



CENTERVILLE CITY

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

Incorporated in 1915

Mayor

Ronald G. Russell

City Council

Justin Y. Allen

Ken S. Averett

John T. Higginson

Sherri L. Lindstrom

Lawrence Wright

City Manager

Steve H. Thacker

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 February 19, 2013 Council Meeting
date: February 14, 2013

Mayor Russell will miss this meeting. Therefore, Mayor Pro Tem John Higginson will Chair the meeting. There is no work session.

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

E.2. Summary Action Calendar

- a. **Animal Control Agreement** – This is a new five-year agreement between the City and Davis County for animal control services. The City's payment would continue to be adjusted yearly. The City would have the right to terminate during the 5-year period. The Police Chief and I agree that this continues to be the most cost effective way to provide animal control services within the city.
- b. **D&RGW Trail Extension** – In recent years a paved trail has been constructed on the former D&RGW Railroad corridor from Roy to Farmington using mostly Federal funds with a small local match. This has been a partnership with the Utah Transit Authority, which owns the corridor, and the local government entities. Most of the funding has come from Federal transportation funds. The last segment to be paved is from Farmington to Centerville, which is scheduled for this year. This Interlocal Agreement provides for Centerville City, Farmington City and Davis County to equally share the local match required for this project, amounting to \$30,453 for each entity. The total project budget is approximately \$811,000.

E.3. Adopt revised Park Impact Fee – In an earlier meeting the City Council adopted an ordinance setting the maximum Park Impact Fee at \$2057 per new residential unit. That needed to be followed up, however, with an amendment to the City's Fee Schedule to include this revised amount. The Fee Schedule amendment was considered at the February 5 Council meeting, but tabled at the Council's request to allow staff to determine whether other cities in Davis County charge a uniform fee or a two-tiered fee for single-family vs. multi-family units. The results of that research is enclosed. Due to reasons explained in the staff report, I am recommending we go ahead with a uniform fee of \$2,057 per new residential unit. The ordinance adopted earlier allows a developer the option of requesting and justifying a lower Park Impact Fee. This would allow the developer of an apartment building, for example, to request from the Council an adjustment in the



Park Impact Fee based on the argument that the average number of occupants per unit is less than the average for all residential units.

- E.4. **Public Hearing – Zone Map Amendment – will be postponed to March 5 meeting** – This is a Zone Map amendment for land located at the southeast corner of Lund Lane and the Frontage Road, the site of a proposed residential subdivision. The Planning Commission is still dealing with this matter, however, and has not forwarded their recommendation. Therefore, this public hearing before the City Council will be postponed to the March 5 meeting.
- E.5. **Code Enforcement Program** – At their February 5 meeting the City Council approved amendments to the City Code pertaining to code enforcement. They did not, however, approve revisions to the civil penalty amount because they wanted to know what amounts were being charged by other cities in Davis County for these types of offenses. Staff has completed that research, which is enclosed, and recommends the Council now proceed to amend the City Fee Schedule regarding civil penalties.
- E.6. **Public Hearing – Moderate Income Housing** – State law requires that cities each adopt a Moderate Income Housing Plan as part of their General Plan and requires the Housing Plan be reviewed every two years. Centerville initially adopted its Housing Plan approximately ten years ago and has reviewed it several times since then. It is due for another review. Community Development staff and the Planning Commission have recommended some updates to the Plan. The Planning Commission discussed this matter in three meetings in December and January and conducted a public hearing. The minutes of those three meetings are enclosed, along with the updated Plan, as recommended by the Planning Commission.
- E.7. **Financial Report** – Blaine Lutz, Finance Director, has been out ill for several days this week. Therefore, the financial report is not ready for the packet. If ready before the Council meeting, it will be emailed to the City Council.
- E.8. **Mayor's Report** – Mayor Russell will be absent. However, I may mention a matter or two that would normally be reported by the Mayor during his time.
- E.9. **City Manager's Report** – I will announce the test period for the City website. I will also update you on the well project and the Chase Lane property enforcement matter. I will also have a handout proposing a goal-setting process for the City Council this year, which I assume will be similar to the last few years.
- E.10. **Ethics Training from City Attorney** – Per the Council's agreement in an earlier meeting, the City Attorney will provide training to the City Council each quarter. The first subject—ethics training—will be provided at this meeting.
- E.11. **Miscellaneous Business** – At this time I have not identified any specific subjects under this heading.
- 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.** – A Statement of Interest has been enclosed (for Council members only) regarding a resident who has been recommended by Councilman Averett to serve on the Landmarks Commission. Mayor Russell supports this recommendation and would like the Council to approve this appointment in his absence.

- 8:45 RDA Meeting** – Other than approving the minutes, the only business on the RDA Agenda is a resolution initiating the process of studying a potential new project area west of I-15 in the vicinity of the 1250 West overpass and Legacy Highway. Pursuant to this resolution, there would be a study done of the feasibility of creating a new project area—either Community Development Area or Economic Development Area—and a project budget. This matter was introduced to the City Council in an earlier meeting.

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

- Centerville Community Foundation annual meeting
- Museum Board report of upcoming Whitaker Home grand reopening
- Award bids for waterlines for Chapel Ridge Cove Subdivision and replacement of water main on Chase Lane
- Public Hearing – Zone Map amendment for land located at southeast corner of Lund Lane and Frontage Road
- Approve/accept Street Dedication and Easements for Parrish Creek Business Park – 1030 North 950 West (if ready)
- Actions relating to site plans for Chick-Fil-A and MTC
- RDA meeting: Approve proposed use of north end of Iggy's island

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, FEBRUARY 19, 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 - The times shown below are tentative and are subject to change during the meeting.
Time:

7:00 **A. ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT – Councilman Ken Averett

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 – February 5, 2013 meeting**

7:15 2. **Summary Action Calendar**

 a. **Animal Control Agreement with Davis County – Consider Resolution No. 2013-08**

 b. **Interlocal Agreement re funding for the construction of the D&RGW Trail extension from Farmington to Centerville – Consider Resolution No. 2013-09**

(OVER)

- 7:15 3. Amend City Fee Schedule – Consider Resolution No. 2013-05 adopting the revised Park Impact Fee of \$2,057 (**Continued from February 5 City Council meeting**)
- 7:20 4. Public Hearing – Zone Map amendment for land located at southeast corner of Lund Lane and Frontage Road from Agricultural-Low (A-L) – Residential-Low/Planned Development (R-L/PD) (**Postpone to March 5 meeting**)
- 7:20 5. Code Enforcement Program (**Continued from February 5 City Council meeting**)
 a. Staff report re amount of civil penalties
 b. Consider Resolution No. 2013-07 amending City Fee Schedule regarding civil penalties
- 7:30 6. Public Hearing – General Plan amendment re Chapter 12-490, Moderate Income Housing Plan – Consider Ordinance No. 2013-03
- 7:55 7. Financial Report for period ending January 31, 2013
- 8:00 8. Mayor's Report
- 8:05 9. City Manager's Report
 a. Website
 b. Well project
 c. Chase Lane property enforcement update
 d. City Council goal-setting process
- 8:15 10. Ethics training from City Attorney
- 8:40 11. Miscellaneous Business
- 8:45 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.
- 8:45 13. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

8:45 RDA Meeting

Marsha L. Morrow, MMC
Centerville City Recorder

Minutes of the Centerville **City Council** meeting held Tuesday, February 5, 2013 at 7:06 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Ronald G. Russell

Council Members Justin Y. Allen
Ken S. Averett (arrived at 7:10 p.m.)
John T. Higginson
Sherri Lyn Lindstrom
Lawrence Wright

STAFF PRESENT

Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Katie Rust, Recording Secretary

VISITORS Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilman Justin Allen

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the January 8, 2013 Council work session and the January 15, 2013 work session and Council meeting were reviewed. Councilman Allen made a **motion** to approve all three sets of minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

- a. Amend City Fee Schedule – Consider Resolution No. 2013-05 adopting the revised Park Impact Fee of \$2,057
- b. Accept easements for Centerville Corporate Park Subdivision Amended
- c. Re-approve Assignment and Assumption Agreement for the Centerville Corporate Park Subdivision regarding assignment of rights and assumption of obligations for Lot 202 under the Corporate Park Governing Documents

Councilman Allen requested the Council discuss item (a) on the Summary Action Calendar separately. Councilman Allen made a **motion** to accept items (b) and (c) on the Summary Action Calendar, accepting easements for the Centerville Corporate Park Subdivision Amended, and re-approving the Assignment and Assumption Agreement for the Centerville Corporate Park Subdivision regarding assignment of rights and assumption of obligations for Lot 202 under the Corporate Park Governing Documents. Councilman Higginson seconded the

1 motion, which passed by unanimous vote (4-0). Councilman Averett arrived shortly after the
2 motion passed.

3
4 As a result of conversations with developers, Councilman Allen asked if it is standard
5 practice to charge the same Park Impact Fee for single-family units as for individual multiple-
6 family units. He also asked if staff had considered charging a slightly lower fee for the individual
7 units in multiple-family structures than for single-family dwellings. Steve Thacker, City Manager,
8 responded that staff did not survey to determine if other cities have multiple rates. It is his
9 understanding that some cities have a uniform rate and some cities have two-tier rates. Mr.
10 Thacker reminded the Council that they approved a uniform Fire Impact Fee increase near the
11 end of 2012, and indicated staff would be willing to survey Davis County cities and report to the
12 Council. He commented it may be necessary to raise the single-family rate to compensate for a
13 decrease in the multiple-family rate in order to achieve the same financial result. Councilmen
14 Allen and Wright both expressed an interest in finding out the policies of other Davis County
15 cities. Councilman Wright made a **motion** to table the issue to the next Council meeting,
16 directing staff to research whether other Davis County cities have uniform or tiered Park Impact
17 Fees. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).
18 Councilman Allen added he had received positive feedback regarding the amount of the
19 proposed Park Impact Fee and the process used by staff and the Council.

20 21 **REPORT FROM COUNCILWOMAN LINDSTROM REGARDING WASTE DISTRICT**

22
23 Councilwoman Lindstrom reported on a recent update of the Wasatch Integrated Waste
24 Management District's Solid Waste Management Plan. The Plan provides a comprehensive,
25 long-term blueprint for solid waste management for its member communities.
26 Councilwoman Lindstrom also updated the Council on other Waste District issues. Councilman
27 Wright thanked Councilwoman Lindstrom for the time she has spent as the City's representative
28 with the Waste District.

29 30 **CODE ENFORCEMENT PROGRAM**

31
32 Lisa Romney, City Attorney, presented background information and analysis regarding
33 code enforcement methodologies and approaches used by local jurisdictions. Code
34 enforcement is authorized by State law, and can be viewed as an obligation of the City to
35 preserve property values and ensure a pleasant community atmosphere. A number of tools are
36 available to the City for code enforcement and it is important to use the right tool for the
37 appropriate situation. There are two basic approaches to code enforcement: the proactive
38 systematic approach and the complaint based approach. Some communities have one or more
39 dedicated code enforcement officers. Ms. Romney feels it is important to know what methods
40 are used in neighboring communities, but stressed that code enforcement is individualized with
41 many factors to consider, including the character of the community and the staffing and
42 resources available. Centerville receives a relatively low number of complaints and has a high
43 compliance rate when notice is given. It is staff's recommendation that Centerville continue to
44 use the complaint-based methodology for code enforcement. Such enforcement methodology
45 may be supplemented with the occasional use of systematic enforcement for particular issues or
46 problem areas. Systematic enforcement has been used and can be used in the future to
47 address issues such as sign code violations along Parrish Lane or tree limb encroachment
48 along Main Street. In these instances, the City can do a proactive sweep of an area and issue
49 correction notices or citation for violations. Staff can conduct such sweep operations as
50 deemed necessary to curtail excessive violations in a particular area, to address specific issues

1 of safety concern, or as specifically directed by the City Council. Other than these limited
2 instances, it is staff's opinion that the complaint-based system is adequate and appropriately
3 tailored for Centerville's resources, community philosophy and staffing. It is staff's opinion that
4 there is sufficient capacity with current staff to handle code enforcement on a complaint basis
5 and as needed to address occasional systematic enforcement. Hiring a dedicated code
6 enforcement officer is not necessary or warranted at this time.

7
8 Regardless of the methodology used for code enforcement within the City, there are a
9 few changes that can be made to the current practices and policies to improve the
10 accountability, effectiveness and efficiency of the system:

- 11
- 12 • Set up a clear complaint process and procedures
 - 13 • Retain initial mandatory 10-day notice
 - 14 • Eliminate mandatory 10-day notice for repeat offenders
 - 15 • Add a graduated penalty clause for repeat offenders
 - 16 • Increase the civil penalty amount - currently \$120 for a first offense, staff
17 recommends increasing to \$150 for a first offense, \$300 for a second offense, and
18 \$500 for a third offense in a one year period
 - 19 • Compliance tracking
- 20

21 Staff recommends adoption of the proposed amendments to the Civil Enforcement Ordinances
22 and the Civil Penalties as set forth in the City's Consolidated Fee Schedule. Similar changes
23 will be recommended for the Zoning Code if the City Council is supportive of the amendments
24 recommended tonight in the Municipal Code.

25
26 Councilman Wright thanked staff for the work put into the Code Enforcement Program.
27 Councilman Wright feels the fines for first and second violations should be increased. He
28 suggested \$250 for a first violation and \$350 for a second violation, keeping the fine for a third
29 violation at \$500. Mayor Russell asked if increasing the fines to \$250 and \$350 would cause
30 staff to be reluctant to take that step. Cory Snyder, Community Development Director,
31 responded that setting the fine for a first violation at \$250 would create tension in discussions
32 with violators. He feels \$250 would make negotiation difficult and would create negative
33 feelings towards city government, but stated that staff will cooperate with what the Council
34 decides. Councilman Wright feels there should be a significant incentive to comply with the law.
35 Mr. Thacker pointed out that the Council will receive feedback from the community regarding the
36 fines and will have to defend whatever decision they make. Councilman Wright would not want
37 the City to enforce unfairly. He has confidence staff will work with citizens and give them every
38 opportunity to comply with the law. Councilwoman Lindstrom stated she is comfortable with the
39 staff recommendations. Mayor Russell commented it would be helpful to compare the civil
40 penalties in other cities. Councilman Averett would not want it to appear to citizens that the
41 Council views the penalty as a revenue source. He would not want to raise the fee for a first
42 offense too much, but feels the fines for a second and third offense should be significant. Mayor
43 Russell recommended the Council adopt the proposed Ordinance No. 2013-02 amending
44 procedures for code enforcement and postpone approval of the resolution amending the Fee
45 Schedule.

46

1 Councilman Wright made a **motion** to adopt Ordinance No. 2013-02 amending various
2 provisions of Title 1, Chapter 6 of the Centerville Municipal Code regarding procedures and
3 penalties for civil code enforcement. Councilman Higginson seconded the motion, which
4 passed by unanimous vote (5-0).

5
6 A citizen stood and asked if the City is required to comply with the Codes in the same
7 manner as individuals and businesses. He is a resident of Chase Lane Village and expressed
8 frustration with the fire hazard posed by the condition of the City-owned property on the
9 Frontage Road next to the Community Park.

10
11 Councilwoman Lindstrom made a **motion** to table approval of Resolution No. 2013-07
12 until more information is collected. Councilman Higginson seconded the motion, which passed
13 by unanimous vote (5-0).

14
15 **FY 2013 BUDGET (CURRENT FISCAL YEAR)**

16
17 City Manager Thacker explained amendments to the FY 2013 Budget recommended by
18 staff:

- 19 • Allocate budget for full-time in-house attorney
- 20 • Repayment of the loan made earlier from the General Fund to the Parks Capital
- 21 Improvement Fund for trails
- 22 • Increase budget for the South Davis Metro Fire Agency assessment
- 23 • Allocate additional budget for increased snow plowing costs
- 24 • Allocate additional funding for street projects
- 25 • Allocate budget for UTOPIA operating assessment

26
27 Mr. Thacker explained the UTOPIA OpEx assessment and recommended Centerville's
28 share be drawn from General Fund reserves rather than current revenues so the assessment
29 does not affect the allocation of funds for other services during the normal budget process. He
30 displayed a graph that shows revenues related to the UIA Phase 1 bond now exceed the debt
31 service. Revenues in excess of the debt service are used to pay operating costs. The original
32 UTOPIA bond debt is paid through the pledges of member cities.

33
34 Councilman Averett feels the City should not continue paying any funds to UTOPIA. He
35 pointed out that Payson no longer contributes, yet some of their citizens are still connected and
36 benefit from UTOPIA. He feels there are ways for Centerville to avoid liability and not "go dark."
37 Steve Thacker responded that if too many cities refuse responsibility UTOPIA will cease to
38 operate. The debt would remain without the benefit of connection. The specific issue before
39 the Council is a proposed budget amendment that would represent Centerville's payment
40 towards UTOPIA's OpEx for the remainder of the fiscal year. The related issue is whether
41 UTOPIA should continue to include an operational subsidy in future bonding, or whether that
42 subsidy should be paid directly from the cities, and if so, according to what formula. An OpEx
43 subsidy has been included in every bond issue to date, including the first phase of the UIA
44 bond. \$65 million in UIA bonding was authorized two years ago by eight UTOPIA cities, with
45 \$30 million issued in the first tranche. The intent was to issue a second tranche last year, but
46 the Legislative Audit released last August criticized the practice of paying operating expenses
47 with bonding. The UTOPIA Financial Advisor and the City Managers involved agree that it
48 would be better for the cities to pay the subsidy directly. With the planned approach, the OpEx
49 subsidy would be eliminated in approximately three years.

Mr. Thacker explained the business plan that has been developed during the past six months. Regarding how the operating expenses should be shared by the member cities, the bigger cities proposed a formula with four factors, which would place a large portion of responsibility on the built-out cities. Mr. Thacker proposed a formula with two factors, or 50/50, which he feels is a more fair distribution and reduces Centerville's obligation compared to the four-factor formula. Using the two-factor formula (50% based on the pledge percentages associated with the repayment of UTOPIA debt and the 50% based on the value of assets within each city), Centerville's portion of the OpEx would be 6.5%, or \$73,000 for the remaining five months of the current fiscal year. The amounts would have to be adjusted if other cities refuse to participate. As asset value increases in other communities, Centerville's portion of the OpEx will reduce.

City Manager Thacker mentioned the following potential conditions of approval that could be placed on Centerville's participation (Note: These had been mentioned by Council members in earlier discussions.):

- The assessment should be considered a loan to be repaid to the cities
- The assessment should be approved fiscal year by fiscal year
- When and if RUS lawsuit settlement proceeds become available, they should be used to reimburse the cities that contributed and used to pay remaining OpEx
- Comprehensive Performance Review of management staff
- Initiate the Baldrige process in a few months

Paul Cutler, former City UIA Representative, stated he understands the frustration with UTOPIA's financial situation. He feels the UIA Board, staff, and the City Managers have worked hard to find the best solution. UTOPIA is making progress, and improvements need to continue. He recommended the Council support UTOPIA and the other member cities that have stood with Centerville. He feels Mr. Thacker has negotiated a good, fair deal. He recommends focusing on reducing the operational subsidy (not bonding for operating expenses), and feels the wrong thing would be to pick a fight with Centerville's partners of UTOPIA. The amount of money involved, while important, is relatively small compared to the City's larger commitment to make UTOPIA successful. Mr. Cutler feels the financial amount is not worth the cost of the damage that would be done by trying to break UTOPIA apart. He feels the City should go forward with the operational subsidy and make the necessary progress. Councilwoman Lindstrom asked how Mr. Cutler feels about drawing on the next tranche. Mr. Cutler responded UTOPIA is making better progress than it has in the past and needs to have more focus on optimizing operations rather than bonding for large amounts to build-out the network. There may be a need and a justification for borrowing in smaller amounts and proving that operations can be improved. He agrees with the idea of bonding for capital, but not for operational costs, and he feels UTOPIA staff should be held accountable for improving performance.

Councilman Allen asked if the City could be forced by UTOPIA to participate if the Council votes against further involvement. Mr. Thacker responded it is understood that the assessments are subject to budgetary funding from each city. Centerville could choose not to be a player, but Mr. Thacker would not recommend that option. He feels the City has benefited from UTOPIA participation in that it is the only city completely built out, and it would be extremely bad faith not to continue to be a team player. Councilman Wright stated he has respect for the amount of work that has been done. He is concerned about the pattern of assumptions being made in the absence of fact. Councilman Wright views the plan as a concept plan - a skeleton without the meat. He would like to see a strategic plan and operating

1 plan with metrics that allow measuring progress. Councilman Wright mentioned some of the
2 problems and shortfalls he can see in the work that has been done. He would like the UTOPIA
3 Board to present a strategic plan to the cities rather than just a concept plan. He advocates
4 withholding funds until an adequate business plan is put in place.

5
6 At 9:05 p.m. Mayor Russell called a brief recess. The Council reconvened at 9:11 p.m.

7
8 Mayor Russell opened a public hearing for the purpose of hearing comments regarding
9 the proposed amendments to the FY 2013 Budget at 9:14 p.m.

10
11 Rick Bingham – Mr. Bingham asked for clarification regarding the revenue/bond debt
12 graph used during Mr. Thacker's presentation. Staff responded that the revenue line reflects
13 funds collected from customers. The UIA is a financial mechanism to provide bonds for
14 additional build-out of UTOPIA. The UIA bond is being repaid by connection fees customers
15 pay upfront and by fees collected by the service providers. Mr. Bingham believes Centerville is
16 in UTOPIA and needs to find a way to make it work. He referred to the Legislative Audit Report
17 and asked what subscription rate is needed in Centerville to cover the costs. Mr. Lutz
18 responded Centerville had a 23% residential rate as of last December. Mayor Russell reminded
19 those present that the purpose of the public hearing is to hear comments about the proposed
20 budget amendments. Mr. Bingham stated he feels the subscription rate must be increased in
21 order to make UTOPIA a success. He disagrees with the idea that the average revenue per
22 user is more important than the subscription rate. Mr. Bingham feels the proposed subsidy
23 should be considered a loan that will be paid back to the cities. He agrees with requiring
24 UTOPIA to account for its progress. He views the situation as a financial crisis for the City and
25 feels that quarterly check-ups should occur. He thinks it is a shame that a current Council
26 member is not serving on the UTOPIA Board or the UIA Board. Mayor Russell responded that
27 as of last month he is the representative on the UIA Board.

