



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 H. Thacker, City Manager *A. Thacker*
subject: City Manager's Summary of September 17, 2013 Council Meeting
date: September 13, 2013

5:00 Fieldtrip to Gun Range and "V" on Mountainside – The City Council will make a fieldtrip to the gun range located on City property on the mountainside. This is to become familiar with the site in preparation for discussing possible renewal of the current lease with the Centerville Small Arms Association, which gives them the right to operate the gun range until the end of this calendar year. While at the gun range, the City Council will also look at the "V" on the mountainside. This "V" is also located on City property. It was constructed 40 years ago under a 10-year conditional use permit issued to Viewmont High School. Staff have initiated a stability analysis which will be performed by Geo Strata, a geotechnical engineering firm. The results of that analysis should be available in October and will be discussed with the City Council at that time.

7:00 Regular City Council meeting

E.1. Recognize Whitaker Museum Board for State History Award – On September 5th the Utah Division of State History recognized the Whitaker Museum with an Outstanding Contribution Award. Museum Board Chair Spence Packer will report on this recognition.

E.2. 4th of July Celebration Report – Kay Ashton, Chair of the Celebration Committee, will report on this year's July 4th activities.

E.3. Minutes Review and Acceptance – The minutes to be approved are enclosed.

E.4 Summary Action Calendar

- a. **Storm Drain Impact Fee Credit** – Staff recommend the City Council approve a storm drain impact fee credit for the Woods Park PDO, based on the detention basin and related easement that will be provided by the developer for the benefit of the region. Staff recommend a credit of \$10,840 which would offset the entire storm drain impact fee otherwise due from the developer. The Development Agreement between the City and the developer (approved earlier) allows for this possibility.
- b. **Fee Schedule Amendment** – This Resolution merely revises the terms applied to the various beer licenses to conform with the new terms contained in City ordinances.



- E.5. **Chase Lane Pump Station** – These bid awards relate to the construction of a pump station for the Chase Lane Well, which was drilled over the past year. The pump needs to be installed in the well shaft before the building is constructed over it. Utilities will also be installed from Chase Lane to the pump station site.
- E.6. **Parrish & Main Intersection Project** – Brett Slater, UDOT Project Manager and I will update the City Council on this project, including efforts to purchase right-of-way from Main Street property owners. In order to complete the final design and prepare bidding documents, another contract is needed relating to these tasks, as explained in the staff report.
- E.7. **Amendments to Title 8** – Title 8 of the Municipal Code is one of the few titles that has not been updated in recent years. City Attorney Lisa Romney has updated that title for the Council's consideration. This title pertains to City parks and cemetery.
- E.8. **Financial Report** – Blaine Lutz, Finance Director, has prepared the enclosed report for the period ending August 31, 2013 (i.e. the first two months of FY 2014).
- E.9. **Mayor's Report** – Mayor Russell and Assistant City Manager, Blaine Lutz, will report on business discussed at the most recent UIA and UTOPIA Board meetings.
- E.10. **City Manager's Report** – The City Manager will report on the matters shown on the agenda under this heading.
- E.11. **Miscellaneous Business** – No items are shown under this heading.
- E.12. **Closed meeting** – I recommend the City Council go into a closed meeting for two reasons: 1) an update of the Ellison versus Centerville City lawsuit, which involves a claim for injury from a trip and fall in Island View Park; and 2) a discussion of the efforts to purchase property on Main Street for the intersection project.
- E.13. **Appointments to Boards and Committees** – The Mayor recommends an appointment to the Parks & Recreation Committee. A Statement of Interest filed by that individual is enclosed for only the Mayor and Council at this time.

Potential Agenda Items for October 1 regular City Council Meeting (subject to change):

- Joint City Council/Youth City Council work session
- Discuss renewal of gun range lease
- Amendment to City Code regarding placement of garbage cans on street

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, SEPTEMBER 17, 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: <http://centervillepublic.novusagenda.com/>.

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

5:00 Fieldtrip to Gun Range and "V"

7:00 A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Steve Thacker

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.

City Manager Summary Memo

E. BUSINESS

7:05 1. Recognize Whitaker Museum Board for State History Award

**7:10 2. 4th of July Celebration Report
Report from 4th of July Committee regarding this year's community celebration**

(OVER)

- 7:20 3. Minutes Review and Acceptance
September 3, 2013 meeting minutes
- 7:25 4. Summary Action Calendar
a. Consider Storm Drain Impact Fee Credit for Woods Park PDO
b. Fee Schedule Amendment regarding Beer License Fees – Consider Resolution No. 2013-22
- 7:30 5. Chase Lane Pump Station
a. Award bid for purchase of pump to Nickerson Company, Inc.
b. Award bid for installation of utilities to site to M.C. Green & Sons
- 7:35 6. Parrish & Main Intersection Project
a. Project update
b. Approve contract with Lochner Engineering to complete final design and prepare bidding documents
- 7:50 7. Amendments to Title 8 of Centerville Municipal Code regarding Public Property
Consider Ordinance No. 2013-14 adopting amendments to Title 8 of the Centerville Municipal Code regarding Public Property
- 8:05 8. Financial Report for period ending August 31, 2013
- 8:15 9. Mayor's Report
a. UIA update
b. Utah Broadband Council discussions
- 8:25 10. City Manager's Report
a. Staff report re: possibility of reserving park pavilion on line
b. Results of business regulations review
c. Police K-9 dog medical condition
d. Drainage Utility subdrain fee audit
- 8:55 11. Miscellaneous Business
- 9:00 12. Closed meeting for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended
a. Ellison versus Centerville City lawsuit
b. Purchase of Main Street property for intersection project
- 9:30 13. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

Items of Interest

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No.

Short Title: City Manager Summary Memo

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ City Manager Summary Memo - September 19, 2013

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 1.

Short Title: 5:00 - Field Trip to Gun Range and "V"

Initiated By:

Scheduled Time: 5:00

SUBJECT

RECOMMENDATION

BACKGROUND

The City Council and Staff will meet at the Centerville City Hall. Transportation will be provided.

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 1.

Short Title: Recognize Whitaker Museum Board for State History Award

Initiated By:

Scheduled Time: 7:05

SUBJECT

RECOMMENDATION

Allow Museum Board Chair Spencer Packer to report on the Outstanding Contribution Award received from the Board of State History. Express appreciation to the Whitaker Museum Board for their efforts resulting in this recognition.

BACKGROUND

On September 5, 2013 at the Salt Lake City Library, the Whitaker Museum Board received an Outstanding Contribution Award for their "... outstanding work over the past ten years in restoring the historic Thomas Whitaker home and the expansion of its museum programs."

ATTACHMENTS:

Description

☐ State Historic Letter



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Julie Fisher
*Executive Director
Department of
Heritage & Arts*



Brad Westwood
Director

July 10, 2013

Spencer G. Packer
Chair, Thomas Whitaker Museum Board
1259 W. 75 N.
Centerville, UT 84014

Dear Mr. Packer:

I am pleased to notify you that the Board of State History has selected the Thomas Whitaker Museum to receive an Outstanding Contribution Award from Utah State History for your outstanding work over the past ten years in restoring the historic Thomas Whitaker home and the expansion of its museum programs.

The award will be presented on Thursday, September ⁵4, 2013, from 7:00 - 9:00 p.m. in the auditorium of the Salt Lake City Public Library located at 210 East 400 South, Salt Lake City, Utah. At 7:00 p.m. Jared Farmer will give the annual State History Address. The awards program will immediately follow. Please call Lisa Buckmiller at (801) 245-7231 or email lbuckmiller@utah.gov and let us know if you, your colleagues, family and friends are able to attend.

The awards program is part of State History's 61st Annual Utah State History Conference, which runs through Sunday, September 8th. We invite you to attend this as well; we will send a detailed brochure to you soon.

Congratulations on your accomplishment and for your outstanding contribution to Utah history. We look forward to seeing you on September 4th.

Sincerely,

Brad Westwood
Director
Utah Division of State History

cc: Don Hartley, State Historical Architect
Thomas Whitaker Museum Board
Centerville City Elected Officials and Staff

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 2

Short Title: 4th of July Celebration Report

Initiated By: 4th of July Committee Chair

Scheduled Time: 7:10

SUBJECT

Report from 4th of July Committee regarding this year's community celebration.

RECOMMENDATION

Allow Kay Ashton, Committee Chair, to report on the success of this year's July 4th Celebration. Express appreciation to him and all his committee members for their excellent volunteer service.

BACKGROUND

ATTACHMENTS:

Description

- D 4th of July Celebration Committee Report - 2013

**2013 Centerville
Independence Day Celebration
Report to Mayor and City Council
Tuesday, September 17, 2013**

Thanks to the incredible efforts of a great team of Committee Chairs and the over 300 volunteers, the 2013 Independence Day Celebration was a wonderful success. The celebration could have never happened without strong support from Centerville City. With the hazard of forgetting someone, we want to recognize a couple people and Departments who gave tremendous help: Bruce Cox and the entire Parks Department Staff were great in having everything set up and having Founder's Park looking in tiptop shape. Brad King and the entire Centerville Police department were incredible in helping with nearly every event. Jacob Smith was a great help getting everything posted on the website and making a lot of arrangements with other government agencies. All of the people at the Service Counter were wonderful in answering questions and doing in-person Freedom Run registrations. Jolene Jackson was wonderful in coordinating finances with Nate Moore. Steve Thacker and Mayor Russell attended nearly every committee meeting and were invaluable in giving history, help, advice and authorization.

Children's Parade – Catherine Bolinder

The Children's Parade continues to be a big hit. The longstanding tradition brings many families with children, with very little publicity. The parade end Pace Bar distribution went smoothly and we didn't run out. Notes to future Chairs are in the notebook on how to help things go smoothly.

Concert in the Park & Fireworks – Kevin Peay

The events in Founders Park started with a magician. It worked well and a transition from the Children's parade to the concert. The crowd started a little small but grew as the evening progressed. By the time Imagine, the performing group started, the park was packed! The Beatle music performed appealed to all ages. The group performed two encores before the fireworks began. In speaking with several of the vendors, they were very pleased with the number of people who came to the park for dinner and entertainment, and were anxious to participate again next year.

Freedom Run – Dale Anderson & the Centerville-Farmington Rotary Club

This thirty-one year tradition was another great success, with over 1000 runners participating. Dale and the Rotary Club have a system that works well. This is an event that takes many volunteers to pull off. After finishing the race, many of the runners walked to Founder's Park for the breakfast.

Community Breakfast – Joe & Karen Baty

The Batys did a great job in bring back the full chuck wagon breakfast, complete with eggs, hash browns, pancakes and sausage. It was enthusiastically received by well over a thousand people. All of the volunteers did a wonderful job in dealing with an unexpected early morning rain storm. All of the grills were temporarily moved into the school, and all of the tables and chairs had to be fixed and wiped down (they had been set up the night before). Many of the volunteers came from the LDS Centerville South Stake and the Centerville Episcopal Church. This is an event that takes many volunteers, well over one hundred. The principal and custodian of Centerville Elementary continue to be most helpful. Many helpful details are included in the Chairperson's Notebook.

Parade – Scott & Stana Kjar

As far as we know, this year's parade set a record for the most number of entries. Scott & Stana did an incredible job of reaching out to Centerville business and many other participants. This is another event which takes a monumental effort in planning and uses many volunteers. Porky Randall, one of Centerville's oldest citizens, served as the Grand Marshall. The Kjar tried a new tradition of having parade entrants throw out mini-Frisbees which could be redeemed at the park for prizes donated by local merchants. Hundreds of prizes were claimed. One of the highlights of every year's parade is the honoring of local veterans. Again, several Parade Announcers were stationed along the parade route, who recognizing the entrants and local business who participated in the parade.

Performances at the Park & Auction – Rick Martin & Centerville Police Department

Many people enjoyed local talent under the Park's bowery, with Rick Martin being the organizer and Master of Ceremonies. This is a wonderful way to recognize and enjoy local talent. One of the traditions that many citizens enjoy, is the Centerville Police Department auction, which peddles unclaimed recovered stolen items as well as used or access City property.

Finances – Nate Moore

Nate Moore did a wonderful job of tracking all of the finances. We came in within just a few dollars of budget. We would have come in almost exactly on budget, but we paid \$600 to one of the bands, who had never been paid from last year's parade.

Communications – John Gold

We again appreciated John Gold, who for many years, has organized a group of Ham Radio operators to help with all of the parade communications

Caulk Art – Laura Ward

We tried something new this year to recognized local artists: We paid five winners of the Bountiful Caulk Art festival to do their magic on the sidewalks in front of Centerville Elementary School. Other young budding artist were provided caulk to try their hand at caulk art. The sidewalks in front of the school were filled with art by the end of the day. The display and participation was well received. The surprise early morning rainstorm took its toll on the caulk art provided by our guest artist, but all and all it went very well, thanks to all of the efforts of Laura Ward.

Centerville July 4th Celebration Committee - 2013

Last Revised 5-3-2013

Name	Title	Email	Home/Work Phone	Alt Phone (cell)	
Kay Ashton	Chair	kashton@swbc.com	H. (801) 298-7105 W. (801) 294-4663	C. (801) 540-7185 C. (801) 707-3305	Kay Heidi
Nate Moore	Finance	nmoore@mooresolutionsinc.com	H. (801) 298-8448	C. (801) 520-5260	
Scott & Stana Kjar	Parade Co-Chairs	wsk@utahskyproperties.com stanakjar@gmail.com	H. (801) 298-8007	C. (801) 979-9963 C. (801) 554-5800	Scott Stana
John Gold	Parade Communications	john.gold1@comcast.net	H. (801) 295-8863 W. (801) 731-7830	C. (801) 663-1414	
Kevin Peay	Concert in the Park July 3rd	kwpeay@gmail.com	H. (801) 298-7975	C. (801) 897-3456	
Rick Martin	Intertainment in the Park July 4th	richard_martin@wellsfargois.com		C. (801) 573-3158	
Catherine Bolinder	Children's Parade	cgbolinder@gmail.com	H. (801) 294-0236	C. (801) 721-9233	
Joe & Karen Baty	Breakfast Co-Chairs	jbaty911@msn.com (Joe) kjbaty911@msn.com (Karen)	H. (801) 292-0556	C. (801) 554-2054 C. (801) 643-1211	Joe Karen
Laura Ward	Chalk Art	lward1_98@yahoo.com	H. (801) 992-3088	C. (801) 450-8333	
Dale Anderson	Booths / Fun Run (Rotary)	ndaleanderson@gmail.com		C. (801) 721-9009	
Andrea Bergeson	Newsletter Flyer	andreabergeson@gmail.com		C. (801) 336-7982	
Centerville City			Office Phone	City Fax	
Ron Russell	Mayor	rrussell@parrbrown.com	W. (801) 295-3477	C. 801-560-8692	
Steve Thacker	City Manager	stevet@centervilleut.com	W. (801) 295-3477	C. (801) 660-9718	
Marsha Morrow	City Recorder	marsham@centervilleut.com	W. (801) 295-3477		
Jolene Jackson	City Treasurer	jolene@centervilleut.com	W. (801) 295-3477		
Jacob Smith	Website updates	jacobs@centervilleut.com	W. (801) 677-6434	C. (801) 721-4480	
Bruce Cox	Parks & Recreation	bcox@centervilleut.com	W. (801) 292-8232	C. (801) 628-6370	
Bradley King	Safety / Auction (Police)	bking@centervilleut.com	W. (801) 292-8441	C. (801) 940-7406	

Centerville July 4th Celebration Committee Budget - 2013

	Budget	Actual	(Over) Under
Parade	\$ 7,500.00	\$ 8,356.93	\$ (856.93)
Childrens' Parade	\$ 500.00	\$ 461.18	\$ 38.82
Concert Band	\$ 6,550.00	\$ 6,050.00	\$ 500.00
Fireworks	\$ 4,500.00	\$ 4,500.00	\$ -
Sound System	\$ 500.00	\$ 600.00	\$ (100.00)
Bounce Toys for Park	\$ 1,150.00	\$ 1,150.00	\$ -
Clown for Park	\$ 300.00	\$ 300.00	\$ -
Park Security	\$ 250.00	\$ 100.00	\$ 150.00
Chalk Art Show	\$ 500.00	\$ 573.22	\$ (73.22)
Volunteer T-Shirts	\$ 1,000.00	\$ 1,220.00	\$ (220.00)
Breakfast	\$ -	\$ (158.20)	\$ 158.20
Reserve	\$ 750.00	\$ 964.88	\$ (214.88)
	<u>\$ 23,500.00</u>	<u>\$ 24,118.01</u>	<u>\$ (618.01)</u>

Date	Check	Description	Payment	Deposit	Balance	Category
6/10/2013		Beginning Balance			17,031.26	
		City Budget Allocation		21,892.87	38,924.13	
6/10/2013	1051	Accent Productions	3,025.00		35,899.13	Concert Band
6/30/2013	1052	Laura Ward	73.22		35,825.91	Chalk Art Show
6/30/2013	1053	Accent Productions	3,025.00		32,800.91	Concert Band
6/30/2013	1054	Tueller's Press	168.00		32,632.91	Reserve
6/30/2013	1055	Centerville UT North Stake	500.00		32,132.91	Parade
6/30/2013	1056	Centerville UT South Stake	500.00		31,632.91	Parade
6/30/2013	1057	Balloon Granny	300.00		31,332.91	Clown for Park
7/1/2013	1058	Vortex Productions	4,500.00		26,832.91	Fireworks
7/1/2013	1059	Utah Live Bands	700.00		26,132.91	Parade
7/1/2013	1060	Alex Platt	100.00		26,032.91	Chalk Art Show
7/1/2013	1061	Graham Burdett	100.00		25,932.91	Chalk Art Show
7/1/2013	1062	Hannah Mason	100.00		25,832.91	Chalk Art Show
7/1/2013	1063	Aimee Nelson	100.00		25,732.91	Chalk Art Show
7/1/2013	1064	Katie Day	100.00		25,632.91	Chalk Art Show
7/2/2013	1065	Pace's Dairy Ann	461.18		25,171.73	Childrens' Parade
7/2/2013	1066	Jared Collings	200.00		24,971.73	Parade
7/2/2013	1067	Wasatch & District Pipe Band	500.00		24,471.73	Parade
7/2/2013	1068	Free Wesleyan Church of Tonga	1,200.00		23,271.73	Parade \$600 for 2012
7/2/2013	1069	Austin Earley	100.00		23,171.73	Park Security
7/3/2013	1070	Wanda McFall	700.00		22,471.73	Parade
7/3/2013	1071	LT Designs and Promotions	1,220.00		21,251.73	Volunteer T-Shirts
7/5/2013	1072	Maxfield Family Clowns	300.00		20,951.73	Parade
7/5/2013	1073	Void			20,951.73	

7/5/2013	1074 Josh Ink (Bounce King)	1,150.00	19,801.73 Bounce Toys for Park
7/6/2013	1075 Kay Ashton	59.11	19,742.62 Reserve
7/9/2013	1038 Tueller's Press	96.00	19,646.62 Reserve
7/9/2013	1039 Douglas Ingram	600.00	19,046.62 Sound System
7/12/2013	1040 Joe Baty	176.25	18,870.37 Breakfast
7/15/2013	1041 Davis High School Marching Band	800.00	18,070.37 Parade
7/28/2013	1042 Davis County Schools Millcreek Jazz	300.00	17,770.37 Parade
7/28/2013	1043 Chad King	150.00	17,620.37 Parade
8/4/2013	1044 Scott and Stana Kjar	620.15	17,000.22 Parade
8/4/2013	1045 Scott and Stana Kjar	667.68	16,332.54 Parade
8/5/2013	1046 Honey Bucket	641.77	15,690.77 Reserve
8/5/2013	1047 Nicholas and Company	3,898.20	11,792.57 Breakfast
8/5/2013	1048 Clipper	300.00	11,492.57 Parade
	York	663.10	10,829.47 Parade
9/10/2013	1049 Alphagraphics	606.00	10,223.47 Parade
	Deposits for parade	(300.00)	10,523.47 Parade
	Deposits for breakfast	(4,512.00)	15,035.47 Breakfast
	Sales Tax on Breakfast	279.35	14,756.12 Breakfast
	Deposits for parade	(50.00)	14,806.12 Parade
			14,806.12
			14,806.12
			14,806.12
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			14,806.12

To my knowledge, this check still has not been written. Waiting for a W9

SUMIF formulas work to here

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 3.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:20

SUBJECT

September 3, 2013 meeting minutes

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ September 3, 2013 meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council meeting held Tuesday, September 3, 2013 at 7:00 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 John T. Higginson Sherri Lyn Lindstrom Lawrence Wright

STAFF PRESENT

Blaine Lutz, Finance Director/Assistant City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Neal Worsley, Centerville Police Chief
Paul Child, Assistant Police Chief
Jacob Smith, Management Assistant
Katie Rust, Recording Secretary

STAFF ABSENT

Steve Thacker, City Manager

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Councilman Lawrence Wright

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND APPROVAL

The minutes of the Tuesday, August 20, 2013 Canvass of Primary Election, and the August 20, 2013 Council meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve both sets of minutes. The motion was seconded by Councilman Averett and passed by unanimous vote (5-0).

PUBLIC HEARING – CHAPEL RIDGE COVE PUD SUBDIVISION – 2250 NORTH 150 EAST (TABLED FROM AUGUST 20, 2013 MEETING)

Cory Snyder, Community Development Director, explained the recommended amendments to the Chapel Ridge Cove PUD Subdivision resulting from a review of the plans by City staff.

At 7:06 p.m. Mayor Russell opened a public hearing. Seeing no one who wished to comment, the Mayor closed the public hearing. Lisa Romney, City Attorney, recommended the Council approve a waiver of the plat amendment application and professional services fees since the amendments are requested by the City.

1 Councilman Allen made a **motion** to approve the amended plat for the Chapel Ridge
2 Cove PUD based on the recommended findings of the Planning Commission set forth in the
3 Staff Report, and approve waiver of a plat amendment application and professional services
4 fees based on the City's request for the amendments. Councilwoman Lindstrom seconded the
5 motion, which passed by unanimous vote (5-0).
6

7 **Amendments:**

- 8 1) Adjust the eastern boundary of Lot #1 to have the right-of-way line incorporate the
9 sidewalk system.
10 2) Add a note to the amended plat to describe the grading expectations for building on
11 the lots.
12

13 **Findings:**

- 14 a. The Planning Commission finds that the public interest will NOT be materially injured
15 by the proposed plat amendment.
16 b. The Planning Commission finds that there is good cause for the plat amendment.
17 c. The Planning Commission finds that the northern sidewalk system jogs as it
18 transitions into Farmington City and a portion of the sidewalk is not within the right-
19 of-way of the current subdivision plat.
20 d. The Planning Commission finds that the petitioner's contractor adjusted the
21 approved grading plan and such change affects how some of the homes reach
22 native soil for placement of footings and foundations.
23 e. The Planning Commission finds that the amendment corrects the above stated
24 situations.
25 f. The Planning Commission finds that there are both public and private positive
26 interests to allow these amendments to this subdivision.
27

28 **WOODS PARK ASSIGNMENT AND ASSUMPTION AGREEMENT**

29
30 Lisa Romney, City Attorney, explained that since the original parties entered into a
31 Development Agreement for the Woods Park PDO on April 4, 2013, property within the
32 development has been purchased and sold to various individuals and entities. All property
33 within the development has now been purchased by HWD Woods Park, LLC. In accordance
34 with Section 23 of the Development Agreement, HWD Woods Park, LLC is required to enter into
35 an Assignment and Assumption Agreement agreeing to be bound by all the terms and
36 conditions of the Development Agreement. The Assignment Agreement will be recorded
37 against the property prior to or concurrent with recording the Woods Park PDO final plat.
38

39 Councilman Allen made a **motion** to approve an Assignment and Assumption
40 Agreement between the City and various parties for the Woods Park Development Agreement
41 governing property located at 690 West 2400 North. Councilwoman Lindstrom seconded the
42 motion, which passed by unanimous vote (5-0).
43

44 **NOVUSAGENDA**

45
46 On the agenda for the August 20, 2013 Council meeting was Council approval of the
47 NovusAgenda software program. During the Open Session of that meeting, a citizen expressed
48 a desire to discuss other software options with staff prior to Council approval. Blaine Lutz
49 reported that he discussed available options with the citizen, who sent him an email stating that
50 "NovusAgenda is indeed a good Agenda software and the cost seems reasonable compared to
51 other similar Agenda software solutions". Mr. Lutz stated that staff recommends the Council
52 approve the proposed Agreement with NovusAgenda.
53

1 Councilman Wright commented that the software program does not fill his iPad screen
2 properly. Mr. Lutz responded that Novusolutions would most likely be able to make adjustments
3 and correct the problem, adding that he has a list of other issues that need to be resolved.
4 Councilman Wright made a **motion** to approve the Agreement with NovusAgenda in the annual
5 amount of \$4,200, subject to staff confirmation that critical issues can be resolved.
6 Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

7
8 **BRIEFING ON COMMUNITY DISASTER EXERCISE**
9

10 Assistant Police Chief Paul Child of the Centerville Police Department briefed the City
11 Council on the community disaster exercise scheduled for September 28, 2013. The exercise
12 will be based on a 6.5 earthquake scenario.

13
14 **REPORT REGARDING DEER WITHIN CITY LIMITS**
15

16 In an earlier Council meeting, Chief Worsley participated in a discussion with Council
17 members about deer within city limits, which was initiated by the complaints of a few residents
18 about the damage being done to their landscaping and gardens. At that time the City Council
19 requested staff bring back a draft ordinance for their consideration, prohibiting the feeding of
20 deer within the city.

21
22 Chief Worsley updated the Council regarding the two "pilot communities", Bountiful and
23 Highland, working with the Division of Wildlife Resources regarding deer control. Bountiful has
24 decided not to move forward with the Urban Deer Control program. Highland is the only Utah
25 city Chief Worsley has been able to identify as having taken any definitive action to reduce the
26 deer population within their city limits. Chief Worsley does not believe Highland's program is
27 suitable for Centerville's situation. As requested, Lisa Romney prepared a draft ordinance for
28 Council consideration. However, Chief Worsley is of the opinion that such an ordinance would
29 not have a meaningful impact and would be problematic to enforce. Since the Council and
30 Chief last discussed the deer situation, Chief Worsley has not received a single citizen
31 complaint regarding deer. There have been seven deer-related traffic accidents in Centerville
32 since January 1, 2013. Five of the seven accidents occurred between 1500 North and 1440
33 North on Main Street, where the deer come into the city via Rick's Creek.

34
35 Chief Worsley expressed that he feels for the citizens losing vegetable gardens to deer.
36 He suggested the City grant variances for higher fences to protect vegetable gardens in the
37 problem areas, and ask the community as a whole to clean up densely wooded areas on private
38 property where deer would feel safe and choose to stay. Councilman Higginson stated since
39 the complaints have dropped off, he does not think the problem is great enough to take action.
40 Councilman Wright asked Chief Worsley if he would be willing to write an article to educate the
41 public regarding what can be done to reduce the negative impact of urban deer. Chief Worsley
42 responded he would put something together that could be included in a newsletter or on the City
43 website.

44
45 **FY 2013 FINANCIAL REPORT (UNAUDITED)**
46

47 Blaine Lutz, Finance Director/Assistant City Manager, gave an unaudited financial report
48 as of June 30, 2013.
49

PRELIMINARY DRAFT

MAYOR'S REPORT

- Mayor Russell reported on the possibility of legislation in 2014 that would allow counties to levy a local option gas tax to help fund the maintenance of local roads. He stated the option would essentially double the amount of money the City receives for Class C road funds. The Mayor thinks the County Commissioners would support the increase if it were supported by the cities. Mayor Russell feels the legislation would be a positive development.
- Fire Prevention Week, sponsored by the South Davis Metro Fire Agency, will be September 9-12, 2013.

CITY MANAGER'S REPORT

Per the Council's request, Management Assistant Jake Smith contacted the cities in south Davis County to learn if they collect water impact fees at time of development approval, at time of building permit, or at some other point. Mr. Smith reported that, according to his contacts, all of the cities except North Salt Lake collect the entire fee at time of building permit. North Salt Lake uses the same approach as Centerville – i.e., half upon development approval and half at building permit. None collect the entire fee at time of development approval.

MISCELLANEOUS BUSINESS

Councilwoman Lindstrom made a **motion** to approve the purchase of a Police Vehicle from Willey Ford in the amount of \$26,382 (including trade in). Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

At 8:27 p.m. Councilwoman Lindstrom made a **motion** to adjourn, which was seconded by Councilman Allen and 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. 4.

Short Title: Summary Action Calendar

Initiated By: Staff

Scheduled Time: 7:25

SUBJECT

- a. Consider Storm Drain Impact Fee Credit for Woods Park PDO
- b. Fee Schedule Amendment regarding Beer License Fees - Consider Resolution No. 2013-22

RECOMMENDATION

- a. Approve Storm Drain Impact Fee Credit of \$10,840 for the Woods Park PDO for developer installed detention basin improvements and storm drainage easement.
- b. Approve Resolution No. 2013-22 Amending Section VI of the City Fee Schedule regarding Retail Beer License Fees.

BACKGROUND

- a. The Woods Park Development Agreement, as entered into by the City and the developer for the Woods Park PDO, provides that the developer may be eligible for a storm drain impact fee credit for the installation of the detention basin and related drainage improvements along the Frontage Road and for the storm drain easement granted to the City in connection with the detention facility. Pursuant to Section 15-8-107 of the Centerville Municipal Code, the City Council is authorized to grant an impact fee credit for dedication of land for improvements to, or new construction of, public facilities providing services to the community at large. Such facilities must be identified in the capital facilities plan and must be required by the City as a condition of approving development activity. The City Engineer has reviewed this matter and confirmed compliance with City ordinances regarding eligibility for the credit. Staff recommends approving a storm drain impact fee credit for the developers of the Woods Park PDO project in the amount of \$10,840 for the installation of detention basin improvements and related facilities and the storm drainage easement granted to the City. This credit offsets the entire amount of the storm drain impact fee that would otherwise be due from the developer (@ \$2000 per acre).
- b. The City previously amended beer licensing regulations as set forth in Title 6, Chapter 4 of the City Code. As part of such amendments, the City changed the terms used for various classification of beer licenses from Class A, Class B and Class C to Off-Premise Beer Retailer, On-Premise Beer Retailer-Restaurant and Temporary Special Events. The proposed amendments to the current Fee Schedule are just clean-up amendments to reflect the changes to the new license classifications set forth in City ordinances. The amendments do not reflect or propose any increase in license fees. Staff recommends approval of Resolution No. 2013-22 amending Section VI of the City Fee Schedule regarding Retail Beer License Fees.

ATTACHMENTS:

Description

- ☐ Woods Park Storm Drain Impact Fee Credit Backup Material
- ☐ Resolution No. 2013-22 - Beer License Fees

15-8-103. SERVICE AREAS ESTABLISHED. The City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included within such service area.

15-8-104. IMPACT FEES LEVIED. The impact fees for the City service area are hereby established and/or levied and are contained in the development and impact fee schedule as adopted by the City.

15-8-105. TIME OF COLLECTION. Unless otherwise provided by the City Council, impact fees shall be payable prior to the issuance of a building permit by the City.

15-8-106. USE OF FEES. The fees shall be used solely to:

- (1) Pay for the described public facilities to be constructed by the City;
- (2) For reimbursing the City for the development's share of those capital improvements already constructed by the City; or
- (3) To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impacts of the developers project(s).

15-8-107. ADJUSTMENTS. The City may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:

- (1) Respond to unusual circumstances in specific cases; and
- (2) Insure that the impact fees are imposed fairly; and
- (3) Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- (4) Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

15-8-108. ACCOUNTING, EXPENDITURE AND REFUND. The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

15-8-109. IMPACT FEE CHALLENGES AND APPEALS.

- (1) Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interests of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.

with designing and installing the Detention Basin and related facilities and landscaping along Frontage Road and obtain any required easements and approvals from the owners of the Garlick Property for the Detention Basin and related improvements, including those necessary to tie-in the drainage pipe for the Garlick Property. The Detention Basin and related facilities shall be integrated and designed in accordance with applicable City Ordinances and subject to approval from the City Engineer. Developer shall be required to grant to the City a 50' wide detention, drainage and public utility easement over and across the portion of Detention Basin located on the Property as more particularly shown on **Exhibit "F"**. Such easement shall be shown on the Final Plat. In accordance with applicable provisions of the Planned Development Overlay Ordinance, Developer may qualify for a density bonus calculation for the provision of the Detention Basin and facilities, provided such area is landscaped and maintained as common area by a homeowner's association or other qualifying entity. Developer may also qualify for a storm drain impact fee credit for such Detention Basin, related facilities and easement in accordance with applicable provisions of the City's Impact Fee Ordinance and credit policy. Until the Detention Basin is installed, completed and functioning, no building permits shall be issued for any lots within the subdivision as more particularly provided in Section 11. Developer shall provide a plat note on the Final Plat regarding such restrictions.

