	Letter	12-13-12							Open

MEMORANDUM

TO: Steve Thacker

FROM: Neal Worsley

DATE: January 8, 2013

RE: Six Month Code Enforcement 7/1/2012 - 12/31/12

The Centerville Police Department had 4 cases during this 6 month period of time involving code enforcement. All of them were with regard to fireworks in restricted areas. No citations were given in any of the cases.

There were two cases on July 4, 2012 of fireworks in a restricted area, one at 803 South 600 East and the other at 569 East Parrish Lane. In both cases the individuals were shown maps of the restricted areas for fireworks and were warned.

The third case was on July 26, 2012 of fireworks in a restricted area at 200 West 425 South. The home owners were advised of the restricted areas for fireworks. Warning given.

The fourth case was on July 27, 2012 involving fireworks in a restricted area, 1837 North 300 East. When the officer arrived the individuals had left the area.

The City has asked the Police Department to watch two properties for violations. The first property is located at 100 North Main Street, Investment Auto. Community Development sent to the department a list of conditions pertaining to the conditional use permit which was disseminated to the officers. There have been no observed violations by officers of these conditions.

The second property located at 85 East Chase Lane has had no code enforcement violations that the Police Department would be involved in.

If you would like further information, please contact me at your convenience.

Jake Alexander

From: Getsome II Guns <getsomeorem@yahoo.com>
Sent: Friday, December 07, 2012 1:04 PM
To: Jake Alexander
Subject: EoTech 512 Quote

Mr. Alexander,

Per your request, here is an email quoting a price on EoTech model 512's. The unit price would be $369.99 for your requested order of 12 units. The estimated delivery date would be three to four weeks. Please contact us with any other questions you may have.

Thank you,

Get Some Guns, Orem
801-437-3899
getsomeorem@yahoo.com

4439.88 - sights
560.12 Ammo

js

* $5000 grant award
No match
Federal #

* Also received this FY:
- 2 in-car cameras ($10,000)
- 5 PBT's (≈ $350 each)

Funding source: DUI surcharge

* Wal-Mart also donated 8 digital cameras
(asset protection employee)
- replaces current digital cameras in police cars

The EOTech is a holographic tactical sight designed and tested to provide consistent, reliable performance even in the most hostile operational environments. It is waterproof, fog proof, shockproof, and temperature proof. The 512 model uses AA batteries and has a 600 hour battery life. The 512 also has an auto shutoff to prevent failure from a dead battery.

Purpose:

The EOTech sight works in any lighting condition, from very low light to bright sunlight. It allows the operator to keep both eyes open, observing both team members and threats. It allows for faster target acquisition and more precise shots. Accuracy and speed are increased on multiple targets and firing while moving, increasing operator confidence.

Shooting with both eyes open is a very important skill for law enforcement and the EOTech aids the officer in achieving that goal. This type of sight could greatly enhance the marginal shooters ability.

Need:

The Centerville Police Department currently has twelve Colt carbine rifles with three more on order. The rifles come with stock iron sights. The iron sights are not illuminated. The tactical gun mounted flashlights that mount to the bottom or side of the rifles hand guard helps identify targets down range but does not illuminate the rear sight. This makes target acquisition difficult in low light. It is also difficult to keep both eyes open while scanning for threats.

Justification:

The handgun that law enforcement officers carry on their duty belt is strictly a defensive weapon. As many firearm instructors have said "your handgun is used to fight your way back to your long gun." Officers responding to a high risk call like felony stop, barricaded subject, hostage situation, active shooter, etc., should have a properly equipped long gun.

In Davis County, from 1996 to 2005, there were two officer involved shootings. From 2006 to present there have been ten, four of which have occurred in 2012. The number of law enforcement encounters where deadly force was justified is clearly escalating. We owe it to the officers and their families to provide them with the equipment and training they need to survive a deadly encounter. It's not a question of if, but when!!!

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 11a

Date of City Council Meeting: January 15, 2013

Short Title: ULCT Local Officials Day at the Legislature

Initiated By:

Scheduled Time: 8:55 (5 min.)

BACKGROUND

The annual Local Officials Day at the Legislature sponsored by Utah League of Cities and Towns is scheduled for January 30. Registration deadline is January 24. Therefore, Council members need to either bring their completed registration form and leave on the dais at Tuesday night's meeting or let Marsha know no later than January 23 if they wish to attend. The City Manager is assuming the City Council will also continue the tradition of allowing the high school seniors on the Centerville Youth Council to attend, if they wish, at the City's expense.