28
29 Jerry Cook – Mr. Cook feels government should act more like a business with fiscal
30 responsibility. To that end, he is not aware of many business relationships where profits and
31 losses are not shared equally. He feels the claim made by UTOPIA ten years ago that high
32 speed internet was not available in Centerville was not true. He recommended the Council
33 stand firm and honor obligations, paying Centerville's share but not paying someone else's
34 share. He was opposed to UTOPIA at the start, but he now hopes it succeeds. He cautioned
35 the Council to look at the whole accounting picture. He has been disappointed in the way that
36 the RAP tax has been implemented. It is his understanding that there is no money left for
37 recreation and parks. The Recreation Arts and Parks Tax has become an Arts Tax. He feels if
38 Centerville doesn't have the money, it doesn't have the money. He hopes the Council will listen
39 to the people and value the feedback they receive. Mr. Cook thanked the Council for all the
40 work they do. Mr. Thacker commented that with a recent increase in Park Impact Fees, the
41 expansion of Community Park will begin this year.

42
43 Kyle Green - Mr. Green asked how many of the Council members subscribe to UTOPIA.
44 Many of the Council members indicated they subscribe. Mr. Green feels Centerville should own
45 up to its current obligation, but not put more into it until a business plan is in place. No business
46 can operate in the red. He feels government should be held to business standards. Mr. Green
47 thanked the Council for what they do.

48
49 Lee Skabelund – Mr. Skabelund feels everyone has a different condition and situation.
50 He is glad to hear the assessment is being viewed as a loan. He stated he does not generally

1 give loans to his tenants, but he acknowledged there are circumstances when it is appropriate
2 after carefully vetting the situation. He feels Centerville is serving 24% of the population with a
3 luxury. Government should provide basic needs and basic services that serve all citizens. Mr.
4 Skabelund doesn't want to see UTOPIA fail, but he does not see a need for it in his home. He
5 suggested an incentive for customers who recruit new customers. He believes the City should
6 tighten its belt and stick with the basics. He would like to see UTOPIA succeed.
7

8 Peter Weeden – Mr. Weeden chose to go with UTOPIA because of the cost advantage
9 and feels it has worked out well. He enjoys the service. As an effort to boost the subscription
10 rate, he asked if the City could include information in the City newsletter regarding how much it
11 would cost citizens to connect to UTOPIA and how much the monthly cost would be.
12

13 Scott VanOrman – Mr. VanOrman feels the City should be judicious and careful in using
14 funds. He requested the City hold on borrowing or using funds that were committed to other
15 things before allocating them to service operating costs of UTOPIA. He asked if there is a way
16 to increase revenues by increasing subscriptions. He is not a UTOPIA customer. He does not
17 feel it would be practical for the needs in his home. The Council commented that UTOPIA now
18 offers several different connection options. Mayor Russell added that City resources cannot be
19 used to market for UTOPIA. Mr. VanOrman acknowledged that many more subscribers are
20 needed to make UTOPIA successful in Centerville. He feels UTOPIA should have to frequently
21 report on progress before additional funds are given.
22

23 Carl Roberts – Mr. Roberts is a UTOPIA subscriber. He supports Councilman Wright's
24 comments.
25

26 Kyle Green – Mr. Green stated he agrees with the comment that UTOPIA will become
27 an antiquated service as wireless becomes more popular. He also stated that if UTOPIA cannot
28 be profitable there is nothing wrong with letting it fail. He feels there should be a plan in place
29 before more money is spent.
30

31 Mayor Russell closed the public hearing at 9:50 p.m. Mayor Russell is confident that the
32 vote of the UIA Board will be in favor of the 50/50 formula. Councilman Higginson stated that
33 regardless of what the Council decides, if any other city refuses to pay, their portion will have to
34 be reallocated. Mayor Russell added that the amount allocated in the Budget will show what
35 Centerville is willing to pay regardless of the formula decided upon. Mr. Thacker feels the
36 \$73,000 would be a show of good faith and would put pressure on UTOPIA to not ask for more
37 in the current fiscal year. He is anticipating UTOPIA will report better revenues next week. Lisa
38 Romney sees an advantage in the Council taking a vote to show the Board that Centerville is
39 willing to participate but only up to a certain point. She agreed with the Mayor that Centerville
40 does not have a significant vote, but she feels the Board will consider Centerville's position and
41 that a budget allocation would give a strategic advantage. Councilman Averett feels allocating
42 the proposed amount of up to \$73,000 would be validating the 6.5% assessment, which he does
43 not support.
44

45 Mayor Russell stated that when the process began, the cities agreed to a percentage of
46 the bond debt and it was anticipated that operating expenses would come out of the bond debt.
47 To avoid borrowing for operating expenses like the Federal Government, a new way to cover
48 operation costs needs to be negotiated and agreed on. Each city has its own interests and its
49 own perception of what is fair. Mayor Russell feels the 50/50 formula reflects the different
50 interests and is as fair as possible in this situation. He agreed with Councilman Wright that

1 there is still a lot of work to do to build-out the Plan. The Mayor pointed out that the OpEx
2 subsidy will only be necessary in the short-term. He thinks there will be significant drops in the
3 operating deficit in the future. Mayor Russell stated he thinks it makes sense to support the
4 proposal and make the budget amendment now, sending the message that Centerville wants to
5 cooperate with the conditions discussed. He said the percentages will be examined and
6 adjusted quarterly to accurately reflect the level of assets in each city.

7
8 Councilman Wright stated the problem is that the operating deficit does not represent the
9 total costs for operations. He feels a lot of the decisions are being based on assumptions that
10 are not proven yet. He would like to stick with the 3.3%, and agree to the 6.5% only when
11 certain conditions are met. He would like to see a business plan that has meat to it and has
12 metrics included. Councilman Wright thinks it is a bad idea to look for revenue by expanding
13 into non-UTOPIA cities. As a City he feels Centerville has been a team-player all along. The
14 cities with majority votes chose to build-out the network in areas where revenue would not be
15 significant, and he feels a solution should be found that stays within the framework originally
16 agreed on.

17
18 Councilman Allen does not like the amount that the City pays for UTOPIA every year.
19 He would like to see those funds used for something else. However, he feels the City's vote in
20 favor of the refinance has been validated. He agreed with an earlier comment that wireless will
21 be important in the future, but fiber to the home will be "it" moving forward. He does not feel the
22 UTOPIA technology will be outdated anytime soon. Councilman Allen supports the idea of
23 having elected officials on the Board, but does not think it is fair to claim UTOPIA has been
24 making decisions like a chicken running around with its head cut off. The last six months there
25 has been an effort to improve, strategically, how things are run. He feels if the City wants to be
26 taken seriously and have a say in what happens moving forward, it will have a stronger position
27 if the Council continues to be a team-player. He believes there is some fairness to having a
28 little more responsibility for the operating expenses since Centerville is fully built-out, and he
29 could support the 6%. He also feels it could be defensible to refuse to pay more than the 3.3%.
30 He is glad there are more positive feelings about UTOPIA in general. He paid the \$2750
31 connection fee upfront and has been happy with the service. He commented that even those
32 not subscribing to UTOPIA have benefited because other companies have had to stay
33 competitive.

34
35 Councilwoman Lindstrom agrees with Councilman Allen that improvements have been
36 made. She sees the positive changes that have been made and at the same time does not feel
37 she is blind to the problems involved. She supports the 50/50 formula and could live with the
38 3.3% as well, but she adamantly feels the proposed conditions should be attached.

39
40 Councilman Averett has never supported additional funding for UTOPIA during his five
41 years on the Council. He referred to the comments that UTOPIA should be treated like a
42 business and asked why money should be put into a business that is not profitable. He feels it
43 is the responsible thing to do to get out. He stated UTOPIA has been in business for 10 years,
44 has spent half of a billion dollars, and has 10,000 customers. They have added 1,000
45 customers per year at a cost of \$47,000 per customer. Centerville is going to pay almost half a
46 million dollars towards UTOPIA this year. The City is subsidizing each of the Centerville
47 UTOPIA customers \$547 per year. He cannot support continuing to put good money after bad,
48 and does not support approving any funds for UTOPIA.

1 Councilman Allen pointed out that Centerville does not have the option to pull out at this
2 time. Councilman Averett believes Centerville can vote no just like Payson did. Councilman
3 Allen stated that, if Centerville had chosen to pull out before the refinance like Payson did it
4 might have been an option, but at this point it is not.

5
6 Councilman Higginson has carefully considered his decision. He feels UTOPIA is like a
7 snake eating its own tail - eating through the funds of member cities. Member cities knew they
8 would be part of the equation before the building phase began. The decision to build-out
9 Centerville was made by UTOPIA, not Centerville. He would feel differently about paying a
10 larger portion because of assets if Centerville had been a part of the decision to build-out. The
11 50/50 formula does not reflect that some of the assets were paid for by Centerville customers by
12 way of the connection fee. Councilman Higginson feels it is a risky loan and approves moving
13 forward with the previously agreed on 3.3% with the strict proposed stipulations in place.

14
15 Staff clarified that 3.33% is the City's pledge percentage for the UTOPIA debt, and
16 3.52% is Centerville's percentage of the UIA debt. Councilman Averett stated it does not matter
17 what the Council approves because the larger UTOPIA cities will determine Centerville's
18 allocation. If Centerville does not pay the full amount it will be seen as not pulling its weight and
19 not contributing.

20
21 Councilman Higginson made a **motion** that Centerville City contribute the original 3.52%
22 pledge amount, amending the FY 2013 Budget by up to \$40,000 for the UTOPIA OpEx
23 assessment conditioned upon: (1) approval of the assessment on a year by year basis; (2) the
24 assessment be classified as a loan to be repaid by revenues or lawsuit proceeds, whichever
25 comes first; (3) UTOPIA initiate the Baldrige methods and/or some other program that can
26 streamline operations. Councilman Wright suggested that the other proposed budget
27 amendments listed in Resolution No. 2013-06 be added to the motion and seconded the motion.
28 Councilman Averett asked if the other budget amendments could be voted on separately since
29 he intends to vote against the UTOPIA assessment but would like to vote in favor of the other
30 budget amendments. Councilman Wright withdrew his addition to the motion. The Council and
31 staff discussed how to phrase the motion.

32
33 Councilman Higginson made a new **motion** to adopt Resolution No. 2013-06 amending
34 the Fiscal Year 2012-2013 Budget; provided the transfer for the UTOPIA expenditure for
35 operational assessments is changed to \$40,000 to reflect the City's UIA pledge participation of
36 3.52% and conditioned upon: (1) approval of the assessment on a year by year basis; (2) the
37 assessment be classified as a loan to be repaid by revenues or lawsuit proceeds, whichever
38 comes first; and (3) UTOPIA initiate the Baldrige methods and/or some other program that can
39 streamline operations. Councilman Wright seconded the motion, which passed by majority vote
40 (4-1), with Councilman Averett dissenting. Councilman Averett clarified that his dissenting vote
41 is related to the UTOPIA assessment. He is in favor of the other budget amendments.

42 43 **MAYOR'S REPORT**

44
45 Council members indicated to the Mayor they have found the goal setting process used
46 in the past to be valuable, including a work session with the Planning Commission.

CITY MANAGER'S REPORT

The new City website will be available for Council review within the next week or two. Staff would appreciate Council feedback by the end of February. The website will be launched in March.

City Manager Thacker reported that Chick-Fil-A plans to open by the end of the year. Plans for a four-story office building on the west side of the freeway are under review, as well as plans for a retail building in the Legacy Crossing development. Wasatch Running currently has an option on the property north of Iggy's.

MISCELLANEOUS

Mayor Russell recommended that Melinda Mitchell be appointed to another three-year term on the Landmarks Commission. Councilman Averett made a **motion** to reappoint Melinda Mitchell to the Landmarks Commission. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 10:45 p.m. Councilwoman Lindstrom made a **motion** to adjourn the Council meeting. Councilman Allen seconded the motion, which passed by unanimous vote (5-0).

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: February 19, 2013

Short Title: Animal Control Agreement with Davis County

Initiated By: Davis County Animal Services Director

Scheduled Time: 7:15 (SAC)

RECOMMENDATION

Approve Resolution No. 2013-08 approving an Interlocal Cooperation Agreement between Centerville City and Davis County for animal control services for the five-year period 2013 – 2017.

BACKGROUND

Four years ago the County entered into multi-year agreements with Davis County cities for animal control services. That was intended to be a five-year agreement with the compensation from each city adjusted annually based upon an understood formula. Even though one year remains on that five-year agreement, the County would like to replace it with a new five-year agreement. Police Chief Neal Worsley, in his enclosed memo, identifies the differences between the new agreement and the old agreement. The basis for determining each city's payment remains the same. The city's fee for the basic animal control services is based on the average number of calls for the past two years. A city's fee for wild-life nuisance calls remains based on a charge per call, currently \$25.75 per call, which the County has interpreted to mean per animal. This interpretation hits Centerville hard this year because of a bat infestation at Stewart Elementary School during 2012. Each city's payment for wildlife nuisance calls in a given year is based on the number of calls the prior year—with "number of calls" being interpreted as number of animals. The bat infestation at Stewart Elementary (almost 90 bats) resulted in almost doubling the City's payment for wildlife nuisance service in 2013. Staff have questioned County officials about the reasonableness of this interpretation in circumstances such as this and will continue to do so. However, County officials have not agreed to adjust the fee at this point.

In summary, Centerville City's fee for basic animal control services increases from the annual amount of \$20,927.91 in 2012 to \$21,619.81 in 2013. The City's payment for wildlife was \$2,369 in 2012 and will increase to \$4,120 in 2013 due to the reason explained above. Staff anticipate the number of wildlife calls in 2013 will be similar to the numbers prior to 2012, and therefore, staff anticipate the annual fee in 2014 will be

similar to prior years. The number of calls per city are enclosed, attached to a letter from the Animal Services Director Clint Thacker.

Despite the anomaly in the wildlife nuisance fee, the Police Chief and City Manager still recommend approval of the enclosed Resolution and Agreement.

MEMORANDUM

TO: Steve Thacker

FROM: Neal Worsley *NW*

DATE: January 24, 2013
Updated: February 14, 2013

RE: Contract For Animal Care & Control Services

On January 24, 2013, I spoke with Animal Service Director Clint Thacker by phone and asked the questions concerning the renewal of this contract at this time and inquired about the increase in wildlife calls. Mr. Thacker stated that it has been five years since the last contract and sent me an email which I will attach that shows the current contract would not be up for renewal until January 1, 2014.

I also received a list of wildlife calls which shows an increase from 92 in 2011 to 160 in 2012. The breakdown shows Centerville City had a bat infestation, particularly at J. P. Stewart Elementary School during April and May 2012. Out of the total wildlife calls assessed to Centerville City, 90 were for bats. It appears that there may be some duplicate calls and I will continue to follow up with Mr. Thacker to see if we are being charged twice for the same call.

On February 11, 2013, I was able to contact Mr. Thacker for a follow up on a breakdown of wildlife calls and to inquire if they were double billing in some cases. Mr. Thacker spoke with the Davis County Clerk Auditor and was advised that wildlife assessments are based on a per-animal basis not per call.

Mr. Thacker feels it is time to update the inter-local agreement for animal care and control services. Since this original memo, City Attorney Lisa Romney has worked with Davis County Civil Attorney Neal Geddes to clean up the language in the contract. My review of the agreement shows several minor changes have been made. I have outlined them as follows:

First under Recitals, the Animal Control Director has changed to the Animal Service Director, and it leaves a provision where a city can have individual exceptions.

Animal Shelter is now Animal Service Center.

Under Services, they have added cats to the licensing program, changed the regular patrol coverage and office hours to be Monday through Friday 8:00 a.m. to 5:00 p.m., and eliminated Saturday. The emergency response time has changed from 15 minutes to 30 minutes subject to availability. They also took out the provision to inspect and monitor animal related businesses.

The term of this agreement will run from January 1, 2013, through December 31, 2017.

Compensation for 2013 will be \$21,619.81 to be paid in 12 equal monthly installments of \$1801.65 due on the first day of each month.

Wildlife nuisance animal compensation at this time is \$4,120.00 and the County will bill the City quarterly for this service. There is no increase per call for this year. (\$25.75 per animal call.)

Governmental Immunity Act has been updated for UCA Section 63G-7-101 et seq.

I do not see anything in the new Animal Services Contract that would cause the City concern and would recommend the City continue its association with Davis County for this service.



Davis
COUNTY

Animal Care & Control

1422 East 600 North - Fruit Heights, Utah 84037
Telephone: (801) 444-2200 - TDD: (801) 451-3228 - Fax: (801) 444-2212

RECEIVED

JAN 17 2013

CENTERVILLE CITY CORP

Mayors, City Administrators & City Councils,

I want to thank all of the cities for the working relationship we have with you. I appreciate the communication and feedback that has been given to me and our department this past year. We are thankful to be serving in your city.

You will find enclosed: The formal contract showing the amount due for Animal Care & Control services, spreadsheets listing the call amounts (Calls and wildlife) and this letter.

In reference to the two enclosed spreadsheets; one is for all calls excluding wildlife calls and the other is for the wildlife calls, please see both.

The County did not increase the amount due from the cities this year. Your city's fee increased or decreased based on the number of calls that were in your city in 2012.

Wildlife calls are separate and are charged a \$25.75 fee per call. This fee is also remaining the same as 2012. *Animal?*

Please sign the contract & mail the signed contract to me. (If you want a signed original, please specify as such, sign TWO copies and send both to me.) I will place a cover sheet on it and forward it to the County Attorney where it is reviewed and placed before the County Commissioners. After all of the signatures are collected, I will make a copy of the original and send it to you.

I would like to have all contracts turned into the County Commission by March 21, 2013.

If you have any questions, concerns or comments please contact me,

Thank You,

Clint Thacker

Director

Davis County Animal Care & Control
801-444-2204

ACTUAL TOTAL SERVICE CALLS FOR ALL CITIES (EXCLUDING WILDLIFE)

TOTAL FEES REQUESTED FROM CITIES FOR 2013

2011 Cities Fee 2012 Cities Fee 2013 Cities Fee
 \$ 567,206.91 \$ 567,206.91 \$ 567,206.91

Service Call Stats Taken - 2010 to 2012

	Calls for Service			Annual Averages		% of 2 Yr. Average		City Fee	
City	2010	2011	2012	Avg 10/11	Avg 11/12	% of 10/11	% of 11/12	2012	2013
BOUNTIFUL	1841	1933	1837	1887	1885	10.61%	10.68%	\$60,199.64	\$ 60,554.75
CENTERVILLE	585	727	619	656	673	3.69%	3.81%	\$20,927.91	\$ 21,619.81
CLEARFIELD	2067	2076	1975	2072	2026	11.65%	11.47%	\$66,085.61	\$ 65,068.25
CLINTON	1264	1255	1221	1260	1238	7.08%	7.01%	\$40,180.94	\$ 39,770.18
FARMINGTON	969	1312	1166	1141	1239	6.41%	7.02%	\$36,384.57	\$ 39,802.30
FRUIT HEIGHTS	260	333	279	297	306	1.67%	1.73%	\$9,459.03	\$ 9,830.11
BOYER HILL	535	160	214	348	187	1.95%	1.06%	\$11,086.05	\$ 6,007.29
KAYSVILLE	1198	1412	1334	1305	1373	7.34%	7.78%	\$41,632.50	\$ 44,106.99
LAYTON	4330	4693	4257	4512	4475	25.37%	25.34%	\$143,927.22	\$ 143,757.31
NSL	605	710	670	658	690	3.70%	3.91%	\$20,975.76	\$ 22,165.93
SOUTH WEBER	354	341	284	348	313	1.95%	1.77%	\$11,086.05	\$ 10,038.92
SUNSET	539	501	484	520	493	2.92%	2.79%	\$16,589.20	\$ 15,821.34
SYRACUSE	1164	1379	1245	1272	1312	7.15%	7.43%	\$40,563.77	\$ 42,147.39
WEST BOUNTIFUL	510	421	321	466	371	2.62%	2.10%	\$14,850.52	\$ 11,918.20
WEST POINT	547	595	686	571	641	3.21%	3.63%	\$18,216.21	\$ 20,575.77
WOODS CROSS	480	463	410	472	437	2.65%	2.47%	\$15,041.93	\$ 14,022.36
Total Calls	17248	18311	17002	17780	17657	100.00%	100.00%	\$567,206.91	\$ 567,206.91

Forecast Total Service Calls for All Cities Wildlife

TOTAL FEES REQUESTED FROM CITIES FOR 2011

2012 Wildlife Rate/Call: \$25.75

City	Actual Wildlife Calls for Service				% of Total	City Fees Due for Wildlife Calls				
	2009	2010	2011	2012		2009	2010	2011	2012	2013
BOUNTIFUL	192	207	304	253	14.32%	\$4,738.00	\$5,195.52	\$5,330.25	\$ 7,828.00	\$ 6,514.75
BOYER HILL	2	2	0	3	0.17%	\$180.25	\$41.23	\$51.50	\$ -	\$ 77.25
CENTERVILLE	102	88	92	160	9.05%	\$2,266.00	\$2,762.70	\$2,266.00	\$ 2,369.00	\$ 4,120.00
CLEARFIELD	93	93	71	35	1.98%	\$1,364.75	\$2,515.29	\$2,394.75	\$ 1,828.25	\$ 901.25
CLINTON	43	29	12	27	1.53%	\$798.25	\$1,154.56	\$746.75	\$ 309.00	\$ 695.25
FARMINGTON	224	275	218	218	12.34%	\$6,025.50	\$6,061.44	\$7,081.25	\$ 5,613.50	\$ 5,613.50
FRUIT HEIGHTS	81	95	72	55	3.11%	\$540.75	\$2,185.42	\$2,446.25	\$ 1,854.00	\$ 1,416.25
KAYSVILLE	237	286	268	273	15.45%	\$5,253.00	\$6,391.32	\$7,364.50	\$ 6,901.00	\$ 7,029.75
LAYTON	499	471	431	485	27.45%	\$7,313.00	\$13,483.62	\$12,128.25	\$ 11,098.25	\$ 12,488.75
NSL	35	46	27	36	2.04%	\$901.25	\$948.39	\$1,184.50	\$ 695.25	\$ 927.00
SOUTH WEBER	20	52	54	51	2.89%	\$412.00	\$536.05	\$1,339.00	\$ 1,390.50	\$ 1,313.25
SUNSET	2	3	0	4	0.23%	\$77.25	\$41.23	\$77.25	\$ -	\$ 103.00
SYRACUSE	41	55	54	69	3.90%	\$1,184.50	\$1,113.33	\$1,416.25	\$ 1,390.50	\$ 1,776.75
WEST BOUNTIFUL	104	58	39	31	1.75%	\$2,291.75	\$2,803.93	\$1,493.50	\$ 1,004.25	\$ 798.25
WEST POINT	43	58	33	59	3.34%	\$721.00	\$1,154.56	\$1,493.50	\$ 849.75	\$ 1,519.25
WOODS CROSS	29	22	15	8	0.45%	\$669.50	\$783.45	\$566.50	\$ 386.25	\$ 206.00
Total	1747	1840	1690	1767	100.00%	\$34,736.75	\$47,172.05	\$47,380.00	\$ 43,517.50	\$ 45,500.25

RESOLUTION NO. 2013-08

**A RESOLUTION APPROVING AN INTERLOCAL COOPERATION
AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY
FOR ANIMAL CONTROL SERVICES AND AUTHORIZING THE
MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY**

WHEREAS, the Interlocal Cooperation Act, set forth at *Utah Code Ann.* §§ 11-13-101, *et seq.*, as amended, authorizes public agencies and political subdivisions of the State of Utah to enter into mutually advantageous agreements as necessary to promote the common interests of the entities; and

WHEREAS, Davis County has agreed to provide animal control services to the City as more particularly provided herein; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into this Interlocal Agreement for Davis County to provide animal control services for the City as such services can be provided more economically and efficiently through cooperative effort;

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

Section 1. Agreement Approved. The Centerville City Council hereby approves the attached Interlocal Cooperation Agreement between Centerville City and Davis County regarding animal control services.