7. **Off-Site Drainage Culvert.** In order to provide for and handle the runoff for Lone Pine Creek as indicated in the Lone Pine Creek Drainage Study, a 36" diameter culvert and related improvements must be installed at the UTA/UPRR corridor at Lund Lane, including necessary improvements along the east side of the UTA tracks and along the west side of UPRR tracks to connect the new culvert to the existing drainage system ("Drainage Culvert"). Developer's rough-proportionality share of the Drainage Culvert requires Developer to pay for the cost of installing a 24" diameter culvert and related improvements as described herein. In exchange for Developer's rough-proportionality share contribution to the Drainage Culvert costs, the City agrees to pay for the cost of upsizing the Drainage Culvert in accordance with and subject to the project management and cost sharing provisions set forth in Section 8. Until all required permits have been obtained from UPRR and UTA for construction of the Drainage Culvert, no building permits shall be issued for lots within the subdivision and no certificates of occupancy for buildings within the subdivision shall be issued until the Drainage Culvert is installed, completed and functioning, as more particularly provided in Section 11. Developer shall provide a plat note on the Final Plat regarding such restrictions. The City agrees to file an application for permits from UPRR and UTA for installation of the Drainage Culvert within two (2) weeks from the date of Rezone Approval. The City further agrees to expedite the bidding and construction of the Drainage Culvert and to pursue the construction and completion of the Drainage Culvert with reasonable due diligence acknowledging time is of the essence for completion of the Drainage Culvert in order for certificates of occupancy to be issued.

8. **Drainage Culvert Cost Sharing.** If and when Rezone Approval and Final Subdivision Approval has been granted by the City, Developer shall be obligated to pay to the City \$150,000 representing Developer's rough-proportionality share of the Drainage Culvert. Such amount shall be due and owing to the City prior to recording

From: kevin campbell [mailto:kevin.campbell@esieng.com]

Sent: Tuesday, September 10, 2013 4:49 PM

To: Steve Thacker

Cc: Donna Wilkinson; Marsha Morrow; Cory Snyder; Randy Randall; Lisa Romney

Subject: Woods Park PDO - Bond Estimate (Revised)

Steve -

It is recommended by City Staff that there be a credit of the entire storm drainage impact fee of \$10,840 for the following :

1. Detention facilities improvements
2. Easement granted to City for detention facility

Let me know if you have any question regarding this or if additional information is needed.

Kevin

Kevin L. Campbell, P.E.

ESI Engineering, Inc

3500 S. Main St.

SLC, Ut 84115

801.263.1752

RESOLUTION NO. 2013-22

**A RESOLUTION AMENDING SECTION VI OF THE CENTERVILLE
CITY FEE SCHEDULE REGARDING BUSINESS LICENSE FEES FOR
RETAIL BEER LICENSES**

WHEREAS, the City Council previously adopted amendments to Title 6, Chapter 4 of the Centerville Municipal Code changing the terms used for various classification of beer licenses; and

WHEREAS, the City Council desires to amend the City Fee Schedule to reflect the new terms used for various classification of beer licenses as more particularly provided herein; and

WHEREAS, the City Council has determined that the amendments to the City Fee Schedule are reasonable and necessary to provide consistency with applicable City Ordinances.

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

Section 1. **Amendment.** The City Council hereby amends Section VI of the City Fee Schedule regarding Retail Beer License Fees to read as follows:

VI. LICENSING FEES

* * *

B. BUSINESS LICENSES.

* * *

5. Retail Beer Licenses

(a)	<u>Off-Premise Beer Retailer</u>	<u>\$50.00 Application Fee</u>
		<u>\$150.00 Initial License Fee</u>
		<u>\$200.00 Renewal Fee</u>
(b)	<u>Class "A"</u>	<u>\$200.00 per year</u>
	<u>On-Premise Beer Retailer-Restaurant</u>	<u>\$50.00 Application Fee</u>
		<u>\$250.00 Initial License Fee</u>
		<u>\$300.00 Renewal Fee</u>
	<u>Class "B"</u>	<u>\$300.00 per year</u>
(c)	<u>Temporary Special Event Beer</u>	<u>\$50.00 per event</u>
	<u>Class "C"</u>	<u>\$400.00 per year</u>

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 17th DAY OF SEPTEMBER, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 5.

Short Title: Chase Lane Pump Station

Initiated By:

Scheduled Time: 7:30

SUBJECT

- a. Award bid for purchase of pump to Nickerson Company, Inc.
- b. Award bids for installation of utilities to site

RECOMMENDATION

- a. Award bid for purchase of pump to Nickerson Company, Inc. in the amount of \$31,295.
- b. Award bid for installation of utilities to the site to M.C. Green & Sons in the amount of \$23,654.50 (for labor) and to Mountain States Supply in the amount of \$12,363.03 for water line materials.

BACKGROUND

- a. The Public Works Director solicited bids for the pump. Three bids were received--shown in the attached summary of bid results.
- b. The City Engineer (ESI Engineering) solicited bids for installation of utilities to the pump station site. Three bids were received. The low bid from M.C. Green & Sons compares favorably to the Engineer's Estimate of \$24,342.60. City staff also solicited bids for water line materials to be installed by the contractor. In addition to the materials to be purchased from Mountain States Supply, staff have also purchased approximately \$4500 of materials from other sources to be used by the contractor for this work.

ATTACHMENTS:

Description

- ☐ Deep Well Vertical Turbine Well Pump Results
- ☐ Bid Award for Chase Lane Well Fittings
- ☐ Email re bid results for Chase Lane Well Utilities
- ☐ Chase Lane Well Utilities Bid Tabulation

Deep Well Vertical Turbine Pump

BID RESULTS FOR PUMP

Date: 9/11/13

1. Nickerson Company Inc.	\$31,295.00
2. C.H. Spencer	\$32,500.00
3. Delco Western	\$35,299.00
4. Widdison Turbine	No Bid
5. Peterson Brothers Drilling	No Bid

We advertised in the newspaper and sent requests for bids to several companies and we received three bids. We have reviewed the bids and find them in order. We recommend awarding the bid to Nickerson Company for \$31,295.00 and find they meet all the specifications.

Submitted by,

Randy Randall, Public Works Director

Water Line for "Chase Line Well " Fittings

BID RESULTS FOR: Piping for Chase Lane Well

Date 9/4/2013

- | | | |
|----|------------------------|-------------|
| 1. | Mountain States Supply | \$12,363.03 |
| 2. | WR White | \$12,937.95 |
| 3. | Ferguson | \$12,962.19 |
| 4. | Western Water Works | \$12,969.79 |
| 5. | HD Supply | No Bid |

We have reviewed the bid for materials from Mountain State Supply for \$12,363.03.
We recommend awarding this bid to Mountain States Supply and find they
meet all of the specifications.

There is no tax or 5% handling fee; the City will be build this component

Respectfully submitted,

Michael Carlson
Water Department Supervisor

MC/sd

Marsha Morrow

From: matt robertson <matt.robertson@esieng.com>
Sent: Thursday, September 12, 2013 4:29 PM
To: Steve Thacker
Cc: Marsha Morrow; Randy Randall; Mike Carlson; cody pedersen; kevin campbell
Subject: Chase Lane Well Utilities - Bid Results & NOA
Attachments: Chase Lane Well Utilities - Bid Tab.pdf; 00 51 00 Notice of Award.pdf

Steve,

Informal bids were received today for the utility installation at the Chase Lane Well site. Bids were solicited from six contractors and three bids were received. They are as follows:

- | | |
|-----------------------|-------------|
| 1. M.C. Green & Sons: | \$23,654.50 |
| 2. Kapp Construction: | \$32,474.20 |
| 3. Wolff Excavating: | \$36,938.00 |
| Engineer's Estimate: | \$24,342.60 |

We recommend that the project be awarded to MC Green in the amount of \$23,654.50. Attached are the bid tabulation and the Notice of Award. Let me know if you need anything else.

Thanks,

Matt Robertson, E.I.T.
ESI Engineering, Inc.
3500 South Main St.
Salt Lake City, UT 84115
801.263.1752 (office)
801.644.6680 (mobile)
www.esieng.com



BID TABULATION FOR CENTERVILLE CITY

Note: All culinary waterline pipe and parts and storm drain pipe will be furnished by Centerville City

Chase Lane Well Utilities - Project #13-125				Engineer's Estimate		MC Green & Sons		Kapp Construction		Wolff Excavating	
Item	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Install 8" C900 PVC waterline pipe including tracer wire	316	LF	\$10.85	\$3,428.60	\$10.40	\$3,286.40	\$14.00	\$4,424.00	\$14.50	\$4,582.00
2	Remove existing plug and thrust block and connect to existing 8" PVC waterline	2	Each	\$830.00	\$1,660.00	\$400.00	\$800.00	\$1,125.00	\$2,250.00	\$132.00	\$264.00
3	Install 8" plug and thrust block	2	Each	\$150.00	\$300.00	\$450.00	\$900.00	\$250.00	\$500.00	\$420.00	\$840.00
4	Core drill existing storm drain manhole and connect new 15" RCP	1	Each	\$500.00	\$500.00	\$450.00	\$450.00	\$1,085.00	\$1,085.00	\$588.00	\$588.00
5	Install Class III 15" RCP storm drain pipe	162	LF	\$25.00	\$4,050.00	\$13.90	\$2,251.80	\$20.05	\$3,248.10	\$19.00	\$3,078.00
6	Furnish and install 2' x 2' catch basin	2	Each	\$750.00	\$1,500.00	\$1,584.00	\$3,168.00	\$1,252.50	\$2,505.00	\$803.00	\$1,606.00
7	Install (1) 4" PVC conduit for Power and (2) 2" PVC conduits (in same trench) for spare and communications	160	LF	\$20.00	\$3,200.00	\$11.24	\$1,798.40	\$13.75	\$2,200.00	\$4.90	\$784.00
8	Excavation of trenches including haul-off of native material as per Engineer	350	CY	\$7.00	\$2,450.00	\$9.14	\$3,199.00	\$11.00	\$3,850.00	\$31.50	\$11,025.00
9	Import sand bedding including compaction	200	TN	\$10.60	\$2,120.00	\$9.14	\$1,828.00	\$13.65	\$2,730.00	\$16.00	\$3,200.00
10	Import gravel bedding for storm drain	80	TN	\$10.60	\$848.00	\$11.85	\$948.00	\$17.70	\$1,416.00	\$26.00	\$2,080.00
11	Import granular backfill including compaction	310	TN	\$10.60	\$3,286.00	\$8.79	\$2,724.90	\$13.65	\$4,231.10	\$15.00	\$4,650.00
12	Pressure test new waterlines	1	Lump Sum	\$500.00	\$500.00	\$300.00	\$300.00	\$1,600.00	\$1,600.00	\$567.00	\$567.00
13	Mobilization	1	Lump Sum	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$2,435.00	\$2,435.00	\$3,674.00	\$3,674.00
	Total Bid (Items 1-13)				\$24,342.60		\$23,654.60		\$32,474.20		\$36,938.00

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 6.

Short Title: Parrish & Main Intersection Project

Initiated By:

Scheduled Time: 7:35

SUBJECT

- a. Project update
- b. Approve contract with Lochner Engineering to complete final design and prepare bidding documents

RECOMMENDATION

- a. Receive a project update from the City Manager and the UDOT Project Manager, Brett Slater.
- b. Approve contract between Centerville City and H W Lochner, Inc. in the maximum amount of \$69,669.04 to finalize the design, prepare the advertising bid package and advertise the project.

BACKGROUND

- a. Steve Thacker, City Manager, and Brett Slater, UDOT Project Manager, will report on the status of the design of this intersection project as well as efforts to purchase property from Main Street property owners for the widening of this road. The City Manager would also like to meet with the City Council in a closed meeting later in the evening to discuss some aspects of the efforts to purchase property.
- b. The design work to date for this project has been done by ESI Engineering. City officials preferred ESI to be the design engineer because of ESI's role as the City Engineer, their earlier work preparing a conceptual design and environmental document, and thus their familiarity with the project and other parties involved. They were selected for the design work under a "pool contract" provision that limits the total amount of the contract to \$150,000. Due to the protracted design process for this project--with a number of design iterations, difficulties of satisfying the Buy America Act, dealing with property owners, etc.--the pool contract limit has been reached before achieving the intended goal of completing the final design and bid documents. Therefore, UDOT recommends a contract with H W Lochner, Inc. to complete these tasks, with ESI working as a subconsultant under their supervision. Lochner has extensive experience working on Federal Aid projects, and therefore is very qualified to see that the bidding specifications meet all necessary Federal requirements. Brett Slater can explain further at the meeting why this additional contract is needed and answer questions. He will also explain the process for obtaining additional funding (state and federal funds) for this project, if needed, when the construction bids are known, and how that would affect the City's share of the funding. The attachment includes the entire contract, but the most pertinent pages for the City Council would be the cover page, as well as Page C1 of 18 and Page C4 of 18. The Standard Terms and Conditions are identical to those in the earlier contract with ESI.

ATTACHMENTS:

Description

- ☐ Engineering Contract



LOCAL ENTITY COPY
LOCAL GOVERNMENT CONTRACT

STATE OF UTAH
LOCAL GOVERNMENT
ENGINEERING SERVICES
2010-2013 LG POOL (DIRECT SELECT)
COST PLUS FIXED FEE

CONTRACT NO. _____
EFFECTIVE DATE _____
TRACKING NO. _____

Project No.: F-0106(11)3
PIN Description: SR-106; MAIN STREET & PARRISH LANE
FINET Prog No.: 5276415D
PIN No.: 7194
Work Discipline: Preconstruction Engineering

1. **CONTRACTING PARTIES:** This contract is between Centerville City, referred to as LOCAL AUTHORITY and

H W Lochner, Inc.
1245 Brickyard Rd. Ste #400
Salt Lake City, UT 84106

Legal Status of Consultant: For Profit Corporation

Fed ID No.: 36-2338811

referred to as CONSULTANT, and approved by the Utah Department of Transportation, referred to as DEPARTMENT.

2. **REASON FOR CONTRACT:** The LOCAL AUTHORITY does not have sufficient qualified staff to complete the work required in the suggested time frame and the CONSULTANT is professionally qualified and willing to assist the LOCAL AUTHORITY with Preconstruction Engineering services as further described in Attachment C.
3. **PROJECT/CONTRACT PERIOD:** The project/contract will terminate June 16, 2014, unless otherwise extended or canceled in accordance with the terms and conditions of this contract.
4. **CONTRACT COSTS:** The CONSULTANT will be paid a maximum of \$69,669.04 for costs authorized by this Contract as further described in Attachment D.
5. **ATTACHMENTS INCLUDED AS PART OF THIS CONTRACT:**
Attachment A - Certification of Consultant and Local Authority
Attachment B - Standard Terms and Conditions
Attachment C - Services Provided by the Consultant
Attachment D - Fees

The parties below hereto agree to abide by all the provisions of this contract. IN WITNESS WHEREOF, the parties sign and cause this contract to be executed.

CONSULTANT - H W Lochner, Inc.

LOCAL AUTHORITY - Centerville City

By: *Steve Roberts* 9/4/13
Title: SV VP Date

By: _____
Title: _____ Date

UTAH DEPARTMENT OF TRANSPORTATION

DEPARTMENT Comptroller's Office

By: *Justin Hulston* 9-3-13
Title: Engineer for Preconstruction Date

By: _____
Title: Contract Administrator Date

CERTIFICATION OF CONSULTANT

I hereby certify that I, Tyler Roberts, am a duly authorized representative of H W Lochner, Inc. and that neither I nor the above CONSULTANT I hereby represent has:

- (a) employed or retained for commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure this contract,
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or
- (c) paid, or agreed to pay to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract; except as hereby expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Utah Department of Transportation and the Federal Highway Administration in connection with this contract involving participation of Federal-aid Highway Funds, and is subject to applicable State and Federal laws, both criminal and civil.

9/4/13

Date

Tyler Roberts Sr VP

CONSULTANT Signature/Title

CERTIFICATION OF LOCAL AUTHORITY

I hereby certify that I am the _____ of Centerville City and that the above CONSULTANT or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this contract, to:

- (a) employ or retain, or agree to employ or retain, any firm or person, or
- (b) pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as hereby expressly stated (if any):

I acknowledge that this certificate is subject to applicable State and Federal laws, both criminal and civil.

Date

Centerville City Signature

**LOCAL GOVERNMENT
ENGINEERING SERVICES CONTRACT
STANDARD TERMS AND CONDITIONS**

1. **AUTHORITY:** Provisions of this contract are pursuant to the authority set forth in Sections 27-12-21, 107 and 108; and 63-56 U.C.A. 1953, as amended, and the Utah State Procurement Regulations, which authorizes the LOCAL AUTHORITY and/or the DEPARTMENT to make purchases in accordance with said laws and regulations.
2. **CONTRACT JURISDICTION AND COMPLIANCE WITH LAWS:** The provisions of this contract shall be governed by the laws of the State of Utah. Also, the CONSULTANT and those engaged by the CONSULTANT shall comply with all Federal, State and local laws, regulations and other legally binding requirements that pertain to the services provided under this contract. Proof of the CONSULTANT'S compliance with licensing requirements shall be furnished to the LOCAL AUTHORITY and/or the DEPARTMENT upon request.
3. **RECORDS ADMINISTRATION:** The CONSULTANT shall maintain all books, papers, documents, accounting records and other evidence to support costs billed for under this contract. These records shall be retained by the CONSULTANT for a period of at least four (4) years after the contract terminates, or until all audits initiated within the four years have been completed, whichever is later. These records shall be made available at all reasonable times during the four year period for audit and inspection by the LOCAL AUTHORITY and/or the DEPARTMENT and other authorized State and Federal auditors. The CONSULTANT'S records supporting the cost proposal shall also be retained and made available for review by authorized Federal or State staff. Copies of requested records shall be furnished to the LOCAL AUTHORITY and/or the DEPARTMENT upon request.
4. **CONFLICT OF INTEREST:** The CONSULTANT certifies that none of its officers or employees are officers or employees of the State of Utah unless disclosure has been made in accordance with Section 67-16-8, U.C.A. 1953, as amended. The CONSULTANT certifies that no engineer, attorney, appraiser, inspector, surveyor or survey crew, or other person performing services for the CONSULTANT has, directly or indirectly, a financial or other personal interest, other than his employment or retention by the LOCAL AUTHORITY and/or the DEPARTMENT, in any contract or subcontract in connection with this project (Reference 23 CFR § 1.33). An example of this situation would be the CONSULTANT subcontracts with the Contractor to perform survey work while contracted by the LOCAL AUTHORITY and/or the DEPARTMENT to perform construction engineering management services for the same project.

The CONSULTANT further warrants that it has no financial or other interest in the outcome of the work performed under the contract. Examples of this situation would be a Consultant who owns land, options to buy land, or some business enterprise that would be financially enhanced or diminished by any project alternatives.
5. **EMPLOYMENT OF DEPARTMENT EMPLOYEES:** The CONSULTANT agrees not to engage in any way the services on this contract of any present or former Utah Department of Transportation employee who was involved as a decision maker in the selection or approval processes or who negotiated and/or approved billings or contract modification for this contract.
6. **CONSULTANT, AN INDEPENDENT CONTRACTOR:** The CONSULTANT shall be an independent contractor, and as such, shall have no authority, express or implied to bind the LOCAL AUTHORITY and/or the DEPARTMENT to any agreement, settlement, liability, or understanding whatsoever; and agrees not to perform any acts as agent for the LOCAL AUTHORITY, except as specifically authorized and set forth herein. Persons employed by the LOCAL AUTHORITY and acting under the direction of the LOCAL AUTHORITY shall not be deemed to be employees or agents of the CONSULTANT. Compensation provided to the CONSULTANT herein shall be the total compensation payable hereunder by the LOCAL AUTHORITY.
7. **INDEMNITY - LIABILITY:** The CONSULTANT shall hold harmless and indemnify the DEPARTMENT and the LOCAL AUTHORITY, their officers, agents and employees from and against any and all claims, suits and cost, including attorneys fees, for injury or damage of any kind to the extent arising out of the

negligent acts, wrongful acts, errors, or omissions of the CONSULTANT, or its subconsultants when acting within the scope of their subcontract, or their respective agents, employees or representatives.

The CONSULTANT is an independent contractor contracted with the LOCAL AUTHORITY and approved by the DEPARTMENT. Any periodic plan and specification review or construction inspection performed by the LOCAL AUTHORITY or DEPARTMENT arising out of the performance of the contract, does not relieve the CONSULTANT of its duty in the performance of the contract, or ensure compliance with customary standard of professional care.

8. **SEPARABILITY:** The declaration by any court, or other binding legal source, that any provision of this contract is illegal and void and shall not affect the legality and enforceability of any other provision of this contract, unless said provisions are mutually dependent.
9. **LIABILITY INSURANCE:** Services to be provided by the CONSULTANT under this contract are required to be covered by insurance. The CONSULTANT shall furnish the LOCAL AUTHORITY and the DEPARTMENT a Certificate of Insurance applying to this contract for each type of insurance required, to be approved by the DEPARTMENT and the LOCAL AUTHORITY, before the CONSULTANT begins work under this contract. The CONSULTANT'S insurer must be authorized to do business in Utah and must meet the specified A.M. Best rating or better at the time this contract is executed. The following insurance shall be maintained in force until all activities which are required by this contract or as changed by contract modification are completed and accepted by the LOCAL AUTHORITY and the DEPARTMENT:
 - (a) General Liability and Automobile Liability insurance with a limit of not less than \$1,000,000 per occurrence and not less than \$2,000,000 aggregate and having an A.M. Best rating of A-class VIII or better. The limit if different for this contract will be as designated in Attachment C to this contract. If this coverage is written on a claims-made basis, the Certificate of Insurance shall so indicate.

The CONSULTANT represents that as long as commercially available the insurance shall remain in effect such that claims reported up to three (3) years beyond the date of substantial completion of this contract are covered.
 - (b) Architect and/or Engineers Professional Liability (errors and omissions) insurance having an A.M. Best rating of A-class VIII or better, is required at the coverage amount of \$1,000,000 per claim and \$2,000,000 aggregate. If this coverage is written on a claims-made basis, the Certificate of Insurance shall so indicate. The CONSULTANT represents that as long as commercially available the insurance shall remain in effect such that claims reported up to three (3) years beyond the date of substantial completion of this contract are covered (on construction contracts or modifications for construction management the insurance, shall remain in effect for one (1) year after completion of the project).
 - (c) Valuable Papers & Records Coverage and/or Electronic Data Processing (Data and Media) Coverage for the physical loss or destruction of the work product including drawings, plans, specifications and electronic data and media. Such insurance shall be of a sufficient limit to protect the CONSULTANT, its sub-consultants, the LOCAL AUTHORITY, and the DEPARTMENT from the loss of said information.
 - (d) Aircraft Liability in the amount of \$1,000,000 per occurrence if aircraft are utilized in connection with this contract.
 - (e) The CONSULTANT shall provide evidence that his employees and sub-consultant employees are covered by Workers Compensation. If they are covered by Workers Compensation Fund of Utah, then the A.M. Best rating is not required in this area.
 - (f) The CONSULTANT shall require the insurance company that issues the Certificates of Insurance for the evidence of the required insurance coverage to endeavor to provide the DEPARTMENT and the LOCAL AUTHORITY with 30 days written notice in the event that coverage is canceled before the policy expiration date stated in the Certificate. The CONSULTANT further agrees to

provide the DEPARTMENT and the LOCAL AUTHORITY with 30 days written notice prior to making an alternation or material change to the required insurance coverage.

Policies referred to in 9(a) and 9(d) above are required to be endorsed naming the LOCAL AUTHORITY, UDOT, and the State of Utah as Additional Insureds and, on General Liability and Aircraft Liability, indicate they are primary and not contributing coverage. All required policies, endorsements, insurance companies issuing same, and self insured programs are subject to review and approval by the State of Utah, Risk Manager.

10. **HEALTH INSURANCE:** The CONSULTANT agrees that if the CONSULTANT has an initial contract of 1.5 million dollars or more, or the contract and modifications are anticipated in good faith to exceed 1.5 million dollars, or the CONSULTANT has a subcontract at any tier that involves a sub-consultant that has an initial subcontract of \$750,000 or more, and/or the CONSULTANT has a subcontract at any tier that is anticipated in good faith to exceed \$750,000, hereby certifies the following.

The CONSULTANT and all applicable sub-consultants have and will maintain an offer of qualified health insurance coverage for their employees, as defined in UCA Section 34A-2-104 for the employees who live and/or work within the State of Utah, along with their dependents, during the duration of the contract. Employee, for purposes of these requirements, shall be no broader than the use of the term employee for purposes of State of Utah Workers' Compensation requirements.

The Executive Director or designee shall have the right to request a recertification by the CONSULTANT by submitting a written request to the CONSULTANT, and the CONSULTANT shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the CONSULTANT be required to demonstrate such compliance more than twice in any 12-month period. The CONSULTANT and all applicable sub-consultants will be subject to all applicable penalties. The CONSULTANT will provide these same requirements in all applicable subcontracts at every tier.

11. **PROGRESS:** The CONSULTANT shall begin the work required by this contract within one week following official notification by the DEPARTMENT to proceed. The CONSULTANT shall prosecute the work diligently and to the satisfaction of the LOCAL AUTHORITY and the DEPARTMENT. If Federal Funds are used on this contract the work will be subject to periodic review by the Federal Highway Administration.

The CONSULTANT will prepare monthly progress reports following the format established by the LOCAL AUTHORITY and the DEPARTMENT in sufficient detail to document the progress of the work and support the monthly claim for payment. Payments will not be made without a supporting progress report. In addition, the CONSULTANT will update the DEPARTMENT'S "electronic Program Management" (ePM) system bi-weekly to reflect the status of the project.

Progress conferences will be held periodically. The CONSULTANT will prepare and present written information and studies to the LOCAL AUTHORITY and the DEPARTMENT so it may evaluate the features and progress of the work. Any one of the three parties may request a conference; to be held at the office of any, or at a place designated by the LOCAL AUTHORITY or the DEPARTMENT. The conferences shall also include inspection of the CONSULTANT'S services and work products when requested by the LOCAL AUTHORITY or the DEPARTMENT.

The CONSULTANT will be required to perform such additional work as may be necessary to correct errors caused by the CONSULTANT in the work required under the contract without undue delays and without additional cost to the LOCAL AUTHORITY and the DEPARTMENT.

At any time the CONSULTANT determines the contract work cannot be completed within the specified time or budget, the LOCAL AUTHORITY and the DEPARTMENT shall be immediately notified in writing. The LOCAL AUTHORITY and the DEPARTMENT may, at their sole discretion, extend the contract by written modification.

The LOCAL AUTHORITY or the DEPARTMENT may terminate this contract in accordance with termination provisions of this contract including failure of the CONSULTANT to make satisfactory progress of the contract work.

Should the LOCAL AUTHORITY or the DEPARTMENT desire to suspend the work, but not terminate the contract, this will be done by verbal notification followed by written confirmation from the LOCAL AUTHORITY or the DEPARTMENT. The work may be reinstated upon 30 days advance written notice from the LOCAL AUTHORITY or the DEPARTMENT.

Unless extended or terminated in writing, this contract will terminate on the expiration date, or at the end of the specified calendar days.

12. **REVIEW AND INSPECTION OF WORK:** It is expressly understood and agreed that authorized representatives of the LOCAL AUTHORITY, DEPARTMENT and, when Federal Funds are used, the Federal Highway Administration shall have the right to review and inspect the work in process, and the CONSULTANT'S facilities, at any time during normal business hours or by appointment.
13. **NON DISCRIMINATION PROVISIONS:** The CONSULTANT agrees to abide by the provisions of the Utah Anti-discrimination Act, Title 34 Chapter 35 U.C.A. 1953, as amended, and Title VI and Title VII of the Civil Rights Act of 1964 (42 USC 2000e), which prohibits discrimination against any employee or applicant for employment, or any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agrees to abide by Executive Order No. 11246 entitled "Equal Employment Opportunity," as amended by Executive order 11375 and as supplemented in Department of Labor Regulations (41CFR Part 60), which prohibits discrimination on the basis of age; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap. The CONSULTANT agrees to abide by Utah's Executive Order, dated June 30, 1989, which prohibits sexual harassment in the work place. Sections 49 CFR 21 through Appendix H and 23 CFR 710.405(b) are applicable by reference in all contracts and subcontracts financed in whole or in part with Federal-aid highway funds. The CONSULTANT further agrees to furnish reports to the LOCAL AUTHORITY and/or the DEPARTMENT upon request for the purpose of determining compliance with these statutes identified in this section. The CONSULTANT shall comply with the Americans With Disabilities Act (ADA).

The CONSULTANT shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONSULTANT shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of federal-aid contracts. Failure by the CONSULTANT to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the DEPARTMENT deems appropriate. During the performance of this contract, the CONSULTANT, for itself, its assignees and successors in interest agrees as follows:

- (a) **Compliance with Regulations:** The CONSULTANT shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the 49 CFR Part 21, and the 23 CFR Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (b) **Nondiscrimination:** The CONSULTANT, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, and low income status in the selection and retention of subconsultants, including procurements of materials and leases of equipment. The CONSULTANT shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR § 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (c) **Solicitations for Subconsultants, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subconsultant or supplier shall be notified by the CONSULTANT of the CONSULTANT's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, and low income status.
- (d) **Information and Reports:** The CONSULTANT shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the DEPARTMENT to be pertinent to ascertain compliance with such Regulations, orders and

instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information the CONSULTANT shall so certify to the DEPARTMENT, and shall set forth what efforts it has made to obtain the information.

- (e) **Sanctions for Noncompliance:** In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this contract, the DEPARTMENT shall impose such contract sanctions as it may determine to be appropriate, including, but not limited to:
 - (1) withholding of payments to the CONSULTANT under the contract until the CONSULTANT complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- (f) **Incorporation of Provisions:** The CONSULTANT shall include the provisions of paragraphs (a) through (f) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The CONSULTANT shall take such action with respect to any subcontract, or procurement as the DEPARTMENT may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a subconsultant or supplier as a result of such direction, the CONSULTANT may request the DEPARTMENT to enter into such litigation to protect the interests of the DEPARTMENT, and, in addition, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States. *(Provision revised July 29, 2013.)*

14. CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY

MATTERS: The CONSULTANT agrees to abide by the requirements of 49 CFR Part 29. By signing this contract the CONSULTANT certifies that to the best of their knowledge and belief that it or its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had civil judgment against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses enumerated in subparagraph 14(b) of this certification; and
- (d) Have not within a three-year period preceding this contract had one or more public transactions (Federal, State, or Local) terminated for cause or default.

Where the CONSULTANT is unable to certify to any of the statements in this certification, the CONSULTANT shall attach an explanation to this contract. Exceptions will not necessarily result in denial of award, but will be considered in determining CONSULTANT'S responsibility. Any exceptions noted shall identify to whom it applies, the initiating agency, and dates of the action. Providing false information may result in criminal prosecution or administrative sanctions.

15. CERTIFICATION OF COMPLIANCE ON LOBBYING RESTRICTIONS: The CONSULTANT agrees to conform with the lobbying restrictions established by Section 319 of Public Law 101-121 (Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990) for contracts exceeding \$100,000 in Federal Funds. The CONSULTANT certifies, by signing this contract, to the best of their knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any

Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The CONSULTANT also agrees by signing this contract that they shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

16. **CERTIFICATION OF COMPLIANCE ON DRUG AND ALCOHOL TESTING:** The CONSULTANT hereby certifies by executing this Contract, that the CONSULTANT shall comply with all applicable provisions of Rule 916-6 Drug and Alcohol Testing in State Construction Contracts and UCA Section 63G-6-604 throughout the term of this Contract. The CONSULTANT shall provide this requirement in its contracts with subconsultants.
17. **CONSULTANT COST CERTIFICATION:** The CONSULTANT hereby certifies by executing this Contract, that the CONSULTANT has previously submitted a CONSULTANT certification of final indirect costs in accordance with the Federal Acquisition Regulations (FAR) cost principles as described in the FHWA Order 4470.1A and in the DEPARTMENT Financial Screening Application.
18. **OWNERSHIP OF DOCUMENTS:** All tracings, plans, manuscripts, specifications, data, maps, etc., prepared or obtained by the CONSULTANT, as a result of working on this contract, shall be delivered to and become the property of the LOCAL AUTHORITY. All documents and data pertaining to work required by this contract shall be the property of the LOCAL AUTHORITY and shall be delivered to the LOCAL AUTHORITY within 10 working days after termination of the contract, regardless of the reason for termination; and without restriction or limitation on their further use. Costs of all the above items shall be considered as included in the basic contract compensation for the work as described in ATTACHMENT C.