Local Officials Day at the Legislature

JANUARY 30, 2013

REGISTRATION DEADLINE JANUARY 24, 2013

Name ______________________________

Please indicate: ☐ Delegate–$70.00 ☐ Youth City Council Member–$55.00

Registrations received after January 24 must add a $10.00 late fee ☐ Late fee–$10.00

Total payment due $ __________ Position __________________ City/Town __________________

Address ______________________ City/Town __________________ Zip ______________

Phone number __________________ Email (required for confirmation) __________________

☐ Please check for non-meat meal In compliance with ADA, arrangements can be made for those with special needs

Payment method: ☐ Check Credit card (please check one): ☐ Visa ☐ MasterCard ☐ American Express

Credit card number __________________ Expires __________ Signature __________________

Please remit with payment to: ***Utah League of Cities and Towns,*** 50 South 600 East, Suite 150, Salt Lake City, Utah 84102
or fax your credit card payment to 801-531-1872

Local Officials Day at the Legislature

JANUARY 30, 2013

SPONSORED IN PART BY UAMPS AND ZIONS BANK

AGENDA

Utah State Capitol

Hall of Governors, Lower Level

7:00 a.m. – 8:00 a.m. Registration and Continental breakfast

8:00 a.m. – 9:30 a.m. Mock Committee Hearings on Actual Legislative Issues (committee rooms TBD)

9:30 a.m. – 10:30 a.m. Free time to meet with legislators or take a self-guided tour of the Capitol and travel to Salt Lake Marriott Downtown, 75 South West Temple

Salt Lake Marriott Downtown at City Creek

Ballroom E

10:45 a.m. – 12:00 noon "The Rewards of Curiosity"
Keynote Speaker: Ken Jennings, 74 time winning Jeopardy! Champ *Sponsored by Zions Bank*

12:00 noon Walk across the street to the Salt Palace

Salt Palace Convention Center

Grand Ballroom

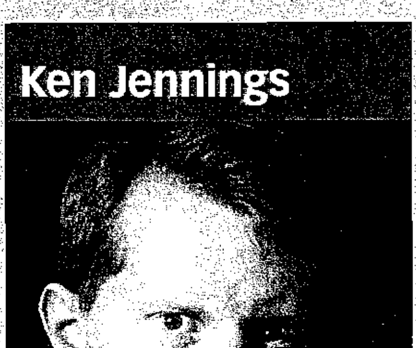
12:15 p.m. – 2:00 p.m Lunch with Legislators *Sponsored by Utah Associated Municipal Power Systems*
ULCT Style Jeopardy featuring Speaker of the House, President of the Senate and other elected officials
Hosted by: Ken Jennings

Capitol Parking: Parking can be very difficult around the Capitol complex while the Legislature is in session. We encourage you to arrive early.

Hotel & Salt Palace Parking: Parking will be validated at both the Marriott Hotel and the Salt Palace. Validations will be provided at the lunch.

The Rewards of Curiosity

Mr. Jennings' presentation is part of the
Zions Bank | ULCT Speaker Series



He's a living, breathing example of the benefits of flash-cards and limited television viewing during childhood: Multi-million dollar Jeopardy! winner, Ken Jennings shares, "The Rewards of Curiosity."

Jennings' childhood was spent, in good part, overseas. His only lifeline to American pop culture during those years was TV on the Armed Forced Network. Each day after-school he watched Jeopardy!

He moved back to the States to attend the University of Washington for a year, and after putting school on hold for a two year LDS mission in Madrid, Spain, he transferred to Brigham Young University where he double-majored in English and computer science.

While at BYU, Jennings captained the university's academic competition team, which

The Rewards of Curiosity

Mr. Jennings' presentation is part of the
Zions Bank | ULCT Speaker Series

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While at BYU, Jennings captained the university's academic competition team, which consistently finished in the top ten at national quiz bowl tournaments. As he watched dozens of friends and acquaintances appear on game shows and win cash to pay off student loans and buy flashing sports cars, Jennings' childhood dream was reborn.

While working as a software engineer for a Salt Lake City healthcare staffing company, he got the call telling him that his audition had been successful and he would appear on a game of Jeopardy!

That one game extended to appearances over six months, leading to 74 wins and $2.52 million. Both are American game show records!