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

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

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage and the agreement approved herein shall become effective upon its filing with the keeper of records of each of the public agencies that are parties to the agreement.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 19th DAY OF FEBRUARY, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

EXHIBIT "A"
INTERLOCAL COOPERATION AGREEMENT
FOR ANIMAL CONTROL SERVICES

INTERLOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY AND THE CITY OF CENTERVILLE FOR ANIMAL CONTROL SERVICES

This INTERLOCAL COOPERATION AGREEMENT is made and entered into this date by and between DAVIS COUNTY(hereinafter "County"), a political subdivision of the State of Utah, and Centerville CITY (hereinafter "City").

RECITALS

This agreement is made and entered into by and between the parties based upon the following recitals:

A. This agreement is made and entered into as an Interlocal Agreement pursuant to, in accordance with, and authorized by the *Interlocal Cooperation Act*, as set forth in Title 11, Chapter 13, *Utah Code Annotated*.

B. The County provides animal care and control services through the Davis County Animal Care and Control Department, under the direction of the Animal Control Director and employs Animal Control Officers who are ordinance enforcement officers but not special function officers as provided and described in Section 53-13-105, *Utah Code Annotated*.

C. The City has adopted a comprehensive animal control ordinance substantially identical, or that contains some individual City exceptions, to the County's comprehensive animal control ordinance as set forth in Title 6, *Davis County Code*.

D. The County operates and maintains the Davis County Animal Shelter, a facility for the temporary shelter, housing, and impoundment of animals, the disposition of animals, and other services related to animal care and control.

E. The Davis County Animal Shelter, in addition to the above noted services, is also able to provide for the pick-up and euthanization of wild nuisance animals, such as raccoons and

skunks, trapped by City or City residents.

F. The City desires animal care and control services from the County including, but not limited to, the enforcement of the comprehensive animal control ordinance of the City by the County, the pick-up and euthanization of wild nuisance animals, such as raccoons and skunks, trapped by City or City residents and other related animal care and control services as specified by this agreement.

G. The County is willing and able to provide animal care and control services to the City including, but not limited to, the enforcement of the comprehensive animal control ordinance of the City by the County, the pick-up and euthanization of wild nuisance animals such as raccoons and skunks trapped by City or City residents, and other related animal care and control services as specified by this agreement.

NOW THEREFORE, in consideration of the mutual terms set forth in this agreement, the parties hereto do hereby agree as follows:

1. **Services**

A. The County shall make Davis County Animal Control Officers available to the City to perform the animal care and control services described in this agreement within the jurisdiction and territory of City in accordance and compliance with all applicable City, County, and State laws, ordinances, rules, and regulations. The services contemplated by this agreement include:

- (1) Enforcement of the comprehensive animal control ordinance of the City; provided, however, that the ordinance is substantially identical to the comprehensive animal control ordinance of the County as set forth in Title 6, *Davis County Code*. The

comprehensive animal control ordinance of the City, and any amendments to it during the term of this agreement, are incorporated into this agreement by reference.

(2) Issuance and sale of County dog and cat licenses and the management of a dog/cat license program.

(3) Regular patrol coverage by Animal Control Officers of the City between 8:00 a.m. and 5:00 p.m. Monday through Friday.

(4) Responses to the non-emergency requests, complaints, and contacts received from the officers and officials of the City and citizens between 8:00 a.m. and 5:00 p.m. Monday through Friday.

(5) Responses to emergency incidents involving animals at any time of the day and on any day of the week within the emergency call-out criteria and protocol established by the Davis County Animal Care and Control Department. Response for emergency animal incidents is intended to be within thirty (30) minutes, subject to the availability and location of the Animal Control Officers and the circumstances.

(6) Enforcement of all applicable City, County, and State laws, ordinances, rules, and regulations relating to animal care and control.

(7) The impoundment and boarding of animals in circumstances in which impoundment is necessary, advisable, or provided by applicable City, County, and State laws, ordinances, rules, and regulations. Such circumstances include, but are not limited to, the following:

- i. The owners or primary custodians of the animals have been arrested or taken into custody by law enforcement officers and the

animals would be abandoned or without proper care or confinement as a result of the arrest;

- ii. The animal has bitten a person;
- iii. The animal is a vicious animal or potentially dangerous animal as defined by the ordinance;
- iv. The animal has attacked livestock;
- v. Livestock is loose; or
- vi. Injured animals.

(8) Pick up and dispose of the bodies of dead domestic animals, other than livestock or large wildlife, killed or otherwise left upon the public streets, highways, or rights-of-way within the City.

(9) Investigate all incidents involving actual or purported animal bites or rabies in accordance and compliance with applicable City, County, and State animal or health laws, ordinances, rules, and regulations.

(10) Provide temporary shelter and board for and hold and dispose of all stray or unwanted animals in accordance with all applicable City, County, and State laws, ordinances, rules, and regulations.

B. The County shall make available to the City the facilities of the Davis County Animal Care and Control Department, at no additional cost, for the retention and disposition of animals requiring temporary shelter and board which are found within the City by City officers or officials.

C. The County shall, as an additional service outside the scope of services provided

for in Paragraph 1 A. of this agreement and compensated for under the yearly compensation provided for in Paragraph 5 B. of this agreement, pick-up and euthanize wild nuisance animals, such as raccoons and skunks, trapped by City or City residents.

2. Term

This agreement shall be effective on a year to year basis for a period, not to exceed five (5) years commencing on January 1, 2013, and terminating on December 31, 2017 to be automatically renewed on a year to year basis, subject to the termination provisions of Paragraph 20 of this agreement and to any subsequent amendments thereto agreed in writing by both parties to this agreement.

3. Records

A. The County shall maintain books and records of the animal care and control services provided to the City under this agreement. The books and records shall be maintained in a form and manner which is in compliance with the fiscal and administrative procedures of the County and required by the Office of the Davis County Clerk/Auditor.

B. These books and records shall be available for examination or copying by the City during regular business hours and reasonable times.

C. All records created, received, or held by the County shall be held, disposed of, and accessed subject to the *Government Records Access and Management Act*, as set forth in Title 63G, Chapter 2, *Utah Code Annotated*.

4. Reports

The County shall report to the City the animal care and control activities and services provided and performed under this agreement.

5. Compensation and Costs

A. The City shall pay compensation in the amount of Twenty One Thousand Six Hundred Nineteen Dollars and Eighty-One Cents (\$21,619.81) to the County for the all animal care services provided and performed by the County under this agreement with the express exception of picking up and euthanizing wild nuisance animals, such as raccoons and skunks, trapped by City or City residents which shall be compensated as set forth below in Paragraph B of this section.

(1) The compensation shall be payable in twelve (12) equal monthly installments of One Thousand Eight Hundred One Dollars and Sixty-Five Cents (\$1,801.65) with the first monthly payment due on or before January 1, 2013, and subsequent payments due on or before the 1st day of each month thereafter until paid in full.

(2) The County shall submit monthly invoices to the City for its services and reimbursement of any other costs incurred by the County and approved in writing by the City under this agreement. The City shall render payment within thirty (30) days after receipt of each such invoice or the resolution of any question or dispute regarding an invoice.

(3) The compensation amount shall be reviewed annually and adjusted by a written amendment to this agreement as may be agreed upon by the City and County.

B. The City shall pay County annual compensation in the amount of Four Thousand One Hundred Twenty Dollars (\$4,120.00) for wild nuisance animal pick up and/or euthanization by the County within the confines of the City under Paragraph 1. C. of this

Agreement.

(1) Annual costs/fees for this service may change from year to year based on the level of wild nuisance animal service provided to City by County during the last year and County will provide notice of said changes to City prior to the renewal time of this Agreement.

(2) The County shall submit quarterly invoices to the City for One Quarter (25%) of the annual fee established under this Agreement for the pick-up and euthanization of wild nuisance animals.

(3) The City shall render payment within thirty (30) days after receipt of each such invoice.

6. Funds Collected by City

Any funds collected or received by the City from the owners or custodians of any animal for dog licenses, exclusive of any fines or costs levied or imposed by any court in any legal action commenced or prosecuted by the City, shall be paid and submitted by the City to the County together with a descriptive record of such funds.

7. Animal Control Officers

A. The City hereby authorizes each of the Animal Control Officers of the County within the jurisdiction and territory of the City to:

- (1) Enforce and implement the comprehensive animal control ordinance of the City;
- (2) Issue licenses as provided in this agreement;
- (3) Issue citations for violations of the comprehensive animal control

ordinance of the City; and

(4) Collect such fees and costs as provided by the comprehensive animal control ordinance of the City.

B. Unless otherwise agreed to by the City and County, the Animal Control Officers of the County may, while providing or performing the services described in this agreement, seek and receive the assistance and cooperation of the law enforcement officers or other officials of the City. The decision to render such assistance and the control of any law enforcement officers or other officials of the City shall be made by the City.

C. The Animal Control Officers of the County while providing or performing services under this agreement to the City shall be deemed as employees of the County for all purposes including, but not limited to, Workers Compensation, withholding, salary, insurance, or other benefits.

8. Procedures

A. The County shall implement the following procedures in the administration and enforcement of the comprehensive animal control ordinance of the City:

(1) The County shall furnish all necessary receipt books and dog/cat tags for the City.

(2) Receipts for dog and cat licenses sold by the Animal Control Officers of the County shall be issued by those officers.

(3) All fees and funds collected by the Animal Control Officers of the County shall be immediately provided to the Davis County Animal Care and Control Department pursuant to Department policy. The Davis County Animal Care and Control Department

will forward all fees and funds to the Davis County Clerk/Auditor pursuant to applicable County policy.

(4) Citations or complaints for the violation of the comprehensive animal control ordinance of the City shall be issued so that the person charged shall be required to appear before the appropriate court.

B. The prosecution of any citations or charges for the violation of the comprehensive animal control ordinance of the City shall be the responsibility of the City and not the County. Any fines collected for such violations shall be retained by the City and court, as specified by law, and the County shall have no entitlement to such fines.

9. Davis County Animal Shelter

A. The County shall operate and maintain the Davis County Animal Shelter in a humane manner; in compliance with all applicable County and State laws, ordinances, rules, regulations, and standards; and in a sanitary condition.

B. The County shall use humane methods of care, disposition, and euthanasia of any animal received and held by it under this agreement.

10. Funding

The services provided and performed under this agreement by the County shall be financed by the County from its General Fund; the compensation and costs reimbursements paid by the City to the County; and the other fees and costs collected under this agreement, such as, but not limited to, dog and cat licenses and impound and board fees.

11. Separate Legal Entity

No separate legal entity is created by this agreement.

12. **Administration**

To the extent that this agreement requires administration other than as set forth herein it shall be administered by the County Animal Control Director and the City Manager acting as a joint board for that purpose.

13. **Property**

It is not contemplated that any real or personal property shall be acquired, held, or disposed of by the parties under this agreement but in the event any such property is acquired, it shall be disposed of in a manner and at a time as mutually agreed to by the parties.

14. **Department Status**

The County shall provide and perform the services described in this agreement through the Davis County Animal Care and Control Department. The County Animal Control Department shall not be deemed to be a department of the City nor shall its employees or officers be deemed to be officers and employees of the City.

15. **Indemnification and Hold Harmless**

A. City agrees and promises to Indemnify and hold County, its officers, agents, officials and employees, and volunteers harmless and release them for and from any liability, costs or expenses arising from any action, causes of action, claims for relief, demands, damages, expenses, costs, fees, or compensation, whether or not said actions, causes of action, claims for relief, demands, damages, costs, fees, expenses and/or compensations are known or unknown, are in law or equity, and without limitation, all claims of relief which can be set forth through a complaint or otherwise that may arise out of the acts or omissions, negligent or otherwise of the City and/or its officers, agents, officials, members, employees, or volunteers.

B. County agrees and promises to Indemnify and hold City, its officers, agents, officials and employees, and volunteers harmless and release them for and from any liability, costs or expenses arising from any action, causes of action, claims for relief, demands, damages, expenses, costs, fees, or compensation, whether or not said actions, causes of action, claims for relief, demands, damages, costs, fees, expenses and/or compensations are known or unknown, are in law or equity, and without limitation, all claims of relief which can be set forth through a complaint or otherwise that may arise out of the acts or omissions, negligent or otherwise of the County and/or his officers, agents, officials, members, employees, and volunteers.

16. Governmental Immunity Act

Because both parties are governmental entities under the *Governmental Immunity Act of Utah*, Utah Code Ann., Section 63G-7-101 et seq., as amended, each party is responsible and liable for any wrongful acts or negligence committed by its own officers, employees, or agents and neither party waives any defense available to it under the *Governmental Immunity Act of Utah*.

17. Governmental Approval, Execution, and Resolutions

This agreement shall be conditioned upon the approval and execution of this agreement by the parties pursuant to and in accordance with the provisions of the *Interlocal Cooperation Act* as set forth in Title 11, Chapter 13, *Utah Code Annotated*, including the adoption of resolutions of approval if such resolutions are required by the *Interlocal Cooperation Act* by the legislative bodies of the parties.

18. Review by Authorized Attorney

In accordance with the provisions of Section 11-13-202.5(3), *Utah Code Annotated*, this

agreement shall be submitted to the attorney authorized to represent each party for review as to proper form and compliance with applicable law before this agreement may take affect.

19. Effective Date.

The effective date of this agreement shall be January 1, 2013.

20. Termination.

A. Notwithstanding the provisions of Paragraph 2 of this agreement, this agreement may be terminated at any time by the mutual consent of the parties, or upon six (6) month's written notice thereof by either party.

B. Termination may be with or without cause.

21. Record of Agreement

Executed duplicate copies of this agreement shall be filed with the keeper of records of each of the parties.

22. Relief of Obligation

This agreement does not in any way relieve either party of any obligation or responsibility imposed upon it by law.

23. Other Agreements

This agreement abrogates or supersedes any existing agreement between the parties regarding the performance of animal care and control services unless specifically provided otherwise in this agreement or any other subsequent agreement between the parties.

24. Amendments

This agreement may be amended only by the written duly approved agreement of the parties.

25. **Severability**

If any provisions of this agreement are construed or held by a court of competent jurisdiction to be invalid, the remaining provisions of this agreement shall remain in full force and effect.

26. **Third Party Beneficiaries**

This agreement is intended for the sole benefit of the parties and does not create or confer, directly or indirectly, any rights, interests, or benefits to any third party.

27. **Authorization.**

The individuals executing this agreement on behalf of the parties confirm that they are duly authorized representatives of the parties and are lawfully enabled to execute this agreement on behalf of the parties.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed in duplicate, each of which shall be deemed an original, on the dates indicated by the signatures of the respective parties.

DAVIS COUNTY

By: _____
_____, Chair
Davis County Board of County Commissioners
Date: _____, 20__

ATTEST:

Davis County Clerk/Auditor

CITY OF _____

By: _____

Mayor

Date: _____, 20__

ATTEST:

City Recorder

Attorney Review

The undersigned, being the authorized attorney for City of _____, reviewed this Interlocal Cooperation Agreement and found it to be in proper form and compliance with applicable law.

City Attorney

Attorney Review

The undersigned, being the authorized attorney for Davis County, reviewed this Interlocal Cooperation Agreement and found it to be in proper form and compliance with applicable law.

Neal C. Geddes
Deputy Davis County Attorney

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 2b

Date of City Council Meeting: February 19, 2013

Short Title: D&RGW Trail Extension

Initiated By: Farmington City Officials

Scheduled Time: 7:15 (SAC)

RECOMMENDATION

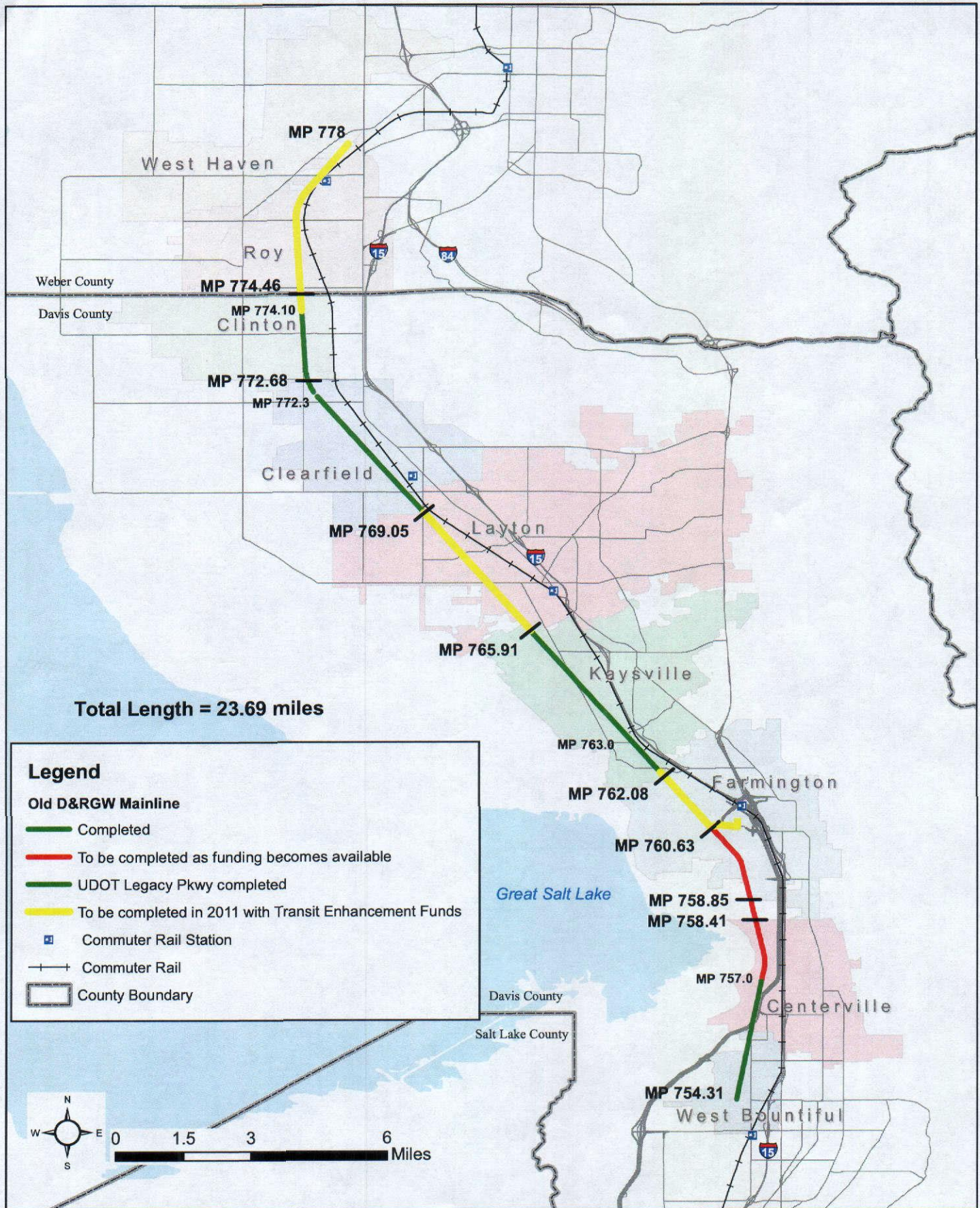
Approve Resolution No. 2013-09 approving an Interlocal Cooperation Agreement between Centerville City, Farmington City and Davis County for the construction of a public trail on the Denver & Rio Grande Railroad right-of-way.

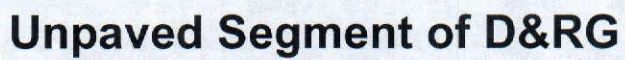
BACKGROUND

Some years ago the Utah Transit Authority (UTA) purchased the D&RGW Railroad corridor through Davis County for the possible use as a public transit corridor in the future. Federal law allows these former railroad corridors to be used as public trails unless and until they are converted to use for public transit. In recent years UTA has been successful—in partnership with local government entities and the Wasatch Front Regional Council—in securing Federal funds for improving segments of the D&RGW trail. The only remaining segment left to be paved is from Farmington to Centerville, as illustrated on the enclosed map, a 3 mile section, which would tie into the Legacy Parkway Trail system near the intersection of 1275 North and Sheep Road in Centerville. This last section was not anticipated to be paved until FY 2018, according to the Regional Transportation Plan. However, due to unspent and uncommitted funds from earlier fiscal years, sufficient Federal funding has been identified to complete the project this year. A total project budget of \$811,558 has been identified, including a local match of \$91,358, which would be provided by Farmington City, Centerville City and Davis County in equal shares each of \$30,453. Centerville City's current budget includes the amount of \$40,000 for this project; therefore, funding is available for Centerville's portion of this match.