The CONSULTANT shall not be responsible for another party's application of information contained in the contract documents to other projects, or for uses other than that for which the information was intended. Should patentable discoveries or inventions result from work required by this contract, all rights to them shall be the sole property of the CONSULTANT. Except, the CONSULTANT agrees to grant to the United States Government and the State of Utah a non exclusive, non transferable, paid up, license to use the discovery or invention. The CONSULTANT is permitted to copyright reports and other contract products provided that the LOCAL AUTHORITY, the DEPARTMENT and the Federal Highway Administration have a royalty free, non exclusive, irrevocable right to reproduce, publish, or otherwise use and authorize others to use for governmental purposes.

19. **ASSIGNMENT AND SUBCONTRACTING:** The CONSULTANT shall not subcontract any of the work required by this contract, or assign monies to be paid to the CONSULTANT hereunder, without the prior written approval of the LOCAL AUTHORITY and/or the DEPARTMENT. The amount billed to the DEPARTMENT for subcontractor costs shall be the same amount the CONSULTANT actually pays subcontractor for services required by this contract. All payments made by the CONSULTANT to the subcontractor for services required by this contract shall be subject to audit by the LOCAL AUTHORITY and/or the DEPARTMENT. All subcontracts must include all the same terms and conditions and provisions included in this contract. However, the prime CONSULTANT is responsible for ensuring that all work performed by sub-consultants is insured under their insurance policy, or they require that the sub-consultants meet the insurance provisions required under this contract.

The CONSULTANT must perform work valued at not less than 60% of the total contract amount, excluding specialized services, with its own staff. Specialized services are those services or items that are not usually furnished by a consultant performing the particular type of service contained in this contract.

20. **PERSONNEL/STAFFING PLAN:** Any change in personnel from that specifically identified in Attachment C of this contract, must be approved by the DEPARTMENT through a modification to this contract or a Contract Management System (CMS) Alternative Staff Transaction prior to any work being performed by new personnel. Invoices submitted for payment with unauthorized personnel will not be paid. *(Provision revised July 29, 2013.)*
21. **DISPUTES:** Claims for services, materials, or damages not clearly authorized by the contract, or not ordered by the LOCAL AUTHORITY and the DEPARTMENT by prior written authorization, will not be paid. The CONSULTANT shall notify the LOCAL AUTHORITY and the DEPARTMENT in writing, and wait for written approval, before it begins work not previously authorized. If such notification and approval is not given or the claim is not properly documented, the CONSULTANT shall not be paid the extra compensation. Proper documentation alone shall not prove the validity of the claim. The parties agree to use arbitration or mediation after exhausting applicable administrative reviews to resolve disputes arising out of this contract where the sole relief sought is monetary damages \$100,000 or less, exclusive of interest and costs.
22. **CLAIMS - DELAYS AND EXTENSIONS:** The CONSULTANT agrees to proceed with the work previously authorized by the contract, or in writing, continually and diligently, and will make no charges or claims for extra compensation for delays or hindrances within its control during the progress of this contract. The LOCAL AUTHORITY and the DEPARTMENT may allow an extension of time for the contract, for a reasonable period as agreed by the parties, should a delay or hindrance occur. The LOCAL AUTHORITY and/or the DEPARTMENT shall not waive any of its rights under the contract by permitting the CONSULTANT to proceed with the contract after the established completion date.
23. **CONSULTANT'S ENDORSEMENT ON PLANS, ETC.:** The CONSULTANT (if a firm, the responsible principal) is required to endorse and affix its seal to plans, reports, and engineering data furnished to the LOCAL AUTHORITY and/or the DEPARTMENT under this contract.
24. **CONTRACT MODIFICATIONS:** This contract may be amended, modified, or supplemented, as it is mutually agreed to by the parties by written contract modification, executed by the parties hereto and attached to the original signed contract. If there is Federal funding as part of the revenue for this contract, the Federal Highway Administration must approve all changes.

Claims for services furnished by CONSULTANT, not specifically authorized by this contract or by appropriate modification, shall not be paid by the LOCAL AUTHORITY or the DEPARTMENT. When a contract modification has been agreed to by the parties no claim for the extra work done or material furnished shall be made by the CONSULTANT until the written modification has been fully executed. Any verbal agreements not confirmed in writing are non-binding.

25. **TERMINATION:** This contract may be terminated as follows:
 - (a) Mutual agreement of the parties; in writing and signed by the parties.
 - (b) By either party for failure of the other party to fulfill its obligations, as set forth with the provisions of this contract and in particular with Attachment C, "Services Provided by the CONSULTANT" or Section 40, "Duties of the DEPARTMENT". Reasonable allowances will be made for circumstances beyond the control of the CONSULTANT and the LOCAL AUTHORITY or the DEPARTMENT. Written notice of intent to terminate is required and shall specify the reasons supporting termination.
 - (c) By the LOCAL AUTHORITY or the DEPARTMENT for the convenience of the State or the LOCAL AUTHORITY upon written notice to the CONSULTANT.
 - (d) Upon satisfactory completion of required contract services.

On termination of this contract all accounts and payments will be processed in accordance with contract terms. An appraisal of the value of work performed to the date of termination shall be made to establish the amount due to or from the CONSULTANT. If the contract fee type is Cost-Plus-Fixed-Fee-With-Fixed-Total-Additive-Rate and the contract is terminated for reasons other than (d), the final fixed fee amount will be paid in proportion to the percentage of work completed as reflected by the periodic invoices as of the date of termination of the contract. Upon determining the final amount due the CONSULTANT, or to be reimbursed by the CONSULTANT, in the manner stated above, the final payment will be processed in order to close out the contract.

26. **DESIGN/CONSTRUCTION:** The CONSULTANT will utilize all current DEPARTMENT standards and be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by the CONSULTANT under this contract. The CONSULTANT will, without additional compensation, correct or revise any errors or omissions in its design, drawings, specifications and other services. This contract may remain open for modifications for any unforeseen work that may be deemed necessary by the DEPARTMENT going into the construction phase to accommodate future work by the prime CONSULTANT or sub-consultant. CONSULTANT will perform the services in accordance with the customary standard of professional care.
27. **ELECTRONIC PLAN ROOM DOCUMENTATION:** All consultants will be expected to adhere to the current DEPARTMENT development standards on the web site. It is the CONSULTANTS responsibility to provide all plans, specifications, surveys, and associated data in the DEPARTMENT acceptable electronic formats on one or more CD's. All project data will be organized in the DEPARTMENT'S project directory structure as specified in the DEPARTMENT'S current CADD Standards. It is the CONSULTANT'S responsibility to be aware of all DEPARTMENT requirements and formats. The DEPARTMENT CADD standards are available at the Engineering Technology Services (ETS) sub-page of the DEPARTMENT website www.udot.utah.gov/ets.

Computer Aided Drafting and Design acceptable formats are as follows:

- (a) Drafting: MicroStation Design format (.dgn) by Bentley Systems Inc., version 8.5 or higher.
- (b) Civil Design: InRoads by Bentley Systems Inc. version 8.8 or higher acceptable formats are as follows: Geometry files (.alg), Surface or digital terrain models (.dtm), Template libraries (.itl), and Roadway Designer files (.ird).
- (c) Survey and Photogrammetry: InRoads Survey format (.fwd) by Bentley Systems Inc. version 8.8 or higher. Raw survey files will be in ASCII format, (point number, Northing, Easting, Elevation and code). Survey points will be coded using the DEPARTMENT feature codes located in the DEPARTMENT preference file (.xin) and Raster Images (aerial photos) will be in MicroStation compatible formats. Design and Survey work will adhere to the DEPARTMENT CADD Standards and "Mapping & Aerial Photogrammetry" Guide.
- (d) Plotting: In order for the project to be published into the DEPARTMENT Electronic Plan Room (EPR) system, the CONSULTANT will prepare a file to direct the DEPARTMENT's plotting software, InterPlot, by Bentley Systems Inc. to produce the correct output. This is the InterPlot Organizer's plot-set file (filename.ips). This file contains specifications for each sheet in the plan set and controls the order and name of each sheet as they will appear in the EPR system. Instructions for preparing this file can be found at the DEPARTMENT Engineering Technology Services (ETS) website as stated above.
- (e) Responsibility: Region Designers/Consultants, Action - When submitting electronic files for advertising, Region or consultant designers must deliver to the DEPARTMENT the design files on CD's in the established project directory structure. The following files must be included in the submittal: 1) Major design files, including roadway design, structure, striping, signing, signals, and profiles (Microstation format), 2) Existing topography and existing utilities (Microstation format), 3) Existing and proposed surfaces (dtm format), 4) InRoads alignments (alg), templates (itl), roadway designer files (ird) and preference files (xin), 5) Configuration and resource files including font and linestyle resource files.

- (f) Placement: Action – Project data must be delivered to the DEPARTMENT on CD's in the established project directory structure.

The CONSULTANT will be responsible for the accuracy of the translated data.

Technical and Standards support will be provided to the CONSULTANT through the Engineering Technology Services Group of the Project Development Division at UDOT.

28. **REQUIREMENTS FOR COMPUTER ELEMENTS:** Hardware, firmware and/or software elements that the CONSULTANT procures, furnishes, licenses, sells, integrates, creates and/or enhances for the LOCAL AUTHORITY and the DEPARTMENT under this contract shall achieve the specific objectives specified in the work plan. These elements shall be free of defects, or "bugs," that would prevent them from achieving the objectives specified in the work plan.

Computer software and applications created and/or enhanced under this contract shall include as deliverables; user instructions, program documentation, program listings, source code and executables in specified compiled formatted files. The program documentation shall include flow charts and detailed treatment of decision algorithms and their technical basis. Appropriate LOCAL AUTHORITY individuals will review "user instructions" and "program documentation" for acceptability. Formal sign-offs will record such events and be part of the project repository. Software development and operating system platforms shall be approved by the LOCAL AUTHORITY and the DEPARTMENT and specified in the work plan. Changes to these platforms shall only be allowed by written authorization by the LOCAL AUTHORITY and the DEPARTMENT.

29. **COST PRINCIPLES:** Regardless of the funding source, the costs allowable for reimbursement will be governed by the Federal Acquisition Regulations, Title 48, Part 31, as modified by Utah State law, administrative rules, and regulations on contract provisions.

30. **RIGHT OF WAY SUBMITTAL REQUIREMENTS:** As of April 1st 2004, the following information is to be submitted by the Right of Way Design Firm for each Right of Way package submitted. These requirements should be included in each Right of Way Design firms contract for services.

Submit the following information to the Region for review and processing.

Send in all five hard copies of the right of way package.

Send a CD with the following folders and content for each right of way summary.

- (a) Ownership Folder with all electronic Ownerships for this package in "Word" format.
- (b) Office Copy Folder with electronic Office Copies of deeds in "Word" for Office copies in this summary).
- (c) Signature Copies Folder with electronic copies of the Signature Deeds in "Word" for Signature copies in this summary.
- (d) Summary (RW-53) in "Word" for parcels submitted in this summary.
- (e) E-Summary containing the electronic summary spreadsheet in "Excel" in the format shown above for the parcels in this summary.

Submit approximately 10 Ownerships (with the deeds for that ownership) on each Summary or E-SUMMARY.

File names for E-SUMMARIES must be capitalized. Example; **E-SUMMARY-54P.xls** (UDOT will convert the spreadsheet file to another format and use the same name in lower case e-summary-54p)

Parcel numbering on CD

Summary (RW-53) Same as old way	
Office	001_Off.doc
Signature	001_Sig.doc
Ownership	001_Own.doc

31. **GOVERNMENT RECORDS AND ACCESS MANAGEMENT ACT:** Pursuant to the Government Records Access and Management Act, Title 63G, Chapter 2, Utah Code Annotated, the CONSULTANT understands that if it believes that any records it submits to the DEPARTMENT and/or LOCAL AUTHORITY should be considered confidential for business purposes under Utah Code Ann. §63G-2-309, it must attach written notice of that opinion to the record when it first submits it. The CONSULTANT understands that the DEPARTMENT and/or LOCAL AUTHORITY will not treat any such record as confidential under Section 63G-2-309 absent such written notification. Additionally, the CONSULTANT agrees that neither the State of Utah, the DEPARTMENT and/or LOCAL AUTHORITY, nor any of their agents or employees are responsible for disclosure of any record that the CONSULTANT considers confidential if either the State Records Committee or a court orders it released.
32. **WORK ACCEPTANCE:**
- (a) All work performed under this contract shall be performed in accordance with Standards, Specifications, Manuals of Instruction, Policies and Procedures established by the DEPARTMENT. All work shall be subject to the approval of the LOCAL AUTHORITY and the DEPARTMENT through its designated representatives. When the work is Federally funded, the LOCAL AUTHORITY and the DEPARTMENT will coordinate with the Federal Highway Administration (FHWA) to obtain concurrence in the work.
 - (b) **Reviews and Quality Assurance:** All contracts require a quality control / quality assurance plan and checklist. For design projects specifically, the CONSULTANT shall deliver a project specific QC/QA plan that meets or exceeds the DEPARTMENT'S standard QC/QA plan located on the DEPARTMENT web page at <http://www.udot.utah.gov/go/qcqa>. If the CONSULTANT elects to use their own QC/QA plan, that plan shall, as a minimum, contain the requirements of the DEPARTMENT'S plan and be approved by the DEPARTMENT'S Project Manager. In addition to the QC/QA checklists and certifications, back up documentation of the QC/QA plan shall be maintained. The back up documentation shall include, but not be limited to the following items:
 - (1) Check prints and calculations
 - (2) Comment resolution forms
 - (3) Written records of the findings of the Quality Control check
 - (4) Peer review letters, memoranda, etc.
 - (5) Any other correspondence regarding the Quality Control activities involving the task.
33. **GENERAL CONTROL AND INSPECTIONS:** The CONSULTANT shall be represented at progress review meetings as may be scheduled by the LOCAL AUTHORITY and the DEPARTMENT. The CONSULTANT shall accompany LOCAL AUTHORITY and the DEPARTMENT personnel and other representatives on field inspections and at conferences as may be required.
34. **IF THIS CONTRACT IS FOR DESIGN:** The design consultant will be retained to answer and clarify any questions on the design during construction. The consultants will be required to include this task in their cost proposal. The Construction Project Engineer will call on the CONSULTANT as he needs him. If the work required from the CONSULTANT is due to errors in the design, the CONSULTANT will not be reimbursed. To enhance the communication between the LOCAL AUTHORITY, the DEPARTMENT and Consultants, the LOCAL AUTHORITY and the DEPARTMENT are requiring that the CONSULTANT attend the following meetings: kickoff meeting, preconstruction meeting, and the final inspection meeting. These meetings should be included in the detail work plan.
35. **IF THIS CONTRACT IS FOR CONSTRUCTION ENGINEERING MANAGEMENT:**
- (a) **Construction Administration**
Administration of any construction project delegated to the CONSULTANT. The CONSULTANT will perform activities for Construction Administration as identified and defined in the UDOT

Construction Manual of Instruction. Deliverables and checklists for the project are based on project specifications. The CONSULTANT is required to comply with DEPARTMENT partnering requirements and oversee contractor participation. This includes but is not limited to attending DEPARTMENT training, leading the partnering effort on the project along with the contractor, participating in weekly updates on the partnering website, and monitoring and measuring partnering on the project. The CONSULTANT is responsible for required documentation for any item addressed in the project specifications and Construction contract. Items will include, but not be limited to, Materials Testing, Materials Certifications, Change Orders, Project and Materials Inspection, Civil Rights requirements, Engineer's Diary, Subcontracts, Payrolls, Meeting Minutes, Project Scheduling and Process Review summaries.

- (b) **Materials Testing and Inspection**
The CONSULTANT will perform materials testing and inspection in accordance with the requirements of the project Construction contract. These requirements include the Materials Acceptance and Independent Assurance Programs, as outlined in the *UDOT Materials Manual of Instruction (MOI)*. The Materials Acceptance Program defines requirements for acceptance testing and verification testing. The Independent Assurance Program defines requirements for independent assurance testing, personnel qualifications and laboratory qualifications.
- (c) **Acceptance Testing/Inspection**
Acceptance testing/inspection will be performed in accordance with the project specifications and *UDOT Minimum Sampling and Testing Requirements (MS&T)*. Minimum frequencies for materials acceptance testing and inspection are defined in the UDOT MS&T and are the absolute minimum for the identified materials, regardless of special provision requirements.
- (d) **Independent Assurance Testing**
Requirements for Independent Assurance testing are outlined in the UDOT Materials MOI and project level requirements will be performed and documented by the CONSULTANT at the project level. Documentation will be provided for IA test results, personnel qualifications and laboratory qualifications. Documentation for personnel and laboratory qualification will be performed prior to any sampling or testing being performed on the project.
- (e) **Project Inspection**
Project Inspection is a combination of the presence of the CONSULTANT, and the documentation of the project's daily activities. The CONSULTANT will perform inspection in accordance with project specifications and documentation will include, at a minimum, Inspector's Daily Reports, materials placement inspection reports, project diaries, measurement and payment information, and project visual reviews for items such as traffic control placement and conformance, etc.
- (f) **Project Closeout**
Project information obtained through contract administration, materials testing and project inspection will be collated and reviewed by the CONSULTANT to assure that all of the necessary documents are present to demonstrate compliance with the plans, specifications and Construction contract. Closeout will be performed in accordance with the comprehensive checklist in the UDOT Construction MOI and will include at a minimum, all C-106 forms, the project C-196 form, all change orders and all administrative requirements, such as payrolls and Civil Rights requirements.
- (g) The DEPARTMENT's Construction Manual of Instruction and Materials Manual of Instruction can be obtained from Central Construction and Materials Division 801-965-4346 or available at the sub-page of the DEPARTMENT website www.udot.utah.gov/ets.

36. **INSPECTION OF INTELLIGENT TRANSPORTATION SYSTEMS (ITS) AND ELECTRICAL CONSTRUCTION:** In order to ensure complete impartiality in the performance of construction inspection, any consultant engineering companies who are concurrently performing or bidding on ITS or electrical construction work for the LOCAL AUTHORITY and/or DEPARTMENT will not be considered eligible to perform construction inspection of ITS or electrical work on any projects as part of a consultant contract.

Consultants who are selected to do ITS or electrical construction inspection as part of a consultant contract will be requested to affirm that they currently are not performing or bidding on any electrical or

ITS construction work for LOCAL AUTHORITY and/or DEPARTMENT and will not for the duration of the relevant consulting contract.

For the purposes of this provision, ITS or electrical construction is defined as follows:

Work involving the installation or repair of underground electrical conduit, electrical cables, fiber-optic cable, or any other construction work involving 120 volt (or greater) current for which an electrician's license is required. Field work taking place inside an electrical cabinet, or involving low voltage detection or data circuits, will *not* be considered ITS or electrical construction. Diagnosis, testing, calibration, aiming, resplicing, or repair of low voltage detection circuits, fiber-optic cable, or detection equipment will *not* be considered ITS or electrical construction.

Consultant engineering companies who also perform ITS or electrical construction work under contract to LOCAL AUTHORITY and/or DEPARTMENT will be eligible to perform the following types of consulting work, provided that the work is on completely different projects, with no possibility for conflict of interest: design work, ITS system integration, software development.

37. **NO THIRD PARTY BENEFICIARIES:** The parties enter in to this contract for the sole benefit of the parties, in exclusion of any third party, and no third party beneficiary is intended or created by the execution of this contract.
38. **COORDINATION WITH DEPARTMENT FUNCTIONAL MANAGERS:** In order to ensure programmatic consistency, if the project requires, the CONSULTANT will coordinate decisions with the Region and/or Central Functional Managers in addition to the DEPARTMENT Project Manager. It is important for consultants to seek input into decisions from the technical experts within the DEPARTMENT.
39. **USE OF STATE SEAL AND UDOT LOGO:** The CONSULTANT will not misrepresent their employees as State of Utah employees. The CONSULTANT will not use the Utah State Seal or UDOT logo on business cards for their employees nor use Utah or UDOT letterhead on correspondence signed by their employees with the following exception: the CONSULTANT may incorporate the UDOT logo on their business cards stating, "In partnership with UDOT" in addition to the CONSULTANT'S own logo. The CONSULTANT may prepare correspondence for the approval and signature of appropriate State of Utah employees.
40. **DUTIES OF THE LOCAL AUTHORITY AND THE DEPARTMENT:**
 - (a) **Guarantee Access:** The LOCAL AUTHORITY and/or the DEPARTMENT shall guarantee access to and make all provisions for the CONSULTANT to enter upon all lands, both public and private which in the judgment of the parties hereto are necessary to carry out such work as may be required.
 - (b) **Prompt Consideration:** The LOCAL AUTHORITY and the DEPARTMENT shall give prompt consideration to all reports, plans, proposals and other documents presented by the CONSULTANT.
 - (c) **Documents:** The DEPARTMENT shall furnish Standards, Specifications, Manuals of Instruction, Policies and Procedures, and other available information, including any material previously prepared for this work. Specific materials related to this contract that will be furnished by the LOCAL AUTHORITY and the DEPARTMENT.
 - (d) **Services:** The LOCAL AUTHORITY and the DEPARTMENT will perform standard services relating to this contract.

SERVICES PROVIDED BY THE CONSULTANT**1. SCOPE SUMMARY:**

The scope of this contract is to finalize the design, prepare the advertising bid package and successfully advertise this project.

2. SCOPE DOCUMENTS:

Following are the scope items contained in this attachment pages 2 through 17:

- (a) Approval Memo
- (b) Detailed Work Plan
- (c) Personnel/Staffing Plan
- (d) Schedule
 - (1) Completion: All work shall begin within seven (7) days of notice to proceed and shall be completed by June 16, 2014.
 - (2) Project/Contract Period: The project/contract will terminate June 16, 2014, unless otherwise extended or canceled in accordance with the terms and conditions of this contract. If additional time is required beyond the project completion date, the CONSULTANT shall submit a "Contract Time Extension Modification" to the LOCAL AUTHORITY and the DEPARTMENT'S Project Manager for approval and processing.
- (e) Certificate of Insurance



UDOT Consultant Services Contract Approval Memo

Memo Printed on: August 29, 2013 9:08 AM



PM Approval Date: 8/29/2013

UDOT PM: Brett Slater

The Project Manager has reviewed and approved the contract/modification documents: Executive Summary, Work Plan, QC/QA Plan and Checklist, Staffing Plan, Work Schedule, and Cost Proposal.

PROJECT INFORMATION

PIN: 7194
Project No.: F-0106(11)3
Job/Proj: 5276415D
PIN Description: SR-106; MAIN STREET & PARRISH LANE

CONTRACT INFORMATION

CS Admin: Devon Udot Tonks
Contract No.: New Finalize Design and Advertise Project
Mod No.:
Expiration Date: Aug 16, 2014
Contract/Mod Amount: \$00,000.00
Fee Type: COST PLUS FIXED FEE
Selection Method: POOL - GE / LG (DIRECT SELECT)
Period: 2010-2013 GE / LG
Phase: PRELIMINARY ENGINEERING
Discipline: PRECONSTRUCTION ENGINEERING

CONTACTS

Consultant	Local Government
H W LOCHNER, INC.	Centerville City
	Steve Thacker
1245 BRICKYARD RD, STE #400	250 N MAIN
SALT LAKE CITY, UT 84106	CENTERVILLE, UT 84014
	(801) 295-3477
	STEVET@CENTERVILLEUT



RE: Local Government Approval Memo ~ Project No. F-0106(11)3 / PIN 7194

Steve Thacker <stevet@centervilleut.com>

Wed, Aug 21, 2013 at 5:21 PM

To: Devon Tonks <dtunks@utah.gov>

Cc: "Brett Slater (BrettSlater@utah.gov)" <BrettSlater@utah.gov>, "Janice Tremaine (JTremaine@utah.gov)" <JTremaine@utah.gov>

Hello Devon: Centerville City is aware/okay with the contract being put together. We are also aware of UDOT's contract limits for pool contracts.

Steve Thacker

Centerville City Manager

P.S. Is your middle name really "Udot" as shown on the attachment???

From: Devon Tonks [mailto:dtunks@utah.gov]

Sent: Wednesday, August 21, 2013 1:01 PM

To: Steve Thacker

Cc: Brett Slater; Janice Tremaine

Subject: Local Government Approval Memo ~ Project No. F-0106(11)3 / PIN 7194

Re: Project No. F-0106(11)3 / PIN 7194

SR-106; Main Street & Parrish Lane

Steve-

I have received the necessary documents to put the above contract together from H W Lochner. However, before the contract can be compiled, please review the attached document and reply to this email stating that the Centerville City is aware/okay with the contract being put together. Once that approval is received I will have the contract sent out for signatures and final review before it is executed.

Please also acknowledge that Centerville City is aware of UDOT's contract limits for pool contracts. The limit for the total contract amount is \$150,000.00 for the life of the contract, including any and all future modifications.

Attachment C 3 of 18

H W LOCHNER, INC.

Prime

UDOT Executive Summary

Contract Number:	NEW	Mod:		
Project Number:	F-0106(11)3	PIN:	7194	UDOT Project Manager: Brett Slater
PIN Description:	SR-106; MAIN STREET & PARRISH LANE			

Brief Description

Executive Summary

The Utah Department of Transportation (UDOT) retained H.W. Lochner to complete design documents for improvements to accommodate dual left turn lanes eastbound Parrish Lane to northbound Main Street, and northbound Main Street to westbound Parrish Lane at the intersection of Main Street (SR-106) and Parrish Lane (SR-105) in Centerville City. The length of the project is approximately 0.2 miles. The additional left turn lanes will increase capacity and overall traffic operation at this intersection. The improved intersection will also have curb, gutter, sidewalk, and ADA-compliant curb ramps at all four corners.

Lochner will evaluate the design completed to date, and verify that the proposed improvements fit within the cleared environmental footprint. Final advertising plans and documents will be prepared. Components of this project are: roadway widening, drainage, protection/relocation of existing utilities, SUE, signing, striping, and signal design. Lochner will complete plans, specifications and estimates to build the improved facility to UDOT and Centerville City's current standards.

Project Team

This document and attachments encompass the scope of services to be provided by the H. W. Lochner Team, including its subconsultants ESI Engineering, Inc., and Cardno TBE

Assumptions

Assumptions:

- Environmental clearance for this project has been completed and the footprint cleared is adequate to accommodate the proposed improvements.
- No additional traffic engineering will be required.
- UDOT will provide Microstation and In-roads files for all design work completed to date, as well as a copy of the Environmental Study Document and Traffic Report.
- Limits of this project will be:
 - Intersection of Main Street/Parrish Lane including necessary tie-ins to adjacent streets
- UDOT will acquire the necessary right-of-way, permanent and temporary easements.
- 60% Design comments from the public involvement process and Centerville City have been received and incorporated into the current design.
- Final Plans will be ready for advertisement in February 2014 contingent upon right-of-way acquisition and utility agreements.
- Additional SUE Quality A information is needed, Cardno TBE will obtain that information as a subconsultant to Lochner as part of this agreement

Unknowns:

- Schedule for right-of-way acquisitions
 - Number and type of utility relocations
 - Schedule for obtaining utility agreements

Phasing

Design work associated with this project is planned to be completed in a single phase.

Fee Type

This contract will be a cost plus a fixed fee type.

H W LOCHNER, INC.

Prime

UDOT Work Plan

Contract Number:	NEW	Mod:			
Project Number:	F-0106(11)3	PIN:	7194	UDOT Project Manager:	Brett Slater
PIN Description:	SR-106; MAIN STREET & PARRISH LANE				

Activity: 3U1

3U1 Identify Potential Utility Conflicts

(Refer to table)

Overview

Identify potential utility conflicts through coordination with utility owners and designers. Obtain preliminary relocation costs from utility owners. Portions of this task will be performed by ESI Engineering and portions by Lochner.

Deliverables

- £ Preliminary Utility Conflict Matrix/Summary
- £ Initial Utility Company Cost Estimates
- £ QC Cover Sheets

Activity: 3U3

3U3 Identify Utility Depth (SUE Level A)

(Refer to table)

Overview

Use the Utility Conflict Matrix/Summary to determine specific locations where vertical information could be used to avoid existing utility facility conflicts or assist utility companies design relocation plans. ESI Engineering will perform field survey of test hole locations, as well as survey staking for Rocky Mountain Power Pole relocations.

Deliverables

- £ SUE Level A File
- £ SUE Mapping File Certification

Activity: 4P1

4P1 Revise/Implement Public Involvement Plan

[Back to Table of Contents](#)

Overview

Based on the project needs, enhance or implement the project's PI plan to prepare for design.

Deliverables

- E Facilitate Coordination Meetings between right-of-way Acquisition Agent and Property Owners

Activity: 4Q1

4Q1 Complete Drainage/Irrigation Plan Sheets and Documents

[Back to Table of Contents](#)

Overview

Complete drainage plans and documentation in accordance with project requirements, comments from the plan-in-hand review, and UDOT standards in preparation for PS&E meeting.

Deliverables

- E Drainage/Irrigation Comment Resolution Form
- E Drainage Report
- E Drainage/Irrigation Plan Set
- E Drainage/Irrigation Project Documents
- E Drainage/Irrigation Cost Estimate
- E QC Cover Sheets

Assumptions

- E Approval of Roadway and Drainage Design

Activity: 4R1**4R1 Complete Roadway Plans & Documents****Objective:**

Complete roadway plans and documentation in accordance with project requirements and to UDOT standards in preparation for PS&E meeting.

Deliverables:

- " Final Roadway Plan Sheets, including Plan, Details, Grading, Typical Section, Signing, Striping, Signal, Summary Sheets.
- " Engineer's Cost Estimate prepared in PDBS
- " Specifications, Special Provisions, M&P, A&D.
- " QA/QC

Assumptions:

- " Lochner will review and/or prepare PDC, design exceptions, waivers and deviations documentation
- " Lochner will provide a project quantity review prior to completing the engineer's estimate
- " Lochner will review State Furnished Items Order Form

I Engineering will complete roadway design and roadway plans. Lochner will complete QC of roadway design and plans.

Activity: 4U2**4U2 Final Design Utility Coordination** ~~Track 02/20/21~~**Objective:**

Final coordination with utility owners and provide guidance and information to complete utility relocation plans. Hold a meeting to resolve any remaining conflicts and prepare for the construction stage.

Deliverables:

- " Utility Company Plans, Schedules, and Cost Estimates

Assumptions:

- " Utility owners will participate in the design process and can meet our schedule

Activity: 4Y1

4Y1 Prepare/Compile PS&E Review Package

Work Product

Objective:

Compile comment resolutions, project cost estimate, and all discipline review materials to produce the PS&E Review Package. ESI Engineering will prepare roadway plans (RD Sheets) for PS&E Submittal.

Deliverables:

- " Final Disposition Review Comment Resolution Form
- " Plan Set Sheets
- " Project Cost Estimate
- " Special Provisions
- " PS&E Review Package
- " QC Cover Sheets

Activity: 4V1

4V1 PS&E Review Meeting

Objective:

Meet to ensure that the elements provided in the plan sheets and advertising documents are consistent with the project scope and available funding requirements.

Deliverables:

- " Meeting Agenda
- " Meeting Notes
- " Review Comments

Assumptions:

Review Team will have at least two (2) weeks for package review.

ESI Engineering will have a representative at the PS&E Review Meeting

Activity: 5V1

5V1 Comment Resolution Review Meeting

Objective:

This meeting is to review the final comment resolution form. At the completion of this activity, all comment resolutions are to be accepted by the respective reviewer. There is to be no review of the plans other than spot checks of proper comment incorporation.