Now he also can boast his nomination as one of the "Ten Most Fascinating People of the Year" (thanks to Barbara Walters) and the Michael Jordan of trivia (compliments of Slate magazine). ESPN Magazine called him "smug" and "punchable," with "the personality of a hall monitor." Jennings single-handedly proves nerds are king!

ULCT-Style Jeopardy!

It's a test of trivia... and a test of wits. Ken Jennings hosts ULCT's own game-show challenge as our own State Senators, State Representatives, Governor, and City Leaders square off. Teams will take on the tough questions, such as: "This historic Capitol City café lines its shelves with statuesque livestock," "He was the only Utahn ever named to the US Supreme Court," and "This is the preferred garnish for those ever-popular funeral potatoes?" Take the quiz along with Utah elected officials, race the clock, and answer questions about our culture, history, most famous people, and more!

Youth Council Mock Committee Hearings

Utah's youth leaders will debate a few of the tough issues Utah lawmakers will face during the 2013 session. Students representing cities from throughout the state will weigh in on the pros and cons of issues that affect their own lives, those of their classmates, and their communities. The arguments students present in our ULCT Youth Council Hearings have become pertinent points of discussion among important committees on Capitol Hill. You'll want to join in, or at least play the role of the "fly on the wall" as students share valuable ideas on key state issues affecting Utah's youth.

MAYOR TEMPORE APPOINTMENTS

January ~ December 2012	Councilman Lawrence Wright
January ~ December 2011	Councilman Justin Allen
January ~ December 2010	Councilman Ken Averett
January ~ December 2007~2009	Councilwoman Sherri Lindstrom
July ~ December 2006	Councilman Paul Cutler
January ~ December 2004~2005	Councilwoman Debbie Randall
January ~ June 2006	Councilman David Gutke
January ~ December 2003	Councilman David Gill
January ~ December 2002	Councilman Brian Gold
July ~ December 2001	Councilwoman Nancy Smith Alternate: Councilman David Gill
January ~ June 2001	Councilman David Gill Alternate: Councilwoman Nancy Smith
July ~ December 2000	Councilman Ronald G. Russell Alternate: Councilman Rick Bangerter
January ~ June 2000	Councilman Rick Bangerter Alternate: Councilman Ronald G. Russell
January ~ December 1999	Councilwoman Francine G. Luczak Alternate: Councilman William O. Nelson
January ~ December 1998	Councilman William O. Nelson Alternate: Councilwoman Francine G. Luczak
June ~ December 1997	Councilman Michael B. Barton Alternate: Councilwoman Francine G. Luczak
January ~ June 1997	Councilwoman Francine G. Luczak Alternate: Councilman Michael B. Barton
July ~ December 1996	Councilman Steve Mangel Alternate: Councilman Douglas E. Nielsen
January ~ June 1996	Councilman Douglas E. Nielsen Alternate: Councilman Steve Mangel

CITY/DISTRICT/COMMITTEE REPRESENTATIVES
Revised January 8, 2013

Davis Chamber of Commerce -

City Representative: Ken Averett H: 801-294-4878
356 West 850 North
Current Term: 1-02-08
First Appointed: 1-02-08
Compensation: No compensation

Davis County Council of Governments (COG) -

City Representative: Mayor Ronald G. Russell H: 801-295-3745
73 W. Ricks Creek Way
Current Term: 1-2010 to end of term as Mayor (1-06-2014)
First Appointed: 1-03-06
Compensation: No compensation

Davis County COG Transportation -

City Representative: Councilman Justin Y. Allen H: 801-397-3333
145 Cara Vella Lane
Current Term: 1-2010 to end of term as Council member (1-06-2014)
First Appointed: 1-03-06
Compensation: No compensation

Davis County Mosquito Abatement District Board of Trustees - (needs to be done by resolution)

City Representative:

Current Term:
First Appointed:
Compensation: $10/per meeting attended - 11/yr

Wasatch Integrated Waste Management Systems (Burn Plant) - (needs to be done by resolution)

City Representative: Councilwoman Sherri Lyn Lindstrom H: 801-296-0572
224 W. Porter Lane
Current Term: 1-19-2010 to end of term as Council member (1-06-2014)
First Appointed: 1-19-2010
Compensation: $50/mo

South Davis Metro Fire Agency - (needs to be done by resolution)