Farmington City would serve as the lead agency. They have entered into a Federal Aid Agreement pertaining to the project, showing them as the local sponsor. That agreement is attached as an Exhibit to the enclosed Interlocal Cooperation Agreement. The local entities would become responsible for maintenance of the trail upon its completion, similar to the responsibility the local entities have accepted for the Legacy Parkway Trail in the same vicinity.

UTA D&RGW Rail Trail Area Map





RESOLUTION NO. 2013-09

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN CENTERVILLE CITY, FARMINGTON CITY AND DAVIS COUNTY FOR THE CONSTRUCTION OF A PUBLIC TRAIL SYSTEM ALONG THE DENVER AND RIO GRANDE RAILROAD RIGHT-OF-WAY AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY

WHEREAS, the Interlocal Cooperation Act, set forth at *Utah Code Ann.* §§ 11-13-101, *et seq.*, as amended, authorizes public agencies and political subdivisions of the State of Utah to enter into mutually advantageous agreements as necessary to promote the common interests of the entities; and

WHEREAS, Centerville City, Farmington City and Davis County desire to construct and complete a final section of the public trail system along the Denver and Rio Grande Railroad right-of-way and to enter into this agreement for purposes of allocating the costs and obligations regarding the same; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into this Interlocal Agreement for the completion of a final section of the public trail system along the Denver and Rio Grande Railroad right-of-way as more particularly provided herein.

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

Section 1. Agreement Approved. The Centerville City Council hereby approves the attached Interlocal Cooperation Agreement between Centerville City, Farmington City and Davis County regarding the construction of a public trail system along the Denver and Rio Grande Railroad right-of-way.

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

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

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage and the agreement approved herein shall become effective upon its filing with the keeper of records of each of the public agencies that are parties to the agreement.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 19th DAY OF FEBRUARY, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

EXHIBIT "A"

**INTERLOCAL COOPERATION AGREEMENT
FOR THE CONSTRUCTION OF A PUBLIC TRAIL SYSTEM ALONG THE DENVER
AND RIO GRANDE RAILROAD RIGHT-OF-WAY**

**INTERLOCAL COOPERATION AGREEMENT
FOR CONSTRUCTION OF A PUBLIC TRAIL SYSTEM ALONG THE DENVER AND
RIO GRANDE RAILROAD RIGHT OF WAY**

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into as of the _____ day of February, 2013, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as "Farmington," **CENTERVILLE CITY**, a Utah municipal corporation, hereinafter referred to as "Centerville," and **DAVIS COUNTY**, a Utah municipal corporation, hereinafter referred to as "the County."

WITNESSETH:

WHEREAS, Title 11, Chapter 13 of the *Utah Code Annotated*, 1953, as amended, authorizes contracts between public agencies for the performance of any governmental services or activity which each public agency is authorized to perform and further authorizes agreements for joint or cooperative action between such agencies; and

WHEREAS, the Parties to this Agreement are governmental entities operating within Davis County, State of Utah, and are empowered to construct and maintain trails and related facilities for the benefit of the citizens of the Cities and the County; and

WHEREAS, the Parties desire to complete a final section of the Denver and Rio Grande Rail Trail which trail passes through Farmington and Centerville Cities and a portion of unincorporated Davis County; and

WHEREAS, the Parties herewith previously entered into or will enter into Interlocal Agreements regarding the development and operation of a Rails to Trails Project on the UTA owned Denver and Rio Grande Western Railroad Corridor providing for the construction, maintenance and operation of a public trail along the Denver and Rio Grande Western right-of-way; and

WHEREAS, the Parties now desire to extend and complete the trail right-of-way through their respective jurisdictions; and

WHEREAS, the Parties desire to reduce their respective understandings and agreement to writing.

AGREEMENT

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

1. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated by reference as part of this Agreement.

2. **Federal Aid Agreement.** To accomplish the purposes of this Interlocal Agreement Farmington City has entered into that certain Federal Aid Agreement for the Local Agency Project, CFDA No. 20.205 ("the Federal Aid Agreement"), providing for the construction of the Denver and Rio Grande Western Rail Trail Centerville to Farmington section. Farmington City has agreed between the Parties to act as the Local Agency for the purpose of administering construction of the trail project under the federal grant. Pursuant to that Agreement, Farmington City has escrowed, or will place in escrow, available funds in the sum of not less than Ninety-One Thousand Three Hundred Fifty-Eight Dollars (\$91,358), which sum represents the local government match required under the Federal Aid Agreement for the Local Agency Project. Consistent with its designation as the Local Agency pursuant to the Federal Aid Agreement, Farmington City hereby agrees to administer construction of the trail project and to comply with all terms and conditions of the Federal Aid Agreement for Local Agency Project, as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

3. **Contribution from Centerville City and Davis County.** The Parties hereby agree to share equally the financial obligations of the Local Agency of the Federal Aid Agreement. Centerville City and Davis County hereby agree to pay to Farmington City, for purposes of placing in escrow as provided in Section 5, the amount of not less than Thirty Thousand Four Hundred Fifty-Three Dollars (\$30,453) within twenty (20) business days of the execution of this Agreement. The escrowed funds shall be utilized to satisfy obligations of the Local Agency for the Federal Aid Agreement. Farmington City shall make such payments from the escrowed funds as may be required under the Federal Aid Agreement to the Utah Department of Transportation to satisfy the obligations of the Local Agency for the construction of the trail segment. The Parties specifically acknowledge that they are aware that upon request for payment, Farmington City shall be required to remit payment to the Utah Department of Transportation within thirty (30) days.

4. **Agreement for Cost Overruns.** The Parties affirm that they have reviewed the Federal Aid Agreement and further hereby agree that they shall also be liable, in equal one-third (1/3) shares, for all costs of construction under the Federal Aid Agreement which exceed the contract price and the escrowed local match amount. In addition, should costs required of Farmington City as the Local Agency be less than the escrowed amount, the Parties shall be refunded the balance of the escrowed amounts in equal one-third shares.

5. **Indemnities.** Except as specifically provided otherwise herein, each party shall be responsible for and shall defend the actions of its own employees, negligent or otherwise, performed pursuant with provisions of this Agreement. Each party waives all claims and recourse against the other parties in connection with any claim arising out of or connected with the conduct of any of the activities contemplated by this Agreement, including the right to contribution for loss or damage by reason of injury to persons or damages to property arising out of or in any way connected with or incident to the activity of such Party as contemplated by this Agreement. Furthermore, each party agrees to indemnify and hold the other Party harmless for any claim, injury, or damage arising out of or connected with the actions or omissions of such

other Party in connection with any activity contemplated by this Agreement. Each Party agrees to maintain public liability insurance coverage during the term of this Agreement with coverage in an amount not less than a Combined Single Limit of \$2,000,000 per occurrence and any additional amount or annual increases which may be required by Utah's Governmental Immunity Act or other legislative action.

6. **Term.** This Agreement shall be effective for a period of five (5) years commencing as of the date of this Agreement unless sooner terminated as provided herein. The Agreement shall be terminated upon completion of the Trail Project and final payment of all sums due under the Federal Aid Agreement.

7. **No Separate Legal Entity.** No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by a designated representative from each of the respective parties hereto acting as a joint board. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement. The ownership and maintenance obligations for the constructed trail facilities shall be addressed by separate interlocal agreement between each respective party and the Utah Transit Authority (UTA).

8. **Separate Entities.** Each party shall be solely responsible for providing workman's compensation, wages and benefits for its own personnel who provide any assistance under this Agreement.

9. **Approval as to Form.** This Agreement shall be submitted to the authorized attorney for each party for approval as to form in accordance with Section 11-13-202.5 of the *Utah Code Annotated*, 1953, as amended.

10. **Severability.** If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

11. **Beneficiaries.** This Agreement is not intended to benefit any person or entity not named as a party hereto.

12. **Default.** If any party fails to perform its obligations hereunder or to comply with the terms hereof, the non-defaulting party shall have all rights and remedies available at law and in equity.

13. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

14. **Resolution of Approval.** Each of the parties hereto shall cause the governing body of that party to pass a resolution authorizing said party to enter into this Agreement.

[signature page to follow]

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

FARMINGTON CITY

ATTEST:

Holly Gadd, City Recorder

By: _____
Mayor Scott Harbertson

Todd Godfrey, Farmington City Attorney

CENTERVILLE CITY

ATTEST:

Marsha Morrow, City Recorder

By: _____
Mayor Ronald G. Russell

Lisa G. Romney, Centerville City Attorney

DAVIS COUNTY

ATTEST:

County Clerk

By: _____
Chairman

County Attorney

EXHIBIT "A"



State of Utah
Department of Transportation



Federal Aid Agreement for Local Agency Project CFDA No. 20.205		Farmington City - Dave Millheim	Maximum Project Value Authorized \$811,558
PIN Number 11099 FINET Number 53825 FMIS Number F008715		Project Number F.R199(131) PIN Description D&RGW Rail Trail, Centerville to Farmington	Agreement Number (Assigned By Comptrollers) 138441
			Date Executed

The Utah Department of Transportation (UDOT) will authorize the Local Agency to proceed on the project upon execution of this agreement providing the Local Agency has complied, or hereby agreed to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) Office of Management and Budget Circulars A-102, A-87, and A-133, (4) Utah State Code, (5) Utah Department of Transportation Local Government and State Aid Project Guide, (6) the Federal Aid Project Agreement entered into between UDOT and the Federal Highway Administration (FHWA), relative to the above project. Federal funds which are to be obligated for the project may not exceed the amount shown herein, without written authority by UDOT, subject to the approval of FHWA. All project costs not reimbursed by FHWA shall be the responsibility of the Local Agency. The Local Agency is responsible for all increased costs to UDOT if the Local Agency decides not to proceed after signing this agreement. No costs are eligible for federal-aid reimbursement until authorized by the FHWA through Form R-709, Request for Federal Aid Project Approval, separate from this Local Agency Agreement.

State Wide Transportation Improvement Program STIP 2013 - 2016

Fund*	Prior	2013	2014	2015	2016	Total	Fed Aid	State	Other	Pct
STP ENH EAC	\$0	\$275,250	\$0	\$0	\$0	\$275,250	\$220,200	\$0	\$55,050	20.00%
STP URB O/L	\$0	\$0	\$0	\$536,308	\$0	\$536,308	\$500,000	\$0	\$36,308	6.77%
Total:	\$0	\$275,250	\$0	\$536,308	\$0	\$811,558	\$720,200	\$0	\$91,358	11.25%

*<http://www.udot.utah.gov/cc/stipfundtable>

Upon signing this agreement the Local Agency agrees to pay its estimated matching share in phases when requested by UDOT. Phases typically include environmental, design, right-of-way and construction. The local match for this project is represented by the percentages of the Total Project Value shown above. In addition the Local Agency agrees to pay 100% of the overruns that exceed \$811,558 and any ineligible costs when requested by UDOT.

UDOT will request payment of matching shares and overruns through an email that will be sent to Dave Millheim at DMILLHEIM@FARMINGTON.UTAH.GOV the Local Agency Contact. The Local Agency shall pay within 30 days after each payment request. The Local Agency shall make the check payable to the Utah Department of Transportation referencing the project number above and mail to UDOT Comptroller's Office, 4501 South 2700 West, Box 1415010, Salt Lake City, Utah 84114-1510.

Farmington City Official
 By *Dave Millheim* Date 12-10-12
 City Manager Dave Millheim

Utah Department of Transportation

By *[Signature]* Date 1-4-13
 Region Director
 By *Cheryl Young* Date 1-8-13
 Comptroller's Office

Provisions

I. Roles and Responsibilities:

In accordance with 23 U.S.C. 106© and 23 CFR 635.105 the Utah Department of Transportation is responsible for acting on behalf of the Federal Highway Administration in the determination of federal-aid eligibility on all Local Agency Federal-aid projects as described in Appendix C of the FHWA-UDOT Stewardship Oversight Agreement.

II. Project Authorization for Federal-aid:

The Local Agency, through UDOT, must obtain an Authorization to proceed from FHWA before beginning work on any Federal-aid project. Federal funds shall not participate in costs incurred prior to the date of Authorization except as provided by 23 CFR 1.9(b).

III. Agreement provisions:

The Local Agency accepts and agrees to comply with the applicable terms and conditions set forth in title 23, U.S.C., the regulations issued pursuant thereto, the policies and procedures promulgated by FHWA relative to the designated project covered by the agreement, and all other applicable Federal laws and regulations.

IV. Liability:

Local Agency agrees to hold harmless and indemnify UDOT, its officers, employees and agents (Indemnities) from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of the Local Agency's negligent acts, errors or omissions in the performance of this project, and from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of Indemnities' failure to inspect, discover, correct, or otherwise address any defect, dangerous condition or other condition created by or resulting from Local Agency's negligent acts, errors or omissions in the performance of this project.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the Local Agency of its duty in the performance of this project or to ensure compliance with acceptable standards.

V. Termination:

This agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing
- b. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination.
- c. By UDOT for the convenience of the State upon written notice to the Local Agency.

- d. Upon satisfactory completion of the provisions of this agreement.

- e. By UDOT, in the event that construction of the project for which this design engineering is undertaken is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed.

VI. Single Audit Act:

The Local Agency, as a sub-recipient of federal funds, shall adhere to the Federal Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, <http://www.whitehouse.gov/omb/circulars/a133/a133.htm>. A sub-recipient who expends \$500,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provision of OMB Circular A-133. Upon conclusion of the A-133 audit, the Local Agency shall be responsible for ensuring that a copy of the report is transmitted to the Utah Department of Transportation, Internal Audit, 4501 S 2700 W, Box 148230, Salt Lake City, Utah 84114-8230.

VII. Maintenance:

The Local Agency shall properly maintain and restore each type of roadway, structure and facility as nearly as possible in its original condition as constructed or improved in accordance with State and Federal requirements. Future utility installations will be made according to UDOT's "Regulations for the Accommodation of Utilities on Federal-aid and Non Federal-aid Highway Right-of-Way."

VIII. Availability of Records:

For a period not less than three (3) years from the date of final project close out with Federal Government, the Local Agency accounting records pertaining to the federal aid project are to be kept available for inspection and audit by the State and Federal Government, or furnished upon request.

IX. Payment and Reimbursement to UDOT:

UDOT shall not be ultimately responsible for any of the cost of the project. The Local Agency shall be responsible for all costs associated with the project which are not reimbursed by the Federal Government. For a Joint Highway Committee project, the federal participation for construction engineering costs is limited to 20 percent of the construction contract costs.

Funds requested beyond the amount set forth will require execution of a Supplemental Financial Agreement.

If the project overruns in costs, the Local Agency shall pay the additional amount required within 30 days of receiving the invoice. Should the Local Agency fail to reimburse UDOT for costs that exceed the federal reimbursement, federal funding for other Local Agency projects or B&C road funds may be withheld until payment is made.

application, the project will need to be re-evaluated by the responsible agency that programmed the project. Such a review may result in approval of the scope change, removal from the program, or adjustment in the federal aid funds programmed for the project.

Local Agency is responsible for the schedule of the project. If the project cannot progress as programmed, the responsible programming agency may advance other projects and require the project to wait for next available funding.

Any change orders required to meet the terms and conditions of the construction contract will be initiated by UDOT. UDOT will notify the Local Agency of any such change orders.

At the Local Agency's request, UDOT will initiate change orders that cover betterments.

The Local Agency agrees they will be responsible for 100% of the costs of all change orders on the project not reimbursed by FHWA.

XIII. UDOT Service Costs:

UDOT may provide expertise in project management, contract preparation, design plan reviews, advertising, construction materials verification/certification, technical assistance, engineering services or other services as needed. Appropriate charges for these costs will be included in invoices to the Local Agency.

For real property disposals the Local Agency shall comply with 23 CFR 710.409 and 710.403. The Local Agency should have property management records, which identify inventories of real property considered excess to project needs. If a Local Agency determines that real property initially acquired as part of the project is declared excess and disposed of the Local Agency must comply with 23 CFR 710.409 and 710.403. This requires that the Federal share of net income from the sale or lease of real property acquired with Federal assistance be used for Title 23 eligible projects. Refer to <http://www.gpoaccess.gov/cfr/retrieve.html> for additional information. The Local Agency shall deposit the net proceeds from the sale or lease with UDOT to be applied towards a Title 23 eligible project as authorized by the appropriate Metropolitan Planning Organization or the Joint Highway Committee.

If the local authority desires to participate as provided in H.B. 296 (General Session 2011) to be an additional contracting party and included as an additional bondholder or obligee on the performance bond, a signed letter is to be included as an attachment to this Federal Aid Agreement. This letter must be on Local Agency letterhead and signed by the same individual that has signed the first page of this Federal Aid Agreement. This provision applies only to Federally Funded projects and only on B and C roads. *(Provision added November 7, 2011.)*

For UDOT right-of-way certifications required for
advertising access the following:
<http://www.udot.utah.gov/main/?p=100pg...1.V.60>
R 34728

Language content was reviewed and approved by the Utah AG's office on November 7, 2011.

Local Agency recognizes that if a project scope changes from the original intent of the project

GENERAL (FHWA) PROVISIONS FOR FEDERAL-AID AGREEMENT

1. **General Provisions:** The Grantee will comply with all Federal laws and requirements which are applicable to grant agreements, and imposed by the Federal Highway Administration (FHWA) concerning special requirements of law, program requirements, and other administrative requirements.
2. **Modification:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the Grantee.
3. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three (3) years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for non-expendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
4. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The application/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contracts and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The application/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by August 1 an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
5. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, and person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
6. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 275a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
7. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulation (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
8. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcripts.
9. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
10. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (76 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
11. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84) promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.
12. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.
13. **Accountability of equipment** acquired in prior years will be transferred to the current year Grant. An updated inventory list will be provided by FHWA.
14. This Grant is subject to the conditions specified in the enclosed Negotiation Document.
15. **Drug-Free Workplace:** By signing this agreement, the recipient certifies that it is in compliance with the Drug-Free Workplace Act (41 U.S.C. Sec. 701 *et seq.*) And implementing regulations (49 CFR Part 29), which require, in part, that grantees prohibit drug use in the workplace, notify the FHWA of employee convictions for violations of criminal drug laws occurring in the workplace, and take appropriate personnel action against a convicted employee or require the employee to participate in a drug abuse assistance program.
16. **Limitation on Use of Federal Funds for Lobbying for Grants in Excess of \$100,000:** By signing this agreement the recipient declares that it is in compliance with 31 U.S.C. Sec. 1352, which prohibits the use of Federally appropriated funds to influence a Federal employee, officer, or Member of Congress in connection with the making or modification of any Federal grant, loan, contract, or cooperative agreement. Unless the payment of funds is otherwise reported to FHWA, signing this agreement constitutes a declaration that no funds, including funds not Federally appropriated, were used or agreed to be used to influence this grant. Recipients of subgrants in excess of \$100,000 must make the same declarations to the grant recipient. With respect to the payment of funds not Federally appropriated by the recipient and sub-recipients, the recipient must report to the FHWA the name and address of each person paid or performing services for which payment is made, the amount paid, and the activity for which the person was paid.

50036.2-M-34b

Form FHWA-1273 (Rev. 3-94)

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 3

Date of City Council Meeting: February 19, 2013

Short Title: Amend City Fee Schedule re Park Impact Fee

Initiated By: _____

Scheduled Time: 7:15 (5 min.)

RECOMMENDATION

Approve Resolution No. 2013-05 amending the Centerville City Fee Schedule adopting the revised Park Impact Fee of \$2,057 with an effective date of April 16, 2013.

BACKGROUND

This matter was tabled at the February 5 Council meeting to allow staff to learn whether other Davis County cities have a two-tiered park impact fee—i.e., different amounts for single-family vs. multi-family units. The enclosed report shows that most have two rates. Such possibility was discussed by staff when preparing the Park Impact Fee Analysis for Centerville. However, in that Analysis, multi-family units make up only 1.4% of projected future units based on current zoning designations. The Analysis also uses the 2010 U.S. Census average of 3.14 persons for all residential units, multi and single. Therefore, staff recommended a uniform rate, but provided in the Ordinance (adopted February 5) an option that allows for adjustments to the fee if the developer requests them and provides sufficient documentation.

Any revision to the Park Impact Fee Facility Plan and Analysis to accommodate a separate multi-family park impact fee would require starting over with the entire process and delays the effective date. As such, staff recommends the Council leave the Park Impact Fee Facility Plan and Analysis as is and update the City's Fee Schedule to include the revised Park Impact Fee of \$2,057—with the understanding that a developer can request and the City can consider charging a lower fee for multi-family development.

Single and Multi-Family Park Impact Fees

An issue was raised as to why there is not a separate park impact fee for multi-family type units and whether Centerville should have two fees. The Park Impact Fee Facility Plan and Analysis did not include a separate multi-family fee due to available land and zoning designations and the ability to make adjustments to the fee for rare occasions such as for multi-family when they occur.

Available Land and Zoning Designations

Based on available land and current zoning designations, only 17 multi-family units could be built in the future as only 1.4 acres is planned for R-H. This information is outlined in the following table taken from the Park Impact Fee Facility Plan:

TABLE C-1: AVAILABLE LAND AND ZONING DESIGNATIONS

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

The 17 potential multi-family units make up 1.4% of the future residential units. For this reason, a differentiation between multi-family and single-family was not made in the Park Impact Fee Facilities Plan and Analysis; instead, the 2010 U.S. Census average for all residential units, multi and single, of 3.14 persons per household was used.

Potential Park Impact Fee Adjustments for Multi-Family

The Park Impact Fee Ordinance document includes provisions for the adjustment of the park impact fee for cases where a developer may argue that their units will house less than 3.14 persons per unit.

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.

If a developer provided sufficient written information to justify a lower multi-family rate, this provision allows the City to adjust the park impact fee.

Park Impact Fees of Davis County Cities

As requested, the following is a table of Davis County cities and what they charge for park impact fees. Bountiful and Sunset have been excluded as they do not charge a park impact fee.