Deliverables:

Revised Comment Resolution Form (if needed)

Revised Plan Sheets and Documents (as needed)

QC Cover Sheets

Activity: 5Y1

5Y1 Incorporate PS&E Review Comments

Objective:

Make revisions based on comments made during PS&E Review

Deliverables:

Final Disposition Review Comment Resolution Form

QC Cover Sheets

Final Plan Set & Project Documents Package

Assumptions:

ESI Engineering will incorporate review comments into RD Sheets

Activity: 5Z1

5Z1 Project Management

Objective:

Effectively manage the scope, schedule, documentation, sub consultants, and budget for the project.

Deliverables:

Provide Coordination Between Disciplines, UDOT staff and third parties

Schedule and Attend Team Meetings and Facilitate Meeting Notes

Create Monthly Invoices

Activity: 5Z2

5Z2 Prepare, Submit, and Process for Advertisement

Objective:

Prepare design package and documents to submit for advertisement

Deliverables:

Completed Design Package

Advertising Checklist

Completed Project Documentation

Assumptions:

Lochner will assemble final package and coordinate with UDOT staff to advertise project

UDOT Staffing Plan

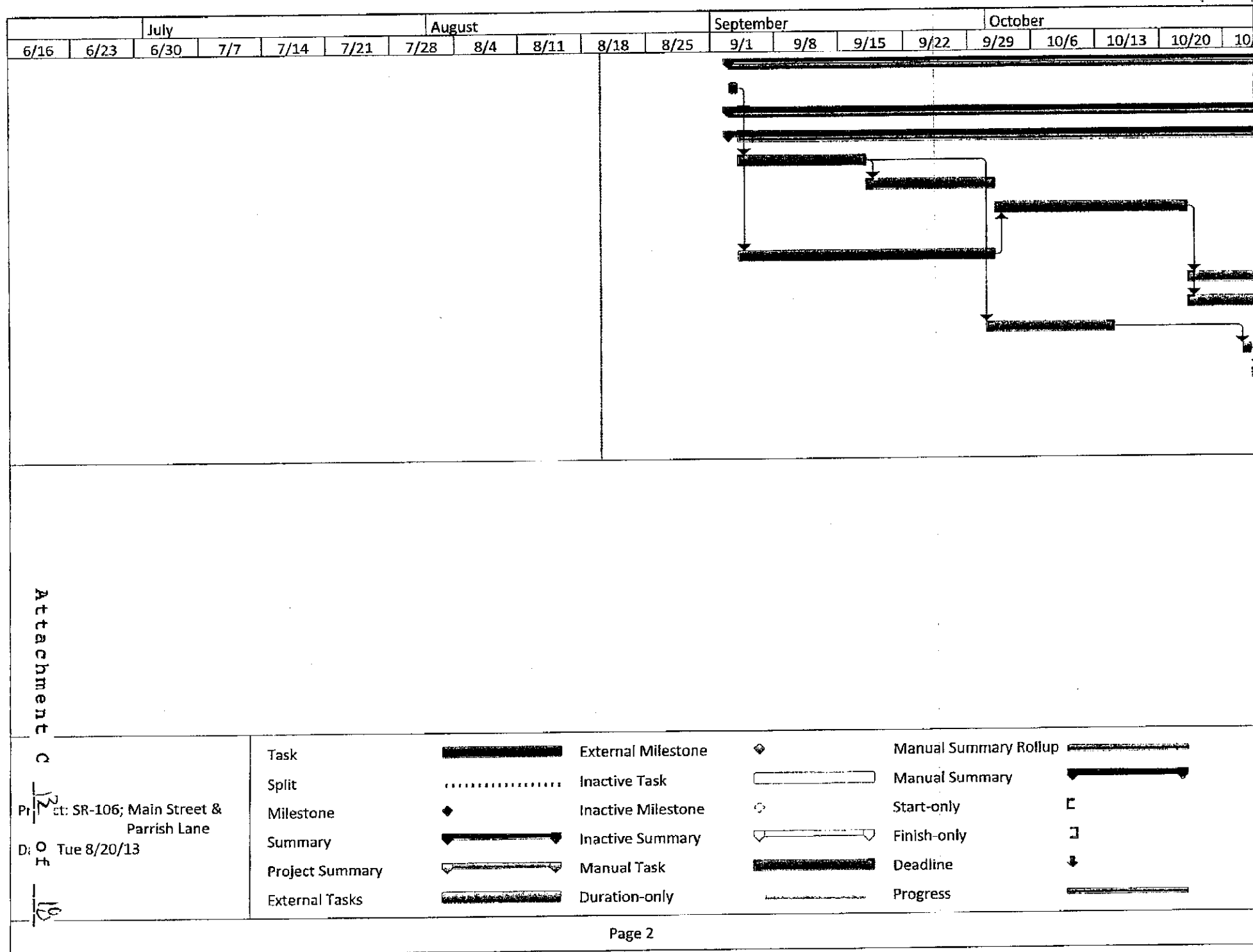
Contract Number:	NEW	Mod:	
Project Number:	F-0106(11)3	PIN:	7194
UDOT Project Manager:	Brett Slater		
Project Location:	SR-106: MAIN STREET & PARRISH LANE		

Employee Name	Contract Job Title	Education/Certification	License Number	Hours	Current Rate	Proposal Rate	Approval Date
KUNZLER, H.G.	PRINCIPAL IN CHARGE	B.S.	UT-186433	4	\$66.35	\$66.35	NTP
LOAIZA, SANTIAGO	PROJECT MANAGER	M.S.	UT-190593	102	\$42.97	\$42.97	NTP
VENARD, LEWIS	SENIOR PROJECT ENGINEER	M.S.	UT-7491812	31	\$41.93	\$41.93	NTP
PRICE, CHRIS	DRAINAGE ENGINEER	B.S.	UT-7912956-2202	64	\$36.15	\$36.15	NTP
WILLIAMS, NICOLE	CIVIL ENGINEER	B.S.		129	\$35.05	\$33.54	NTP
SOMMERS, CARLYE	PUBLIC INVOLVEMENT COORDINATOR	B.S.		30	\$28.58	\$28.58	NTP
MILLER, JANA	CONTRACT SUPPORT SPECIALIST	ASSOCIATE OF SCIENCE		6	\$25.97	\$25.97	NTP
Total Hours for H W LOCHNER, INC.:				366			

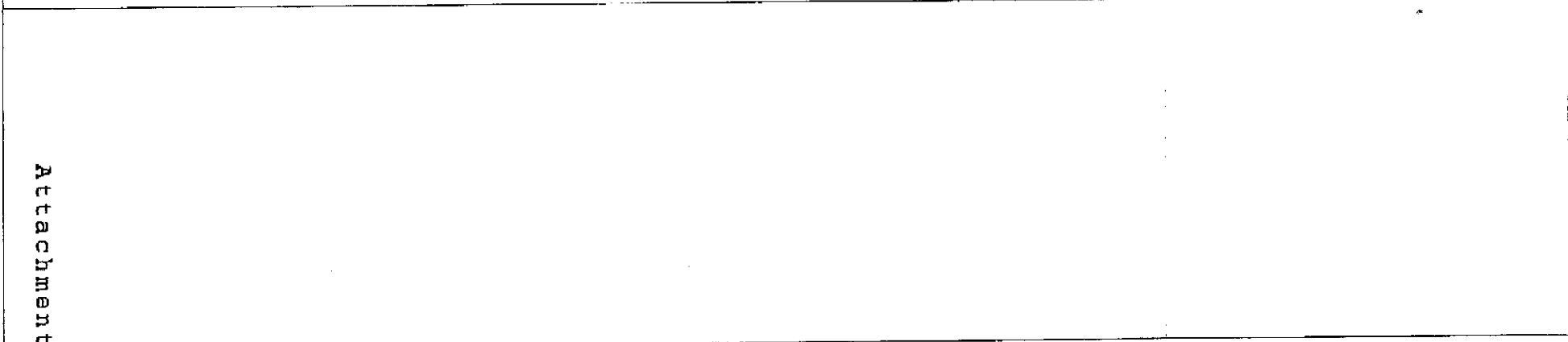
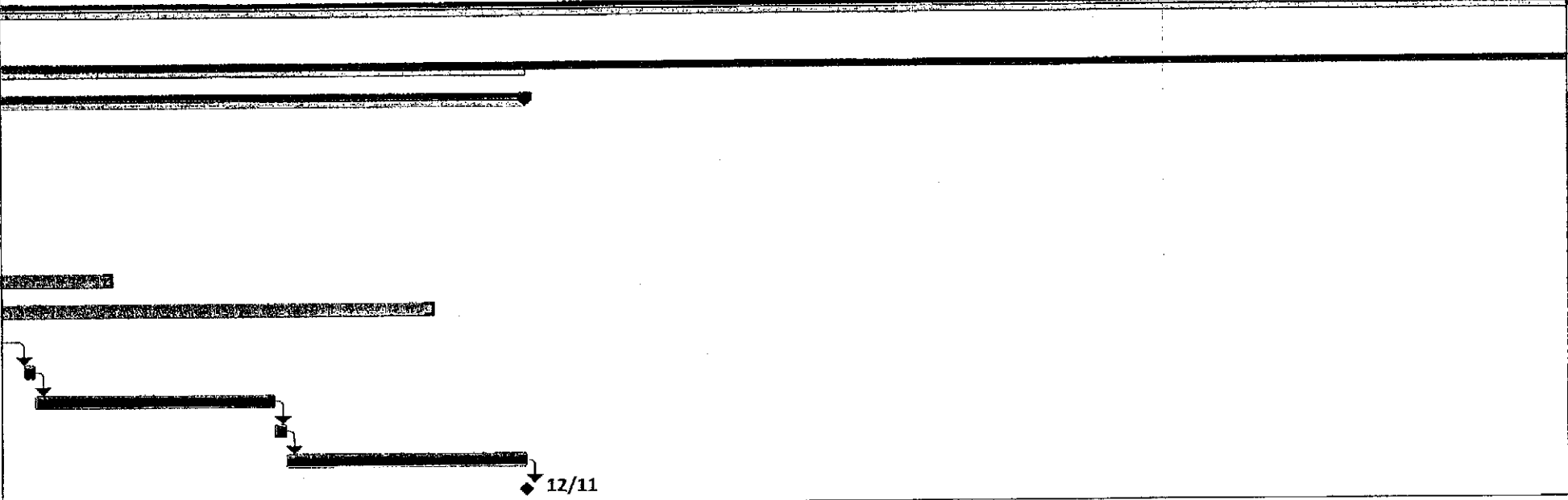
ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	9/16
1		SR-106; Main St. & Parrish Lane	150 days	Tue 9/3/13	Mon 3/31/14		
2		NTP	1 day	Tue 9/3/13	Tue 9/3/13		
3		Task 5Z1:Project Management	150 days	Tue 9/3/13	Mon 3/31/14	2	
4		Finalize Documents and Plans	72 days	Tue 9/3/13	Wed 12/11/13	2	
5		Task 3U1: Identify Potential Utility Conflicts	10 days	Wed 9/4/13	Tue 9/17/13	2	
6		Task 3U3: Identify Utility Depth (SUE Level A)	10 days	Wed 9/18/13	Tue 10/1/13	5	
7		Task 4Q1: Complete Drainage/Irrigation Plan Sheets and Documents	15 days	Wed 10/2/13	Tue 10/22/13	8	
8		Task 4R1: Complete Roadway Plans and Documents	20 days	Wed 9/4/13	Tue 10/1/13	2	
9		Task 4U2: Final Design Utility Coordination	10 days	Wed 10/23/13	Tue 11/5/13	7	
10		Task 4P1: Revise/Implement Public Involvement Plan	30 days	Wed 10/23/13	Tue 12/3/13	7	
11		Task 4Y1: Prepare/Compile PS&E Package	10 days	Tue 10/1/13	Mon 10/14/13	5	
12		Task 4V1: PS&E Meeting	1 day	Tue 10/29/13	Tue 10/29/13	11FS+10 days	
13		Task 5Y1: Incorporate PS&E Comments	15 days	Wed 10/30/13	Tue 11/19/13	12	
14		Task 5V1: Comment Resolution Review Meeting	1 day	Wed 11/20/13	Wed 11/20/13	13	
15		Task 5Z2: Prepare, Submit & Process for Advertisement Package	15 days	Thu 11/21/13	Wed 12/11/13	14	
16		End Project	0 days	Wed 12/11/13	Wed 12/11/13	15	

Attachment C

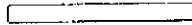
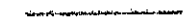
Project: SR-106; Main Street & Parrish Lane	Task		External Milestone		Manual Summary Rollup	
Date: Tue 8/20/13	Split		Inactive Task		Manual Summary	
	Milestone		Inactive Milestone		Start-only	
	Summary		Inactive Summary		Finish-only	
	Project Summary		Manual Task		Deadline	
	External Tasks		Duration-only		Progress	



November					December					January					February					March	
10/27	11/3	11/10	11/17	11/24	12/1	12/8	12/15	12/22	12/29	1/5	1/12	1/19	1/26	2/2	2/9	2/16	2/23	3/2	3		



Attachment C Project: SR-106; Main Street & Parrish Lane Date: Tue 8/20/13	Task		External Milestone		Manual Summary Rollup	
	Split		Inactive Task		Manual Summary	
	Milestone		Inactive Milestone		Start-only	
	Summary		Inactive Summary		Finish-only	
	Project Summary		Manual Task		Deadline	
	External Tasks		Duration-only		Progress	

				April				May				June				July			
3/9	3/16	3/23	3/30	4/6	4/13	4/20	4/27	5/4	5/11	5/18	5/25	6/1	6/8	6/15	6/22	6/29	7/6	7/13	7/20
Attachment C																			
Project: SR-106; Main Street & Parrish Lane Date: Tue 8/20/13				Task Split Milestone Summary Project Summary External Tasks	     	External Milestone Inactive Task Inactive Milestone Inactive Summary Manual Task Duration-only	     	Manual Summary Rollup Manual Summary Start-only Finish-only Deadline Progress	     										



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/6/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Illinois, Inc. 233 S. Wacker Dr Ste 2000 Chicago IL 60606		CONTACT NAME: PHONE (A/C, No. Ext.) 312-299-7700 FAX (A/C, No.) 312-234-0643 E-MAIL ADDRESS:	
INSURED H.W. Lochner, Inc. 1245 East Brickyard Rd. Suite 400 Salt Lake City UT 84106		INSURER(S) AFFORDING COVERAGE INSURER A: Lexington Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 19437	

COVERAGES

CERTIFICATE NUMBER: 579485056

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATU-TORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability			044177432	5/1/2013	5/1/2014	\$1,000,000 \$2,000,000 Per Claim Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Engineering and Planning Services

CERTIFICATE HOLDER**CANCELLATION**

UDOT Consultant Services 4501 South 2700 West Box 148490 Salt Lake City UT 84119	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Client#: 39357

HWLOC

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/02/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). If Waiver of Subrogation is applicable, it only applies to the extent allowed by law.

PRODUCER Construction - Remegi Team Mesirow Insurance Services 353 N. Clark Street Chicago, IL 60654	CONTACT NAME: Katie Johnson	
	PHONE (A/C, No, Ext): 312 595-6200	FAX (A/C, No): 312 595 4332
	E-MAIL ADDRESS: kjohnson@mesirowfinancial.com	
INSURED H. W. Lochner, Inc. 225 West Washington, 12th Floor Chicago, IL 60606	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Travelers Indemnity Co. of Amer	NAIC # 25666
	INSURER B: St. Paul Fire & Marine Insuranc	24767
	INSURER C: Phoenix Insurance Company	25623
	INSURER D: Charter Oak Fire Insurance Comp	25615
	INSURER E:	
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC		P6608451B877TIA13	05/01/2013	05/01/2014	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
D	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS ☒ Drive Oth Car		P8108451B877COF13	05/01/2013	05/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$10000		ZUP10P6385413NF	05/01/2013	05/01/2014	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y ☒ N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	PNUB8976P38713	05/01/2013	05/01/2014	☒ WC STATU-TORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Valuable Papers Policies Provide		P6608451B877TIA13 30 Day	05/01/2013 Written	05/01/2014 Notice of	\$500,000 Limit \$2,500 Deductible Cancellation

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Engineering and Planning Services.

(See Attached Descriptions)

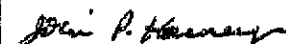
CERTIFICATE HOLDER

CANCELLATION

UDOT Consultant Services
4501 S. 2700 W. Box 148490
Salt Lake City, UT 84114-8490

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



Attachment C 16 of 18

DESCRIPTIONS (Continued from Page 1)

The following are included as Additional Insureds on the General Liability and Automobile Policies per written contract: UDOT, the State of Utah and the Local Government Agency.

The General Liability Policy is on a Primary and Non-Contributory Basis per written contract.

FEES

**COST PLUS A FIXED FEE
WITH FIXED TOTAL ADDITIVE RATE**

1. **COST PLUS A FIXED FEE:** For all services and materials pertinent hereto and/or specifically described herein, except as otherwise explicitly cited, the LOCAL AUTHORITY agrees to pay the CONSULTANT for the actual allowable cost and the FIXED additives plus a fixed fee. Overhead rates have been reviewed, approved, and are limited to the costs which are allowable under Federal Acquisition Regulations, contained in Title 48 CFR, Part 31.

The contract cost includes direct labor expense, payroll additives; indirect costs and other direct non-salary costs as outlined below.

Guest meals (meals paid by a consultant or a consultant's employee for someone other than his/her self) shall not be eligible for reimbursement unless previously approved in writing by the DEPARTMENT Project Manager and the LOCAL AUTHORITY.

- (a) The direct labor expense is the actual salary expense for professional and technical personnel and principals for the time they are productively engaged in work necessary to fulfill the terms of this contract. The payroll additives and indirect costs are FIXED as 175.78% of the direct salary expense.
- (b) If necessary and DEPARTMENT approved, any additional direct expenses incurred in fulfilling the terms of this contract, including but not limited to travel and lodging, reproduction, telephone, equipment, supplies and fees of outside CONSULTANTS or sub-consultants will be reimbursed at actual costs.

If the CONSULTANT'S normal accounting practice is to include some of these costs as indirect expenses, then this contract will be consistent with that practice. These types of costs must be disclosed as part of your accounting practices and in conformance to Federal Cost Principles.

- (c) The fixed fee has been determined and agreed upon as 10.00% of the combined estimated direct labor and the Overhead amount, which represents the CONSULTANT'S profit of \$3,751.06. The fixed fee percentage is not a floating percent and should not be billed as a percent of labor. Rather, the fixed fee payment will be prorated and paid regularly in proportion to the percentage of work completed as reflected by the periodic invoices; that is, on the same ratio as the invoice cost bears to the originally estimated total for CONSULTANT'S actual cost which is the maximum amount payable minus the fixed fee. Any portion of the fixed fee payment not previously paid in the periodic payment will be covered in the final payment.

Overruns in the costs of the work do not warrant an increase in the fixed fee, but significant changes to the Scope of Work may require adjustment of the fixed fee in the contract as evidenced by a contract modification.

- 2. **MODIFICATIONS:** In the event the LOCAL AUTHORITY requires changes of services which materially affect the scope or work plan, with a resulting material increase in cost to the CONSULTANT, a contract modification for additional compensation and time for completion shall be entered into by the parties hereto prior to making such change. Any such work done without prior LOCAL AUTHORITY and the DEPARTMENT agreement shall be deemed ineligible for reimbursement by the DEPARTMENT. The LOCAL AUTHORITY will not entertain requests or claims for reimbursement and remuneration unless written approval is given prior to performance of the work.
- 3. **PROGRESS PAYMENTS:** Progress payments are based upon the approved percentage of work completed and are made pursuant to certified invoices received.
- 4. **INVOICES:** The CONSULTANT will submit monthly payment requests promptly and no later than 45 calendar days after each monthly billing cycle. Invoices are to reflect charges as they apply to the appropriate contract, project, and account number, and must be certified and executed by an official legally authorized to bind the firm. The invoice must be substantiated with appropriate supporting

documentation such as time sheets, labor reports, or cost accounting system print-out of employee time, receipts for direct expenses, and subconsultant invoices and supporting documentation that is reviewed and approved by the DEPARTMENT'S Project Manager and subject to final approval by the DEPARTMENT'S Comptroller's Office.

Payment requests for services performed on or before the last day of the Utah fiscal year (June 30), must be submitted no later than 30 calendar days after the billing cycle, see Utah Code Ann. § 63J-1-601.

The CONSULTANT acknowledges untimely billing may adversely affect the LOCAL AUTHORITY and DEPARTMENT due to federal funding requirements in 49 CFR § 18.23, and/or the state fiscal constraints imposed upon it as a department of state government by Title 63J, Chapter 1, Budgetary Procedures Act. The CONSULTANT waives payment, and waives the right to bring action in law or in equity to recover payment for services, for any and all payment requests the DEPARTMENT does not receive from the CONSULTANT within the timeframe provided under this contract. *(Provision revised June 27, 2012.)*

5. **FINAL PAYMENT:** Final invoice payment will be released only after all materials and services associated with this contract have been reviewed and approved by the DEPARTMENT'S Project Manager and finalized by the DEPARTMENT'S Comptroller's Office. The final invoice payment will not be released until a project evaluation form has been completed by the LOCAL AUTHORITY and the DEPARTMENT'S Project Manager and submitted to Consultant Services and the Comptroller's Office.

The DEPARTMENT'S Project Managers and the Comptroller's Office have the right to hold the final payment on certain projects when design and construction are performed by two separate Consultants or if there is a potential possibility of a design or construction error. The DEPARTMENT Comptroller's Office also has the right to hold the final invoice payment until the final audit is complete upon the request of the DEPARTMENT Project Manager.

6. **FINANCIAL SUMMARY:** The total maximum amount of disbursement pertinent to this contract shall not exceed \$69,669.04. Contract overruns will not be paid.

7. **COST PROPOSAL:** The overhead rate shown in the CONSULTANT'S and/or sub-consultant's cost proposal has been determined and agreed upon by the parties and is included in this contract. The CONSULTANT will invoice the DEPARTMENT using the actual Wage Rates, FIXED Overhead, prorated Fixed Fee, and any additional Direct Costs. Invoices submitted to the DEPARTMENT must reflect the staffing plan and associated hourly wage rates, labor hours used, and other costs submitted in the CONSULTANT cost proposal.

The Cost Proposal for the CONSULTANT and/or sub-consultant, if applicable, may be found in Attachment D, pages 3 through 5.

UDOT Cost Proposal

Contract Number:	NEW	Mod:	
Project Number:	F-0106(11)3	PIN:	7194
UDOT Project Manager:		Brett Slater	
Project Location:	SR-106: MAIN STREET & PARRISH LANE		

Labor Costs				
Employee Name	Contract Job Title	Hours	Proposal Rate	Labor Cost
KUNZLER, H.G.	PRINCIPAL IN CHARGE	4	\$66.35	\$265.40
LOAIZA, SANTIAGO	PROJECT MANAGER	102	\$42.97	\$4,382.94
MILLER, JANA	CONTRACT SUPPORT SPECIALIST	6	\$25.97	\$155.82
PRICE, CHRIS	DRAINAGE ENGINEER	64	\$36.15	\$2,313.60
SOMMERS, CARLYE	PUBLIC INVOLVEMENT COORDINATOR	30	\$28.58	\$857.40
VENARD, LEWIS	SENIOR PROJECT ENGINEER	31	\$41.93	\$1,299.83
WILLIAMS, NICOLE	CIVIL ENGINEER	129	\$33.54	\$4,326.66
Total Hours:		366		
Total Direct Labor:				\$13,601.65
Overhead:			175.78%	\$23,908.98
Total Direct Labor plus Overhead:				\$37,510.63
Fixed Fee:			10.00%	\$3,751.06
Burdened Labor Cost:				\$41,261.69

Other Direct Charges				
ODC Item	Unit of Measure	Qty	Item Cost	Extended Cost
CL - E S I ENGINEERING, INC.	EACH	1.0	\$21,493.550	\$21,493.55
CL - T B E GROUP, INC. DBA Cardno TBE	EACH	1.0	\$6,280.800	\$6,280.80
MILEAGE 4-17-12	MILE	600.0	\$.555	\$333.00
11 X 17 BW COPIES	EACH	1,500.0	\$.100	\$150.00
11 X 17 COLOR COPIES	EACH	100.0	\$.500	\$50.00
8.5 X 11 BW COPIES	EACH	1,500.0	\$.050	\$75.00
8.5 X 11 COLOR COPIES	EACH	100.0	\$.250	\$25.00
Total Other Direct Charges:				\$28,407.35
Total Contract Cost:				\$69,669.04

UDOT Hours Derivation

Contract Number:	NEW	Mod:	
Project Number:	F-0106(11)3	PIN:	7194
UDOT Project Manager:	Brett Slater		
Project Location:	SR-106: MAIN STREET & PARRISH LANE		

Employee Name	3U1	3U3	4P1	4Q1	4R1	4U2	4Y1	4V1	5V1	5Y1	5Z1	5Z2				Total
KUNZLER, H.G.	0	0	0	0	0	0	2	0	0	0	0	2				4
LOAIZA, SANTIAGO	12	2	4	4	24	4	18	5	7	3	13	6				102
VENARD, LEWIS	0	0	0	0	24	0	3	0	0	4	0	0				31
PRICE, CHRIS	5	0	0	50	0	0	0	5	0	4	0	0				64
WILLIAMS, NICOLE	8	4	4	6	38	2	27	5	7	9	9	10				129
SOMMERS, CARLYE	0	0	30	0	0	0	0	0	0	0	0	0				30
MILLER, JANA	0	0	0	0	0	0	0	0	0	0	6	0				6

UDOT Hours Derivation

Contract Number:	NEW	Mod:	
Project Number:	F-0106(11)3	PIN:	7194
UDOT Project Manager:	Brett Slater		
Project Location:	SR-106: MAIN STREET & PARRISH LANE		

	3U1	3U3	4P1	4Q1	4R1	4U2	4Y1	4V1	5V1	5Y1	5Z1	5Z2				Total
Firm Activity Totals:	25	6	38	60	86	6	50	15	14	20	28	18				366
	3U1	3U3	4P1	4Q1	4R1	4U2	4Y1	4V1	5V1	5Y1	5Z1	5Z2				Total
Transaction Activity Totals:	25	6	38	60	86	6	50	15	14	20	28	18				366

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 7.

Short Title: Amendments to Title 8 of the Centerville Municipal Code regarding Public Property

Initiated By: City Attorney

Scheduled Time: 7:50

SUBJECT

Consider Ordinance No. 2013-14 adopting amendments to Title 8 of the Centerville Municipal Code regarding Public Property

RECOMMENDATION

Approve Ordinance No. 2013-14 adopting amendments to Title 8 of the Centerville Municipal Code regarding Public Property, including Chapters related to General Provisions, Parks and Playgrounds, and Cemetery Regulations.

BACKGROUND

As part of the City's comprehensive code recodification project and as a follow up to recently adopted park reservation policies, Staff has reviewed and analyzed the provisions of the existing Title 8 of the Centerville Municipal Code regarding public property, parks and cemetery regulations. Based on such research and statutory updates, Staff has prepared suggested revisions to Title 8 and recommends adoption of the same. The proposed revisions are a complete update of the current provisions and therefore a redline version is not provided. The provisions of the existing Title 8 are attached for your reference.

ATTACHMENTS:

Description

- ☐ Title 8 - Enabling Ordinance
- ☐ Title 8 - Public Property (New)
- ☐ Title 8 - Public Property (Existing)

ORDINANCE NO. 2013-14

**AN ORDINANCE AMENDING AND RECODIFYING TITLE 8 OF THE
CENTERVILLE MUNICIPAL CODE REGARDING PUBLIC PROPERTY,
INCLUDING CHAPTERS RELATED TO GENERAL PROVISIONS,
PARKS AND PLAYGROUNDS, AND CEMETERY REGULATIONS**

WHEREAS, Staff has evaluated, reviewed and prepared suggested revisions and updates to Title 8 of the Centerville Municipal Code regarding Public Property and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 8 of the Centerville Municipal Code and desires to adopt the recommended revisions and updates as more particularly set forth herein to comply with the requirements of State law and to provide more updated and consistent ordinances; and

WHEREAS, the City Council finds that the proposed revisions and updates to Title 8 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

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

Section 1. **Amendment and Recodification.** Title 8 of the Centerville City Municipal Code regarding Public Property is hereby amended and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. **Repealer.** Existing provisions of Title 8 of the Centerville City Municipal Code, including Chapter 8-100 regarding Regulation and Control, Chapter 8-200 regarding Cemeteries, and Chapter 8-300 regarding Parks and Playgrounds, are hereby repealed and replaced with the amended and recodified Title 8 as adopted herein.

Section 3. **Repealer.** The amendment and recodification of Title 8 shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 4. **Severability Clause.** 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 provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 5. Effective Date. This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS ____ DAY OF SEPTEMBER, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha Morrow, City Recorder

Voting by the City Council:

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

EXHIBIT "A"

TITLE 8 PUBLIC PROPERTY

TITLE 8

PUBLIC PROPERTY

CHAPTER 8-01.	GENERAL PROVISIONS
CHAPTER 8-02.	PARKS AND PLAYGROUNDS
CHAPTER 8-03.	CEMETERY REGULATIONS

CHAPTER 8-01. GENERAL PROVISIONS

8-01-010.	Legislative Authority.
8-01-020.	Acquisition of Real Property.
8-01-030.	Disposal of Real Property.
8-01-040.	Unlawful Use.
8-01-050.	Repair or Restoration.
8-01-060.	Authorized Use of Public Property.
8-01-070.	Violations and Penalties.

8-01-010. Legislative Authority.

Pursuant to the provisions of *Utah Code Ann.* § 10-8-1, as amended, the City is authorized and has power to control the finances and property of the City. In accordance with applicable statutory restrictions as set forth in *Utah Code Ann.* § 10-8-2, as amended, the City is authorized to purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the City, and to improve, protect, and do any other thing in relation to such property that an individual could do. Pursuant to the provisions of *Utah Code Ann.* § 10-8-5, as amended, the City is further authorized to erect buildings necessary for the use of the City and to provide for the care of such buildings.

8-01-020. Acquisition of Real Property.

The City is authorized to acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the City. Acquisition of property by eminent domain shall be for a necessary public purpose subject to the restrictions and procedures imposed by Title 78B, Chapter 6, of the Utah Code, as amended, regarding eminent domain proceedings, and applicable provisions of *Utah Code Ann.* § 10-8-2, as amended.

8-01-030. Disposal of Real Property.

Before the City may dispose of a significant parcel of real property, the City shall comply with the disposal of real property procedures and policies as set forth in Title 3, Chapter 6, of the Centerville Municipal Code, and applicable provisions of *Utah Code Ann.* § 10-8-2, as amended.

8-01-040. Unlawful Use.

Unless authorized by permit or other written authorization issued by the City or unless authority is granted by provisions of this Code or other ordinance of the City now or hereafter enacted, it shall be a class B misdemeanor for any person to: (1) construct, lay, excavate, erect, operate or maintain any improvement, equipment or facility over, under, across, in or through any property owned or controlled by the City; (2) enter upon any property of the City contrary to posting or marking, restricting or prohibiting use of the area; or (3) intentionally use or perform acts upon property of the City which materially impairs, alters, or damages the property.

8-01-050. Repair or Restoration.

In addition to any other penalty which may be imposed, the City may order any person who has damaged, altered or changed any property of the City to repair or restore the property to its original condition prior to the damage, alteration or change.

8-01-060. Authorized Use of Public Property.

The City may grant any person or entity a franchise, license, easement or permit, on such terms and conditions as deemed appropriate and necessary by the City, for the purpose of entering upon, constructing, building, using or maintaining facilities, equipment or improvements upon public property owned by the City. Any such franchise, license, easement or permit shall be in writing and issued or approved in accordance with applicable ordinances, rules and regulations.

8-01-070. Violations and Penalties.

Any violation of this Title shall be deemed a class "B" misdemeanor, subject to penalty and fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended. Violations may also be subject to civil penalties in accordance with applicable provisions of Title 1, Chapter 6 of the Centerville Municipal Code regarding civil enforcement procedures.