City Representative: Mayor Ronald G. Russell H: 801-295-3745
73 W. Ricks Creek Way
Current Term: 01-03-06 to end of term as Mayor (01-06-2014)
First Appointed: 01-03-06
Compensation: No compensation **Alternate:** Lawrence Wright (Res2000-05)

South Davis Recreation District - (needs to be done by resolution)

City Representative: Mayor Ronald G. Russell H: 801-295-3745
73 W. Ricks Creek Way
Current Term: 01-01-12 - 12- 31-15
First Appointed: 1-03-06
Compensation: No compensation

South Davis Sewer Improvement District - (needs to be done by resolution)

City Representative: Dee C. Hansen H: 801-298-3029
deehansen@comcast.net
268 East 500 North
Current Term: 1-02-2012 to 1-04-2016 (reapp. by cc 11-01-11)
First Appointed: 1-02-96
Compensation: $1,000/yr - Medical benefits for member and spouse only, after age 65 pay for medicaid supplement. Will also pay dental and vision if so desired to age 65.

Utah Telecommunications (UTOPIA) -

City Representative: Blaine L. Lutz H: 801-447-8451
251 S. Cobblecreek,
Farmington, UT 84025
Current Term: Oct. 2008
First Appointed: Oct. 2008
Compensation: No compensation

Utah Infrastructure Agency (UIA) – (needs to be appointed by res.)

City Representative:

Current Term:
First Appointed:
Compensation: No compensation

Weber Basin Water Conservancy District - (appointed by Governor by rec. from COG)

Area Representative: Ms. Charlene McConkie H: 801-295-0321
3846 South 775 West
Bountiful, UT 84010
Current Term: 2-01-02 to 1-31-06 - 2010
First Appointed: 2-01-02
Compensation: $1,000/yr - Total compensation for 11 meetings

Redevelopment Agency of Centerville City (Elected by RDA Board)

Chair: (always Mayor) Ronald G. Russell - Term: January 11, 2012 - January 11, 2013
Vice Chair: Lawrence Wright - Term: January 11, 2012 - January 11, 2013
Compensation: included in regular duties as elected officials

Landmarks Commission

City Liaison: Councilman Ken Averett Cell: 801-671-5718
356 West 850 North
Centerville, UT 84014
Current Term:
First Appointed:
Compensation: No compensation

Parks & Recreation Committee

City Liaison: Councilman Justin Y. Allen H: 801-397-3333
145 Cara Vella Lane
Centerville, UT 84014
Current Term:
First Appointed:
Compensation: No compensation

Trails Committee

City Liaison: Councilman John Higginson H: 801-296-0641
71 West 1850 North
Centerville, UT 84014
Current Term:
First Appointed:
Compensation: No compensation

Whitaker Museum Board

City Liaison: Councilman Lawrence Wright H: 801-397-1230
1452 N. Cherry Lane
Centerville, UT 84014
Current Term:
First Appointed:
Compensation: No compensation

Centerville Citizen Corps Council

Chair: Councilman Lawrence Wright H: 801-397-1230
1452 N. Cherry Lane
Centerville, UT 84014

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE REDEVELOPMENT AGENCY OF CENTERVILLE CITY WILL HOLD A PUBLIC MEETING AT 9:10 P.M. ON TUESDAY, JANUARY 15, 2013 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 Centerville Redevelopment Agency Board may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

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

A. ROLL CALL

B. NEW BUSINESS

1. Appoint Chair & Vice Chair for 2013

C. ADJOURNMENT

Steve H. Thacker
Executive Director

#1

REDEVELOPMENT AGENCY OF CENTERVILLE CITY
VICE CHAIRMEN

The RDA Board of Centerville elects the Mayor as Chair and also elects a Vice Chair every year on the third Tuesday of January, according to the RDA By-Laws.

Term	**Vice Chairman**
1991	Steven M. Mangel
1992	Michael B. Barton
1993	Kenneth H. Brown
1994	Kenneth H. Brown
1995	Douglas E. Nielsen
1996	William O. Nelson
1997	Steven M. Mangel
1998	Michael B. Barton
1999	Ronald G. Russell
2000	Ronald G. Russell
2001	Ronald G. Russell
2002	David R. Gill
2003	R. Dean Layton
2004	David Gutke
2005	David Gutke
2006	Sherri Lyn Lindstrom
2007	Sherri Lyn Lindstrom
2008	Ken Averett
2009	Ken Averett
2010	Justin Allen
2011	Lawrence Wright
2012	Lawrence Wright