PARK IMPACT FEES OF DAVIS COUNTY CITIES

City	Single	Multi
West Bountiful	\$ 3,029.52	\$ 2,616.02
Syracuse	\$ 2,516.00	\$ 2,516.00
Farmington	\$ 3,000.00	\$ 2,000.00
Woods Cross	\$ 2,550.00	\$ 2,078.00
West Point	\$ 2,380.00	\$ 1,780.00
North Salt Lake	\$ 2,200.00	\$ 1,800.00
Centerville	\$ 2,057.00	\$ 2,057.00
Clinton	\$ 2,027.00	\$ 1,373.00
Layton	\$ 1,873.00	\$ 1,381.00
Kaysville	\$ 1,620.00	\$ 1,212.00
Fruit Heights	\$ 1,115.00	\$ 1,115.00
South Weber	\$ 817.00	\$ 817.00
Clearfield	\$ 853.00	\$ 604.00
Average	\$ 2,002.89	\$ 1,642.23

Public Noticing Requirements

Amending the Park Impact Fee Facility Plan and Analysis would require starting over with the noticing requirements, preparation of the plan and analysis, public hearing, and 90 day waiting period until the fees are effective. The following is a potential schedule for the amended plan and analysis:

- February 20th: Notice given on the Utah Public Notice Website that the Park Impact Fee Facility Plan and Analysis are being amended
- February 20 - March 1: Prepare the amended plan and analysis for review
- March 5: City Council review
- March 8: Ten (10) day public notice
- March 19: Public Hearing
- June 17: Effective Date

Summary and Recommendation

Separate multi-family and single-family park impact fees were not included in the Park Impact Fee Facility Plan or Analysis as multi-family units make up only 1.4% of potential units. Instead, the plan and analysis use the 2010 U.S. Census average of 3.14 persons for all residential units, multi and single. As an option, the park impact fee ordinance was written to allow for adjustments to the fee if the developer requests them and provides sufficient documentation.

Any revision to the Park Impact Fee Facility Plan and Analysis to accommodate a separate multi-family park impact fee would require starting over with the entire process and delays the effective date. As such, staff recommends the Council leave the Park Impact Fee Facility Plan and Analysis as is and update the City's Fee Schedule to include the revised Park Impact Fee of \$2,057 understanding that a developer can request and the City charge a lower fee for multi-family development.

RESOLUTION NO. 2013-05

**A RESOLUTION AMENDING THE CENTERVILLE CITY FEE SCHEDULE
REGARDING PARK IMPACT FEES**

WHEREAS, the City Council has previously adopted a Park Development Fee, as set forth in Section II.C. of the Centerville City Fee Schedule; and

WHEREAS, on January 15, 2013, the City Council approved Ordinance No. 2013-01, adopting and amending the Park Development Fee to be known as the Park Impact Fees, as more particularly set forth therein, approving a maximum Park Impact Fee in accordance with the Park Impact Fee Analysis, and authorizing the City to implement and establish the Park Impact Fee by resolution amending the City Fee Schedule; and

WHEREAS, the City Council desires to amend provisions of the City Fee Schedule to set forth the amended and updated Park Impact Fees, as more particularly set forth herein, which fees may not take effect until ninety (90) days after the day on which Ordinance No. 2013-01 was approved; and

WHEREAS, the City Council has determined that the fees set forth herein are reasonable and necessary to properly provide for the safety and welfare of its citizens and that the impact fees have been properly adopted and amended in accordance with the Utah Impact Fees Act through the adoption of Ordinance No. 2013-01.

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

Section 1. Amendment. The City Council hereby amends Park Development Fee in Section II.C. of the Centerville City Fee Schedule to set forth the updated and amended Park Impact Fees as follows:

II. BUILDING INSPECTION FEES

*** * ***

C. OTHER INSPECTIONS AND FEES

*** * ***

	<u>Fee</u>	<u>When Due</u>
7. Park Impact Fees	\$2,057	Upon Issuance

*** * ***

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 and the Park Impact Fees adopted herein shall become effective April 16, 2013.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 19th DAY OF FEBRUARY, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 5

Date of City Council Meeting: February 19, 2013

Short Title: Civil Penalties for Code Enforcement Violations

Initiated By: Staff

Scheduled Time: 7:20 p.m. (10 min.)

RECOMMENDATION

Approve Resolution No. 2013-07 amending the City Fee Schedule to add additional civil penalties for subsequent or recurring civil code violations.

BACKGROUND

The City Council tabled action on this matter at its last meeting held on February 5, 2013, and directed staff to research what other cities in Davis County are imposing as a civil penalty for code enforcement violations. Staff has conducted such a review and the results are set forth in the attached chart. Not all cities responded to messages, so only 10 cities are shown on the chart, but it is staff's opinion that the information provided is sufficient to address the issue. In summary, only a minority of the cities impose a civil penalty. A majority of the cities use the criminal process to impose criminal penalties for code violations. Of the cities that have a civil code enforcement program and impose a civil penalty, the civil penalty imposed is \$150. It is staff's recommendation to adopt the fee schedule amendments as proposed in Resolution No. 2013-07, imposing an initial \$150 civil penalty, with increased penalties for recurring or subsequent violations.

Recommended Action Item No. 6b: Approve Resolution No. 2013-07 amending Section XII of the Centerville City Fee Schedule regarding civil penalties for municipal code violations.

Attachments Chart of Civil Penalties Imposed by Other Cities
Resolution No. 2013-07

City	Procedure	Fine/Citation	Escalation	Escalation Schedule
Bountiful	Misdemeanor	Court decides	N	
Clearfield	Misdemeanor	\$150 for R; \$200 for C	Y	R - 250, 500, 750, 1,000; C - 600, 1,000, 1,500, 2,000
Farmington	Civil Penalty	\$100; \$300 for nonpayment	N	
Fruit Heights	Misdemeanor	Uses County		
Kaysville	Misdemeanor	\$30 - \$75	N	Each offense
Layton	Misdemeanor	\$150 for R; \$200 for C	Y	R - 250, 500, 750, 1,000; C - 600, 1,000, 1,500, 2,000
North Salt Lake	Misdemeanor	Court decides	N	Each offense
Sunset	Misdemeanor	\$150	N	Each offense
Syracuse	Civil Penalty	\$150	N	Switching to Layton's model
West Bountiful	Misdemeanor	Court decides	N	

RESOLUTION NO. 2013-07

A RESOLUTION AMENDING SECTION XII OF THE CENTERVILLE CITY FEE SCHEDULE REGARDING CIVIL PENALTIES FOR MUNICIPAL CODE VIOLATIONS

WHEREAS, the City Council has recently adopted amendments to Title 1, Chapter 6 of the Centerville Municipal Code regarding civil enforcement procedures for municipal code violations and providing a civil penalty for such violations; and

WHEREAS, the City Council desires to amend the City Fee Schedule to add a graduated civil penalty provision for applicable municipal code violations and subsequent or recurring violations within a 12-month period; and

WHEREAS, the City Council has determined that the amendments to the City Fee Schedule adopting a graduated civil penalty for municipal code violations and subsequent or recurring violations are reasonable and in the best interest of the public to provide for the protection of the public's health, safety and welfare.

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

Section 1. **Amendment.** The City Council hereby amends Section XII of the Centerville City Fee Schedule regarding Civil Penalties for municipal code violations to read in its entirety as follows:

XII. CIVIL PENALTIES.

- A. **Code Violations.** Except as otherwise provided in Subsections (B) and (C), the civil penalty applicable to Centerville City Code violations enforced pursuant to Chapter 1-06 regarding civil enforcement procedures, shall be ~~\$150~~\$120 for the first violation, \$300 for the second violation, and \$500 for any subsequent same code violations occurring on the same property within twelve (12) months from the date of the civil citation. The civil penalty shall double (~~\$240~~) for any outstanding citation if not paid within 20 days ~~from~~ of the date of service and shall triple (~~\$360~~) if not paid within 40 days ~~from~~ of the date of service.

- B. **Zoning Ordinance Violations.** Any violation of Title 12 of the Centerville City Code regarding Zoning Ordinances enforced pursuant to the civil enforcement procedures set forth therein shall be subject to the civil penalty set forth in Section I.H.5. of this City Fee Schedule.

- C. Traffic and Criminal Code Violations. The civil enforcement procedures set forth in Chapter 1-06 of the Centerville City Code are not applicable to violations of Title 13 (Criminal Code) or Title 14 (Traffic Code). Violations of such Titles shall be pursued as criminal violations subject to criminal fines and penalties set forth by law.
- D. Appeals. A fee in the amount of fifty percent (50%) of the original civil penalty shall be charged for the filing of an appeal of any civil penalty or notice of violation in accordance with applicable City Ordinances.

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.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, ON THIS 19th DAY OF FEBRUARY, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

#6

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

STAFF REPORT

DATE: JANUARY 24, 2013

TO: STEVE THACKER, CITY MANAGER

FROM: CORY SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

**APPLICATION: GENERAL PLAN AMENDMENT – CHAPTER 12-490-
MODERATE INCOME HOUSING ELEMENT (UPDATE)**

RECOMMENDATION: APPROVAL OF THE GENERAL PLAN ELEMENT

BACKGROUND

Title 10, Chapter 9a, Section 403 of the Utah Code Annotated, requires all municipalities to adopt a Moderate Income Housing element and Section 408 requires the cities to biennially review their “moderate income housing” element of the General Plan. Centerville’s Moderate Income Housing Element was originally adopted in February of 2002. Additionally, the City has submitted several biennial reports to the State, as required. However, since the initial adoption of the plan element, there has not been a significant reassessment of “moderate income housing” status for the City. Therefore, both the Planning Commission and City Council have deemed it a priority to update the City’s Moderate Income Housing Element, as shown on the 2012/2013 list of planning priorities.

PLANNING COMMISSION RECOMMENDATION

On January 23, 2012, the Planning Commission recommended to the City Council to approve the attached amendments to the Centerville City General Plan with regards to Moderate Income Housing.

Planning Commission Vote (5-0):

Commissioner	Yes	No	Not Present
Merrill (Chair)	X		
Holman			X
Markham	X		
Kjar	X		
Fillmore			X
Holbrook	X		
Randall	X		

RELATED PLANNING COMMISSION MEETINGS

- ✓ December 12, 2012 – Presentation, Opened Public Hearing & Tabled Action
- ✓ January 09, 2013 – Reviewed Document, Suggested Edits, Tabled Action
- ✓ January 23, 2013 – Reviewed Document, Minor Edits, Closed Public Hearing, PC Action to Recommend to City Council.

- 1 2. The final site plan application has been found to be complete and with the above
2 conditions being satisfied will meet the standards for approval of a final site plan
3 within the Zoning Ordinance [Section 12-21-110(e), Section 12-21-110(f)(1-4)].
4

5 The motion was seconded by Commissioner Randall and passed by unanimous roll-
6 call vote (5-0).
7

8 **PUBLIC HEARING – GENERAL PLAN AMENDMENT, CHAPTER 12-490,**
9 **MODERATE INCOME HOUSING PLAN - Consideration of a General Plan Amendment,**
10 **Chapter 12-490, Moderate Income Housing Plan; which consists of a significant**
11 **reassessment of the City's "moderate income housing" element. Centerville City,**
12 **Applicant.**
13

14 Cory Snyder, Community Development Director, reviewed the history behind the
15 Moderate Income Housing Plan including State requirements and data. Centerville City adopted
16 a Plan in 2002 and has periodically reviewed this Plan as required. The City Council and the
17 Planning Commission have both made updating this Plan a priority. Staff has provided an
18 updated plan for review. Mr. Snyder explained that Moderate Income Housing issues are
19 complicated and sensitive. It is difficult to establish a plan that can withstand the ebb and flow of
20 the market. In addition, any Moderate Income Housing plan should not prevent certain housing
21 types. The proposed update uses both State and County criteria and data, but it has also been
22 tweaked in order to consider Centerville's unique attributes. Mr. Snyder reviewed the proposed
23 update page by page explaining each statement, idea, and goal. He said he does not expect the
24 Planning Commission to make any decisions tonight, but would like to discuss the general ideas
25 and goals of the document to make sure it is headed in the right direction and contains
26 appropriate strategies. He reminded the Commission this is why they serve in this position; in
27 order to plan for the future. He said Centerville does have a need for Moderate Income Housing
28 that must be addressed.
29

30 Chair Fillmore agreed there is a need for Moderate Income Housing and this update will
31 help shape the future. She agreed with the introduction to the document and said it is important
32 for Centerville to continually review their procedures and make sure their goals and subsequent
33 tools are appropriate to maintain a strong community. She explained that current zoning does
34 steer the market to some extent. She said many of the elements implemented in the 2002 Plan
35 have come to fruition and it is important to remember that this document will help shape
36 Centerville for decades to come. Centerville must be diligent in providing opportunities for
37 Moderate Income Housing by continually tweaking its Plan to identify and address weaknesses.
38

39 Commissioner Holman said it is important to take rental units into consideration when
40 discussing this issue. However, he is not in favor of licensing rentals and/or landlords. Moderate

1 Income Housing is important, but the City should not be forcing anyone into providing it. It is
2 important to allow the free market to play a role in how Moderate Income Housing standards are
3 applied. It is also important to remember that a poor Moderate Income Housing Plan can bring
4 property values down.

5
6 Commissioner Markham said the proposed update discusses the possible expansion of
7 Legacy Crossing, but only to the south and west. He said he would like to include the possibility
8 of expansion to the north as well. This may not seem feasible now but the future could bring the
9 possibility and it would be beneficial to allow this option. He said he is also in favor of mixed-
10 use developments. He said this was considered for Main Street in the recent past and he does not
11 want to give up on the possibility. He would also like to expand this option to other areas in the
12 city; perhaps 400 West, the Frontage Road, and the west side. He also said the term "group
13 dwelling" is confusing and suggested finding an alternate term.

14
15 Commissioner Merrill said he is in favor of the proposed update. He agreed mixed-use is
16 an important tool to allow. He also discussed accessory dwellings. He said this already takes
17 place within the city and it would be beneficial to apply some controls as needed.

18
19 Chair Fillmore agreed rental costs and the number of rentals allowed within the city are
20 important factors and pointed out that the proposed update only considers ownership when
21 evaluating the existing supply. She also agreed the open market should play a role in how
22 Moderate Income Housing is applied and asked the Commission to recognize that any zoning put
23 in place affects the open market to some extent. She said she likes the idea of allowing the
24 expansion of Legacy Crossing and said this could also possibly be extended to the Shoreland
25 District. She is also in favor of providing a recommendation for accessory units being allowed
26 city-wide. She said although accessory units are not currently allowed, they do take place and
27 they are filling a need. It would be beneficial to provide guidelines for accessory units that can
28 help mitigate their impact. Chair Fillmore reviewed the proposed update page by page. She said
29 she liked the history provided in the old Plan and felt the proposed update was a bit lacking in
30 background information, but believes the intent is still clear. She suggested providing the State
31 Statute recommendations prior to the Plan Elements within the document and re-number as
32 needed. She suggested a statement also be added explaining these tools are specific to
33 Centerville. She suggested showing the Residential Use Type table and the Open Market Yield
34 table side by side. She said it is interesting to consider yearly incomes, but it is not realistic to
35 base Moderate Income Housing upon only Centerville's income rates because the higher cost of
36 housing in Centerville could be restrictive and causing a higher level of income in the city.
37 Perhaps a statement explaining the discrepancies in using income to calculate Moderate Income
38 Housing needs would be beneficial. She suggested adding a demographics table that shows the
39 present and predicted percentages of varying age ranges (i.e., how many seniors, middle aged,
40 and young within the community). She also agrees with flexible zoning for underutilized land.

1 She said the principles that were adopted in 2002 were sound and now a decade later it is clear
2 those principles are working and have helped mitigate concerns. She encouraged proactive
3 planning to continue. If these tools are followed then concerns can continue to be addressed in an
4 appropriate manner.

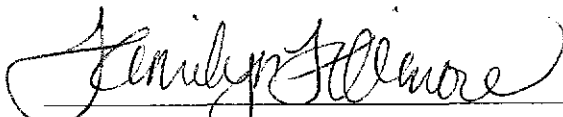
5
6 Chair Fillmore opened the public hearing. There was no comment. She continued the
7 public hearing to the next Planning Commission meeting to be held on January 9, 2013.

8
9 Chair Fillmore made a **motion** to table this item until the next Planning Commission
10 meeting on January 9, 2013 at which time the public hearing will be continued. The motion was
11 seconded by Commissioner Markham and passed by unanimous roll-call vote (5-0).

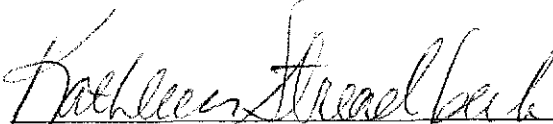
12
13 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 14
15 1. The next Planning Commission meeting will be held on January 9, 2013.
16 2. Upcoming Agenda Items
17 • Moderate Income Housing Plan
18 • Training Ideas and possible dates
19 • Goals and Priority Ideas for 2013
20

21 The meeting was adjourned at 9:06 p.m.

22
23 
24
25 Tamilyn Fillmore, Chair

1-9-2013
Date Approved

26
27 
28
29 Kathleen Streadbeck, Recording Secretary



1 The vote passed with a 4-3 vote. Commissioners Kjar, Randall, and Fillmore opposed.
2 Commissioner Merrill will serve as Chair of the Planning Commission for 2013.

3
4 Commissioner Merrill nominated Commissioner Fillmore to serve as Vice Chair of the
5 Planning Commission for 2013. The Planning Commission voted and unanimously agreed (7-0).
6 Commissioner Fillmore will serve as Vice Chair of the Planning Commission for 2013.

7
8 Chair Merrill delegated the continued conducting of this meeting to Vice Chair Fillmore.

9
10 ***Annual Training and Work Program Goals***

11
12 The Planning Commission reviewed a list of possible training items distributed by Lisa
13 Romney, City Attorney and the list of Work Program goals as prepared and prioritized by the
14 Planning Commission and City Council in 2012. Ms. Romney explained the State requires
15 mandatory training on conflict of interest and the open meetings act. In addition, the Commission
16 may choose a few other items to be trained on throughout the year. The Commission agreed that
17 multiple shorter trainings pertaining to upcoming applications would be beneficial.
18 Commissioner Holbrook said training about the west side plan would be helpful, as it seems
19 applications for this area of the city are most prevalent at this time. Commissioner Fillmore
20 suggested the sign ordinance be added to the Work Program list as a high priority. It seems
21 electronic signs have become a hot topic and could become an issue for Centerville in the near
22 future. The Commission agreed. The Commission also agreed to continue working on the Work
23 Program goals as already established. Commissioner Fillmore also distributed a list of work
24 priorities prepared by her a few years ago with input from the Commission. The Commission
25 agreed to continue working on this list as well.

26
27 **PUBLIC HEARING – GENERAL PLAN AMENDMENT, CHAPTER 12-490,**
28 **MODERATE INCOME HOUSING PLAN (Tabled from December 12, 2012) -**
29 **Consideration of a General Plan Amendment, Chapter 12-490, Moderate Income Housing**
30 **Plan; which consists of a significant reassessment of the City's "moderate income housing"**
31 **element. Centerville City, Applicant.**

32
33 Cory Snyder, Community Development Director, reminded the Commission this item is
34 being continued from the last meeting. Tonight the Commission should continue the public
35 hearing and their discussion regarding the matter. Following tonight's discussion staff will
36 prepare a new draft of the proposed ordinance for further action at the next Commission meeting.

37
38 Commissioner Fillmore opened the public hearing.

1 Esther Ewell, 809 South 650 East, said she spoke with the Parks Director who told her to
2 come tonight to discuss her request. She said she lives near Island View Park and her children
3 frequently play at that park. She said the playground equipment in this park is dilapidated and in
4 serious need of repair or replacement. She said this park is a popular location and she would like
5 to see it fixed.

6
7 Commissioner Fillmore apologized to Mrs. Ewell telling her this is the wrong venue for
8 this issue. She provided Mrs. Ewell with the dates and times of the next City Council meeting
9 and the next Parks and Recreation Committee meeting. Cory Snyder, Community Development
10 Director, said the Parks and Recreation Committee is aware of the need for new playground
11 equipment at this park and has called this out on a priority list. However, he is not sure if there is
12 budget available. He too encouraged Mrs. Ewell to contact the Parks and Recreation Committee
13 for further information.

14
15 The Commission reviewed the proposed amendment to the Moderate Income Housing
16 Plan page by page. The Commission called out several typographical, punctuation, and
17 numbering errors. In addition, they also discussed the vision and purpose of the proposed
18 amendment and made several other suggestions as follows.

19
20 Commissioner Fillmore said she believes this proposed document should provide the
21 tools necessary to encourage moderate income housing. State law requires cities to evaluate
22 average yearly incomes against the cost of available housing within a city. She said the proposed
23 Plan provides this evaluation and also calls out what will be needed to continue to meet moderate
24 income housing needs in the future. However, a side by side comparison within this document
25 would make it easier to read. She suggested the predicted Open Market Yield numbers (page 11)
26 be placed next to the Residential Use Types table (page 4). She also suggested a summary
27 statement be added to the beginning of the Plan (page 3, E) explaining that Centerville's goal is
28 to evaluate moderate income housing based on open market demand and that the open market
29 should not be prohibited. In addition, shifts in demographics should be recognized and tools
30 provided to meet the lifestyle demands of those changing demographics. Mr. Snyder will prepare
31 a summary statement as discussed to be reviewed at the next meeting.

32
33 Commissioner Kjar said in order for moderate income housing to succeed, zoning must
34 be provided to allow for such. This means smaller lots, higher density, and more rental
35 opportunities. He explained the reality of moderate income housing is often something citizens
36 do not want in their own neighborhoods. If Centerville is not willing to provide the necessary
37 tools and incentives then this plan will not work.