CHAPTER 8-02. PARKS AND PLAYGROUNDS

- 8-02-010. Legislative Authority.**
- 8-02-020. Parks Defined.**
- 8-02-030. Administration.**
- 8-02-040. Regulations and Fees.**
- 8-02-050. Park Hours.**
- 8-02-060. Park Reservations.**
- 8-02-070. Motor Vehicles.**
- 8-02-080. Parking Restrictions.**
- 8-02-090. Bicycles and Skateboards.**
- 8-02-100. Animals.**
- 8-02-110. Fires and Fireworks.**
- 8-02-120. Defacing or Destruction of Property.**
- 8-02-130. Littering.**
- 8-02-140. Restroom Facilities.**
- 8-02-150. Prohibited Activities.**
- 8-02-160. Prohibited Conduct.**
- 8-02-170. Commercial Sales Prohibited.**
- 8-02-180. Eviction.**
- 8-02-190. Penalty.**

8-02-010. Legislative Authority.

Pursuant to the provisions of *Utah Code Ann.* §§ 10-8-8 and 10-8-9, as amended, the City is authorized and has the power to layout, establish, maintain and improve parks, public grounds, playgrounds, recreation places, and swimming pools within the City for the benefit of its citizens. The City is further authorized pursuant to *Utah Code Ann.* § 10-8-11, as amended, to regulate the use of parks and public grounds, prevent and remove obstructions and encroachments thereon, and provide for the maintenance of the same. The City is further authorized to regulate the use, maintenance, naming and other aspects of parks and recreation within its jurisdiction in accordance with applicable provisions of State law, including, but not limited to *Utah Code Ann.* § 11-2-1, *et seq.*, as amended, regarding playgrounds and recreational facilities.

8-02-020. Parks Defined.

For purposes of this Chapter, a City park shall be defined as real property owned, leased, or controlled by the City and operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, and which is usually or may be planted with trees, lawns, and other landscaping and which may include within its boundaries facilities for sport, entertainment, recreation, picnicking, swimming or is planned for such future use. As used herein, City park shall refer to and include any City park, playground, trail, open space, ball fields, and similar public facilities.

8-02-030. Administration.

Except as otherwise provided herein regarding criminal matters, the provisions of this Chapter shall be administered, interpreted and enforced by the Parks and Recreation Director. Criminal violations shall be enforced by the Police Department.

8-02-040. Regulations and Fees.

The City may promulgate rules and regulations relating to City parks and may amend such rules and regulations from time to time. Fees for use of park facilities shall be adopted by the City and set forth in the City Fee Schedule.

8-02-050. Park Hours.

Unless otherwise provided by ordinance or resolution of the City Council, City parks may be used between the hours of 7:00 a.m. and 10:00 p.m. City parks shall not be used or occupied between the hours of 10:00 p.m. and 7:00 a.m., except by special permission of the City.

8-02-060. Park Reservations.

Certain facilities and areas within the City parks, as designated by the City, may be reserved by persons over the age of eighteen (18) by filling out and submitting a Park Pavilion Reservation Form in accordance with applicable Park Pavilion Reservation Policies, as adopted by the City. Applicable park reservation fees as set forth in the City Fee Schedule shall be paid at the time of reservation. Additional fees and deposit may be required for certain reservations as more particularly set forth in the Fee Schedule and applicable provisions of the Park Reservation Policies due to the nature of the event, the number of participants expected to attend, the duration of the event, etc. All reservations and use of park facilities shall be subject to and comply with applicable park policies, ordinances and regulations as adopted by the City.

8-02-070. Motor Vehicles.

(a) **Motor Vehicles Specified.** For purposes of this Section, motor vehicles include, but are not limited to, automobiles, trucks, off-road vehicles, ATVs, motorcycles, motor bikes, snowmobiles, and any and all other self-propelled mechanical vehicles.

(b) **Locations.** No motor vehicles may be driven at any place within a City park, other than in those areas specifically designated and posted as allowing such vehicles. This shall not apply, however, to motorized or self-propelled equipment or emergency vehicles used within the park by officers or employees of the City in the performance of their official duties.

(c) **Snowmobiles and Off-Highway Vehicles.** It shall be unlawful to operate or drive any snowmobile or other off-highway vehicle within any City park or recreation area at any time.

(d) **Speed.** It shall be unlawful to operate or drive any motor vehicle within any City park or recreation area at a speed in excess of that speed posted on the particular road, trail or pathway within the park.

(e) **Manner of Operation.** No motor vehicles, even though operated within the speed permitted on the places provided for such vehicles, shall be operated in a careless or reckless manner to such an extent that it will endanger the peace, health and safety of any other person within the City park area.

8-02-080. Parking Restrictions.

The City's Chief of Police and authorized designees are hereby authorized to restrict parking within City parks when the same is necessary to provide adequate access, unrestricted ingress and egress, and to assure that available parking within the park is preserved for persons using the park at any given time. Areas designated for no parking, handicapped parking, limited parking or limited time parking shall be designated by signs approved by the Chief of Police which shall give notice of the restrictions required. It shall be unlawful for any motor vehicle to be left unattended or parked within any area of a City park parking lot which does not comply with restrictions or requirements posted by the City. Any such vehicle is hereby declared to be a nuisance and may be removed at the direction of any police officer of the City. It shall be unlawful to park a motor vehicle in a parking place for a period of time longer than the permitted parking time. More than one citation or notice of infraction may be issued during a period of continuous violation.

8-02-090. Bicycles and Skateboards.

Except as otherwise posted, self-propelled vehicles such as bicycles, skateboards, roller skates, roller blades, scooters and similar types of vehicles may be used within City parks. No self-propelled vehicles shall be operated in a careless or reckless manner to such an extent that it will endanger the peace, health and safety of any other person within the City park area or in any way that will damage the facilities, plants or property within the park. When not in use, bicycles should be placed in bike racks or other designated parking areas within the parks.

8-02-100. Animals.

(a) **Certain Animals Prohibited.** Except as otherwise specifically provided herein, no person shall at any time within a City park bring or let loose any horse, mule, goat, sheep, swine, or any animal of a species which is ordinarily not domesticated.

(b) **Domestic Pet Control.** The owner or person in charge, care or custody of any domesticated animal within a City park shall immediately clean up and remove any feces deposited by such animal in any park area. The owner or person in charge, care or custody of any domesticated animal within a City park shall keep such animal on a leash during the time such animal is within the park. Unattended or unlicensed domestic animals found within any City park are subject to pickup by the animal control officer.

(c) **Tethering Animals.** No person shall hitch or fasten any animal to any tree or any other structure on park property.

8-02-110. Fires and Fireworks.

No person shall make or kindle a fire within a City park for any purpose unless such person shall do the same in designated areas and at designated times where a fireplace, grill, or other facility intended to contain a fire is available. No person shall discharge any fireworks within a City park, except as authorized by permit issued by the City in accordance with applicable provisions of Title 7, Chapter 7.

8-02-120. Defacing or Destruction of Property.

Except as permitted by the City, no person shall remove, injure, deface, destroy or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, sign, fence, bench, or other structure, apparatus or property within a City park; or cut, take or remove any plant, or mark or write upon any building, sign, fence, bench, equipment or other structure within a City park; or commit any other act of vandalism to public property.

8-02-130. Littering.

No dumping or littering shall be allowed on any City park premises. Unless otherwise specifically designated for recycling or green waste collection, no garbage generated outside of the park premises shall be transported to or dumped within the park or within any garbage receptacles belonging to the City and located within the park. Any garbage generated through use of the park premises shall be deposited within designated garbage, recycling or green waste receptacles.

8-02-140. Restroom Facilities.

No male person over six (6) years of age and no female person over six (6) years of age shall enter or use any restroom designated and marked for use by members of the opposite sex in a City park or playground, except that City personnel may, for maintenance purposes, enter any restroom upon posting. Exceptions may be made as a reasonable accommodation for physically or mentally disabled persons who necessarily need to be accompanied by an adult or guardian.

8-02-150. Prohibited Activities.

It shall be unlawful to conduct or participate in any of the following activities within a City park:

- (a) To play or practice golf, except as part of classes or programs approved by the City.
- (b) To ice skate or ski, except in specific areas as designated by the City.
- (c) To hunt or fish.
- (d) To consume, sell or have in their possession any alcoholic beverage.
- (e) To smoke.
- (f) To camp or lodge.

8-02-160. Prohibited Conduct.

No person shall engage in fighting or indulge in riotous, boisterous, intoxicated, threatening, promiscuous or indecent conduct or use any abusive, threatening, profane or indecent language in a City park. No person shall engage in any activities or conduct prohibited by law.

8-02-170. Commercial Sales Prohibited.

No commercial use or sales are permitted within City parks unless conducted in connection with a City-sponsored event or otherwise approved by the Parks and Recreation Director in limited circumstances as part of a park reservation. Limited sales may be approved for sales to invitees of the event or park reservation. Commercial use or sales of any kind during an event will require submission of a completed Park Pavilion Reservation Form and may be subject to additional restrictions and fees as set forth in the Park Pavilion Reservation Policies, as adopted by the City. No admission or other fees may be charged for events except in connection with a field-use agreement for ball fields.

8-02-180. Eviction.

Any person violating any of the instructions, signs or rules established by the City may be evicted from the park by any police officer of the City.

8-02-190. Penalty.

Unless otherwise specifically provided, any person violating any of the restrictions, rules or prohibitions as set forth herein shall be guilty of a class "B" misdemeanor, subject to penalty and fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended.

CHAPTER 8-03. CEMETERY REGULATIONS.

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8-03-270.	Obstructions.
8-03-280.	Perpetual Care.
8-03-290.	Perpetual Care Fund.
8-03-300.	Reversion of Burial Spaces.
8-03-310.	Additional Rules and Regulations.
8-03-320.	Penalty.

8-03-010. Purpose.

It is the purpose of this Chapter to provide for the efficient operation, maintenance and appearance of the Centerville City Cemetery and to set forth applicable procedures and fees for the sale of burial rights and burials within the City Cemetery.

8-03-020. Legislative Authority.

The City is authorized and has the power to layout, establish, maintain and regulate cemetery grounds pursuant to applicable provision of *Utah Code Ann.* §§ 10-8-62 and 10-8-63, as amended. The City is further authorized to regulate burial rights within the City Cemetery pursuant to applicable provisions of Title 8 of the Utah Code Annotated, as amended.

8-03-030. Designation.

The City Cemetery is located at approximately 400 South and 600 East within Centerville City, and is hereby known and designated as the Centerville City Cemetery (hereinafter referred to as "City Cemetery"). All burial grounds and cemeteries owned and/or maintained by the City, now or in the future, wherever situated, are hereby declared subject to the provisions of this Chapter.

8-03-040. Definitions.

The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

- (a) Block. The term "block" means six (6) burial lots and shall be used as a means of geographical reference within the City Cemetery.
- (b) Burial Space. The term "burial space" means an area within a burial lot for which one Right of Burial may be sold.
- (c) Burial Lot. The term "burial lot" means a group of burial spaces and shall be used as a means of geographical reference within the City Cemetery.
- (d) Grave. The term "grave" means a burial space following the interment of a deceased person.
- (e) Marker. The term "marker" means a headstone flush with the surface of the ground.
- (f) Monument. The term "monument" means a headstone which shall extend above the surface of the ground.
- (g) Monument Marker Installation Permit. The term "Monument Marker Installation Permit" means a permit issued by the City prior to the installation of any monument or marker in the City Cemetery.
- (h) Perpetual Care. The term "perpetual care" refers to the maintenance care that the City agrees to provide within the City Cemetery on a continual basis.
- (i) Plat. The term "plat" means a geographical area within the City Cemetery, designated by a letter in the alphabet (namely A, B, C, D, and E).
- (j) Right of Burial. The term "Right of Burial" means the purchased right one has to be buried in the City Cemetery.

8-03-050. Administration.

Except as otherwise provided herein regarding criminal matters, the provisions of this Chapter shall be administered, interpreted and enforced by the Parks and Recreation Director. Criminal violations shall be enforced by the Police Department.

8-03-060. Regulation of Burials.

The City shall regulate the sale of burial rights and all manner of burials, interments, disinterments and other matters regarding the use of and conduct within the City Cemetery in accordance with the provisions of this Chapter and any policies adopted pursuant hereto. It shall be unlawful for any person to be buried in the City Cemetery without compliance with the procedures and provisions set forth herein or adopted pursuant hereto.

8-03-070. Registration of Burials.

Before any deceased person may be buried in the City Cemetery, the relatives, or person having charge of the deceased, shall provide the City with information about the deceased, as deemed necessary by the City, and in accordance with State law.

8-03-080. Fees.

The City Treasurer or such other person as the City may designate, is hereby authorized and required to collect, in advance, fees for the opening and closing of burial spaces, monument installation, or other services and the sale of burial rights within the City Cemetery. The City Council shall adopt

applicable fees for cemetery services and burial rights to be set forth in the City Fee Schedule, and may review and amend such fees from time to time as deemed necessary and appropriate.

8-03-090. Right of Burial.

(a) It shall be unlawful for any person to bury the remains of a deceased person in the City Cemetery without first purchasing a Right of Burial certificate from the City. The Right of Burial is not the purchase of a property interest within the City Cemetery, but merely a right to bury someone therein.

(b) The City Treasurer, or designee, may sell a Right of Burial in the City Cemetery for burial purposes only and collect all sums arising from the sales. The City is hereby empowered to regulate, by resolution, the selling price, size, and use of burial spaces.

(c) The City Treasurer, or designee, shall deliver to each purchaser a Right of Burial certificate for each burial space, showing the description thereof, and stating the price paid therefor. The City shall keep duplicates of all certificates issued as part of the City records.

(d) A Right of Burial certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price including the perpetual care fee. Payments made pursuant to this section shall not be construed to be payment for cemetery services other than perpetual care or prepaid maintenance.

(e) No other improvements, changes, or services, except perpetual care shall be made on any burial space without the certificate holder or heirs first submitting to, and receiving from the Parks and Recreation Director, written approval for such improvements, changes, or services, which improvements, changes, or services shall be subject to the rules and regulations promulgated by the City Council.

(f) No burial right for any specifically designated burial space may be purchased that would leave a single burial space left for purchase.

(g) Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, only one deceased person may be buried in a burial space. Two deceased persons may be buried in an approved double depth vault burial space in accordance with the provision of Section 8-03-130. An infant or the ashes of a deceased person may be placed in a burial space with another deceased person upon written approval of the Parks and Recreation Director; provided, there is sufficient room in the burial space for such remains. Approved double depth vault burial spaces and burial spaces approved for the burial of infant or ashes as provided herein, shall be subject to the marker and monument restrictions set forth in Section 8-03-240 and Section 8-03-250. Only one burial right or burial space fee is required to be paid for double depth burial spaces and infant or ashes buried in a burial space as more particularly set forth in the City Fee Schedule regarding burial right; but, each body or ashes buried therein shall be required to pay the applicable interment and perpetual care fees as more particularly set forth in the City Fee Schedule.

(h) Subject to the provisions of this Chapter, residents of the City may purchase a Right of Burial in the City Cemetery at any time; provided that a maximum of four (4) Rights of Burial may be purchased by the occupants of any one household unless there is immediate need for the use of more. Non-residents shall be permitted to purchase a Right of Burial in the City Cemetery on an immediate need basis only; provided that at the time of need, two (2) Rights of Burial may be purchased. For purposes of this Section, "resident" and "non-resident" shall have the meaning set forth in the City Fee Schedule regarding Cemetery and Park Fees.

8-03-100. Restrictions on Resale.

(a) The Right of Burial sold by the City shall not be further sold to any person except the City. Additionally, the Right of Burial shall not be pledged as security for any debt or transaction, shall not be lienable, and shall not be deemed subject to seizure for payment of any tax, debt or obligation except as specifically set forth herein. The City hereby agrees to buy back any Right of Burial which it may hereafter sell. The repurchase of such right shall be for the original price paid by the purchaser, or the current selling price, whichever is less.

(b) Whenever a Right of Burial certificate reverts to the City, as provided for by State law, or becomes vested in the City for any reason, before a new certificate shall be issued, the original certificate shall be canceled or reassigned, and the record shall be so changed.

8-03-110. Sale Subject To Rules.

Every Right of Burial sold is subject to rules and regulations that have been or may be adopted by the City. The rules and regulations shall be subject to such changes as are found necessary for the protection of the Right of Burial certificate holders, the remains of the dead, the preservation of the City Cemetery, or for any other reason deemed to be in the best interest of the City.

8-03-120. Opening Burial Space.

(a) The presentation of a Right of Burial certificate from the City Treasurer, or person designated by the City, to the Parks and Recreation Director, shall be required prior to the opening of a burial space for the burial of a deceased person. However, upon a contract being entered into between any mortician and the City, wherein the mortician agrees to be responsible and liable for fees for the opening of a burial space, and wherein that mortician will be liable for such fees and for perpetual care payments, the City Treasurer, or authorized person, may give the Parks and Recreation Director authority to open burial spaces without the presentation of a Right of Burial certificate.

(b) No burial space shall be opened in the City Cemetery until payment of the interment fee as well as the appropriate perpetual care fees, if not already paid, as more particularly set forth in the City Fee Schedule.

8-03-130. Vaults Required.

(a) Unless waived by the Parks and Recreation Director, in writing, it shall be unlawful for any person to be buried in the City Cemetery unless the casket shall be placed in a vault made of concrete or fiberglass, or of such other material as approved by the City, substantially constructed and covered with a similar durable material that will prevent the collapse of the grave site over time.

(b) No wood shall be used as a permanent part of the construction of any part of the vault.

(c) Double depth vaults shall be permitted in Plat E of the City Cemetery in specific areas and burial spaces designated and approved by the Parks and Recreation Director.

8-03-140. Errors.

Under no circumstances will the City assume responsibilities for errors in opening graves due to inaccurate information provided by historical records, the owner of burial rights, or his or her representative.

8-03-150. Violations.

It is a class "B" misdemeanor for any person to:

(a) Disinter a body buried in the City Cemetery, except under the direction of the Parks and Recreation Director and in accordance with State law.

(b) Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

(c) Inter anything other than human remains and related personal affects as may be contained in the casket.

(d) Bury the body of any person within the City except in the City Cemetery or a private cemetery, unless by special permission of the City under such rules and regulations that may be prescribed by State law.

(e) Attempt to bury any human remains without complying fully with the requirements of this Chapter.

(f) Engage in any obscene or lewd (as defined by Utah criminal statutes) acts in the City Cemetery.

(g) Consume alcoholic beverages and/or possess illegal drugs in the City Cemetery.

8-03-160. Cemetery Hours.

The City Cemetery shall be open to the public daily from sunrise until 10:00 p.m.

8-03-170. Traffic Regulations.

(a) The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the City Cemetery, except as herein modified by this Chapter.

(b) It shall be unlawful for any person to drive within the City Cemetery at a speed greater than 10 miles per hour.

(c) It shall be unlawful to drive or park any vehicle over or across any lawn area or burial space within the confines of the City Cemetery, with exception of vehicles and equipment that have been approved by the Parks and Recreation Director, or designee.

8-03-180. Animals.

Animals shall not be allowed in the City Cemetery, except animals considered "working animals" accompanying and aiding an individual with a disability.

8-03-190. Injury to Property.

It shall be unlawful for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the City Cemetery unless such an act is within the legal duties of fulfilling one's job and such duties are permitted or have been requested by the City.

8-03-200. Prohibited Conduct.

Cemetery ground is devoted to the interment and repose of the dead. All persons within the City Cemetery should avoid conduct unbecoming a sacred place. The following conduct is prohibited within the City Cemetery.

(a) No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the boundaries of the City Cemetery.

(b) No alcoholic beverages of any kind shall be consumed within the boundaries of the City Cemetery.

(c) No illegal drugs shall be allowed within the boundaries of the City Cemetery.

8-03-210. Monuments, Markers and Grave Decorations.

It shall be unlawful for any person to erect, place, or cause to be placed, any marker or monument on any burial space or grave in the City Cemetery in violation of the rules and regulations adopted by the City regarding the placement, construction, and design of all such markers. Right of Burial certificate owners are to make arrangements for the removal of currently existing double headstones from the burial space, prior to interment. The City shall not be responsible for damage to any marker or monument it is required to move.

8-03-220. Monument or Marker Installation Permit.

It shall be unlawful for any monument company, or responsible party, to install any marker or monument in the City Cemetery without first obtaining a Monument or Marker Installation Permit from the City.

8-03-230. Monument or Marker Installation.

Installation of all markers or monuments will be under the supervision of the Parks and Recreation Director or his or her designee. An installation appointment must be made with the City, by the monument company, or responsible party, at least twenty-four hours prior to installation. All monuments or markers shall be installed in accordance with the regulations set forth in this Chapter and all terms and conditions of the Monument or Marker Installation Permit.

8-03-240. Marker Regulations.

Markers shall be allowed on burial spaces in any plat of the City Cemetery, including Plats "A", "B", "C", "D", and "E". Markers shall comply with and be subject to the following conditions and restrictions:

- (a) Markers shall be level with the lawn or ground surrounding said marker.
- (b) Markers shall be provided with a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the marker for a minimum distance of six inches (6").
- (c) The maximum width of a marker on a single burial space in Plat "A" or "B" shall not exceed twenty-four inches (24"), and on a double burial space in Plat "A" or "B" shall not exceed sixty inches (60"), both maximum widths excluding the concrete or stone base surrounding the same.
- (d) The maximum width of a marker on a single burial space in Plat "C", "D", or "E" shall not exceed twenty-eight inches (28"), and on a double burial space in Plat "C", "D", or "E" shall not exceed seventy-two inches (72"), both maximum widths excluding the concrete or stone base surrounding the same.
- (e) Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, there shall only be allowed one marker per burial space or one monument per burial space (in areas of the City Cemetery where monuments are permitted).
- (f) Subject to monument and marker size and locations restrictions set forth herein and in Section 8-03-250, if the Parks and Recreation Director approves a request to bury an infant or ashes of a person in a burial space with another person buried therein, two markers may be permitted to be installed on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).
- (g) Subject to monument and marker size and locations restrictions set forth herein and in Section 8-03-250, approved double depth burial spaces may contain two markers on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).

8-03-250. Monument Regulations.

Monuments are allowed in Plats "A", "B", "C", and "E" of the City Cemetery. Due to slope and access conditions, no monuments are allowed in Plat "D" of the City Cemetery. Monuments shall comply with and be subject to the following conditions and restrictions:

- (a) Monuments shall not extend less than twelve inches (12") nor more than thirty-six inches (36") above ground level, including the stone or concrete base required herein.
- (b) The maximum width of a monument on a single burial space in Plat "A" or "B" shall not exceed twenty-four inches (24"), and on a double burial space in Plat "A" or "B" shall not exceed sixty inches (60"), both maximum widths excluding the concrete or stone base surrounding the same.

(c) The maximum width of a monument on a single burial space in Plat "C" or "E" shall not exceed twenty-eight inches (28"), and on a double burial space in Plat "C" or "E" shall not exceed seventy-two inches (72"), both maximum widths excluding the concrete or stone base surrounding the same.

(d) Monuments shall have a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the monument for a minimum distance of six inches (6") on all sides.

(e) Except as otherwise provided in Section 8-03-240 for infant or cremation burials or double depth burial spaces, there shall only be allowed one monument per burial space (in areas of the City Cemetery where monuments are permitted) or one marker per burial space.

8-03-260. Grave Decoration Regulations.

(a) All flowers and grave decorations are permitted in a vase or container placed inside the six inch cement mow strip any time. If necessary, from April 1 through November 1, the City will mow around flowers and grave decorations one time. Subsequently, at the time of the next mowing, flowers and grave decorations that have been previously mowed around will be discarded (with the exception of Memorial Day).

(b) Funeral Flowers and Grave Decorations. Funeral flowers and grave decorations will be discarded when they become unsightly.

(c) Memorial Day. The City will discard all remaining flowers and grave decorations that are not retrieved by the Monday following Memorial Day.

(d) Liability. The City claims no responsibility or liability, nor will accept any claims against it for loss or destruction of personal property left in the City Cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control.

8-03-270. Obstructions.

Except as authorized by license or permit issued by the City, it shall be unlawful for any person to erect or maintain any fence, post, or boundary of any kind, to plant any vegetation, or to grade the ground or land within the City Cemetery. Any such obstructions found in the City Cemetery shall be removed under the direction of the Parks and Recreation Director.

8-03-280. Perpetual Care.

The perpetual care that the City agrees to provide for the City Cemetery shall consist of care of the cemetery generally, and shall include, at a minimum, filling the grave, seeding the grave with grass, and watering and cutting the grass within the budget limits of the cemetery. It shall not include repairing or replacing markers or monuments of any nature, except when the need for repair or replacement is directly caused by the City.

8-03-290. Perpetual Care Fund.

There is hereby established a Perpetual Care Fund for the purpose of providing perpetual care funding for the maintenance, care and operation of the City Cemetery. The creation, funding and maintenance of such Perpetual Care shall comply with applicable provisions of the laws of the State of Utah, including, but not limited to, the Uniform Fiscal Procedures Act for Utah Cities, as set forth in Title 10, Chapter 6 of the Utah Code Annotated, as amended, and the State Money Management Act, as set forth in Title 51, Chapter 7 of the same. The City shall establish, by resolution, a perpetual care fee to be assessed and deposited in the Perpetual Care Fund for each burial space and/or interment. All perpetual care fees collected by the City shall be deposited in the Perpetual Care Fund and invested according to applicable State law. No grave shall be opened and no body interred in any burial space in the City Cemetery until the perpetual care fee for the burial space has been paid to the City as provided herein. The City shall periodically review the condition of the Perpetual Care Fund.

8-03-300. Reversion of Burial Spaces.

It is the policy of the City to comply with the provisions of Title 8, Chapter 5, of the Utah Code Annotated, as amended, regarding the reversion of unused burial spaces. What is herein defined as a burial space is referred to in the Utah Code as burial lot.

8-03-310. Additional Rules and Regulations.

The City Council may adopt, by resolution, such additional rules and regulations concerning the care, use, operation, and maintenance of the City Cemetery as it shall deem necessary. Any change in the rules and regulations shall be adopted by the City Council before such changes shall be official.

8-03-320. Penalty.

Unless otherwise specifically provided, any person violating any of the restrictions, rules or prohibitions as set forth herein shall be guilty of a class "B" misdemeanor, subject to penalty and fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended.

TITLE 8-000. MUNICIPAL PROPERTY.

CHAPTER 8-100. REGULATION AND CONTROL.

8-101. CONTROL OF PROPERTY. Cities see U.C.A. §§ 10-8-1 and 10-8-2.

8-102. ACQUISITION AND DISPOSAL. Cities see U.C.A. § 10-8-2.

8-103. ERECTION AND CARE OF BUILDINGS. Cities see U.C.A. § 10-8-5.

8-104. PARKS AND RECREATION.

8-104-1. FOUNDERS PARK. That the following described premises, unofficially referred to as "Smith Park," are hereby officially named and designated as Founders Park:

Beginning at a point 9.75 rods South of the Northwest Corner of Lot 7, Block D, Big Creek Plat, Centerville Townsite Survey, and running thence South 260.5 feet, more or less, along State Highway to a point 388 feet North of the Southwest Corner of Lot 7, Block "D", North Mill Creek Survey, Centerville Townsite; thence East 25.81 rods to the West line of a 3 rod road; thence North 260.5 feet, more or less, along said West line; thence West 25.81 rods to the point of beginning, containing 2.5 acres, more or less, all as shown on the Plat hereto attached and by reference made part of this description and Ordinance.

8-104-2. ISLAND VIEW PARK. That the following described premises, unofficially referred to as "700 East Park," are hereby officially named and designated as Island View Park:

Beginning at the Southeast Corner of Lot 9, of the Amended Plat of Circle View Heights, a recorded subdivision located in the Northwest Quarter of Section 17, Township 2 North, Range 1 East, Salt Lake Base & Meridian, and running thence South 35°55' West 458.65 feet to a Southeasterly Corner of said subdivision; thence south 89°58'04" West 135.48 feet along the South line of said subdivision to the Easterly line of 700 East; thence South 00°12'30" East 283.07 feet, more or less, along said Easterly line to the North line of Island View Subdivision Plat "D"; thence East 503.96 feet along said North line to the Northeast Corner of said Plat "D"; thence South 12°00' East 65.74 feet, more or less, to a Northerly line of Island View Plat "G"; thence along the boundary of said Plat "G" for the following four courses: North 76°00' East 89.95 feet; North 14°00' West 85.00 feet; North 9°58' East 186.04 feet; North 10°26' West 425.82 feet to the Northwest Corner of the Island View Plat "G"; thence South 76°00' West 27.26 feet; thence South 87°34'30" West 46.82 feet; thence North 71°18' West 66.2 feet to the point of beginning, containing 6.554 acres, more or less, all as shown on the plat hereto attached and by reference made part of this description and Ordinance.

8-104-3. CENTERVILLE COMMUNITY PARK. That the following described premises heretofore unofficially referred to as the "New 23-Acre Park", are hereby officially named and designated as Centerville Community Park:

Beginning at a point which is North 1,275.14 feet and West 934.80 feet and North 165.00 feet from the South Quarter corner of Section 6, Township 2 North, Range 1 East, Salt Lake Base and Meridian, in the City of Centerville, and running thence West 200.00 feet; thence South 165.00 feet to the North line of the Chase Lane PUD.; thence West 488.11 feet along the North line of said PUD; thence North 0°06'47" East 13.08 feet to a fence line; thence North 89°49'39" West 697.15 feet along said fence line to the East line of a Frontage Road, 40.0 feet East of the center line thereof; thence North 0°18' East 769.68 feet along the East line of said Frontage Road to another fence line; thence along said fence line the following four courses: North 89°57'16" East 851.74 feet and South 89°49'31" East 205.16 feet and North 89°39'49" East 302.75 feet and North 87°05' East 21.44 feet to the West line of a 4 rod Platted Street which is also North 87°05' East 4.41 feet from the Southeast corner of lot 13, Willow Farms Estates Plat "H"; thence South 622.78 feet along the west line of said street to the point of beginning.

PART 8-110. CONTROL OF MUNICIPAL PROPERTY.

8-111. UNLAWFUL USE. Unless authorized by permit or other written authorization issued by the municipality or unless authority is granted by provisions of this Code or other ordinance of the City now or hereafter enacted, it shall be a class B misdemeanor for any person to:

- A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this city or utility, canal, ditch, construction or building.
- B. Enter upon any property of this city contrary to posting or marking, restricting or prohibiting use of the area.
- C. Intentionally use or perform acts upon property of the city which materially impairs, alters, or damages the property.

8-112. REPAIR OR RESTORATION. The governing body, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change.

8-113. FRANCHISE.

- A. The governing body may grant any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of

the property of this municipality, and the provisions of Sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

- B. Any franchise or easement granted by this municipality shall be in writing and any franchise or easement not in writing shall be void.
- C. No franchise or easement granted by this municipality shall be considered exclusive.

8-114. ACTS EXEMPTED. It shall not be a violation of this part where any person uses the public property of this municipality in the manner or for the purpose or purposes for which such property has been made available for public use.

CHAPTER 8-200. CEMETERIES.

PART 8-200. GENERAL INFORMATION.

PART 8-210. SUPERVISION.

PART 8-220. REGULATION OF BURIALS.

PART 8-230. CONDUCT.

PART 8-240. MONUMENTS, MARKERS AND GRAVE DECORATIONS.

PART 8-250. PERPETUAL CARE.

PART 8-260. REVERSION OF BURIAL SPACES.

PART 8-270. ADDITIONAL RULES AND REGULATIONS.

PART 8-200. GENERAL INFORMATION.

8.201. Purpose. The purpose of this ordinance is to establish goals, policies and regulations related to the appearance, operation and maintenance, and ambiance of the Centerville City Cemetery.

A. Appearance.

1. Goal. To maintain the beauty and overall appearance of the cemetery to an acceptable standard.
2. Policies.
 - (i) Within budgetary constraints, the City will strive to keep the cemetery green (in season), well groomed, and litter free (see Part 8-250).
 - (ii) The City will regulate the size, type, and placement of monuments allowed in its cemetery (see 8-244 and 8-245).

B. Operation and Maintenance.

1. Goal. To minimize financial subsidies necessary to maintain the City cemetery to the acceptable standard.

2. Policies.

(i) The City will periodically review the condition of the Perpetual Care Fund and adjust fees as needed (see Part 8-250).

(ii) The City will establish and periodically adjust all fees needed to cover actual costs for services rendered in its cemetery (see Part 8-250 and Part 8-270).

(iii) The City will prohibit permanent grave-site obstructions that interfere with the maintenance of the cemetery (see Part 8-240).

(iv) The City will regulate the use of grave decorations and sizes of monuments allowed in its cemetery to minimize maintenance costs (see 8-244 and 8-245).

C. Ambiance.

1. Goal. To promote and maintain an ambiance of peace and reverence in the cemetery.

2. Policies.

(i) The City will regulate the conduct, traffic, etc., in its cemetery (see Part 8-230).

(ii) The City will only allow animals in its cemetery that are: a) needed to aid a disabled person or b) that are kept in the confines of a vehicle (see 8-233).

(iii) No alcoholic beverages or illegal drugs of any kind shall be consumed within the boundaries of the cemetery (see 8-231(B)).

8-202. Definitions. The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

A. Block. The term "block" shall mean six (6) burial lots and shall be used as a means of geographical reference within the cemetery.

B. Burial Space. The term "burial space" shall mean an area within a burial lot for which one Right of Burial may be sold.

C. Burial Lot. The term "burial lot" shall mean a group of burial spaces and shall be used as a means of geographical reference within the cemetery.

D. City. The term "City" shall mean Centerville City, Utah.

E. Grave. The term "grave" shall mean a burial space following the interment of a deceased person.

F. Marker. The term "marker" means a headstone flush with the surface of the ground.

G. Monument. The term "monument" shall include a headstone which shall extend above the surface of the ground.

H. Monument Marker Installation Permit. The term "Monument Marker Installation Permit" shall mean a permit issued by the City prior to the installation of any monument or marker in the cemetery.

I. Perpetual Care. The term "perpetual care" shall refer to the maintenance care that the City agrees to give on a continual basis.

J. Plat. The term "plat" shall mean a geographical area within the cemetery, designated by a letter in the alphabet (namely A, B, C, D, and E).

K. Right of Burial. The term "Right of Burial" shall mean the purchased right one has to be buried in the City cemetery.

8-204. NAME. The burial ground of this city shall be known and designated the name of Centerville City Cemetery.

8-206. CEMETERY HOURS. The Cemetery shall be open to the public daily from sunrise until 10:00 p.m.

8-208. CEMETERIES COVERED. All cemeteries owned and/or maintained by the City, now or in the future, wherever situated, are hereby declared subject to the provisions of this chapter.

8-209. FEES. The Treasurer, or such other person as the City may designate, is hereby authorized and required to collect, in advance, fees for the opening and closing of burial spaces, monument installation, or other services. The City shall, from time to time, by resolution, review the price of all fees charged for cemetery services.

PART 8-210. SUPERVISION.

8-212. PARKS AND RECREATION DIRECTOR. The Parks and Recreation Director shall be responsible for the general supervision and administration of the City cemetery.

PART 8-220. REGULATION OF BURIALS.

8-221. RIGHT OF BURIAL CERTIFICATE. It shall be unlawful for any person to bury the remains of a deceased person in the cemetery without first purchasing a Right of Burial certificate from the City.

8-222. REGISTRATION OF BURIALS. Before any deceased person may be buried in the City cemetery, the relatives, or person having charge of the deceased, shall provide the City with information about the deceased, as deemed necessary by the City, and in accordance with state law.

8-223. OPENING BURIAL SPACE.

A. No burial space shall be opened in the cemetery until payment of the Interment fee as well as the appropriate perpetual care fees, if not already paid.

B. The presentation of a Right of Burial certificate from the Treasurer, or person designated by the City, when presented to the Parks and Recreation Director, shall be authority to open a burial space for the burial of a deceased person. However, upon a contract being entered into between any mortician and the City, wherein the mortician agrees to be responsible and liable for fees for the opening of a burial space, and wherein that mortician will be liable for such fees and for perpetual care payments, the Treasurer, or authorized person, may give the Parks and Recreation Director authority to open burial spaces without the presentation of a Right of Burial certificate.

8-224. RIGHT OF BURIAL CERTIFICATE.

A. The City shall sell only a Right of Burial in the cemetery.

B. The Treasurer, or designee, may sell a Right of Burial in the Centerville City Cemetery for burial purposes only and collect all sums arising from the sales. The City is hereby empowered to regulate, by resolution, the selling price, size, and use of burial spaces. The Treasurer shall deliver to each purchaser a Right of Burial certificate for each burial space, showing the description thereof, and stating the price paid therefor. The City shall keep duplicates of all certificates issued as part of the City records.

C. A Right of Burial certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase

price including the perpetual care fee. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.

D. No other improvements, changes, or services, except perpetual care shall be made on any burial space without the certificate holder or heirs first submitting to, and receiving from the Parks and Recreation Director, written approval for such improvements, changes, or services, which improvements, changes, or services shall be subject to the rules and regulations promulgated by the City Council.

E. No burial right for any specifically designated burial space may be purchased that would leave a single burial space left for purchase.

F. Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, only one deceased person may be buried in a burial space. Two deceased persons may be buried in an approved double depth vault burial space in accordance with the provision of Section 8-227. An infant or the ashes of a deceased person may be placed in a burial space with another deceased person upon written approval of the Parks and Recreation Director; provided, there is sufficient room in the burial space for such remains. Approved double depth vault burial spaces and burial spaces approved for the burial of infant or ashes as provided herein, shall be subject to the marker and monument restrictions set forth in Section 8-244 and Section 8-245. Only one burial right or burial space fee is required to be paid for double depth burial spaces and infant or ashes buried in a burial space as more particularly set forth in the City Fee Schedule regarding burial right; but, each body or ashes buried therein shall be required to pay the applicable interment and perpetual care fees as more particularly set forth in the City Fee Schedule.

G. Subject to the provisions of this Chapter, residents of the City may purchase a Right of Burial in the cemetery at any time; provided that a maximum of four (4) Rights of Burial may be purchased by the occupants of any one household unless there is immediate need for the use of more. Non-residents shall be permitted to purchase a Right of Burial in the cemetery on an immediate need basis only; provided that at the time of need, two (2) Rights of Burial may be purchased. For purposes of this Section, "resident" and "non-resident" shall have the meaning set forth in Section VII of the City Fee Schedule regarding Cemetery and Park Fees.

8-225. RESTRICTIONS OF RESALE.

A. The Right of Burial sold by the City shall not be further sold to any person except the City. Additionally, the right of burial shall not be pledged as security

for any debt or transaction, shall not be lienable, and shall not be deemed subject to seizure for payment of any tax, debt or obligation except as specifically set forth herein. The City hereby agrees to buy back any Right of Burial which it may hereafter sell. The repurchase of such right shall be for the original price paid by the purchaser, or the current selling price, whichever is less.

B. Whenever a Right of Burial certificate reverts to the City, as provided for by state law, or becomes vested in the City for any reason, before a new certificate shall be issued, the original certificate shall be canceled or reassigned, and the record shall be so changed.

8-226. VIOLATIONS.

A. It is a class "B" misdemeanor for any person to:

1. Disinter a body buried in the City cemetery, except under the direction of the Parks and Recreation Director and in accordance with state law.

2. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

3. Inter anything other than human remains and related personal-affects as may be contained in the casket.

4. Bury the body of any person within this city except in a City cemetery or a private cemetery, unless by special permission of the City under such rules and regulations that may be prescribed.

5. Attempt to bury any human remains without complying fully with the requirements of this ordinance.

6. Engage in any obscene or lewd (as defined by Utah criminal statutes) acts in the City cemetery.

7. Consume alcoholic beverages and/or possess illegal drugs in the City cemetery.

8-227. VAULTS REQUIRED.

A. Unless waived by the Parks and Recreation Director, in writing, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete or fiberglass, or of such other material as

approved by the City, substantially constructed and covered with a similar durable material that will prevent the collapse of the grave site over time.

B. No wood shall be used as a permanent part of the construction of any part of the vault.

C. Double depth vaults shall be permitted in Plat E of the cemetery in specific areas and burial spaces designated and approved by the Parks and Recreation Director.

8-228. SALE SUBJECT TO RULES. Every Right of Burial sold is subject to rules and regulations that have been or may be adopted by the City. The rules and regulations shall be subject to such changes as are found necessary for the protection of the Right of Burial certificate holders, the remains of the dead, the preservation of the cemetery, or for any other reason deemed to be in the best interest of the city.

8-229. ERRORS. Under no circumstances will the City assume responsibilities for errors in opening graves due to inaccurate information provided by historical records; the owner of burial rights, or his or her representative.

PART 8-230. CONDUCT.

8-231. GENERAL. Cemetery ground is devoted to the interment and repose of the dead. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place.

A. No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the boundaries of the cemetery.

B. No alcoholic beverages of any kind shall be consumed within the boundaries of the cemetery.

C. No illegal drugs shall be allowed within the boundaries of the cemetery.

8-232. TRAFFIC RULES.

A. The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein modified by this ordinance.

B. It shall be unlawful for any person to drive within the cemetery at a speed greater than 10 miles per hour.

C. It shall be unlawful to drive or park any vehicle over or across any lawn area or burial space within the confines of the cemetery, with exception of,

vehicles and equipment that have been approved by the Parks and Recreation Director, or designee.

8-233. ANIMALS. Animals shall not be allowed in the cemetery, except animals considered "working animals" accompanying and aiding an individual with a disability. Other animals may remain in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

8-234. INJURY TO CEMETERY PROPERTY PROHIBITED. It shall be a class "B" misdemeanor for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery unless such an act is within the legal duties of fulfilling one's job and such duties are permitted or have been requested by the City.

PART 8-240. MONUMENTS, MARKERS AND GRAVE DECORATIONS.

8-241. COMPLIANCE. It shall be unlawful for any person to erect, place, or cause to be placed, any marker or monument on any burial space or grave in the cemetery in violation of the rules and regulations adopted by the City regarding the placement, construction, and design of all such markers. Right of Burial certificate owners are to make arrangements for the removal of currently existing double headstones from the burial space, prior to interment. The City shall not be responsible for damage to any marker or monument it is required to move.

8-242. PERMIT. It shall be unlawful for any monument company, or responsible party, to install any marker or monument in the City cemetery without first obtaining a Monument Marker Installation Permit from the City.

8-243. INSTALLATION. Installation of all markers or monuments will be under the supervision of the Parks and Recreation Director or his Assistant. An installation appointment must be made with the City, by the monument company, or responsible party, at least twenty-four hours prior to installation.

8-244. MARKERS. Markers shall be allowed on burial spaces in any plat of the Centerville City Cemetery, including Plats "A", "B", "C", "D", and "E". Markers shall comply with and be subject to the following conditions and restrictions:

- A. Markers shall be level with the lawn or ground surrounding said marker.
- B. Markers shall be provided with a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the marker for a minimum distance of six inches (6").
- C. The maximum width of a marker on a single burial space in Plat "A" or "B" shall not exceed twenty-four inches (24"), and on a double burial space in

Plat "A" or "B" shall not exceed sixty inches (60"), both maximum widths excluding the concrete or stone base surrounding the same.

D. The maximum width of a marker on a single burial space in Plat "C", "D", or "E" shall not exceed twenty-eight inches (28"), and on a double burial space in Plat "C", "D", or "E" shall not exceed seventy-two inches (72"), both maximum widths excluding the concrete or stone base surrounding the same.

E. Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, there shall only be allowed one marker per burial space or one monument per burial space (in areas of the City Cemetery where monuments are permitted).

F. Subject to monument and marker size and locations restrictions set forth herein and in Section 8-245, if the Parks and Recreation Director approves a request to bury an infant or ashes of a person in a burial space with another person buried therein, two markers may be permitted to be installed on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).

G. Subject to monument and marker size and locations restrictions set forth herein and in Section 8-245, approved double depth burial spaces may contain two markers on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).

8-245. MONUMENTS. Monuments are allowed in Plats "A", "B", "C", and "E" of the Centerville City Cemetery. Due to slope and access conditions, no monuments are allowed in Plat "D" of the Centerville City Cemetery. Monuments shall comply with and be subject to the following conditions and restrictions:

A. Monuments shall not extend less than twelve inches (12") nor more than thirty-six inches (36") above ground level, including the stone or concrete base required herein.

B. The maximum width of a monument on a single burial space in Plat "A" or "B" shall not exceed twenty-four inches (24"), and on a double burial space in Plat "A" or "B" shall not exceed sixty inches (60"), both maximum widths excluding the concrete or stone base surrounding the same.

C. The maximum width of a monument on a single burial space in Plat "C" or "E" shall not exceed twenty-eight inches (28"), and on a double burial space in Plat "C" or "E" shall not exceed seventy-two inches (72"), both maximum widths excluding the concrete or stone base surrounding the same.

D. Monuments shall have a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the monument for a minimum distance of six inches (6") on all sides.

E. Except as otherwise provided in Section 8-244 for infant or cremation burials or double depth burial spaces, there shall only be allowed one monument per burial space (in areas of the City Cemetery where monuments are permitted) or one marker per burial space.

8-246. GRAVE DECORATIONS.

A. All flowers and grave decorations are permitted in a vase or container placed inside the six inch cement mow strip any time. If necessary, from April 1 through November 1, the City will mow around flowers and grave decorations one time. Subsequently, at the time of the next mowing, flowers and grave decorations that have been previously mowed around will be discarded (with the exception of Memorial Day).

B. Funeral Flowers and Grave Decorations. Funeral flowers and grave decorations will be discarded when they become unsightly.

C. Memorial Day. The City will discard all remaining flowers and grave decorations that are not retrieved by the Monday following Memorial Day.

D. Liability. The City claims no responsibility or liability, nor will accept any claims against it for loss or destruction of personal property left in the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control.

8-247. LANDSCAPING. Except as provided by the rules and regulations of the City, it shall be unlawful for any person to erect or maintain any fence, posts of any kind, or boundary of any kind, to plant any vegetation, or to grade the ground or land thereof. Any such obstructions found in the cemetery shall be removed under the direction of the Parks and Recreation Director.

PART 8-250. PERPETUAL CARE.

8-252. CARE INCLUDED. The care that the City agrees to give shall consist of care of the cemetery generally, and shall include, at a minimum, filling the grave, seeding the grave with grass, and watering and cutting the grass within the budget limits of the cemetery. It shall not include repairing or replacing markers or monuments of any nature, except when the need for repair or replacement is directly caused by the City.

8-254 FUND. There is hereby established a Perpetual Care Fund for the purpose of providing perpetual care funding for the maintenance, care and operation of the City

cemetery. The creation, funding and maintenance of such Perpetual Care shall comply with applicable provisions of the laws of the State of Utah, including, but not limited to, the Uniform Fiscal Procedures Act as set forth in Chapter 6 of Title 10 of the Utah Code Annotated, as amended. The City shall establish, by resolution, a perpetual care fee to be assessed and deposited in the Perpetual Care Fund for each burial space and/or interment. All perpetual care fees collected by the City shall be deposited in the Perpetual Care Fund and invested according to applicable state law. No grave shall be opened and no body interred in any burial space in the City cemetery until the perpetual care fee for the burial space has been paid to the City as provided herein. The City shall periodically review the condition of the perpetual care fund.

PART 8-260. REVERSION OF BURIAL SPACES. It is the policy of the City to comply with the provisions of Title 8, Chapter 5, of the Utah Code Annotated, as amended, regarding the reversion of unused burial spaces. What is herein defined as a burial space is referred to in the Utah Code as burial lot.

PART 8-270. ADDITIONAL RULES AND REGULATIONS.

A. The City Council may adopt, by resolution, such additional rules and regulations concerning the care, use, operation, and maintenance of the cemetery as it shall deem necessary.

B. Any change in the rules and regulations shall be adopted by the City Council before such changes shall be official.

CHAPTER 8-300. PARKS AND PLAYGROUNDS.

8-301. ESTABLISHMENT. The governing body of the City may purchase, lay out, establish, operate and maintain parks and playgrounds for the benefit of the citizens of the City.

8-302. DEFINED. For the purposes of this chapter, a park shall be defined as real property owned, leased, or controlled by Centerville City and operated and maintained by Centerville City and set apart for the use of the general public, whether developed or undeveloped, and which may be planted with trees, lawns, and other landscaping and which may include within its boundary facilities for sport, entertainment, dancing, recreation, picnicking, swimming or is planned for such future use.

8-303. REGULATIONS. The City Council may promulgate rules and regulations relating to the City's park(s) and may amend such rules and regulations from time to time.

8-304. MOTOR VEHICLES.

- (a) Speed. It shall be unlawful to operate or drive any motor vehicle within any park or recreation area at a speed in excess of that speed posted on the particular road, trail or pathway within the park.
- (b) Locations. No motor vehicles may be driven at any place within a park, other than in those areas specifically designated and posted as allowing such vehicles. This shall not apply, however, to motorized or self propelled equipment or emergency vehicles used within the park by officers or employees of the City in the performance of their official duties.
- (c) Motor Vehicles Specified. Motor vehicles include, but are not limited to automobiles, trucks, off-road vehicles, motorcycles, motor bikes, snowmobiles, and any and all other self propelled mechanical vehicles.
- (d) Manner of Operation. No motor vehicles, even though operated within the speed permitted on the places provided for such vehicles, shall be operated in a careless or reckless manner to such an extent that it will endanger the peace, health and safety of any other person within the park area.
- (e) Parking Restrictions. The City's Chief of Police and his designees are hereby authorized to restrict parking within City parks when the same is necessary to provide adequate access, unrestricted ingress and egress, and to assure that available parking within the park is preserved for persons using the park at any given time. Areas designated for no parking, handicapped parking, limited parking or limited time parking shall be designated by signs approved by the Chief of Police which shall give notice of the restrictions required. It shall be unlawful for any motor vehicle to be left unattended or parked within any area of a City park parking lot which does not comply with restrictions or requirements posted by the City. Any such vehicle is hereby declared to be a nuisance and may be removed at the direction of any police officer of the City. It shall be unlawful to park a motor vehicle in a parking place for a period of time longer than the permitted parking time. More than one citation or notice of infraction may be issued during a period of continuous violation. (Example "the owner of a motor vehicle left for 5 continuous hours in a maximum two hour parking area may receive 2 citations or notice of infraction.")

8-305. SELF PROPELLED VEHICLES.

- (a) Self Propelled Vehicles Specified. Self propelled vehicles include but are not limited to bicycles, skateboards, roller skates, roller blades, scooters and similar types of vehicles.

(b) Manner of Operation. No self propelled vehicles shall be operated in a careless or reckless manner or to such an extent that it will endanger the peace, health and safety of any other person within the park area.

(c) Bicycle Parking. Bicycles should be placed in bike racks or other designated parking areas on the exterior of the parks.

8-306. CERTAIN PROHIBITED ACTIVITIES. Snowmobiles are not to enter or drive within any park. No golf shall be played or practiced within any park except as part of classes or programs approved by the City. No ice skating or skiing is allowed except in specific areas as designated by the City.

8-307. PATHS, TRAILS, or ROADS. When a trail, path or road is designated for any specific purpose or purposes, such as a jogging trail, bicycle path or other use, then such trail may, unless the City shall otherwise permit, only be used for the specific purposes designated or for incidental uses in connection therewith which are necessary to accomplish the use permitted, and any person using it for other purposes shall thereby commit an infraction punishable as provided by law.

8-308. ANIMALS.

(a) Certain Animals Prohibited. Except as provided herein, no person shall bring or let loose any of the bovine species, any horse, mule, goat, sheep, swine, or any animal of the species which is ordinarily not domesticated, at any time within a park.

(b) Domestic Pet Control. No person shall bring or drop off any dog, cat, or other domestic pet in any park for the purpose of allowing such animal to urinate or defecate upon the park property. If any domesticated animal deposits its feces on any park areas, the owners of such animal shall immediately clean up and remove such feces from the park premises. Patrons attending the park for any reason shall keep any domesticated pets on a leash during the time such animals are within the park. Unattended or unlicensed domestic pets found within any park are subject to pickup by the animal control officer.

(c) Animal Events. Obedience classes and animal shows may apply to the City for a permit to use the park. A permit for obedience class or animal show may be granted if:

(1) A bond is posted to assure proper clean-up of the permitted park area, and

(2) A written plan is provided with the permit application demonstrating the physical means for restraining and confining the permitted animals to the permitted area.

(d) Tethering Animals. No person shall hitch or fasten any animal to any tree or any other place or structure on park property.

8-309. FIREARMS AND EXPLOSIVES. No person shall carry or discharge any firearms, firecrackers, rockets, torpedoes, powder or any other fireworks or explosives except persons who have obtained a special permit from the City Council to put on a fireworks show, in which event, the person conducting the display shall be trained in pyrotechnics.

8-310. FIRE MAKING. No person shall make or kindle a fire within the park for any purpose unless such person shall do the same in designated areas and at designated times where a fireplace or other facility intended to contain a fire is available.

8-311. CAMPING. No person shall camp or lodge in any park or playground.

8-312. DEFACING OR DESTRUCTION OF PROPERTY. Except as permitted by the City, no person shall cut, break, remove, injure, deface, destroy or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, sign, fence, bench, or other structure, apparatus or property; or pluck, pull up, cut, take or remove any plant, or mark, or write upon any building, sign, fence, bench, or other structure.

8-313. LITTERING. No dumping or littering shall be allowed on any City park premises. No garbage generated outside of the park premises shall be transported to or dumped within the park or within any garbage receptacles belonging to the City and located within the park. Any garbage generated through use of the park premises shall be deposited within designated garbage receptacles.

8-314. RESTROOM FACILITIES. No male person over six years of age and no female person over such age shall enter or use any restroom designed and marked for use by members of the opposite sex in a public park or playground, except that City personnel may for maintenance purposes enter any restroom.

8-315. PROHIBITED CONDUCT. No person shall engage in fighting or indulge in riotous, boisterous, intoxicated, threatening, promiscuous or indecent conduct or use any abusive, threatening, profane or indecent language in a park. No person shall engage in slaughtering or dressing of animals, dumping of wastes, or any activities prohibited by law in a park.

8-316. HUNTING AND FISHING. No person shall hunt animals, birds or fish in any park.

8-317. PARK CLOSING. The park shall not be used or occupied between the hours of 10:00 p.m. and 8:00 a.m., except by special permission of the City.

8-318. CONCESSIONS. No person may sell food, drinks, or other items in a park, except as may be permitted by special contract approved by the City Council.

8-319. ALCOHOLIC BEVERAGES. No person shall consume or sell any alcoholic beverage within a City park. No person shall have possession of any alcoholic beverage within a City park.

8-320. PARK RESERVATIONS. Certain facilities and areas within the City parks as designated by the City may be reserved by any adult person upon payment of an applicable park reservation fee established by the City Council. Park reservation policies may be adopted and amended from time to time by resolution of the City Council.

8-321. EVICTION. Any person violating any of the provisions hereof or instructions, signs or rules established by the City may be forthwith evicted from the park by any police officer of the City. Any such person who fails or refuses to leave upon the order of a police officer shall be guilty of a misdemeanor.

8-322. PENALTY. Unless otherwise specifically provided, any person violating any of the restrictions, rules or prohibitions as set forth herein shall be guilty of a class "B" misdemeanor, punishable by fine, imprisonment, or both, as prescribed by applicable statutes of the State of Utah.

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 8

Short Title: Financial Report for period ending August 31, 2013

Initiated By: Blaine Lutz - Finance Director

Scheduled Time: 8:05

SUBJECT

RECOMMENDATION

Review financial report for the two months ending August 31, 2013.

BACKGROUND

ATTACHMENTS:

Description

- ☐ Interim financial report - August 2013

**General Fund
Unaudited Summary
August 2013 (17% of year)**

	This Month	Year to Date	FY 14 Budget	% Budget
Revenues				
Property Tax	\$5,131	\$20,422	\$992,913	2.06%
Fee in Lieu	\$9,159	\$16,494	\$90,000	18.33%
Sales & UseTax	\$304,916	\$569,576	\$3,455,070	16.49%
Franchise Taxes	\$94,544	\$187,315	\$1,330,000	14.08%
Licenses & Permits	\$30,121	\$132,139	\$356,350	37.08%
Intergovernmental	\$103,601	\$103,601	\$602,390	17.20%
Charges for Serv.	\$84,908	\$156,597	\$835,475	18.74%
Fines	\$26,339	\$100,174	\$485,000	20.65%
Miscellaneous	\$111	\$3,335	\$53,250	6.26%
Transfers/Contributions	\$8,829	\$8,829	\$182,500	4.84%
Total	\$667,659	\$1,298,482	\$8,382,948	15.49%

Expenditures

City Council	\$4,029	\$6,362	\$110,408	5.76%
Judicial	\$20,682	\$36,363	\$221,273	16.43%
Executive	\$27,210	\$53,285	\$393,017	13.56%
Attorney	\$9,750	\$18,404	\$148,375	12.40%
Finance	\$54,961	\$89,021	\$501,272	17.76%
Attorney Services	\$762	\$732	\$33,000	2.22%
Emergency Management	\$557	\$557	\$12,900	4.32%
Fire	\$201,216	\$201,216	\$794,172	25.34%
Elections	\$173	\$173	\$19,600	0.88%
Youth Council	\$0	\$0	\$7,000	0.00%
Police	\$201,820	\$337,452	\$2,220,247	15.20%
Liquor Law	\$278	\$278	\$18,350	1.51%
School Xing	\$145	\$145	\$52,199	0.28%
DARE	\$6,919	\$14,119	\$102,873	13.72%
K-9	\$30	\$30	\$2,250	1.33%
Animal Control	\$2,144	\$2,144	\$24,000	8.93%
PW Admin	\$22,623	\$42,634	\$284,565	14.98%
Streets	\$40,066	\$63,523	\$706,076	9.00%
Projects	\$85,285	\$85,285	\$804,000	10.61%
GIS	\$5,710	\$11,399	\$88,069	12.94%
Engineering	\$27,927	\$27,297	\$86,500	31.56%
Parks	\$63,810	\$115,727	\$813,615	14.22%
Community Events	\$216	\$216	\$23,650	0.91%
Parks & Rec Facility	\$3,959	\$3,959	\$10,790	36.69%
Maint Facility	\$2,330	\$3,230	\$53,640	6.02%
Maint Facility Storage	\$705	\$705	\$6,210	11.35%
City Hall	\$15,674	\$19,101	\$128,405	14.88%
Community Dev.	\$20,652	\$40,554	\$290,702	13.95%
Building Inspection	\$6,011	\$6,011	\$120,200	5.00%
Transfers - Non Dep.	\$23,360	\$23,360	\$501,990	4.65%
Total	\$849,004	\$1,203,282	\$8,579,348	14.03%

Use/Contribution to Fund balance	\$95,200	\$ (196,400)
(Revenues Over/Under Expenditures)		

Fund Balance at Beginning of Year (est.)	\$1,606,074
Fund Balance estimate 8/31/2013	\$1,701,274
Projected Fund Balance %	22.39%

Capital Project Funds (Unaudited) August 31, 2013
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	This Month	Year to Date	FY 13 Budget	% Budget
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Capital Improvement

Storm Drain

Revenues:

Fund Balance			\$47,060	
Impact Fees	\$930	\$27,316	\$10,000	273.16%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$6,635	\$150,075	4.42%
Total Revenues	\$930	\$33,951	\$207,135	16.39%

Expenditures	\$0	\$0	\$207,135	0.00%
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Fund Balance at Beginning of Year (est.)	\$47,060
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Fund Balance estimate 8/31/2013	\$81,011
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Park

Revenues:

Fund Balance			\$335,683	
Impact Fees	\$8,228	\$41,140	\$75,000	54.85%
Transfer	\$0	\$0	\$0	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$400	0.00%
Total Revenues	\$8,228	\$41,140	\$411,083	54.56%

Expenditures	\$0	\$0	\$403,074	0.00%
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Fund Balance at Beginning of Year (est.)	\$335,683
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Fund Balance estimate 8/31/2013	\$376,823
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Capital Projects Fund

Revenues:

Fund Balance				
Transfers	\$0	\$0	\$436,001	0.00%
Other	\$0	\$0	\$250	0.00%
Total Revenues	\$0	\$0	\$436,251	100.00%

Expenditures	\$0	\$36,354	\$436,251	8.33%
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Balance at Beginning of Year	\$47,120
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Fund Balance estimate 8/31/2013	\$10,766
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RDA/Other Funds (Unaudited) August 31, 2013
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	This Month	Year to Date	FY 14 Budget	% Budget
<u>RDA</u>				
Revenues	\$214,065	\$246,511	\$1,847,000	13.35%
Expenditures	\$14,293	\$14,293	\$1,847,000	0.77%
Fund Balance at Beginning of Year (est.)		\$402,298		
Fund Balance estimate 8/31/2013		\$634,516		

Recreation

<u>Revenues</u>				
Recreation	\$0	\$2,239	\$87,000	2.57%
Youth Baseball	\$1,640	\$6,050	\$31,000	19.52%
Concession Sales	\$0	\$0	\$23,635	0.00%
Other	\$0	\$0	\$39,000	0.00%
Total Revenues	\$1,640	\$8,289	\$180,635	4.59%

<u>Expenditures</u>				
Recreation	\$15,901	\$33,202	\$126,670	26.21%
Concessions	\$0	\$0	\$23,635	0.00%
Youth Baseball/Softball	\$25	\$25	\$28,425	0.09%
Total Expenditures	\$15,926	\$33,227	\$178,730	18.59%

Revenue Over/Under Expend \$ (14,286) \$ (24,938) \$ 1,905

Balance at Beginning of Year (est.) \$19,333
Fund Balance estimate 8/31/2013 -\$5,605

Sales Tax Debt Service (DCAC)

Revenues	\$0	\$0	\$1,517,488	0.00%
Expenditures	\$0	\$0	\$1,517,488	0.00%

Reserved Fund Balance \$28,896
Fund Balance estimate 8/31/2013 \$28,896

Whitaker Trust

Beginning fund balance			\$14,850	
Revenues	\$10	\$23,370	\$71,860	32.52%
Expenditures	\$731	\$732	\$71,860	1.02%

Fund Balance at Beginning of Year \$14,850
Fund Balance estimate 8/31/2013 \$37,488

**Enterprise Funds
(Unaudited)
August 31, 2013**

	This Month	Year to Date	FY 14 Budget	% Budget
Water				
Revenues:				
Impact/construction Fees	\$17,700	\$63,900	\$230,500	27.72%
Water Sales	\$168,663	\$349,085	\$1,811,250	19.27%
Bond Revenue			\$450,000	0.00% *
Other	\$4,019	\$7,572	\$36,000	21.03%
Total Revenues	\$190,382	\$420,557	\$2,527,750	16.64%
Expenditures				
Operating/Dep/Debt	\$114,213	\$173,681	\$1,865,552	9.31%
Capital Improvement	\$28,246	\$88,925	\$706,850	12.58%
Total Expenditures	\$142,459	\$262,606	\$2,572,402	10.21%
Unrestricted Cash Beginning of Year (est.)		\$1,098,940		
Fund Balance estimate 8/31/2013		\$1,256,891		

Sanitation

Revenues:				
Collection Fees	\$56,924	\$113,879	\$681,600	16.71%
Recycling fees	\$14,021	\$28,036	\$165,700	16.92%
Green Waste fees	\$6,741	\$13,456	\$78,675	17.10%
Other	\$70	\$350	\$6,200	5.65%
Total Revenues	\$77,756	\$155,721	\$932,175	16.71%
Expenditures:				
Disposal	\$28,029	\$28,029	\$293,000	9.57%
Collection	\$23,760	\$23,760	\$258,000	9.21%
Recycling	\$14,010	\$14,010	\$165,250	8.48%
Green Waste	\$2,906	\$2,906	\$30,000	9.69%
Other	\$16,633	\$23,300	\$186,200	12.51%
Total Expenditures	\$85,338	\$92,005	\$932,450	9.87%
Unrestricted Cash Beginning of Year		\$18,920		
Fund Balance estimate 8/31/2013		\$82,636		

Drainage

Revenues	\$46,767	\$93,805	\$566,500	16.56%
Operating Expenditures	\$58,692	\$78,618	\$528,722	14.87%
Capital Expenditures	\$1,942	\$1,942	\$72,750	2.67%
Total Expenditures	\$60,634	\$80,560	\$601,472	13.39%
Unrestricted Cash Beginning of Year		\$84,745		
Fund Balance estimate 8/31/2013		\$97,990		

Telecommunications

Revenues	\$26,283	\$51,218	\$439,400	11.66%
Contractual obligations	\$29,801	\$29,801	\$439,400	6.78%
Total Expenditures	\$29,801	\$29,801	\$439,400	
Unrestricted Cash Beginning of Year		\$14,850		
Fund Balance estimate 8/31/2013		\$36,267		

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 9.