38
39 Mr. Snyder said the proposed plan encourages some tools that are currently missing
40 which will help provide opportunity for moderate income housing in all areas of the city. He said

1 the plan is not so aggressive as to require specific forms of moderate income housing, but does
2 call out options. Moderate income housing may not happen in all neighborhoods but the
3 possibility should be provided.
4

5 Commissioner Fillmore stated at the last meeting the Commission discussed rental units
6 and the recognition that not all rental units have been evaluated and/or calculated with regard to
7 this plan. She suggested a statement be provided explaining this. Mr. Snyder said there is no way
8 to accurately calculate the number of rentals within a city (i.e., rented homes, rented basements,
9 etc). He said he will provide a statement explaining this discrepancy to be reviewed at the next
10 meeting.
11

12 Mr. Snyder said the estimated future need table (page 7) will be expanded to include
13 County data as required by State law. Commissioner Fillmore said it may be beneficial to include
14 some stronger language in this section pointing out the weaknesses of using this table.
15

16 Commissioner Holman suggested, as discussed at the last meeting, including a paragraph
17 discussing other possible corridor options for mixed-use developments. The Commission agreed
18 and further decided to call out possible corridors by name.
19

20 Commissioner Fillmore said the 2002 Moderate Income Housing Plan states, "consider
21 adopting an accessory dwelling ordinance to allow for accessory units as a conditional use in all
22 residential zones." She suggested adding this language to the proposed Plan (page 13) as stated.
23 She said this is aggressive language but it is important to realize this concept was encouraged in
24 2002 and has essentially been ignored for the past ten years. It would also be beneficial to
25 include the reasons this concept was encouraged in 2002. She realizes this is a hot topic and that
26 many issues arise as a result, but believes the concept is appropriate. She explained this is only a
27 General Plan statement and is encouraged only as a conditional use. The majority of the
28 Commission agreed.
29

30 Commissioner Fillmore said she is not convinced that flag lots are a good option for
31 providing moderate income housing. She said it seems all the flag lots in the community have
32 been used to supply only single-family homes. She asked how flag lots may be used for
33 moderate income housing. Mr. Snyder said flag lots are a limited use in Centerville and can
34 provide for moderate income in a reverse order. That is they supply a property owner the
35 opportunity to supplement their own income and perhaps allow that property owner to maintain
36 their own current housing.
37

38 Commissioner Kjar made a **motion** to table this item and continue both the discussion
39 and the public hearing until the next Planning Commission meeting. The motion was seconded
40 by Commissioner Randall and passed by unanimous vote (7-0).

PLANNING COMMISSION MINUTES OF MEETING

Wednesday, January 23, 2013

7:00 p.m.

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

MEMBERS PRESENT

Kent Holbrook

Scott Kjar

Steven Markham

Kevin Merrill, Chair

Debra Randall

MEMBERS ABSENT

Tamilyn Fillmore

Brian Holman

STAFF PRESENT

Corvin Snyder, Community Development Director

Lisa Romney, City Attorney

Kathy Streadbeck, Recording Secretary

PLEDGE OF ALLEGIANCE

OPENING COMMENT/LEGISLATIVE PRAYER

Commissioner Randall

MINUTES REVIEW AND APPROVAL

Minutes of the Planning Commission meeting held January 9, 2013 were reviewed. Commissioner Kjar made a **motion** to approve the minutes as written. The motion was seconded by Commissioner Randall and passed by unanimous vote (5-0).

PUBLIC HEARING – GENERAL PLAN AMENDMENT, CHAPTER 12-490, MODERATE INCOME HOUSING PLAN (Tabled from January 9, 2012) - Consideration of a General Plan Amendment, Chapter 12-490, Moderate Income Housing Plan; which consists of a significant reassessment of the City's "moderate income housing" element. Centerville City, Applicant.

Cory Snyder, Community Development Director, highlighted the major changes made to the proposed Moderate Income Housing Plan because of discussions from previous Planning Commission meetings. He reviewed the additions to Section E (page 3) which contain Guiding

1 Principles for the plan. He reviewed the Estimated Future Need table (page 8). He said it was
2 discussed at the last meeting that this table be calculated using County data. However, upon
3 further research it was found that County data is not compiled as believed. Therefore, this table
4 was created using information more specific to Centerville and its unique needs. The newly
5 created table shows the estimated future need for moderate income housing specific to
6 Centerville and their market share. Mr. Snyder said he spoke with Commissioner Fillmore
7 regarding the table and she was accepting. He also said he included a statement regarding
8 accessory dwellings (page 14, 6-D.4) even though there seemed to be mixed feelings regarding
9 this issue at the last meeting.

10
11 The Commission reviewed the proposed Moderate Income Housing Plan page by page.
12 The Commission made several non-substantive changes including spelling, punctuation, and
13 numbering. The Commission also recommended that "c" of the Future Policy Considerations
14 (page 7) be replaced with a more generic statement so that it matches the Future Need Table
15 (page 8). A majority of the Commission also agreed with the statement regarding accessory
16 dwellings. Commissioner Holbrook said this statement only allows the option, it does not
17 require. If accessory dwellings are studied and found to be unacceptable there is still the option
18 to disallow. ✓

19 *accessory dwellings.*
20 Chair Merrill opened the public hearing. There was no comment; he closed the public
21 hearing.

22
23 Commissioner Holbrook made a **motion** to recommend approval to the City Council the
24 Moderate Income Housing Plan, Chapter 12-490, as provided by staff and amended tonight. The
25 motion was seconded by Commissioner Randall and passed by unanimous roll-call vote (5-0).
26

27 **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- 28
29 1. The next Planning Commission meeting will be held on February 13, 2013.
30 2. Upcoming Agenda Items
31 • Pineae Grower's Outlet CUP
32 • Wasatch Running Center
33 • Woods Park PDO
34 • Chick-Fil-A
35 3. Agenda 21 overview
36

37 The meeting was adjourned at 8:30 p.m.
38
39

ORDINANCE NO. 2013-03

AN ORDINANCE AMENDING AND RECODIFYING SECTION 12-490 OF THE CENTERVILLE CITY GENERAL PLAN REGARDING MODERATE INCOME HOUSING

WHEREAS, the City Council has previously adopted Section 12-490 of the Centerville City General Plan regarding moderate income housing in accordance with *Utah Code Ann.* § 10-9a-403, which requires the City to adopt a moderate income housing element as part of its General Plan; and

WHEREAS, the City is required by State law to biennially review its moderate income housing element of the General Plan and to provide a report to the Department of Workforce Services and the association of governments regarding the efforts made and actions taken by the City to encourage and provide moderate incoming housing within its jurisdiction; and

WHEREAS, in accordance with State law requirements, Staff has reviewed and researched the City's moderate income housing element of the General Plan and has prepared suggested revisions to the same summarizing the City's past strategies for promoting moderate incoming housing and establishing guiding principles and strategies for development of moderate income housing opportunities within the City; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to Part 12-490 of the Centerville City General Plan regarding moderate income housing, has held the appropriate public hearings in accordance with City Ordinances and State law, and recommends adoption of the same; and

WHEREAS, the City Council finds it is in the best interest of the public and the citizens of Centerville City to adopt the amendments to Section 12-490 of the General Plan regarding moderate income housing as more particularly provided herein in accordance with applicable provisions of State law.

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

Section 1. Amendment. Section 12-490 of the Centerville City General Plan regarding the moderate income housing is hereby amended and recodified to read in its entirety as more particularly set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

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

Section 3. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 19th DAY OF FEBRUARY, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Allen	_____	_____
Councilmember Averett	_____	_____
Councilmember Higginson	_____	_____
Councilmember Lindstrom	_____	_____
Councilmember Wright	_____	_____

EXHIBIT “A”

**SECTION 12-490
MODERATE INCOME HOUSING**

A. Background

Title 10, Chapter 9a, Section 403 of the Utah Code Annotated requires all municipalities to adopt a Moderate Income Housing element and Section 408 requires the cities to biennially review their “moderate income housing” element of the General Plan. Centerville’s Moderate Income Housing Element was originally adopted in February of 2002. Additionally, the City has submitted several biennial reports to the State, as required.

However, since the initial adoption of the plan element, there has not been a significant reassessment of “moderate income housing” status for the City. Therefore, both the Planning Commission and City Council have deemed it a priority to update the City’s Moderate Income Housing Element, as shown on the 2012/2013 list of planning priorities.

B. Summary of Past Findings of the 2002 Moderate Income Housing Plan

Listed below is a brief narrative of the adopted findings or conclusions of the initial plan element to address the requirements of the statute:

- a) Approximately 20% of the housing stock sales and assessments were deemed affordable and supply was likely adequate for that moment in time.*
- b) Generally, the affordable housing stock was built prior to 1990 and mainly consisted of condominiums rather than single-family homes. Less than 10% of the new construction (after 1990) would likely be affordable.*
- c) It was assumed moderate income population would remain at 20% in*

the “near” future. Thus, with growth in population, new affordable housing would need to be built.

- d) Given, existing land costs and property values, existing and projected zoning, construction trends, etc. it is unlikely that any new housing stock constructed would be affordable to meet the new demands assuming a sustained 20% moderate income population.*
- e) Approximately 80% of the City’s housing stock consisted of single family homes. The 2000 Census indicated a decline in household size and an increase in the median age and an increase with both young adults and seniors. These changes may point to the need for a wider variety of housing types.*
- f) There was a lack of supply with regards to rental housing and it may be getting smaller. The Census 2000 numbers indicated a 5% decrease in renter occupied housing from the 1990 Census.*

C. Summary of 2002 Plan’s Past Strategies to Promote Moderate Income Housing

The previous strategies were developed using both the required state criterion and a few local ideas. These strategies were as follows:

State Strategies:

- a) Rezoning – Consider some additional multi-family zoning districts.*
- b) Density Bonus – Consider a binding commitment to provide affordable housing when granting density bonuses.*

- c) Mandatory Set Asides – Consider setting aside specific properties for exclusive development of moderate income housing.
- d) Infrastructure Expansion – The use of infrastructure expansion as a “technique” will likely have limited applicability for Centerville.
- e) Rehabilitation of Uninhabitable Housing – This “technique” will likely play no role in Centerville’s Plan.
- f) Waiving Construction & Other Related Fees – Because such fees are relatively small compared to land and construction costs, fee waivers may need to be coupled with other incentives.
- g) Use of Federal and State Funds or Incentives – Providing information about such programs may be useful and the City may need to consider requiring participation in such programs to receive any local incentives.

Other Local Strategies:

- h) Consider Allowing Accessory Units – The use of accessory units throughout the community could potentially provide a source of moderate income housing.
- i) Create More Flexible Zoning Classifications – Options to consider were:
 - a. Use R-2 and R-3 Zoning to accommodate multi-family development.
 - b. Consider using “mixed use” zoning classifications.
 - c. Promote a variety of lot sizes with overall lot density standards rather than minimum lot sizes.

- d. Consider using flexible performance based zoning.
- e. Review and consider “Envision Utah’s” production of tools and model ordinances, as a starting point in creating flexible zoning incentives.

D. Summary of Centerville’s Previous Implementation Efforts

Centerville has made or taken significant efforts to implement the strategies of the 2002 Moderate Income Housing Plan. These efforts have resulted in opportunities for various types of housing to be preserved or to be developed. Listed below is a summary the efforts and opportunities that have occurred over the past decade.

2003:

- a) Zoning Ordinance Overhaul
 - ✓ Eliminated minimum lot sizes for most residential districts
 - ✓ Established a gross density standard for each district
 - ✓ Changes allow flexible lots sizes to encourage a range of home pricing in each development
- b) Garden View Apartments
 - ✓ 1st new apartment complex (59 townhome style units) using the new Residential High (R-H) Zone, which allows up to 12 units per acre.

2004:

- c) General Plan Modification
 - ✓ Encourage greater density in the Northwest Neighborhood Area
 - ✓ Locate such density near service areas and where transportation options are most available

2006:

- d) Pineae Village Estates

- ✓ *A master planned community of 227 dwelling units was approved allowing a variety of housing types; Single family homes 49, Townhomes 94, Stacked flat dwellings 84.*

2007:

e) Zoning Ordinance Update

- ✓ *Removed the five (5) acre minimum for any residential development desiring to use the Planned Development Overlay District, a density centered incentive based zoning tool.*

2008

f) General Plan/Zoning – Main Street Corridor Plan

- ✓ *Accentuated the existing local commercial zoning district to allow flexible uses using a form based code. Uses from single family to multi-family dwellings were introduced to create mixed use focal areas along the corridor.*
- ✓ *Changes implemented the Wasatch 2040 Plan to establish the desired boulevard community within Centerville.*

g) Cedar Springs Condominiums

- ✓ *Preservation - CBDG funds were used to improve access streets and utilities for the 200-unit Cedar Springs development.*

2009

h) Pheasantbrook Condominiums

- ✓ *Preservation - CBDG funds were used to improve access streets and drainage system for the 144-unit Pheasantbrook development.*

2010:

i) Legacy Crossing at Parrish Lane

- ✓ *A Master Planned Mixed Use development, which approved 158 apartments, a complex of three buildings; 2 buildings with 64 dwellings each and 1 building with 30 units.*

E. Guiding Principles of the Moderate Income Housing Plan Element

The guiding principles that are being used to give direction to the Moderate Income Housing Plan are as follows:

1. The Plan update recognizes that, over the past decade, the City has made significant strides in its efforts to alter or modify Zoning Regulations to encourage the development of a variety of housing types.
2. City's market characteristics and demands will vary overtime, the primary focus of the Plan is to regularly track and review the City's housing stock types in order to improve the decisions made regarding community plan updates and zone map amendments.
3. Due to political and geographical constraints, the Plan additionally focuses on the efficient use of existing infrastructure and utilizes "infill" or "redevelopment" scenarios that might assist with creating moderate income housing.
4. The basic tenet of livable communities is "good design," particularly when providing more density to encourage development of lesser housing types.

F. Moderate Income Housing Plan

In the case of the Moderate Income Housing Plan, the **Guiding Policies and Directives of the Plan** are expressed using the required elements or strategies of 10-9a.-403, as well other strategies identified by the City. Each element is addressed

separately within the Plan and consists of the following:

- A survey of the total residential land use.
- An estimate of existing housing supply.
- An estimate of need over the next five (5) years.
- Evaluation of how existing land uses and zones affect opportunities for moderate income housing
- A description of the plan to encourage an adequate supply of moderate income housing.

Within the descriptive “element” of the Plan, various required analyses or strategies are identified and any associated conclusions or policies related to these strategies are listed and explained. **These strategies, conclusions, or policies are to be used in the decision-making process for land use ordinance amendments, applicable land use application reviews, and/or related capital improvement programs.** Additionally, each element or strategy may be accompanied by descriptive text that is intended to assist with the understanding the purpose, intent, and interpretation of the strategy as it relates to moderate income housing in Centerville.

PLAN ELEMENTS**PLAN ELEMENT 1:****1. A Survey of Total Residential Land Use.**

The statute requires cities to conduct a survey of the total residential land use. Such an assessment for the City was made using the City's GIS system and data from the County Recorder's and Assessor's Offices, and the City's Building Department to perform the survey. Within the survey, housing was categorized into "use types" labeled single-family, townhomes and duplexes, and multi-family. These are the common categories used for various reports and surveys regarding residential uses and are similarly used later in this plan element. Furthermore, due to the difficulty of obtaining reliable data, the distinctive isolation and evaluation of apartments or rentals was not performed and was either assumed or combined with the multi-family calculations.

Additionally, the survey includes the current zoning districts that contain any of the selected use types. The survey did not include whether the use types were within the allowed densities of a particular zone or determine the non-conforming status of a specific use type.

REVIEW/ANALYSIS:**A. Results of the Survey of Residential Use Types (as of 2012):**

<i>Res. Use Type</i>	<i>Zone Districts</i>	<i>Units</i>	<i>%</i>
Single Family	A-L/R-L/R-M	3,852	73%
Townhomes/ Duplexes	A-L/R-M/ R-H/ R-H(PD)	981	19%
Multi-family (inc. apartments)	R-L/R-M/ R-H/R-H(PD) C-VH(PD)	423	8%
Total Units = 5,256			100%

Table 1

B. Survey Synopsis – From review of the data, single family dwellings are the predominant residential use type. This is not unusual for most cities and more particularly in other similar small communities. However, the townhome/duplex residential use type is higher than a normal open market yield (see City Strategy 8). Thus, it can be deduced that, in spite of having a prevailing single family residential use type, Centerville's efforts to address moderate income housing since the adoption of the moderate income element have had a positive affect towards encouraging a variety of housing types.

C. Future Policy Considerations – The Wasatch area has grown rapidly in the last few decades, future residential needs for the City may likely reflect the following characteristics and trends:

1. The region is predicted to continue to grow by as much as 2.2. percent per year.
2. Two-thirds of this growth is expected to come from children growing up, settling this area, and starting their own families.
3. Utah's baby boomers had more children than their non-Utah counterparts and had them earlier in life.
4. There are more single-parent households than in the past leading to added growth.
5. Household diversity creates a demand for a variety of housing types to meet the different lifestyle groups.

PLAN ELEMENTS**PLAN ELEMENT 2:****2. An Evaluation of How Existing Land Uses and Zones Affect Opportunities for Moderate Income Housing.**

According to the publication “Urban Planning Tools for Quality Growth” the evaluation of zoning densities is one of the biggest factors in making housing affordable. “If the widespread practice of zoning for mostly large-lot homes is not modified, economic problems will increase and people will be extremely limited in their lifestyle and household choices (*Chapter 2 - Meeting Housing Needs, page, 31*).

Since the original adoption of the City’s Moderate Income Housing Element, the City has implemented several changes to its Zoning Ordinance (*see Section “D” of this Plan Element*) to encourage the development of a variety of housing choices. These changes have allowed greater densities in areas of redevelopment that can capitalize on the efficient use of existing infrastructure or created projects with housing choices that do not result in typical large-lot style development.

REVIEW/ANALYSIS:**A. Existing Zoning District Opportunities:**

	Zones	Acres	Density Capacity
Standard Zoning	Ag. Low (A-L)	487	974
	Res. Low (R-L)	1,127	4,508
	Res. Med. (R-M)	118	944
	Res. High (R-H)	45	540
Mixed Use/ Flexible Zoning	FVSD	19	70
	R-H/ (PD)	30	227
	West Side/ Mixed Use Overlay	~ 50	750
	So. Main Street/ Mixed Use Overlay	~19	196 to 392
	C-VH(PD)/ Mixed Use Overlay	30	206
Totals		1,925	8,415 to 8,611

Table 1

B. Evaluation Synopsis – From review of the information, the typical standard zoning used by the City predominately consisted of single family, low-density, development. However, since the adoption of the 2002 Moderate Income Element, the City has implemented several flexible zoning tools that allow opportunities for various housing types. These efforts should be supported and continued into the future.

C. Future Policy Considerations – Decisions regarding land use planning in the future should consider the following:

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

PLAN ELEMENTS**PLAN ELEMENT 3:****3. An Estimate of City's Existing Supply of Moderate Income Housing.**

In order to estimate the available supply of moderate income housing, the city staff obtained parcel and improvement valuation data from Davis County. The 2011 Market Values (not the taxable value) data was queried using the City's GIS system and broken down into 50K increments. The "market value contained both land and improvement value (if present) of all residential type properties.

Additionally, the city staff used several web-based home affordability calculators to develop the potential home purchase range to estimate the existing supply. The short-comings for this analysis are that the County's market data may be on the low end of the scale and it is difficult to adequately estimate the debt amount of various households while calculating the potential purchase price. Thus, the estimated supply may be somewhat generous.

Nonetheless, with the current housing market recession (correction of home values) and the broad data set available for every housing type within the City, the estimated moderate income housing supply is better developed than the often used method of sampling some recent housing sales within the City.

REVIEW/ANALYSIS:**A. Estimate of Supply:**

County's Market Value	Residential Unit Counts	Estimated Supply
0-50K	95	-
50K – 100K	260	260
100K – 150K	1133	1133
150K – 200K	1447	1447
200K – 250K	897	-
250K – 300K	931	-
300K – 350K	459	-
350K or more	472	-
Total	5,694	2,840

Table 2

B. Existing Supply Synopsis – According to the 2012 Median Family Income Documentation System (HUD publication), the moderate income level for the Ogden-Clearfield MSA (which includes Davis County) is \$71,500. Thus, 80% of moderate income level would be an annual income of \$57,200. At current market rates (2012), and assuming a family unit with two children, this allows a possible home purchase price ranging from about \$175,000 to just over \$200,000, depending on the type of loan (e.g. FHA, VA, or Conventional). Thus, the estimated supply of moderate income housing for Centerville is potentially 2,840 units or about 49% of the City's housing stock.

Future Policy Considerations – Future decisions about land use planning for the City should consider the following:

1. The housing mix of the Greater Wasatch area will change in the next 20 years (*see publications for state population forecasts*).
2. There will be a rise in senior households (>60 yrs. old) from 21 to 27 percent.
3. Current demographic trends indicate that household size will likely decline in the future.
4. Fewer two-income households will likely be a result of such changing demographics.
5. There will be a demand for housing types needing less maintenance.

*PLAN ELEMENT 4:***4. An Estimate of the City's Future Need of Moderate Income Housing.**

In order to estimate the future need of moderate income housing, the city staff used the 2009 Income, Earnings, and Wages Data that is available from City-Data.com. This helps to establish a baseline demand as to the status of available housing versus family incomes. The baseline demand indicates that 1,678 households fall at or below the County 80% MIH, which is approximately 31% of the City's residents (est. 3.1 persons in avg. household size). To estimate the future need this 31% is extrapolated to the estimated future buildout population of 20,154 (*see City's Impact Fee analysis*). A simplistic conclusion indicates the current supply will be able to meet the estimated future demand.

However, it is difficult to accurately predict changes over time and also there appears to be a number of families well below the 80% MIH standard or threshold. Thus, any policy decision about future needs ought to account for the shortfalls of this analysis. Thus, the City should still consider establishing strategies for encouraging the development of moderate income housing within the City.

PLAN ELEMENTS*REVIEW/ANALYSIS:***A. Estimate of Future Need:**

2009 Estimate of Wages	Number of Households	Number of Total Households at or Below Moderate Income Level	
<10,000	13		
10,000-20,000	146		
20,000-30,000	418		
30,000-40,000	201		
40,000-50,000	571		
50,000-60,000	329	Current Est. = 1,678	
Existing Population		16,339	
Est. Existing Population w/ Moderate Income Need (Avg. 3.1 persons/household)		5,202	31%
Est. Future Population		20,154	
Est. Future Population w/ Moderate Income Need (Avg. 3.1 persons/household)		6,248	31%
Total Future Households (Avg. 3.1 persons/household)		Future Est. = 2,015	

Table 3

B. Future Needs Synopsis – Although the baseline supply is adequate for the current and projected future family incomes within the City, what can be deduced about future needs? The 2009 Income, Earnings, and Wages data depicts a number of families that are actually below the 80% MIH threshold (i.e. 1,349 households). Thus, the City needs to continue its efforts to encourage opportunities for alternative types of housing to be provided within the City.