Short Title: Mayor's Report

Initiated By:

Scheduled Time: 8:15

SUBJECT

- a. UIA/UTOPIA update
- b. Utah Broadband Council discussions

RECOMMENDATION

BACKGROUND

Mayor Russell and Assistant City Manager Blaine Lutz will address these topics.

a. The Mayor represents Centerville on the UIA Board and Blaine represents the City on the UTOPIA Board. The two boards agreed to create an independent commission ". . . to review the current status of UIA/UTOPIA and its long-term direction." See the attachment about the Independent Commission for more details.

b. Since the second topic--Utah Broadband Council discussions--is related to UTOPIA, Blaine will address that subject under the Mayor's Report. The Utah Governor's Office has been involved in a Broadband Project for the last 2 years. They now have asked the Regional Planning Councils to reach out at a local level. WFRC had a meeting for Davis County on September 5th. Blaine attended the meeting and will make a report. To learn more about the WFRC meetings, review the attachment "WFRC Regional Broadband Project". For a more in depth review of the State's initiative, review the attached "Utah State Broadband discussion paper".

ATTACHMENTS:

Description

- ☐ UIA Financial Report July 2013
- ☐ UIA Revenue graph - July 2013
- ☐ UTOPIA Financial Report July 2013
- ☐ UIA/UTOPIA Independent Commission
- ☐ WFRC Regional Broadband Project
- ☐ State Broadband Discussion Paper
- ☐ Governing Article - Broadband

DRAFT

Finance Committee Report (Unaudited)
UIA
July 2013 (8.33% of Budget)

	<u>Current Month</u>	<u>Year to Date</u>	<u>FY14 Budget</u>	<u>% of Budget</u>
Revenue				
Recurring	\$ 266,819	\$ 266,819	\$ 3,358,088	7.95%
Install	71,750	71,750	-	
Interest Income	623	623	25,000	2.49%
Other Income	-	-	-	
Total Revenue	<u>\$ 339,192</u>	<u>\$ 339,192</u>	<u>\$ 3,383,088</u>	10.03%
Operating Expenses				
Administrative Expense	\$ 9,740	\$ 9,740	\$ 450,000	2.16%
Professional Services	1,750	1,750	42,463	4.12%
Network Management	25,000	25,000	353,055	7.08%
Misc. Expense	-	-	-	
Total Operating Expenses	<u>36,489</u>	<u>36,489</u>	<u>845,518</u>	4.32%
Debt Payments				
IRU Capital Lease Interest	39,513	39,513	404,666	9.76%
Interest Expense	122,720	122,720	1,521,395	8.07%
Principal (1)	-	-	685,000	0.00%
Total Bond Payments	<u>162,233</u>	<u>162,233</u>	<u>2,611,061</u>	6.21%
Total Expenditures	<u>\$ 198,722</u>	<u>\$ 198,722</u>	<u>\$ 3,456,579</u>	5.75%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	<u>140,470</u>	<u>140,470</u>	<u>(73,491)</u>	

(1) Annual Principal payment made each October

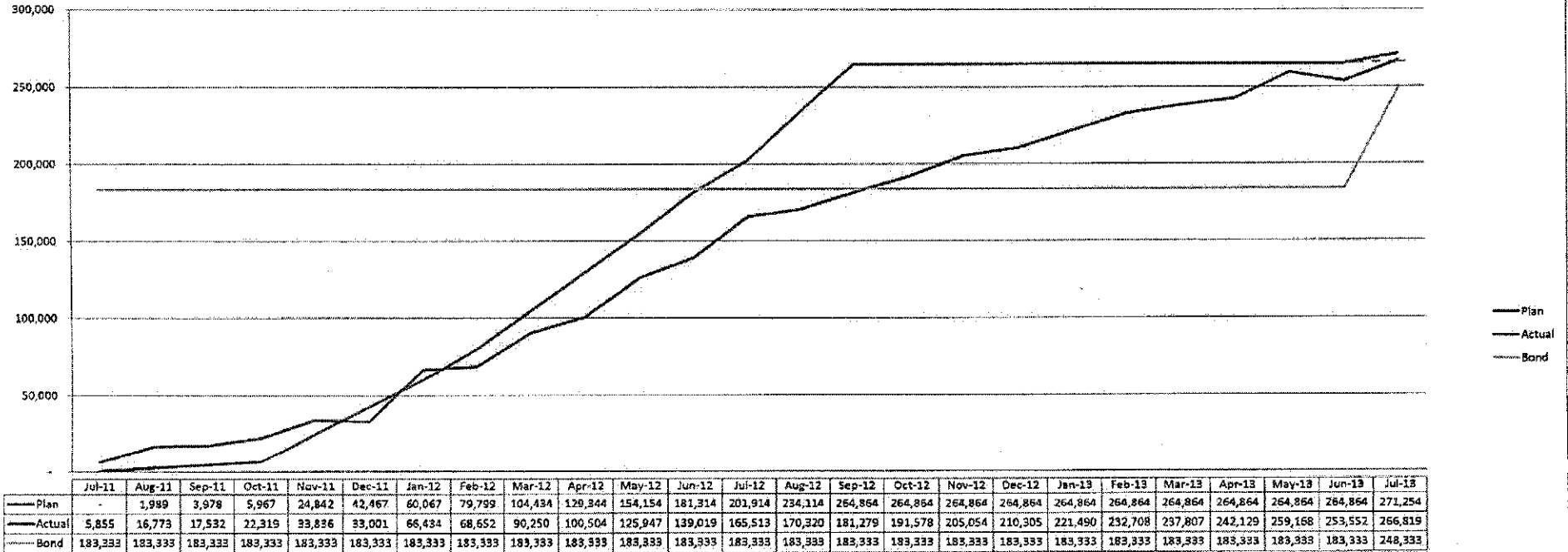
Note: Total Expenditures does not include depreciation or amortized bond costs (which are not-cash items)

UJA
Actual vs Budget

DRAFT

	Actual	Jul-13 Budget	Variance
Revenue			
Recurring	266,819	250,649	16,170
Install	71,750		71,750
Total Revenue	<u>338,569</u>	<u>250,649</u>	<u>87,920</u>
Administrative Expense			
Wages / Benefits		-	-
Advertising	7,897	36,667	28,770
Dues / Memberships		-	-
Supplies		-	-
Licenses		-	-
Training / Seminars		-	-
Travel		-	-
Meeting Expense		-	-
Bank Service Charges	1,843	2,500	657
Telecom Expense		-	-
Computer Expense		-	-
Bad Debt Expense		-	-
Insurance		-	-
Equipment		-	-
Vehicle Expense		-	-
Occupancy		-	-
Utilities		-	-
Less Install costs to be cap'd		-	-
Admin Expenses	<u>9,740</u>	<u>39,167</u>	<u>29,427</u>
Professional Services			
Accounting		-	-
Payroll / HR		-	-
Public Relations		-	-
City Admin Fee	1,750	1,769	19
Legal		-	-
Lobbyists		-	-
Consulting		-	-
Contract Labor		-	-
Professional Services	<u>1,750</u>	<u>1,769</u>	<u>19</u>
Total Agency Expense	<u>11,490</u>	<u>40,935</u>	<u>29,446</u>
Network Management			
Asset Management		-	-
Operations	19,340	18,310	(1,030)
Field Maintenance	4,054	6,191	2,137
Provisioning	1,606	682	(924)
Colocation Fees		-	-
Interconnect Fees		-	-
Easements		-	-
Subscriber Connections		-	-
Network Management	<u>25,000</u>	<u>25,183</u>	<u>183</u>
Total Operating Expenses	<u>36,489</u>	<u>66,118</u>	<u>29,628</u>
Operating Profit (Loss)	<u>302,080</u>	<u>184,531</u>	<u>117,549</u>
Other Income / Expense			
Depreciation		250,000	250,000
Misc Expense		-	-
Interest Income	(623)	(4,000)	(3,377)
Other Income		-	-
Interest Expense	161,170	162,720	1,549
Amort Bond Issue Costs	6,698	6,698	-
Total Other Income / Expense	<u>167,245</u>	<u>415,418</u>	<u>248,173</u>
Net Income	<u>134,834</u>	<u>(230,887)</u>	<u>365,721</u>

UIA Revenue v. Plan and Bond Obligation thru July 2013
(Monthly Recurring Revenue Only)



Finance Committee Report (Unaudited)
COMBINED UTOPIA AND UIA
July 2013 (8.33% of Budget)

	<u>Current Month</u>	<u>Year to Date</u>	<u>FY14 Budget</u>	<u>% of Budget</u>
Revenue				
Recurring	\$ 637,805	\$ 637,805	\$ 8,059,088	7.91%
Install	72,800	72,800	-	
UIA	79,583	79,583	1,008,055	7.89%
Interest Income	642	642	25,000	2.57%
Other Income	456,198	456,198	600,000	76.03%
Total Revenue	<u>\$ 1,247,028</u>	<u>\$ 1,247,028</u>	<u>\$ 9,692,143</u>	12.87%
Operating Expenses				
Administrative Expense	\$ 441,324	\$ 441,324	\$ 5,326,727	8.29%
Professional Services	91,639	91,639	803,163	11.41%
Network Management	223,494	223,494	2,610,215	8.56%
Misc. Expense	-	-	-	
Total Operating Expenses	<u>756,457</u>	<u>756,457</u>	<u>8,740,104</u>	8.66%
Bond Payments				
IRU Capital Lease Interest	39,513	39,513	404,666	9.76%
Interest Expense	1,214,108	1,214,108	14,736,395	8.24%
Principal	-	-	685,000	
Total Bond Payments	<u>1,253,621</u>	<u>1,253,621</u>	<u>15,826,061</u>	7.92%
Total Expenditures	<u>\$ 2,010,077</u>	<u>\$ 2,010,077</u>	<u>\$ 24,566,165</u>	8.18%
Use/Contribution to Fund Balance (Revenues Over/Under Expenditures)	<u>(763,049)</u>	<u>(763,049)</u>	<u>(14,874,022)</u>	

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

Independent Commission:

Issue:

In the past twenty-four months the growth of fiber-optic infrastructure has exponentially grown throughout America. This growth has helped validate UTOPIA's mission to provide vital connectivity to our member cities. New applications are constantly being developed and they are becoming part of the a fundamental part of the consumer and business fabric. The introduction of a municipal network has increased competition and helped make UTAH the top state in the west and 5th in the country for broadband speed and capacity. It was hoped that we would have been farther along in the project by this point, but in the past few years significant progress has been made in correcting course of the ship. We believe that UTOPIA has come a long way from its inception but we believe that we still have a ways to go to before we reach our full potential.

Action:

It is proposed that we establish an Independent Commission to review the current status of UIA/ UTOPIA and its long-term direction. The intent of the commission would be to make suggestions and recommendations for UIA/UTOPIA's future. These recommendations would include; the structure and scope of the project and a plan going forward to meet the original goals:

Those being:

- Create a ubiquitous fiber infrastructure for UTOPIA member cities that allows the cities to compete in the digital economy of the future.
- Improve the quality of life for its citizen through the use of technology to provide improvements in public safety, management of resources, and

enhanced community services.

- Encourage the adoption and development of new applications through competition of the private sector on the public's fiber infrastructure.

The commission would work with various stakeholders, which include: UTOPIA staff, Board Members, local and state government leaders, and the community at large. They will evaluate the best course of action for the member cities going forward. UIA and Utopia will both appoint a co-chair to facilitate the above stated outcome. It is recommended that Mrs. Mary Street chair the UTOPIA portion of the commission. Mrs. Street is a current UTOPIA board member, and an Orem city council member.

Expected Result:

It is estimated the Independent Commission would provide a written recommendation that would be presented to the board within thirty DAYS. Special emphasis would be given to potential private/public partnerships and timely completion of the project. The commission will also look at ways each city may produce Broadband infrastructure respective to each member city's need yet maintain the economies of scale needed to run and operate such a network.

WFRC REGIONAL BROADBAND PROJECT

A REGIONAL INITIATIVE OF THE STATE OF UTAH BROADBAND PROJECT

PURPOSE

The Project will result in the creation of a Regional Broadband Planning Council and a Regional Broadband Plan for the five-county WFRC region that includes Davis, Morgan, Salt Lake, Tooele, and Weber Counties. The Project seeks to improve Broadband use and access.

PARTNERS

The Broadband Project is a statewide effort directed through the Governor's Office of Economic Development with funding from the Department of Commerce, National Telecommunications and Information Administration, in partnership with Utah Broadband Planning Council and Utah's Automated Geographic Resource Center.

BROADBAND BACKGROUND

Broadband describes bandwidth which is the amount of data that can be transmitted through an internet connection. Bandwidth is needed to access high-speed internet. The greater the bandwidth, the more information a user can send or receive. Different transmission technologies result in different speeds, i.e. cable, fiber-optic, cellular/wireless, etc.

WHY IS BROADBAND IMPORTANT?

Broadband is quickly becoming a basic necessity for individuals and businesses – for work, information, services, and fun.

Citizen Benefits: education, communication, public safety, healthcare, disability services, entertainment, public and private services

Business Benefits: competition and extension of services, entrepreneurship, home-based occupations, efficiency, flexible schedules and flexible work environments

Government Benefits: access, input, efficiency, transparency



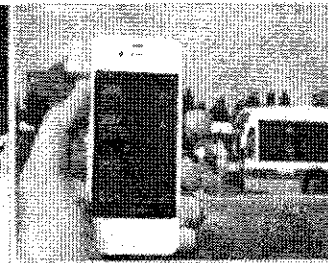
Advance Healthcare



Grow Business



Increase Public Safety



Advance Communication

BROADBAND PROJECT

1. Create a Regional Broadband Planning Council "BPC" to guide the Project
The BPC will include members from a variety of diverse sectors including: business, healthcare, public service, public education, local government, transportation, tourism, economic development. The BPC will meet monthly from August 2013 through early 2014.
2. Conduct Regional County Coordination Meetings to guide the Regional Broadband Plan
The County Coordination needs assessment meetings will be held August through September 2013. The County Coordination prioritization meetings will be held September through October 2013.

WAYS TO PARTICIPATE

1. Participate in County Coordination Meetings

Tooele County – Oct 29th at 9:00 am

Tooele County Courthouse – Auditorium - 47 S. Main St., Tooele, UT 84074

Weber County – Oct 30th at 10:00 am

The Weber Center - Commission Chambers Breakout, 1st Floor - 2380 Washington Blvd., Ogden, UT 84401

Morgan County – Oct 30th at 1:00 pm

Morgan County Council Chambers - 48 W. Young St., Morgan City, UT 84050

Davis County – Oct 31st at 10:00 am

Davis County Administration Bldg. - Rm. 131A - 61 S. Main St., Farmington, UT

Salt Lake County – Oct 31st at 1:00 pm

Salt Lake County Government Center – Rm. N1100, Council Chambers - 2001 S. State St., Salt Lake City, UT 84190

2. Participate in the Statewide Broadband Summit

Utah Valley Convention Center, Provo City – October 24th

Register Here: <http://broadband.utah.gov/about/events/2013summit/>

3. Offer input on the Regional Broadband Plan and assist with the implementation of the Plan, including education, service deployment, and possible public policy input and guidance. The Broadband Plan is to be completed by April 2014.

CONTACT INFORMATION

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Over the last 2 years the Utah State Governor's Office of Economic Development has undertaken the "Broadband Project" (<http://broadband.utah.gov/>). An advisory Council was formed and has been meeting since the summer of 2011 to form policy guidance to the Governor, etc. The Broadband Project is funded by a grant from the US Department of Commerce National Telecommunications and Information Administration (NTIA) under an initiative known as the "State Broadband Initiative". The Commission initially did not include legacy infrastructure or providers, but were later invited to participate in the discussions. UTOPIA did have some representation to the Council. It is evident that the legacy providers have had substantial influence in the process. The Advisory Council's Report recommends to "Develop uniform urban and rural broadband speed goals for the State.....at no less than 10Mbps for download and 3Mbps for upload". As we know this is an archaic speed, to the point of insulting, as a goal for the citizens of the State. The only possible conclusion why this would be considered as a goal is because that is what legacy infrastructure can currently deliver.

The Broadband Project points to a report from "TechNet" noting the success of Utah as an overachiever in broadband deployment. What they fail to recognize is the report itself. The overwhelming reason why we have over achieved as a State is because of the new fiber infrastructure of UTOPIA and IProvo. The report notes the adverse environment that the Legislature has created for these two organizations to succeed. Utah is overachieving despite the State. You will also note that virtually all success in expansion of broadband in any state is because of the involvement of public supported programs, not private legacy infrastructure. The Broadband Project also recently noted that Utah has the fastest average and peak connection speeds in the west. They again ignore the impact of the UTOPIA and IProvo raising the overall average for the State. The only areas that speeds from 25mbps to a gig are available in the State are the UTOPIA cities, IProvo, and the fiber network installed by Centurylink in the Day Break community, all of which are new fiber infrastructure.

The State Broadband Project has requested input from a more local level and has asked the State's regional planning organizations to establish regional Planning Councils. Wasatch Front Regional Council has held initial meetings in the five counties, including Davis County on September 5th. Even though UTOPIA and member cities were well represented, the discussion at Davis County meeting was led by other Davis entities. The discussion quickly became critical of the State's and WFRC's presented goal of 10-25mbps. Anything less than a gigabyte was considered unacceptable. It was also unanimous that telecommunications is now an essential infrastructure, on the level of water, sewer and streets. It was reported at the UTOPIA Board meeting that the Utah County meeting was very similar. Other entities are now recognizing what UTOPIA cities did 12-15 years ago, and there is a growing wave of recognition for the need of advanced telecommunications and that government will play a role.

There are other scheduled meetings by WFRC and the State. The first is the BroadBand Tech Summit sponsored by the BroadBand Project on October 24. WFRC will host another local meeting for Davis County on October 31st. I would encourage others to attend and become involved in these meetings, to hear what other communities are discussing about telecommunication infrastructure and to share our advanced knowledge and experience of telecommunications. This is not a UTOPIA versus legacy infrastructure issue, but what is needed for the future of the State and our community.

WFRC REGIONAL BROADBAND PROJECT

A REGIONAL INITIATIVE OF THE STATE OF UTAH BROADBAND PROJECT

PURPOSE

The Project will result in the creation of a Regional Broadband Planning Council and a Regional Broadband Plan for the five-county WFRC region that includes Davis, Morgan, Salt Lake, Tooele, and Weber Counties. The Project seeks to improve Broadband use and access.

PARTNERS

The Broadband Project is a statewide effort directed through the Governor's Office of Economic Development with funding from the Department of Commerce, National Telecommunications and Information Administration, in partnership with Utah Broadband Planning Council and Utah's Automated Geographic Resource Center.

BROADBAND BACKGROUND

Broadband describes bandwidth which is the amount of data that can be transmitted through an internet connection. Bandwidth is needed to access high-speed internet. The greater the bandwidth, the more information a user can send or receive. Different transmission technologies result in different speeds, i.e. cable, fiber-optic, cellular/wireless, etc.

WHY IS BROADBAND IMPORTANT?

Broadband is quickly becoming a basic necessity for individuals and businesses – for work, information, services, and fun.

Citizen Benefits: education, communication, public safety, healthcare, disability services, entertainment, public and private services

Business Benefits: competition and extension of services, entrepreneurship, home-based occupations, efficiency, flexible schedules and flexible work environments

Government Benefits: access, input, efficiency, transparency



Advance Healthcare

Grow Business

Increase Public Safety

Advance Communication

BROADBAND PROJECT

1. Create a Regional Broadband Planning Council "BPC" to guide the Project
The BPC will include members from a variety of diverse sectors including: business, healthcare, public service, public education, local government, transportation, tourism, economic development. The BPC will meet monthly from August 2013 through early 2014.
2. Conduct Regional County Coordination Meetings to guide the Regional Broadband Plan
The County Coordination needs assessment meetings will be held August through September 2013. The County Coordination prioritization meetings will be held September through October 2013.

WAYS TO PARTICIPATE

1. Participate in County Coordination Meetings

Tooele County – Oct 29th at 9:00 am

Tooele County Courthouse – Auditorium - 47 S. Main St., Tooele, UT 84074

Weber County – Oct 30th at 10:00 am

The Weber Center - Commission Chambers Breakout, 1st Floor - 2380 Washington Blvd., Ogden, UT 84401

Morgan County – Oct 30th at 1:00 pm

Morgan County Council Chambers - 48 W. Young St., Morgan City, UT 84050

Davis County – Oct 31st at 10:00 am

Davis County Administration Bldg. - Rm. 131A - 61 S. Main St., Farmington, UT

Salt Lake County – Oct 31st at 1:00 pm

Salt Lake County Government Center – Rm. N1100, Council Chambers - 2001 S. State St., Salt Lake City, UT 84190

2. Participate in the Statewide Broadband Summit

Utah Valley Convention Center, Provo City – October 24th

Register Here: <http://broadband.utah.gov/about/events/2013summit/>

3. Offer input on the Regional Broadband Plan and assist with the implementation of the Plan, including education, service deployment, and possible public policy input and guidance. The Broadband Plan is to be completed by April 2014.

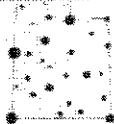
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**Utah Governor's Office of
Economic Development**

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SAVE THE DATE!

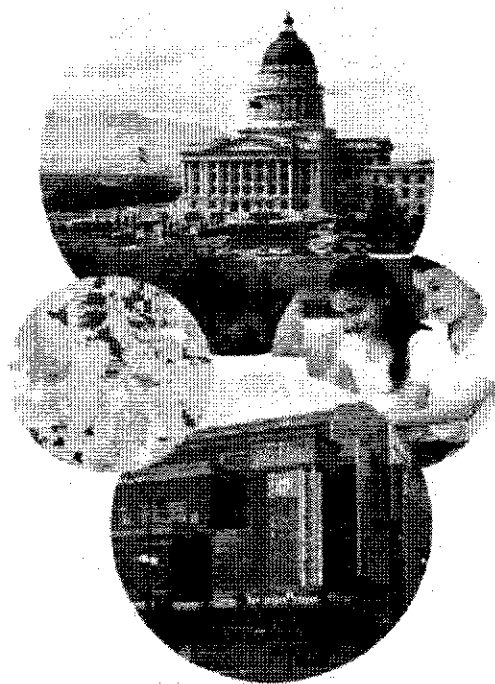
2013 Broadband Tech Summit

October 24, 2013

Register in advance at 2013broadbandtechsummit.eventbrite.com

Utah Valley Convention Center | 220 West Center Street | Provo, UT

Visit broadband.utah.gov/events/2013summit for more information.



Geography – United States

The metrics presented here for the United States are based on a subset of data used for Section 3 and are subject to the same thresholds and filters discussed within that section. The subset used for this section includes connections identified as coming from networks in the United States, based on classification by Akamai's EdgeScape geolocation tool.

4.1 United States Average Connection Speeds

The first quarter of 2013 brought extremely strong quarter-over-quarter increases in average connection speed for the top 10 states, as illustrated in Figure 15. Vermont remained the fastest state, at 12.7 Mbps, with a quarterly increase of 18%. However, it wasn't the largest increase among the group, as Virginia added 22%, reaching an average connection speed of 10.7 Mbps. Impressively, all of the states among the top 10 had average connection speeds above the "high broadband" 10 Mbps threshold in the first quarter, and all of them saw quarterly growth of more than 10% as well. Across the whole country, average connection speeds were up in every state, with increases ranging from 3.2% in Minnesota (to 7.9 Mbps) to an unexpectedly high 34% in North Dakota (to 9.6 Mbps). In addition to North Dakota, Ohio, South Dakota, and Virginia all saw quarterly increases above 20%. Unfortunately, Arkansas continued to maintain its position as the state with the lowest average connection speed, despite growing 16% to 4.4 Mbps.

On a year-over-year basis, growth was extremely strong among the top 10 states, which saw increases ranging from 17% in Delaware to 40% in Vermont—Delaware was the only state on the list that saw growth lower than 20%. Solid year-over-year growth was also seen across the rest of the country, with North Dakota and Ohio surpassing Vermont's aggressive growth,

increasing 43% (to 9.6 Mbps) and 42% (to 8.2 Mbps) respectively. A total of 13 states saw growth of 30% or more, while another 26 increased 20% or more year-over-year. Nevada was the only state that increased less than 10% year-over-year, growing 8.1% (to 7.4 Mbps).

4.2 United States Average Peak Connection Speeds

The first quarter of 2013 marks the first time that all of the top 10 states had average peak connection speeds above 40 Mbps, as Figure 16 shows. The District of Columbia led the pack, with an average peak connection speed of 47.2 Mbps, up 9.4%. Vermont was just 86 kbps behind, with an average peak connection speed of 47.1 Mbps, up 14% quarter-over-quarter. Utah had the lowest average peak connection speed among the top 10 states, at 41.9 Mbps, while Delaware had the lowest quarterly increase, at 5.8%. Across the whole country, 33 states grew by 10% or more quarter-over-quarter, while the lowest quarterly increase was seen in Nevada, at 4.2% (to 31.3 Mbps). A total of 14 states had average peak connection speeds of 40 Mbps or more in the first quarter, while another 26 came in above 30 Mbps. Ten more had average peak connection speeds above 20 Mbps, and the only state that had an average peak connection speed below 20 Mbps was Arkansas, at 19.8 Mbps (up 13% quarter-over-quarter.)

Rank	State	Q1 2013 Avg. Mbps	Q4 2012 Change	YoY Change
1	Vermont	12.7	18%	40%
2	New Hampshire	12.0	18%	28%
3	Delaware	11.9	12%	17%
4	District Of Columbia	11.3	11%	28%
5	Utah	11.0	16%	29%
6	Massachusetts	10.7	15%	31%
7	Virginia	10.7	22%	36%
8	Maryland	10.6	13%	31%
9	New Jersey	10.5	15%	34%
10	Connecticut	10.4	13%	24%

Figure 15: Average Connection Speed by State

Rank	State	Q1 2013 Avg. Peak Mbps	Q4 2012 Change	YoY Change
1	District Of Columbia	47.2	9.4%	37%
2	Vermont	47.1	14%	33%
3	New Jersey	45.7	19%	42%
4	New Hampshire	44.4	18%	32%
5	Massachusetts	42.8	14%	34%
6	Maryland	43.8	16%	37%
7	New York	43.1	12%	33%
8	Virginia	43.1	16%	27%
9	Delaware	42.8	5.8%	15%
10	Utah	41.9	14%	34%

Figure 16: Average Peak Connection Speed by State



THE STATE OF UTAH BROADBAND PROJECT

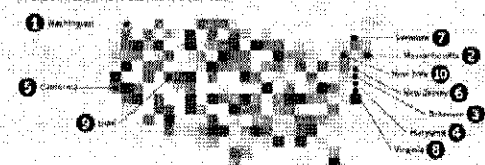
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TechNet 2012 State Broadband Index

TECHNET STATE BY STATE BROADBAND REPORT

STATE BROADBAND INDEX

TECHNET'S STATE BROADBAND INDEX RATES THE STATES ON INDICATORS OF BROADBAND ADOPTION, NETWORK QUALITY, AND ECONOMIC STRUCTURE AS A WAY OF TAKING STOCK OF WHERE STATES STAND, HERE ARE THE TOP TEN.

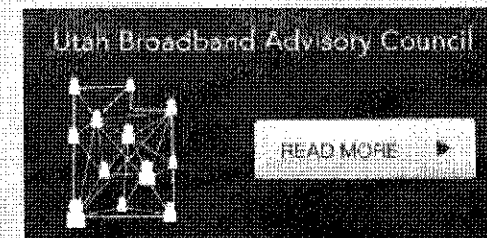


According to a recent report from [TechNet](#), Utah ranks #9 of all states in the "2012 State Broadband Index".

The Index rates the states on indicators of broadband adoption, network quality, and economic structure. Of note, Utah ranked #3 in the West, just behind Washington (#1) and California (#5) and was the only Rocky Mountain state to receive a top ten ranking. Performing better than expected, TechNet characterized Utah as an "overachiever".

The Report presents six insightful case studies, including Utah.

- **California, #5**, has succeeded through the creation of the [California Advanced Services Fund](#), which is purposed to serve unserved and underserved areas. As an early adopter of tech-promoting policies, The California Public Utilities Commission also created the [California Emerging Technology Fund](#) in 2005 to promote broadband deployment and adoption.
- **Maine, #40**, created the [ConnectME Authority](#) in 2006, which collects annual fees from all communications service providers to provide grants to bring broadband to unserved areas.
- **Utah, #9**, has the highest adoption rate in the U.S. and also ranks well above average for fiber to the home connections. The Report cites public-private partnerships created through the [Utah Education Network](#), conduit deployment policies of [Utah Department of Transportation](#) beginning with the 2002 Olympics, and the emerging [Utah Telehealth Network](#) as reasons for Utah's progressive broadband climate.
- **Massachusetts, #2**, was also included for their State's use of public-private partnerships and high concentration of academia and high-tech businesses. The [Massachusetts Broadband Institute](#) at the Massachusetts Technology Collaborative, formed in 2008, works to expand broadband access and adoption among residents and businesses through the [MassBroadband 123 network project](#) and broadband adoption initiatives.
- **Missouri, #32**, has recently created the [Rural High Speed Internet Access Task Force](#) to address issues related to Missouri's low rural broadband access and adoption rates. In 2009 Missouri's Governor founded the [MOBroadbandNow](#) initiative, which has set a goal to deliver broadband to 95%



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Excited to work with the new rural team! via [@businessinutah](#) <http://business.utah.gov/news/articles/vocus/126793/>

Posted on 21 Aug

[GOED @BusinessUtah](#)

Provo-Orem & Salt Lake City metro areas rank 11 & 12 in new study of "high-tech startup density" by Kauffman/Engine. <http://tinyurl.com/mu5g2vu>
Posted on 19 Aug

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of residents by the end of 2014.

- **Ohio**, #39, was a leader in early efforts to promote broadband access through the [Ohio Broadband Council](#). However, in 2010, the Council expired at the end of the then-Governor's term. Since then, Ohio has thrived in establishing meaningful partnerships to reintroduce efforts to expand broadband through non-profit entities such as [OneCommunity](#).

The Report also calls out four specific, promising state-level approaches for fostering an environment where broadband can contribute to states' development:

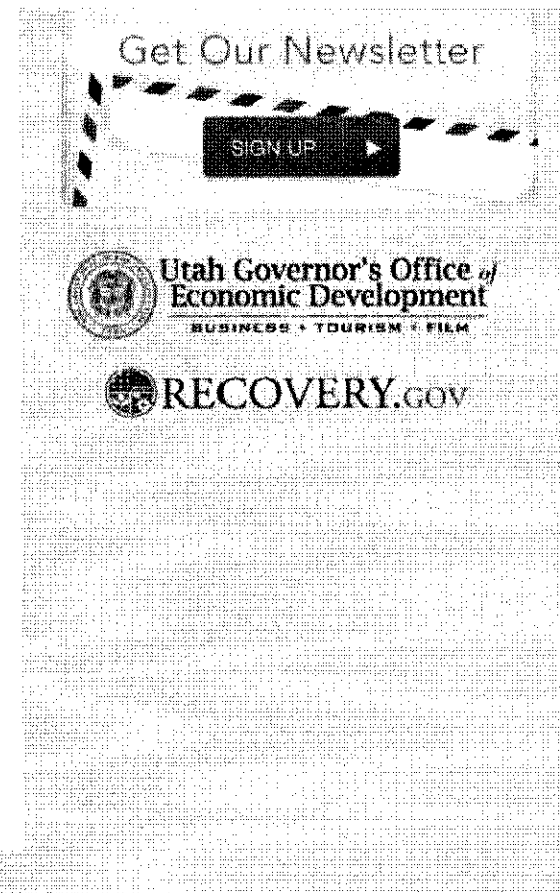
- Executive and Legislative Leadership
- State Funding
- Cooperation
- Planning

This entry was posted in [Uncategorized](#) on [December 20, 2012](#).