C. Future Policy Considerations – Future decisions about land use planning for the City should consider the following:

1. Encouraging an open market yield of housing types.
2. Supporting mixed-use or flexible development in selected areas of the city.
3. Allowing reuse or redevelopment of underutilized lands through flexible development standards, or other similar opportunities.

STRATEGIES - STATE STATUTE***State Statute Recommendations:*****5. Section 10-9a-403(ii) of the Utah Code Lists Several Means or Techniques That May be Considered in Providing a Realistic Opportunity for the Development of Moderate Income Housing.**

The state statute provides some suggested techniques for cities to consider in encouraging the preservation or future development of moderate income housing. The suggested techniques are not mandatory requirements to be implemented. These techniques are being outlined in the plan element so that decision-makers may understand and decide whether these potential ideas are applicable for the moderate income housing needs within the City. If such techniques, or parts thereof, are deemed realistic, then such ideas will be listed or incorporated in the "city strategies and objectives" described later in this plan.

State's Suggested Techniques:

- 5.A. Rezone for densities necessary to assure the production of moderate income housing.
- 5.B. Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
- 5.C. Encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing.
- 5.D. Consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City.
- 5.E. Consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing.
- 5.F. Consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity.
- 5.G. Consider utilization of affordable housing programs administered by the Department of Workforce Services.

PLAN ELEMENTS**PLAN ELEMENT 5:****6. A Description of the City's Plan to Encourage an Adequate Supply of Moderate Income Housing.**

This section summarizes the City's chosen strategies to encourage a realistic opportunity for the preservation or development of moderate income housing. However, it is also the position of the City that the local government can only encourage the opportunity and that there are other forces at work that affect such opportunities.

Thus, it is the City's commitment to assist, where possible, to allow such opportunities. The identified strategies of this section will be individually addressed later in this plan.

City Strategies:

- 6-A. Continue to support allowing mixed use zoning and related development in strategic areas of the city.
- 6-B. Monitor and review existing housing patterns within the city in comparison to a pattern of an open market yield.
- 6-C. Make an effort to balance the number and size of zoning districts with the demand for various housing types.
- 6-D. Consider adopting basic or flexible design standards for small-lot or underutilized land parcels within existing developed areas of the city.

STRATEGIES – CITY EFFORTS***City Strategies:*****6-A. Continue to Support Allowing Mixed Use Zoning and Related Development in Strategic Areas of the City.**

The allowance and development of mixed use centers can encourage housing developments that have an improved chance of meeting the needs of moderate income families. Such housing areas create not only a variation in housing types and sizes, it can help with secondary living costs such as those associated with transportation where other modes (e.g. walking, biking, bus, van pools, etc.) can be more efficiently offered to mitigate reliance on multiple vehicles, or reduce time and travel distances to work areas or basic services and products.

City Objectives:

- 6-A.1 Consider amending the West Centerville Neighborhood Plan to expand the mixed use concepts found in the Legacy Crossing at Parrish Lane Development to surrounding areas, particularly west and south of this project area.
- 6-A.2 In the future, develop a strategic redevelopment plan in partnership with the property owners and residents within and around the Gateway Mixed Use Districts (i.e. South Main Street Corridor Plan area), and consider other corridor options (e.g. 400 west and the frontage road) to encourage actual development of a mixed use area with a residential component that includes opportunities for creating moderate income housing.
- 6-A.3 Remain committed to land use policies that support developing other future mixed-use for flexible use development areas.

STRATEGIES – CITY EFFORTS**City Strategies:****6-B. Monitor and Review Existing Housing Patterns the City in Comparison to a Pattern of an Open Market Yield.**

According to the publication “Urban Planning Tools for Quality Growth” background research data indicated that if existing zoning patterns among the Greater Wasatch Area remain in place until 2020, the housing supply yield could be:

- 77% Single-family
- 9% Townhomes and duplexes
- 14 % Apartments (multi-family)

Whereas, a 2020 demand based on income and demographic characteristics in an open market housing approach would yield:

- 60% Single-family
- 14% Townhomes and duplexes.
- 26% apartments (multi-family)

Although the city’s market characteristics and demands will vary over time, the City should regularly track and review its housing stock types to improve the decisions made regarding community plan updates and zone map amendments.

City Objectives:**6-B.1 Evaluation of City’s Current Housing Supply Yield:**

<i>Residential Use Type</i>	<i>Current City’s Yield</i>	<i>Open Market Yield</i>
Single Family	73%	60%
Townhomes/ Duplexes	19%	14%
Multi-family (inc. apartments)	8%	26%

Table 4

6-B.2 Tabulate and review the housing stock or inventory of the City every five (5) years. Determine if there is a significant disparity between the developed housing supply verses an open market yield and if so, consider goals for the next two years to alter or change land use related policies or identify opportunities to encourage a more open market yield.

6-B.3 Review the existing and projected demographics and characteristics of the City every five (5) years. Use such information to identify the existing potential future economic needs of residents and determine if changes to the housing stock are necessary (i.e. their existing and future income opportunities and/or desired living preferences). Determine if related land use policies can be altered to meet any missing need or preference.

STRATEGIES – CITY EFFORTS**City Strategies:****6-C. Make an Effort to Balance the Number and Size of Zoning Districts with the Demand for Various Housing Types.**

This strategy supports a fundamental provision of state law that indicates that “in drafting the moderate income housing element, the planning commission shall consider the Legislature’s determination that cities shall facilitate a reasonable opportunity for a variety of housing types, including moderate income housing;

- To meet the needs of people desiring to live there; and
- To allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life...”

While the state law focuses on moderate income housing, the best strategy is to concentrate on quality city-scaled residential design, while aiming to meet such housing needs. “A community should mix and arrange the various uses and densities so that an optimal city-scale design emerges, complete with quiet neighborhood, parks, and busy business districts [*Urban Planning Tools for Quality Growth, 2000*].”

City Objectives:

- 6-C.1 Evaluate the various Neighborhood Plans and determine if there are opportunities for allowing infill development, or areas that could be rezoned for additional density, or to encourage the use of the Planned Development Overlay Zone (*reflects strategy 6.A*).
- 6-C.2 Consider establishing standards with the R-M and R-H Districts that require a variety of housing types that are to be used within such zones. Additionally, limit unit densities within each building of the R-M zone to no more than 8 units, and within the R-H Zone to no more than 12 units.
- 6-C.3 Consider the following housing types to be implemented within the R-M and R-H zones:
- Courtyard apartments in high density locations
 - “Big house” apartments in medium and high density zones
 - Garden courts in medium and high density zones
 - Townhomes or alley fed townhomes with shorter front yard setbacks in medium density zones.
 - In medium density zones, if single-family is used, allow use of accessory apartments
- 6-C.4 Consider establishing additional architectural design standards for the R-M and R-H Districts. Ensure that the appearance and layout of buildings within these zones are visually compatible with surrounding residential neighborhoods.

STRATEGIES – CITY EFFORTS**City Strategies:****6-D. Consider Adopting Basic or Flexible Design Standards for Small-Lot or Underutilized Land Parcels Within Existing Developed Areas of the City.**

This strategy reflects a component of state strategy 6.B. that focuses on areas of existing development and infrastructure. The original Centerville Townsite parcels were not created using typical zoning practices. Consequently, there are a variety of unconventional lot sizes and configurations. Therefore, there are likely several opportunities for “infill” or “redevelopment” scenarios that could assist with creating moderate income housing in the older areas of the City.

A consideration to allow more flexible lot standards may be not only a benefit to the needs of moderate income families, but also to the owners of properties in these areas. However, additional design standards are likely needed to preserve the visual and physical context and layout of these areas.

City Objectives:

- 6-D.1 Provide continued support for the limited use of flag lot development in areas where older or original divisions (typically done through metes & bounds descriptions) of land have taken place, which tends to create underutilized land that could be further developed.
- 6-D.2 Consider adopting a “small lot-floating” overlay ordinance or standard to allow greater flexibility for placement of lot lines in relation to existing homes and a new infill home, where underutilized or underused properties exist.
- 6-D.3 Consider adopting a “group dwelling” lot ordinance or standard that could be utilized on larger irregularly shaped or constrained parcels which would allow for more than one dwelling to be constructed on a single parcel.
- 6-D.4 Consider adopting an “accessory dwelling” ordinance with design standards. Such allowances may also be considered “conditional uses” in single family zones [*see original strategy of the 2002 MIH Housing Plan, Section 12-490.4(d)*]
- 6-D.5 Consider adopting additional design and layout standards with any objectives mentioned above to ensure compatibility with the surrounding context and appearance of the neighborhood.

#7

	This Month	Year to Date	FY 13 Budget	% Budget
Revenues				
Property Tax	\$90,950	\$892,895	\$986,081	90.55%
Fee in Lieu	\$5,392	\$50,629	\$95,000	53.29%
Sales & UseTax	\$246,982	\$1,809,171	\$3,259,500	55.50%
Franchise Taxes	\$79,941	\$567,996	\$1,118,000	50.80%
Licenses & Permits	\$18,500	\$219,525	\$337,250	65.09%
Intergovernmental	\$99,698	\$376,871	\$504,540	74.70%
Charges for Serv.	\$78,693	\$518,785	\$823,325	63.01%
Fines	\$29,878	\$247,508	\$475,000	52.11%
Miscellaneous	\$383	\$17,964	\$56,250	31.94%
Transfers/Contributions	\$50,000	\$50,350	\$182,500	27.59%
Total	\$700,417	\$4,751,694	\$7,837,446	60.63%

Expenditures

City Council	\$3,888	\$33,007	\$101,508	32.52%
Judicial	\$16,112	\$113,390	\$221,060	51.29%
Executive	\$28,771	\$210,940	\$383,648	54.98%
Attorney	\$10,538	\$52,181	\$107,766	48.42%
Finance	\$43,665	\$287,051	\$484,830	59.21%
Legal	\$5,669	\$38,825	\$55,000	70.59%
Emergency Management	\$50	\$8,257	\$8,400	98.30%
Fire	\$201,217	\$592,955	\$794,172	74.66%
Elections	\$0	\$0	\$0	0.00%
Youth Council	\$0	\$973	\$7,000	13.90%
Police	\$178,783	\$1,218,505	\$2,148,316	56.72%
Liquor Law	\$3,945	\$3,945	\$20,000	19.73%
School Xing	\$3,745	\$26,440	\$52,099	50.75%
DARE	\$6,860	\$51,643	\$99,648	51.83%
K-9	\$340	\$1,152	\$2,250	51.20%
Animal Control	\$1,941	\$11,648	\$23,300	49.99%
PW Admin	\$23,472	\$156,150	\$273,713	57.05%
Streets	\$42,671	\$354,624	\$668,858	53.02%
Street Projects	\$2,950	\$206,848	\$724,000	28.57%
GIS	\$6,010	\$42,495	\$88,192	48.18%
Engineering	\$3,964	\$51,463	\$86,500	59.49%
Parks	\$28,722	\$330,206	\$742,842	44.45%
Community Events	\$327	\$1,402	\$23,650	5.93%
Parks & Rec Facility	\$1,107	\$3,863	\$10,910	35.41%
Maint Facility	\$4,047	\$21,987	\$32,790	67.05%
Maint Facility Storage	\$973	\$2,448	\$6,210	39.42%
City Hall	\$10,220	\$73,277	\$119,151	61.50%
Community Dev.	\$20,836	\$151,284	\$285,376	53.01%
Building Inspection	\$3,945	\$39,261	\$121,550	32.30%
Transfers - Non Dep.	\$60,000	\$241,143	\$314,223	76.74%
Total	\$714,768	\$4,327,363	\$8,006,962	54.05%

Use/Contribution to Fund balance	\$424,331	\$ (169,516)
(Revenues Over/Under Expenditures)		

Fund Balance at Beginning of Year (est.)	\$1,156,052
Fund Balance estimate 1/30/2013	\$1,580,383
Projected Fund Balance %	21.81%

Special Revenue Funds (Unaudited) January 30, 2013

<u>Component Units</u>	<u>This Month</u>	<u>Year to Date</u>	<u>FY 13 Budget</u>	<u>% Budget</u>
RDA				
Revenues	\$34,160	\$104,813	\$1,555,990	6.74%
Expenditures	\$295	\$123,152	\$1,361,490	9.05%
Fund Balance at Beginning of Year (est.)		\$244,971		
Fund Balance estimate 1/30/2013		\$226,632		
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 1/30/2013		\$0		

Special Revenue Funds

Recreation

Revenues

Recreation	\$2,580	\$22,898	\$84,000	27.26%
Youth Baseball/Softball	\$2,700	\$2,700	\$28,000	9.64%
Concession Sales	\$0	\$209	\$30,000	0.70%
Other	\$0	\$30,000	\$30,000	100.00%
Total Revenues	\$5,280	\$55,807	\$172,000	32.45%

Expenditures

Recreation	\$4,712	\$45,915	\$124,770	36.80%
Concessions	\$0	\$298	\$22,135	1.35%
Youth Baseball/Softball	\$0	\$0	\$31,925	0.00%
Total Expenditures	\$4,712	\$46,213	\$178,830	25.84%

Revenue Over/Under Expend \$ 568 \$ 9,594 \$ (6,830)

Balance at Beginning of Year (est.) \$26,598
Fund Balance estimate 1/30/2013 \$36,192

Debt Service Funds January 30, 2013 (Unaudited)
--

<u>Debt Service</u>	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 1/30/2013		\$649		

<u>Sales Tax (DCAC)</u>	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 1/30/2013		\$88,821		

Capital Project Funds (Unaudited) January 30, 2013

This Month	Year to Date	FY 13 Budget	% Budget
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Capital Improvement

Storm Drain

Revenues:

Fund Balance			\$27,794	
Impact Fees	\$6,160	\$8,320	\$10,000	83.20%
Grants	\$0	\$0	\$0	0.00%
Other	\$68	\$455	\$75	606.67%
Total Revenues	\$6,228	\$8,775	\$37,869	23.17%

Expenditures	\$0	\$0	\$37,869	0.00%
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Fund Balance at Beginning of Year (est.) \$36,011

Fund Balance estimate 1/30/2013 \$44,786

Park

Revenues:

Fund Balance			\$160,962	
Impact Fees	\$7,200	\$94,800	\$42,000	225.71%
Transfer	\$0	\$0	\$0	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$0	0.00%
Total Revenues	\$7,200	\$94,800	\$202,962	225.71%

Expenditures	\$50,000	\$50,522	\$202,962	24.89%
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Fund Balance at Beginning of Year (est.) \$297,073

Fund Balance estimate 1/30/2013 \$341,351

Capital Projects Fund

Revenues:

Fund Balance			\$47,120	
Transfers	\$60,000	\$210,000	\$379,977	55.27%
Other	\$0	\$0	\$500	0.00%
Total Revenues	\$60,000	\$210,000	\$427,597	100.00%

Expenditures	\$35,641	\$249,490	\$427,597	58.35%
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Balance at Beginning of Year \$41,105

Fund Balance estimate 1/30/2013 \$1,615

Enterprise Funds (Unaudited) January 30, 2013
--

	This Month	Year to Date	FY 13 Budget	% Budget
Water				
Revenues:				
Impact/construction Fees	\$13,200	\$47,545	\$230,000	20.67%
Water Sales	\$140,465	\$1,060,439	\$1,712,800	61.91%
Bond Revenue	\$24,077	\$235,538	\$1,810,000	13.01% *
Other	\$1,170	\$15,766	\$41,500	37.99%
Total Revenues	\$178,912	\$1,359,288	\$3,794,300	35.82%
Expenditures				
Operating/Dep/Debt	\$78,357	\$921,954	\$1,825,684	50.50%
Capital Improvement	\$13,042	\$142,009	\$2,158,900	6.58%
Total Expenditures	\$91,399	\$1,063,963	\$3,984,584	26.70%
Unrestricted Cash Beginning of Year (est.)		\$349,955		
Fund Balance estimate 1/30/2013		\$3,514,561		
Sanitation				
Revenues:				
Collection Fees	\$53,687	\$392,596	\$626,645	62.65%
Recycling fees	\$13,055	\$90,265	\$148,400	60.83%
Green Waste fees	\$6,197	\$43,019	\$65,600	65.58%
Other	\$490	\$4,560	\$4,700	97.02%
Total Revenues	\$73,429	\$530,440	\$845,345	62.75%
Expenditures:				
Disposal	\$27,780	\$138,541	\$280,000	49.48%
Collection	\$23,099	\$140,573	\$252,350	55.71%
Recycling	\$13,504	\$80,549	\$143,800	56.01%
Green Waste	\$2,752	\$17,030	\$24,000	70.96%
Other	\$7,272	\$65,696	\$180,050	36.49%
Total Expenditures	\$74,407	\$442,389	\$880,200	50.26%
Unrestricted Cash Beginning of Year		\$18,680		
Fund Balance estimate 1/30/2013		\$106,731		
Drainage				
Revenues	\$47,310	\$330,241	\$559,500	59.02%
Operating Expenditures	\$23,230	\$273,670	\$502,490	54.46%
Capital Expenditures	\$0		\$52,140	0.00%
Total Expenditures	\$23,230	\$273,670	\$554,630	49.34%
Unrestricted Cash Beginning of Year		\$91,168		
Fund Balance estimate 1/30/2013		\$147,739		
Telecommunications				
Revenues	\$25,500	\$134,341	\$330,000	40.71%
Contractual obligations	\$25,548	\$131,239	\$330,000	39.77%
Total Expenditures	\$25,548	\$131,239	\$330,000	
Unrestricted Cash Beginning of Year		\$2,452		
Fund Balance estimate 1/30/2013		\$5,554		
Whitaker Trust				
Beginning fund balance				
Revenues	\$950	\$18,627	\$37,365	49.85%
Expenditures	\$2,050	\$13,381	\$37,365	35.81%
Fund Balance at Beginning of Year		\$5,571		
Fund Balance estimate 1/30/2013		\$10,817		



South Davis Metro Fire Agency January 20

Fire Response Summary by NFIRS Incident Type Codes

Overall Response Time: 5:47

	Fire Calls	False Calls	Rescue/EMS	Good Intent	Hazard Cond.	Explosion/Overpressure	Service Call	Special Incid.	Weather Inc.	Totals
<u>Davis County</u>	0	0	6	1	1	0	0	0	0	8
<u>Centerville</u>	1	11	40	8	3	1	1	0	0	65
<u>West Bountiful</u>	2	1	7	4	0	0	0	0	0	14
<u>Woods Cross</u>	0	12	24	1	1	0	6	0	0	44
<u>North Salt Lake</u>	1	24	55	8	2	0	2	0	0	92
<u>Farmington</u>	0	0	1	0	0	0	0	0	0	1
<u>Bountiful</u>	6	36	280	17	3	1	12	0	0	355
<u>SLC & Other</u>	0	0	3	0	0	0	0	0	0	3
Totals:	10	84	416	39	10	2	21	0	0	582

Responses by Unit:

801 12	802 9
803 6	BC81 49
EN82 29	ME82 23
EN83 30	ME83 0
EN84 16	EN85 60
MD82 98	MD83 136
TK81 81	TK85 0
HZ85 1	HR81 0

Dollar Loss:

Davis County:	\$0
Centerville:	\$0
W. Bountiful:	\$250,000
Woods Cross:	\$0
North Salt Lake:	\$13,000
Bountiful:	\$33,000
SLC/County	\$0
Total Dollar Loss:	\$296,000

Average Staff on an Incident: 4

Mutual/Auto Aid Report:

Aid Given	0
Aid Received	1
Farmington City Fire	

582 TOTAL
INCIDENTS

543 December

582 YEAR TO DATE

3#

SOUTH DAVIS METRO FIRE AGENCY

December 31, 2012

FINANCIAL REPORT

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*Copied
for CC*

Alan Low
Chief Financial Officer

South Davis Metro Fire Agency

Cash Position by Fund and in Total

	Funds									
			Public	Capital	SDFD		Debt	Debt		St Treas
Month	General	Grant	Training	Reserve	Equity	Bond	Service	Reserve	Total	Int. Rate
Dec	1,348,824	23,726	25,013	1,115,562	0	0	123,097	269,000	2,905,222	0.6908%
Nov	1,340,315	3,726	23,661	790,820	0	0	117,303	269,000	2,544,825	0.7235%
Oct	1,871,207	4,506	25,302	769,080	0	0	117,082	269,000	3,056,177	0.7484%
Sep	1,293,523	4,506	27,315	751,350	0	0	91,014	269,000	2,436,708	0.7784%
Aug	1,440,923	15,189	27,269	909,275	0	0	345,477	269,000	3,007,133	0.7791%
Jul	1,897,454	15,189	26,966	891,076	0	0	340,430	269,000	3,440,115	0.7877%
Jun	969,247	6,673	26,308	876,826	0	0	327,975	269,000	2,476,029	0.7894%
May	1,345,892	2,025	25,727	889,796	0	0	341,080	255,526	2,860,046	0.7917%
Apr	1,735,534	5,802	24,900	870,617	0	0	300,224	251,608	3,188,685	0.7941%
Mar	1,029,061	1,250	25,036	852,728	0	0	285,647	247,697	2,441,419	0.7937%
Feb	1,332,353	(944)	24,304	993,849	0	0	286,108	243,783	2,879,453	0.7950%
Jan-12	1,016,551	(944)	24,324	987,347	0	0	289,265	239,883	2,556,426	0.7496%
Dec	1,001,809	(7,523)	24,414	969,503	0	0	226,971	235,984	2,451,158	0.7190%
Nov	1,025,724	8,794	20,722	740,643	0	0	227,857	232,094	2,255,834	0.6790%
Oct	1,375,654	900	21,963	729,100	0	0	229,112	228,218	2,584,947	0.6336%
Sep	632,884	6,350	23,518	584,703	0	0	183,807	224,344	1,655,606	0.5961%
Aug	1,162,381	8,392	24,875	550,405	0	0	456,971	220,493	2,423,517	0.5577%
Jul	1,074,863	4,953	24,367	533,055	0	0	454,834	216,643	2,308,715	0.5455%
Jun	665,639	(86)	24,297	516,227	0	0	443,850	212,797	1,862,724	0.5463%
May	1,048,915	4,989	23,944	502,121	0	0	446,658	208,955	2,235,582	0.5374%
Apr	1,041,509	4,989	24,799	485,282	0	0	447,105	205,114	2,208,798	0.5362%
Mar	813,265	(400)	24,334	476,708	0	0	445,523	201,277	1,960,707	0.5173%
Feb	1,214,116	(3,896)	24,185	458,659	0	0	446,786	197,443	2,337,293	0.4900%
Jan-11	1,561,835	5,314	23,240	291,577	0	0	448,447	193,623	2,524,036	0.4878%
Dec	798,668	1,714	23,563	274,694	0	0	435,345	189,797	1,723,781	0.4880%
Nov	745,200	10,519	31,010	131,139	0	0	435,578	185,973	1,539,419	0.4946%
Oct	1,109,180	10,519	33,516	120,901	0	0	433,758	182,152	1,890,026	0.5160%
Sep	567,904	9,519	33,164	102,415	0	0	433,707	178,326	1,325,035	0.5622%
Aug	941,612	9,519	32,931	85,586	0	0	705,040	174,497	1,949,185	0.5851%
Jul	1,112,263	12,593	32,846	48,023	0	0	708,453	170,665	2,084,843	0.5989%
Jun	499,203	12,593	32,410	30,622	0	0	702,619	166,832	1,444,279	0.5965%
May	904,648	7,023	32,133	12,289	0	0	705,690	163,004	1,824,787	0.5833%
Apr	1,325,601	7,023	31,605	705,265	0	0	704,950	159,177	2,933,621	0.5649%
Mar	729,360	11,352	32,112	683,479	0	0	695,107	155,358	2,306,768	0.5605%
Feb	1,082,385	11,352	31,862	725,051	0	0	752,282	151,538	2,754,470	0.5180%
Jan-10	1,444,384	11,952	33,755	707,707	0	0	743,799	147,727	3,089,324	0.5922%
Dec	747,919	11,952	33,277	690,334	0	0	722,174	143,907	2,349,563	0.6256%
Nov	520,870	30,217	30,042	657,622	(31,077)	0	762,568	140,084	2,110,326	0.6396%
Oct	897,869	53,948	33,409	640,299	(31,110)	0	761,819	136,264	2,492,498	0.6968%
Sep	472,692	53,947	33,408	607,365	(30,332)	0	761,044	132,437	2,030,561	0.7591%
Aug	737,952	31,093	32,822	622,746	81,407	0	997,753	128,608	2,632,381	0.8489%
July	820,522	31,093	33,673	745,950	81,910	0	959,713	124,769	2,797,630	0.9296%
June	293,419	(116,219)	33,639	728,800	163,146	0	932,706	120,924	2,156,415	1.0107%
May	605,285	(116,219)	32,722	711,408	165,223	0	923,019	117,076	2,438,514	1.1170%
Apr	1,118,098	(94,173)	32,728	690,370	167,645	0	913,857	113,217	2,941,742	1.1746%
Mar	729,957	60,192	32,993	376,188	171,521	0	913,066	109,411	2,393,328	1.2460%
Feb	1,066,088	61,362	31,913	358,282	187,677	0	905,448	105,545	2,716,315	1.3794%
Jan-09	1,398,149	64,261	31,489	340,056	191,529	0	899,709	101,635	3,026,828	1.8559%
Dec	839,107	56,113	31,039	321,587	210,588	0	839,878	97,726	2,396,038	2.2742%
Nov	506,342	63,996	29,973	303,453	335,984	0	780,783	93,786	2,114,317	2.7780%
Oct	903,986	(103,971)	28,642	284,638	472,075	0	564,330	89,820	2,239,520	2.8958%
Sep	318,185	94,924	28,737	116,628	680,177	0	555,350	85,848	1,879,849	2.8922%
Aug	651,720	92,573	28,436	450,480	779,992	128,489	763,920	81,892	2,977,502	3.0128%
Jul	1,029,150	94,557	27,933	220,388	785,721	245,130	654,221	77,927	3,135,027	3.0087%
Jun	330,624	100,412	29,723	202,143	782,682	479,353	631,722	73,973	2,630,632	3.0185%
May	716,155	73,076	29,483	201,373	804,452	478,342	585,355	70,035	2,958,271	3.0435%
Apr	1,203,618	121,097	30,377	146,449	803,915	572,832	494,754	66,099	3,439,141	3.2426%

SOUTH DAVIS METRO FIRE AGENCY							
IMPACT FEES COLLECTED							
DATE BELOW							
DATE	CENTERVILLE	DAVIS COUNTY	NORTH SALT LAKE	WEST BOUNTIFUL	WOODS CROSS	TOTAL REVENUE	TOTAL FOR THE YEAR
J04-4 Mos	716.00	-	38,593.68	3,402.00	4,158.00	46,869.68	
2005	44,124.66	-	160,858.93	65,640.10	33,128.24	303,751.93	
2006	67,908.61	-	203,896.39	16,793.12	10,156.80	298,754.92	
2007	39,666.50	263.47	118,685.88	52,937.65	65,296.28	276,849.78	
2008	20,118.60	-	95,684.71	5,275.78	10,142.74	131,221.83	
2009	8,231.81	-	73,623.57	3,507.38	41,737.05	127,099.81	
2010	26,063.64	-	24,968.28	2,337.92	18,292.00	71,661.84	
2011	49,665.03	-	30,643.20	3,896.38	16,894.44	101,099.05	
1/31/12							
2/29/12			389.00			389.00	
3/31/12			3,112.00			3,112.00	
4/30/12	7,399.00		5,010.00	1,169.00	4,541.00	18,119.00	
5/31/12			44,414.00			44,414.00	
6/30/12					(1,945.00)	(1,945.00)	
7/31/12			3,501.00	2,338.00	6,224.00	12,063.00	
8/31/12			4,668.00			4,668.00	
9/30/12	10,325.00		3,890.00			14,215.00	
10/31/12	5,464.00		5,084.00	6,570.00	8,724.00	25,842.00	
11/30/12						-	
12/31/12	11,057.82		20,288.64	2,576.19	23,652.00	57,574.65	178,451.65
						-	
TOTAL	290,740.67	263.47	837,311.28	166,443.52	241,001.55	1,535,760.49	Down
						1,535,760.49	Across

South Davis Metro Fire Agency
Board of Directors Financial Summary Year 2012
December 31, 2012

				100%	of the year expired	
Line No.	Fund	YTD 2012	Annual Budget	% of Budget	Page No.	Comments
***** General Fund 10*****						
Revenue						
1	Property Taxes-PM Funding	637,125	655,384	97%	6	
2	Intergovernmental Revenue-Cities & Co.	4,997,441	4,997,441	100%	6	
3	Ambulance & PM Fees-Net	1,983,595	1,865,000	106%	6	
4	All Other General Fund Revenue	23,701	24,000	99%	6	
5	Total Revenue	7,641,862	7,541,825	101%	6	
Expenditures by Division						
6	Operations	5,714,231	5,800,153	99%	7	
7	Logistics	412,957	405,501	102%	8	Vehicle Fuel
8	Communications	359,862	329,452	109%	8	Computer Server went out in December
9	Fire Prevention	6,881	7,013	98%	8	
10	Training	22,170	31,235	71%	9	
11	Emergency Medical Services	115,906	119,680	97%	9	
12	Transfer to Capital Reserve Fund	500,000	500,000	100%	9	
13	Total Expenditures	7,132,007	7,193,034	99%	9	
14	Revenues Over/(Under) Expendtrs Before	509,855	348,791	146%	9	
15	Depreciation & Loss on Fixed Assets Sold	374,681	330,884	113%		Deprctn-348,817; Loss Zetron Sold-25,86
16	Net Revenues Over/(Under) Expendtrs	135,174	17,927	754%		
***** Other Funds *****						

Grant Fund 21					
1	Revenues	48,320	28,320	171%	11
2	Fund Balance Appropriation/(Addition)	(16,418)	2,802	-586%	11
3	Expenditures	31,902	31,122	103%	11
4	Revenues Over/(Under) Expendtrs	0	0	0%	11

Public Training Fund 22					
5	Revenues	6,906	6,930	100%	13
6	Fund Balance Appropriation/(Addition)	1,244	3,795	33%	13
7	Expenditures	8,150	10,725	76%	13
8	Revenues Over/(Under) Expendtrs	0	0	0%	13

Capital Reserve Fund 45						
9	Revenues	526,867	631,415	83%	15	Less Revenue received on sale of Fixed Asset
10	Fund Balance Appropriation/(Addition)	28,692	(80,608)	-47%	15	
11	Expenditures	555,559	570,809	97%	15	Power Gurney 11,747; Ambulance 159,010; Staff Car 30,830; Radio for new ambulance 3,472; Ambulance 175,750; Fire Truck Refurbished-174,750
12	Revenues Over/(Under) Expendtrs	0	0	0%	15	

SDFD Equity Fund 70					
13	Revenues	0	0	0%	17
14	Fund Balance Appropriation/(Addition)	128,892	141,700	91%	17
15	Expenditures	128,892	141,700	91%	17
16	Revenues Over/(Under) Expendtrs	0	0	0%	17

Debt Service Fund 72 & 73					
17	Revenues	181,509	138,000	132%	21
18	Fund Balance Appropriation/(Addition)	119,728	163,237	73%	21
19	Expenditures	301,237	301,237	100%	21
20	Revenues Over/(Under) Expendtrs	0	0	0%	21

Debt Reserve Fund 74						
21	Revenues	33,016	33,016	100%	23	Complete for the year
22	Fund Balance Appropriation/(Addition)	(33,016)	(33,016)	100%	23	
23	Expenditures	0	0	0%	23	
24	Revenues Over/(Under) Expendtrs	0	0	0%	23	

Budget Calendar – FY 2014

#9d

March 1 (Friday)	Detail Budget Worksheets to Departments (due 4/5)
March 12 (Tuesday)	Strategic goals/priorities for FY 2013 due from department heads and Committee Chairs to City Manager for 3/19 City Council work session
March 19 (Tuesday)	Council goal-setting work session (Department heads need not attend)
March 20 (Wed)	City Council's 2013 goals provided to department heads
March 21 (Thurs)	Due from Department Heads: ▪ Information for March 27 Council Work Session ▪ Department information: ○ Mission statement ○ Organization & number of personnel ○ Summary of services provided ▪ Personnel 3-year projection and justification ▪ Capital projects, 3 years ▪ Capital equipment over \$5,000, 3 years ▪ Other significant budget impacts, 3 years
March 22 (Friday)	Give Packet to City Council for March 26 and April 2 work sessions (This would be the 3-year projections, <u>not</u> the detail budgets for FY 2014)
March 26 (Tuesday)	Financial Planning Work Session, Part 1 – (6:00 – 9:00 p.m.) ▪ Finance and Administration, including projections of future revenues and expenditures ▪ PWs Dept, including 5-yr Streets Maintenance Plan ▪ Water System Impact Fee Analysis (?)
April 2 (Tuesday)	Financial Planning Work Session, Part 2 (5 – 7 p.m. prior to regular Council meeting) ▪ Court ▪ Community Development Dept ▪ Parks & Recreation Dept ▪ Police Dept
April 5 (Friday)	Due from Department Heads: Detail budget request for FY 2014
May 7 (Tuesday)	City Manager present FY 2014 Proposed Budget ▪ City Council adopt Tentative Budget or schedule for later action ▪ Staff begin preparing Budget Newsletter
May 21 (Tuesday)	Additional City Council work session (prior to regular City Council meeting)
June 4 (Tuesday)	Public Hearing
June 18 (Tuesday)	Adopt Final Budget

Budget Calendar for FY 2014 2-19-13

Proposed City Council Goal-Setting Process & Calendar – 2013

- Feb. 19 - Give CC copies of 2012 goals (3/6/12 work session minutes) and list of 2013 issues/projects
- Feb. 20 - City Manager (CM) inform department heads and committee chairs of their participation
- Feb. 28 - Council members send their proposed goals to CM
- Feb 29 - CM send consolidated list of CC proposed goals back to CC with instructions to rate/rank each proposed goal
- March 5 - Joint CC/PC work session at 5:30 p.m. prior to regular City Council meeting to clarify Community Development work plan for 2013
- March 5 - CC return their ratings to CM
- March 12 - Department heads and committee chairs submit their “strategic goals” to CM
- March 15 - CM consolidate CC ratings and send back to CC, along with strategic goals from department heads and committees
- March 19 - CC goal setting work session, 5:30 p.m. (continue at end of regular council meeting, if needed)
- March 20 - Provide CC’s goals to department heads
- March 22 - Provide 3-year projections (personnel, equipment, projects, etc.) from department heads to CC for March 26 and April 2 work sessions
- March 26 - Financial Planning Work Session – Part 1 (6 – 9 p.m.)
- Parks & Recreation Department
 - PWs Dept, including 5-year Streets Maintenance Plan
 - Water System Impact Fee Analysis (?)
- April 2 - Financial Planning Work Session – Part 2 (5 – 7 p.m. prior to regular meeting)
- Court
 - Community Development
 - Police Department
 - Finance & Administration

1 Minutes of the Centerville City Council **work session** held Tuesday, March 6, 2012 at 5:55 p.m.
2 in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Mayor Ronald G. Russell

7
8 Council Members Justin Y. Allen
9 Ken Averett
10 John T. Higginson
11 Sherri Lyn Lindstrom
12 Lawrence Wright

13
14 **STAFF PRESENT**

15 Steve Thacker, City Manager
16 Blaine Lutz, Finance Director/Assistant City Manager
17 Katie Rust, Recording Secretary

18 **GOAL SETTING WORK SESSION**

19
20 The Council and staff reviewed the list of goals suggested by Council members for 2012.
21 A copy of the list, with scoring data, has been attached. The suggested goals were ranked by
22 the Council members prior to the work session and given a number value by staff based on the
23 rankings. Beginning the discussion with the highest ranked suggestions, the Council made the
24 following decisions:

- 25
- 26 • All items on the list that relate to historic sites will be condensed to a more general
 - 27 goal to support the Historic Sites Committee work plan.
 - 28 • The highest ranked suggestion, "Focus on west-side planning and development," will
 - 29 be a goal for 2012.
 - 30 • Staff was directed to proceed with minor maintenance changes that would allow
 - 31 water to flow continuously through the Parrish Creek Parkway pond.
 - 32 • The Parks Capital Improvement Plan will be reviewed and updated, including the
 - 33 expansion of Community Park in a phased manner and the possibility of landscaping
 - 34 the I-15 interchange. A parks impact fee analysis will also be completed.
 - 35 • The first two suggestions on the list will be combined as "continue to seek safe
 - 36 pedestrian access to the west side" and moved to the list of goals that are already in
 - 37 process.
 - 38 • The Council will continue discussions and efforts to obtain a Frontrunner stop in
 - 39 Centerville.
 - 40 • An intensive study of hillside geological hazards will not occur in 2012.
 - 41 • "Review existing ordinances and repeal those that are out of date" will be continued
 - 42 and moved to the list of goals that are already in process.
 - 43 • The Planning Commission is directed to revise the General Plan to remove specific
 - 44 references to "light-rail," while continuing to support public transportation options
 - 45 within the city.
 - 46 • "Update the City website" and "continue to support the Emergency Management
 - 47 program, including Citizen Corps," will be moved to the list of goals that are already
 - 48 in process.

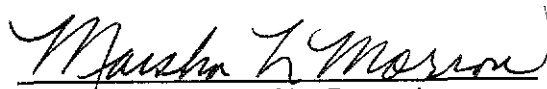
- Staff was directed to obtain an explanation from UDOT regarding the possibility of a northbound off-ramp at Lund Lane, or other options to mitigate congestion on Parrish Lane.

The work session was adjourned at 6:57 p.m. to begin the regular Council meeting. The Council returned to a discussion of goals at 9:26 p.m. after the Council meeting.

- The Parks and Recreation Committee will be asked to consider the possibility of adding a dog park within one of the City parks.
- The Council will investigate the feasibility of acquiring the Carlson property – including the Bamberger depot site – at 180 W. Porter Lane.
- The Council approved the four priorities submitted by the Planning Commission:
 - General Plan Update – Moderate Income Housing & associated policy updates
 - General Plan Update – West Side Neighborhood, revise due to the new Legacy Crossing project with introduction of residential uses & any associated policies.
 - General Plan Update – Comprehensive City Trails and Pathways Element
 - Zoning Ordinance – Old Town Site & Historic Preservation & associated infill development needs.

ADJOURNMENT

Councilman Wright made **motion** to adjourn at 9:44 p.m. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).


Marsha L. Morrow, City Recorder

3-20-2012
Date Approved


Katie Rust, Recording Secretary



Looking Ahead to 2013—Projects & IssuesTransportation Planning/Improvements

- Annual street maintenance project and related utility work
- Main/Parrish Intersection Project—resolve Buy America issue, complete final design, bid & construct
- Submit concept report and request for funding from WFRC for widening Frontage Road to accommodate standard bike lanes

Public Safety

- Emergency Management—continue employee and community preparedness activities, including: employee training; Citizen Corps & CERT; community disaster exercise.

Drainage

- Jennings Lane subdrain project—complete negotiations w/homeowners and remove trees
- Update storm drain master plan and impact fees

Water System

- Complete well drilling project at Chase/Main; buy property for pump station
- Design and construct water main under I-15 at 1000 North
- Update water system impact fees

Parks and Recreation

- Adopt higher Park Impact Fee
- Community Park expansion—revise wetlands map; prepare master plan; continue preliminary site work
- Participate in D&RGW trail project w/UTA, County and Farmington City
- Entertainment in Park—6th year

Community Planning/Development

- Legacy Crossing—development continues
- Silver Oaks—oversee developer's resolution of wetlands/drainage swale issues
- Complete abatement of Chase Lane dangerous buildings
- Centerville Corporate Park—approve improvements on Lots 201 & 202
- Complete review of code enforcement program and implement improvements

Miscellaneous

- Continue City Code comprehensive update
- Reopen Whitaker Home museum to public
- State legislative issues—participate in discussion of municipal issues
- July 4th celebration
- Use CDBG grant & RDA funds to improve drainage & driveway at Riviera Townhomes
- Participate in UTOPIA's new business plan

**CENTERVILLE CITY
COMMUNITY SERVICE
STATEMENT OF INTEREST
AND QUALIFICATIONS**

RECEIVED
FEB 11 2013
CENTERVILLE CITY CORP.

CC RGR
ST
BT

#13

PERSONAL DATA

Name: Royce Allen Phone: 801-298-5866 (home)
(work)
801-530-9996 (cell)

Address: 332 N 700 E, Centerville

e-mail: romandi@comcast.net

How long have you lived in Centerville? 39 months/years

Occupation: Retired

Company: _____

Address of Company: _____

COMMUNITY SERVICE AREAS OF INTEREST

History, Sites, Trails

PREVIOUS COMMUNITY SERVICE

Sites Preservation
Centennial Book Committee

FORMAL EDUCATION AND TRAINING

Ph.D Physics -
Wmors - Math, EE, Bus

MISCELLANEOUS SKILLS AND ABILITIES

PERSONAL AND PROFESSIONAL REFERENCES



Signature

COMSERV.ORM

2-11-2013
Date

PLANNING COMMISSION

The Planning Commission is a seven-member board which assists the local elected officials in developing the goals, policies and programs for future development of the local neighborhoods and community. They set goals and objectives for a community's future physical development and help the community attain its goals by reviewing and approving land development proposals. Terms are for three (3) years, appointed by the Mayor with the advice and consent of the City Council. Meetings are twice a month on the second and fourth Wednesday at 7 p.m. and as such other times as the Planning Commission may determine.

BOARD OF ADJUSTMENT

The Board of Adjustment consists of five (5) members who are appointed by the Mayor, with the advice and consent of the City Council. Each member of the Board of Adjustment shall serve for a term of five (5) years and/or until his/her successor is appointed. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board may determine. The Board of Adjustment hears appeals by any person who may be aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer.

*** HISTORIC SITES COMMITTEE** **LANDMARKS COMMISSION**

The Centerville Historic Sites Committee consists of five (5) - seven (7) members and meets on a monthly basis. Committee members help with various projects preserving the history of the city. The Committee helps plan and direct the activities scheduled during the annual Historic Preservation Week each May. Committee terms are for three (3) years, and appointment is made by the Mayor, with the advice and consent of the City Council.

WHITAKER MUSEUM BOARD

The Whitaker Museum Board consists of five (5) regular members who shall be appointed by the Mayor, with the advice and consent of the City Council to act as an advisory board to the City Council regarding the facilities, programs and policies for the administration and operation of the Thomas Whitaker Home Museum. Terms of appointment are staggered terms of three (3) years and may be shorter than three (3) years when necessary to provide staggered terms. The Board may hold meetings at such times as the Board determines is necessary.

PARKS AND RECREATION COMMITTEE

The Parks and Recreation Committee consists of not more than seven (7) members but no less than five (5) who act as an advisory body to the City Council by providing support, guidance and planning for development of parks & recreation opportunities for Centerville residents. Terms of appointment are staggered terms of three (3) years and may be shorter than three (3) years when necessary to provide staggered terms. One member of the Parks and Recreation Committee will be the Chair of the Trails Committee. The committee generally meets monthly.

TRAILS COMMITTEE

The Trails Committee consists of not more than seven (7) but no less than five (5) members who act as advisory Committee to the City Council to recommend and promote the establishment of public trails and related facilities, programs and policies to meet recreational needs of the citizens of Centerville City. Terms of appointment are staggered terms of three (3) years and may be shorter than three (3) years when necessary to provide staggered terms. The Chair of the Trails Committee shall also be a member of the Parks and Recreation Committee. The committee generally meets monthly.

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE REDEVELOPMENT AGENCY OF CENTERVILLE CITY WILL HOLD A PUBLIC MEETING AT 8:45 P.M. ON TUESDAY, FEBRUARY 19, 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.

Tentative
Time:

8:45 A. ROLL CALL

B. MINUTES REVIEW AND ACCEPTANCE – February 5, 2013 meeting

C. NEW BUSINESS

1. Study of potential new project area
 - a. Staff report
 - b. Adopt RDA Resolution No. 2013-01, authorizing the drafting of a project area plan and project area budget for a specific designated area (Community Development or Economic Development Project Area)

D. ADJOURNMENT

Steve H. Thacker
Executive Director