[← Utah Broadband Project Meets with Southern Utah Technology Council](#) [Report Ranks Utah 8th Best Tech-Based Economy →](#)

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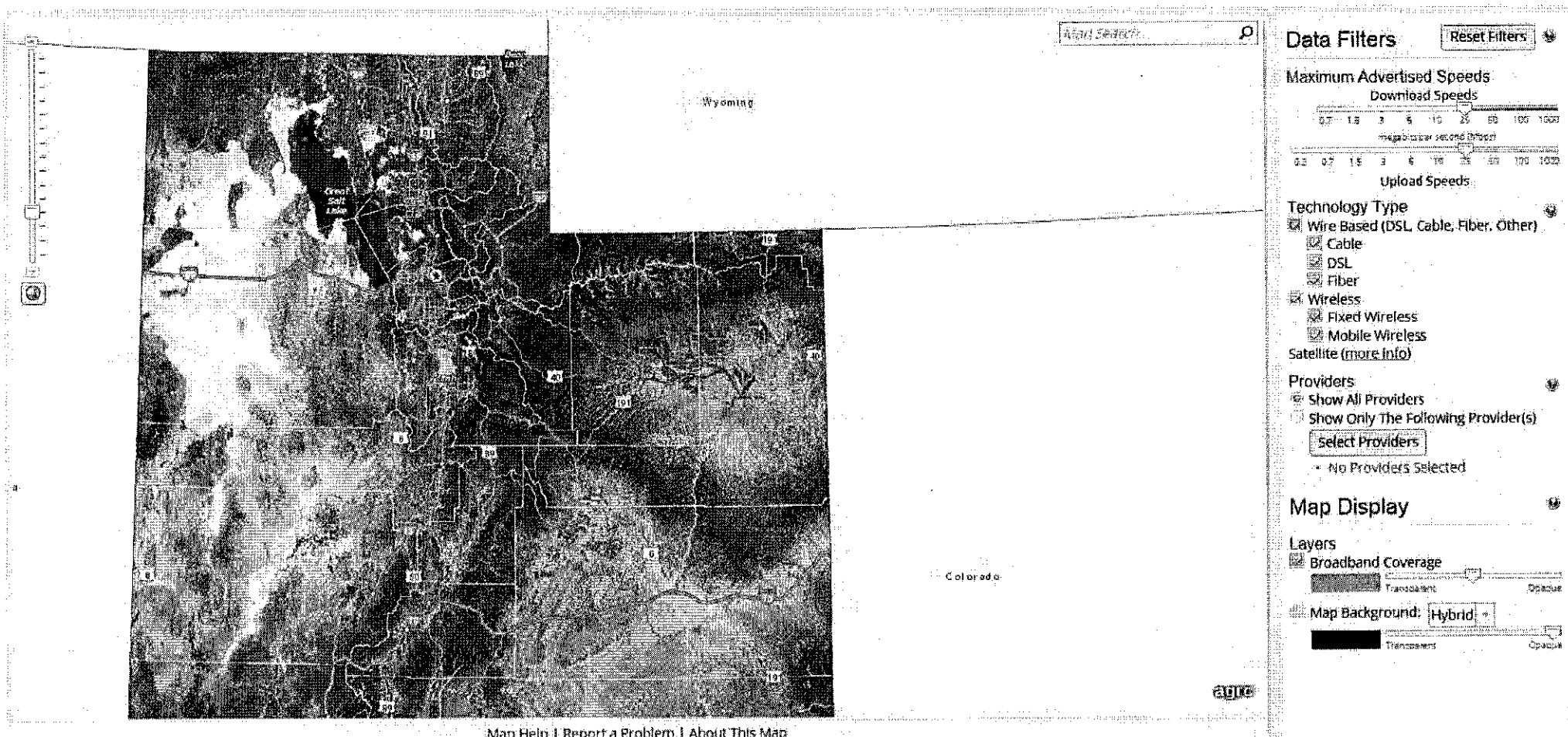


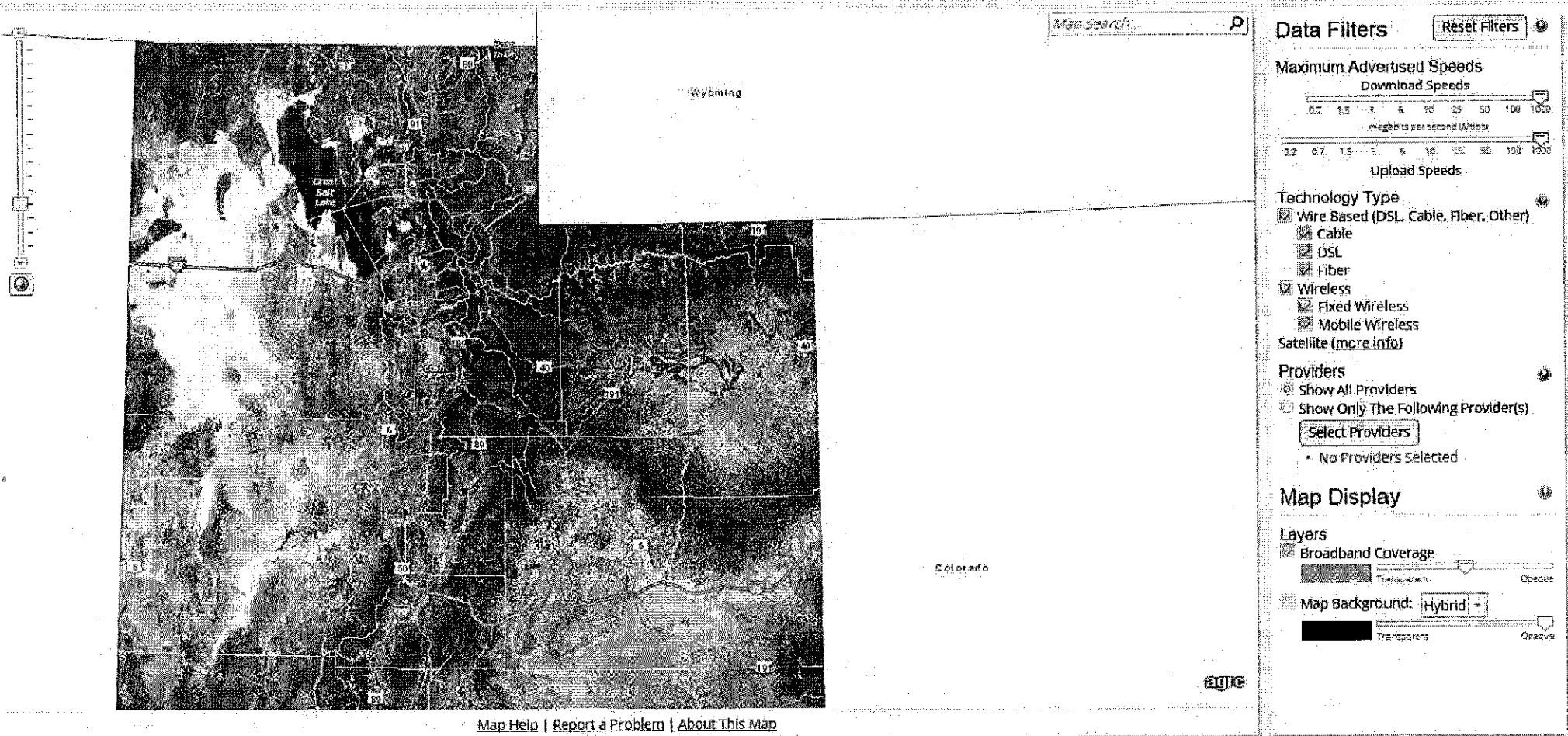
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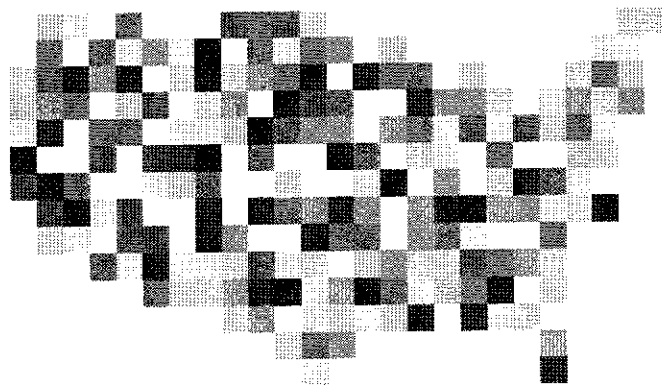
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TECHNET'S 2012 **STATE BROADBAND INDEX**



Where States Rank as They Look to High Speed Connectivity to
Grow Strong Economies and Vibrant Communities

John B. Horrigan, PhD & Ellen Satterwhite
TechNet Senior Fellow TechNet Innovation Fellow

December 2012

EXECUTIVE SUMMARY

States are actively pursuing ways to use broadband to promote economic development, build strong communities, improve delivery of government services, and upgrade educational systems. The ingredients for meeting those goals are fast and ubiquitous broadband networks, a population of online users, and an economic structure that helps drive broadband innovation and investment in new broadband uses. Not all states have these ingredients in equal measure. In this report, the TechNet State Broadband Index rates the states on indicators of broadband adoption, network quality, and economic structure as a way of taking stock of where states stand. The ratings show that the top fifteen states are:

RANK	STATE
1	Washington
2	Massachusetts
3	Delaware
4	Maryland
5	California
6	New Jersey
7	Vermont
8	Virginia
9	Utah
10	New York
11	Rhode Island
12	Pennsylvania
13	Oregon
14	New Hampshire
15	Texas

States employ a range of approaches to improving the broadband climate. Promising approaches to fostering an environment where broadband can contribute to states' development include:

- **Executive and Legislative Leadership:** Governors who show an interest in developing

broadband are a spur to building the coalitions and institutions that can enhance broadband infrastructure deployment and adoption in a state. Legislative leadership is also critical to ensuring that regulatory barriers are minimized, that rights of way access is expanded and that other policies needed to promote deployment and adoption are developed.

- **State Funding:** Closely associated with executive and legislative leadership is funding for infrastructure (often done in a way to leverage private funding or incentivize private investment), and initiatives to promote broadband adoption among citizens. Although tight state budgets make new expenditures difficult to incur, states who find the resources lay the groundwork for future social and economic growth.

- **Cooperation:** Bringing stakeholders together in the public, private, and non-profit sector is often easier said than done. That is why the leadership of a governor and legislators matters, but other stakeholders have to demonstrate engagement as well. Effective cooperation can lower the cost of deploying infrastructure and boost broadband adoption rates. Conversely, frictions in such efforts may make it harder to compete for funding that may be available from the federal government or make a state less attractive for businesses that need fast broadband to thrive.

- **Planning:** Many states engage in planning activities to explore gaps in broadband infrastructure in the state, understand broadband adoption in the state, and identify how state agencies and community anchor institutions

(e.g., schools and libraries) can use broadband to carry out their missions better. Institutionalizing these planning efforts can give broadband advocates a stronger voice in debates about infrastructure in the state, while providing a long-term perspective on how policy choices impact broadband outcomes.

States that rank highly on the broadband index stand better chances of reaping the benefits associated with high quality networks and robust adoption rates. The links between broadband and specific outcomes—rates of economic growth, higher test

scores for children, higher rates of civic engagement, or better government performance—are difficult to estimate with precision. Yet, if as the National Broadband Plan says, “Broadband is *the* great infrastructure challenge of the early 21st century,” states’ efforts to meet that challenges will have payoffs for the entire country. By comparing where states stand, the State Broadband Index offers stakeholders a roadmap for accelerating progress—and laying the foundation for stronger communities and a more innovative economy.

BROADBAND AND THE STATES

Broadband has become an important part of state policymaking in the past several years. With a tepid business climate, high unemployment, and an economy undergoing rapid transformation, state leaders are looking to build the base for productive and growing economies. Any number of elements goes into that. Schools must be strengthened in order to develop a workforce that can compete in climate of international competition and rapid product cycles. More efficient tax regimes can attract investment while generating the revenue to sustain vital public services. Local initiatives, whether they are business incubators or innovation hubs, can spur creativity and innovation that can lead to more vibrant local economies.

Infrastructure is also part of the equation. This means not just roads, bridges, water systems, and the electric grid, but also broadband. Increasingly, businesses and local economic development agencies recognize how fast and reliable broadband networks are critical inputs to productivity. State and local governments understand that broadband can help them deliver services more cheaply to citizens—and often more effectively. Individuals rely on broadband-enabled Internet access for a range of things—whether that is communicating with family and friends, shopping for deals, or finding information for education or health care.

As states try to get the most out of broadband they will be, in the familiar phrase, laboratories for democracy. Different states employ different approaches to encourage the development of broadband networks and their uses. Some states may bring considerable advantages to this effort; they may have a core of businesses in the tech sector that demand high quality broadband networks

and adoption. Others may lack those assets but are actively engaged in promoting broadband adoption and deployment of high-speed networks. Still others may be behind the curve in many ways but searching for a path forward.

This report ranks states on where they stand in broadband by developing an index that brings together different elements of what might give states advantages in using broadband for economic and social development. This quantitative approach to understanding states and broadband is supplemented by a series of case studies to highlight how selected states encourage broadband deployment and adoption. There is no single recipe for success. By examining where states stand and how some are endeavoring to improve their broadband environment, this report seeks to spur a conversation among stakeholders on how to accelerate progress.

TechNet last examined states and broadband in 2003, when it released “The State Broadband Index: An Assessment of Policies Impacting Broadband Deployment and Demand.”¹ That report was done at a very different broadband era in the United States. For instance, just 15% of homes had broadband subscriptions then, while 68% do today. No one knew what an “app” was and policymakers were only beginning to understand how broadband might help regional economies or improve educational outcomes. For those reasons, the 2012 TechNet State Broadband Index does not replicate the 2003 report, meaning it is not possible to compare 2003 state rankings to those reported here for 2012.

INDEX INPUTS

In developing a ranking of states on broadband, it is necessary to have data on the state level that illuminates the broadband landscape. The TechNet State Broadband Index used data that falls into the following three categories to develop state rankings.

- **Adoption:** The National Telecommunications and Information Administration (NTIA), an agency within the U.S. Department of Commerce, does large scale national surveys to determine the number of households that subscribe to broadband. The surveys are large enough to determine household broadband adoption rates in each of the 50 states across the U.S. Trend data on state broadband adoption also offers a look at growth rates in the past several years.
- **Network speeds:** There were two inputs to rate where states stand on network quality. The first, courtesy of Akamai, was on network speeds within the state (both average and peak). The second, courtesy of the Fiber to the Home Council, was the percent of households passed by fiber optic broadband infrastructure.
- **Economic Structure:** Two data sources characterize the extent to which a state's economy has an orientation toward broadband. First is a measure of the percentage of jobs in a state that can be counted as information and communication technology (ICT) industries (e.g., broadband service providers, electronic equipment manufacturers) and ICT centric industries (i.e., computer programmers or network administrators). The second uses research from Michael Mandel and Judith Scherer of South Mountain Economics (conducted for CTIA—The Wireless Association) who have developed a state-by-state estimate of jobs in apps development, to include "apps intensity." The rationale

for including the economic data is that a state economy more oriented to broadband/ICT may drive investment in or policy initiatives regarding broadband.

To elaborate on the data and how they were used, let's first look at adoption. The NTIA uses the services of the Census Bureau to conduct surveys of more than 100,000 households. These surveys were conducted in 2001, 2003, 2007, 2009, and 2010 to determine how many American households have broadband at home. The appendix includes state-by-state data for 2007, 2009, and 2010.

For this report, NTIA data from 2007, 2009, and 2010 were the inputs for ranking state broadband adoption. The index uses the level of broadband adoption in the state in 2010 and also the growth rate in broadband adoption from 2007 to 2009 and from 2009 to 2010. Each of those three elements is ranked equally. In this way, a state with a high broadband adoption rate in 2010 will receive appropriate credit for that in the rankings. However, states that may rank relatively low in 2010 have an opportunity to have a positive adoption score *if* they have exhibited strong growth rates in broadband adoption in recent years.

With respect to network quality, two measures from Akamai capture network speed in the state and a third, from the Fiber to the Home Council (FTTHC), shows the percentage of households passed by fiber optic broadband infrastructure. Data on network speed comes from Akamai, which is a content delivery network company. Akamai's clients provide content to end users, and Akamai facilitates delivery of this content by "mirroring" a client's content on Akamai servers, which are placed at a number of points in the network. When a user wants content, Akamai is able to route the request to a nearby

server, which results in the completion of a user's content request faster than otherwise possible. The extensive placement of servers in the broadband network enables Akamai to measure network speeds at various points and develop speed measurements for states. Akamai provided peak speeds for a state and average speeds for a state. The final element, from FTTHC, provides data as of the Spring of 2012, on the share of homes passed with fiber, which FTTHC develops through consumer and provider surveys. A table with figures for percent of homes passed by fiber is in the appendix. These three data elements—peak network speed, average network speed, and percentage of home passed by fiber—receive equal weight to develop a measure of network quality in a state.

In some respects, the measure of homes passed by fiber reflects investment choices that Verizon made in rolling out its FiOS fiber to the home product. FiOS provides very fast Internet connections to the home, but cable modem service does as well, especially with DOCSIS 3 upgrades. Places with a high share of homes passed by fiber have the reality of very fast home connection speeds and the potential for even higher speeds. The same is true for cable, even though the future upper bound for cable speeds is not likely to match fiber. In the index, places with high rates of fiber penetration certainly have an advantage, though it is worth emphasizing that fiber penetration makes up just one-third of the overall network measure. Those places with low rates of homes passed by fiber may compensate for that if their measured network speeds (average or peak) are high—perhaps due to upgrades in cable plant that enables fast home online connections.

The final set of inputs pertains to economic structure. The first is a measure of how many jobs in a state are related to broadband, that is, those that are likely to rely on broadband to carry out tasks or are

involved in the production of goods or services in the internet economy. A full list of the occupations is in the appendix, and the list is adapted from an approach used by the trade association US Telecom when it developed a nationwide estimate of broadband jobs—over 10 million. This report used the US Telecom list of broadband-related jobs to create an estimate of broadband jobs in each state.

The other economic input is more forward looking and examines how states rate with the “sunrise” tech occupation of “apps development.” In February of 2012, TechNet released a report that estimated that there were 466,000 jobs that either directly or indirectly depended on apps, that is, the creation of applications for mobile devices such as smart-phones or tablet computers.² An updated version of that work examines apps jobs on a state-by-state basis and develops an estimate of “apps intensity,” that is, the share of apps job in a state as a percentage of all jobs in the state.³ This approach takes into account that California, with its size and large tech sector, is bound to have the most apps jobs. Smaller states will have fewer apps jobs, but perhaps are “apps intensive” in employment because they have a lot of apps jobs as a share of overall employment.

The index uses a state's “apps intensity” as a measure of its broadband environment. States with high “apps intensity” may be beneficiary of past investments in broadband and also an indicator that future investment (public or private) may be forthcoming to support an emerging sector of the economy. However, because the sector is small as a share of all employment and the methods to track apps employment are nascent, “apps intensity” receives a modest weight in the economic structure portion of the index. It is only one-fifth of the economic structure measure, with the overall ICT employment measure (by state) taking the balance.

HOW STATES RANK

The state of Washington tops the TechNet State Broadband Index (Table 1), driven by an economy that has a strong orientation toward ICTs and apps development. In picking apart the three main inputs to the index (adoption, network quality, and economic structure), Washington leads on the strength of its ratings on economic structure. With the presence of Microsoft and Amazon, as well as companies like F5 Networks and T-Mobile, and others, Washington has an economy which demands high

speed connectivity. Washington State also rates very highly in apps intensity; companies like Point Inside are devoted to developing mobile applications and many workers within larger tech companies spend their days developing, or supporting the development of, apps.

TABLE 1**TechNet State Broadband Index**

RANK	STATE	INDEX VALUE (100=AVG)
1	Washington	152
2	Massachusetts	146
3	Delaware	141
4	Maryland	140
5	California	132
6	New Jersey	131
7	Vermont	128
8	Virginia	126
9	Utah	119
10	New York	119
11	Rhode Island	117
12	Pennsylvania	116
13	Oregon	115
14	New Hampshire	108
15	Texas	105
16	Georgia	102
17	Connecticut	102
18	North Dakota	100
19	Minnesota	100
20	Florida	99
21	North Carolina	99
22	Colorado	99
23	Arizona	99
24	Illinois	98
25	Kansas	97
26	South Dakota	94
27	Tennessee	93
28	Indiana	93
29	Wisconsin	93
30	South Carolina	92
31	Michigan	91
32	Missouri	91
33	Nebraska	90
34	Iowa	89
35	West Virginia	89
36	Nevada	89
37	Oklahoma	89
38	Alabama	88
39	Ohio	88
40	Maine	88
41	Idaho	86
42	Mississippi	84
43	Montana	80
44	Wyoming	78
45	Kentucky	76
46	New Mexico	76
47	Louisiana	72
48	Hawaii	70
49	Alaska	66
50	Arkansas	64

The Commonwealth of Massachusetts follows, with the cluster of universities and tech companies in the Boston area driving high ratings for apps intensity and overall economic structure oriented to broadband. The density of the university-industry complex in the Boston area likely also contributes to high ratings on network speed. Delaware's third position in the rankings has a lot to do with network quality; Delaware comes in first in this indicator. The state's concentration of corporate headquarters, which are reliant on broadband connectivity, is likely the reason behind its above-average rating on economic structure. Maryland, like Delaware, is a small state geographically with dense urban clusters; this undoubtedly helps it have high measures of average and peak network speeds. Maryland is also part of the DC-area tech cluster, and its tech-oriented economic sector is enhanced by the health care and hospital industries in the Baltimore area. One commonality among Massachusetts, Delaware, and Maryland is a high rate of homes passed by fiber. Other top ten states with the same pattern of broadband oriented economic structure and fast network speeds are Virginia, New York, and California. Each of those states also has a higher-than-average share of homes passed by fiber.

It is notable that all of these states are average (or below average) on broadband adoption. States above average on home broadband adoption—Massachusetts, California, and New Jersey—have not had fast growth rates in recent years. New York and Delaware are at about the national average in home broadband adoption, but also have tepid growth rates in recent years. In the top ten, only Vermont and Utah are above the average for home broadband adoption. Utah has the highest rate of home broadband adoption of any state at 80%, while Vermont is just above average at 70%, but has seen fast growth rates in recent years. Table 2 displays results for all states on each of the three general index inputs.

TABLE 2**TechNet State Broadband Index—Breakout of Inputs**

RANK	STATE	ADOPT TOTAL	NETWORK TOTAL	ECON TOTAL
1	Washington	101	105	260
2	Massachusetts	90	181	173
3	Delaware	88	224	116
4	Maryland	98	185	140
5	California	99	115	189
6	New Jersey	85	167	145
7	Vermont	121	177	84
8	Virginia	95	121	166
9	Utah	111	125	123
10	New York	87	139	132
11	Rhode Island	79	174	102
12	Pennsylvania	104	146	99
13	Oregon	98	109	140
14	New Hampshire	94	118	113
15	Texas	110	102	102
16	Georgia	93	83	134
17	Connecticut	92	99	116
18	North Dakota	119	104	73
19	Minnesota	94	81	125
20	Florida	92	112	95
21	North Carolina	104	93	100
22	Colorado	85	76	140
23	Arizona	112	72	112
24	Illinois	101	83	112
25	Kansas	112	82	95
26	South Dakota	102	110	70
27	Tennessee	98	108	70
28	Indiana	89	115	74
29	Wisconsin	94	86	98
30	South Carolina	113	93	66
31	Michigan	102	84	87
32	Missouri	112	58	101
33	Nebraska	94	80	98
34	Iowa	106	77	83
35	West Virginia	134	67	62
36	Nevada	108	85	71
37	Oklahoma	120	74	69
38	Alabama	114	74	74
39	Ohio	86	75	103
40	Maine	107	83	70
41	Idaho	117	57	81
42	Mississippi	132	67	47
43	Montana	101	71	66
44	Wyoming	115	73	42
45	Kentucky	95	63	69
46	New Mexico	83	71	71
47	Louisiana	95	70	49
48	Hawaii	70	77	63
49	Alaska	75	62	61
50	Arkansas	77	47	68

STATES THAT ARE OVERACHIEVERS

Looking at the states that rank in the ranking's upper reaches invites the question of whether history or purposeful action (either by public or private sector) explains the results. California and Massachusetts, for instance, have been centers of the technology industry for generations, which has been cause and consequence of investments in higher education in those places. It would be surprising if these two states *did not* do well in the rankings. A strong broadband environment may flow naturally from structural forces and perhaps less from initiatives undertaken by stakeholders in the public, private, or non-profit sectors.

One way to explore that question is to ask whether some states are overachieving or underachieving, that is, whether they perform better than expectations or not. Overachievers can manifest themselves in two ways. First, overachievers could be states without inherent advantages in broadband—they have low population density, a population with, on average, or low socio-economic indicators. These states may have low or middling rankings, but those rankings might be even *lower* if these states had not made good choices to help the broadband environment. Such states are overachievers that do better than they should because of planning and investment efforts that have paid off. Second, overachievers could be states with a lot of advantages to begin with (e.g., a vibrant tech sector and well-educated population), which they build upon through smart initiatives undertaken by the public or private sectors. Underachievers could unfold in

two ways as well—states with inherent advantages in broadband that do not rate as well as they should or states lacking advantages in broadband and rate lower than they should.

Determining which states are overachievers means asking whether the “non broadband” factors that are likely to influence the rankings explain where states fall in the rankings. Does a state’s population density, household income levels, number of senior citizens, and levels of educational attainment explain variations in the rankings? Regression analysis is the way to tackle that question and it is used in the following way. First, a simple regression model explored how well the factors just identified—state population density, household income levels, percent of senior citizens, and the percent of a state’s population with a college degree—predicted the actual index scores that form the rankings. It turns out these factors do a reasonably good job at predicting index scores; they explain about half the variation across states. Second, the equation generated by the model was used to compare the model’s prediction of states’ scores to actual scores.

The predicted scores of some states exceed their actual scores, meaning these states are overperforming relative to expectations, that is, they are overachievers. Other states have scores below what the model predicted, meaning they underperform. Many states’ scores are fairly close to what the model predicts. Table 3 shows the results of this exercise for the thirteen states that are overachievers. Because estimates generate the results, the

table shows the states in alphabetical order and without data showing the degree to which states are overachievers.

TABLE 3
Overachievers

STATE

California
Delaware
Indiana
Nevada
North Dakota
Oklahoma
Oregon
Pennsylvania
South Dakota
Texas
Utah
Washington
West Virginia

The states that do not rank highly in the index, but are overachievers include West Virginia, Indiana, Nevada, and Oklahoma. These states have inherent disadvantages relevant to some of the indicators—difficult terrain, open rural spaces, or economies that are less reliant on technology than many others. But several (West Virginia, Nevada, and Oklahoma) have been making strides in home broadband adoption in recent years. Indiana rates well in network quality, in part due to FiOS fiber-to-the-home deployments by Verizon in parts of the state.

This discussion shows that states with inherent advantages can build on them, while some without those advantages are able to do better than expected. What actions lead to these outcomes? The following case studies on six states offer illustrative examples on how a few states have tried to improve broadband. The states are California, Missouri, Ohio, Maine, Massachusetts, and Utah.

Several high ranking states—Washington, Delaware, California, and Utah—are there in part because they perform better than expected. Others, such as Pennsylvania, Oregon, Texas, and North Dakota exceed expectations and place in the top twenty. Some states that did well in the overall rankings, such as Maryland, Massachusetts, Virginia, and New York, performed at about expectations in this analysis.

CASE STUDIES

CALIFORNIA

California has made important progress in broadband statewide by developing a coordinated plan to promote deployment, expanding support for new infrastructure, and taking steps to expedite rights of way access. In 2006, then-Governor Arnold Schwarzenegger issued an executive order to reduce regulatory roadblocks, install conduit in new road construction and establish the California Broadband Task Force, a public-private partnership to identify additional administrative actions to promote broadband access and usage within the state.

The task force report, called "The State of Connectivity: Building Innovation Through Broadband" was published in January 2008 and represented one of the earliest efforts by any state to benchmark broadband. The task force made a number of recommendations to enhance broadband deployment and access in California, such as:

- Building out high-speed broadband infrastructure to all Californians;
- Developing model permitting standards and encouraging collaboration among providers;
- Increasing the use and adoption of broadband and computer technology;
- Engaging and rewarding broadband innovation and research;
- Creating a statewide tele-health network; and
- Leveraging educational opportunities to increase broadband use.

One of the most significant and impactful recommendations from the 2008 report, creation of the California Advanced Services Fund (CASF) to fund broadband network construction in unserved and underserved areas, quickly became reality. In 2008, California Senator Alex Padilla won enactment of legislation, supported by TechNet, to authorize the CASF at a level of \$100 million. In 2011, Governor Brown signed legislation, also authored by Padilla, to expand the Advanced Services Fund to \$225 million through 2018. The CASF is funded through a small assessment on telephone and VoIP services.

Other 2008 task force recommendations that have been enacted include:

- SB 1437 (Padilla), establishing the California Virtual Campus and allowing community colleges to qualify for the Teleconnect Fund, and;
- SB 1191 (Elaine Alquist), authorizing community service districts to offer broadband services if they are not available from private sector providers.

California has been a leader in promoting broadband use, for example, adopting a policy of regulatory restraint with respect to IP-enabled communications services—an important demand driver for broadband; investing in development of an extensive tele-health network and removing regulatory barriers to online learning by enabling schools

to receive funding regardless of whether a student is physically in the classroom.

California has also benefitted from the California Public Utilities Commission's creation of the California Emerging Technology Fund (CETF), whose mission is to boost broadband adoption. The CETF came about because of the 2005 AT&T/SBC merger with Verizon/MCI. As part of the conditions attached

to the merger's approval, the California Public Utilities Commission required the companies to contribute \$60 million over five years. The CETF has undertaken a number of initiatives to reach its goals of 98% broadband deployment in California and 80% adoption, up from the state's 2010 73% home broadband adoption rate.

MAINE

Maine ranks 40th in the index, driven by mixed performance on all of the indicators used in the construction of the broadband index. Maine's level of broadband adoption is below average and has, until recently, grown at a pace below the national average. At the same time, Maine is in the middle of the pack when it comes to overall network health, even though the state's economy is not heavily oriented toward technology. The data seem to indicate that despite relatively early organization and leadership on the issue of broadband, the state has been unable to capitalize completely on broadband as a platform for innovation in its economy and society.

Like California, Maine was an early mover in terms of developing a statewide broadband initiative. In 2005, then-Governor John Baldacci created the state's Broadband Access Infrastructure Board (BAIB) in 2005 by executive order. The order set a goal that 95–98% of Maine communities would have access to broadband by 2010.⁴

The BAIB produced a report in 2005, recommending several actions—most directed at increasing the availability of broadband and improving broadband adoption in unserved or underserved areas. These recommendations included, among others, providing incentives and funding for broadband infrastructure, regulatory changes to rights of way policies, granting funds for technology demonstration projects and creating a Citizens' Advisory Board to lead technology demonstration efforts. In addition, the report recommended creating an entity with rulemaking authority and a professional staff

to monitor broadband deployment and maintain information on availability, demand and potential funding. Thus, in 2006, Maine created the ConnectME Authority.⁵ ConnectME has statutory authority to collect an annual fee (not to exceed 0.25% of revenue) from every communications provider for all services provided in the state. The Authority has provided 18 grants to providers to bring broadband to unserved areas across the state in the more than two years since it was formed, with the potential to reach 27,000 households.⁶

The state also took advantage of the 2009 stimulus bill. Maine received a \$25 Million BTOP grant for a public-private partnership to expand its middle-mile infrastructure called the Three Ring Binder project, the first part of which was completed in October 2010. In addition, like other states, Maine received funding to expand the planning activities of ConnectME: in June 2011, the ConnectME Authority published a statewide needs assessment and followed that in April 2012 with a strategic broadband plan for Maine.

Apart from the stimulus funds, the state has also made other steps to integrate broadband into key sectors. For example, Maine is a member of the FCC Rural Health Care Pilot funded New England Telehealth Consortium, which links regional health care providers with urban public practices, research institutions, academic institutions and medical specialists.⁷ But according to the state's strategic plan, the broadband speeds necessary for most healthcare entities are not available without a cost-prohibitive dedicated line subscription.⁸ Also,

there is currently low uptake of applications that might boost broadband demand—Electronic Health Records and Health Information Technologies—amongst healthcare providers in the state. The strategic plan makes recommendations to boost adoption and use with federal help.⁹

Similarly, from primary schools through higher education, Maine has made progress integrating broadband and technology into education. Every Maine school and library has broadband service and 44 percent have fiber optic connections.¹⁰ The Maine Learning Technology Initiative—which provides all seventh and eighth grade students and teachers in Maine with a laptop—is a national example of a successful education technology initiative.¹¹ And the University of Maine is working towards bringing next generation connectivity and

speeds to the state as a founding member of the NorthEast Cyberinfrastructure Consortium, a charter member of the Gig.U Project and a participant in the NorthEast Research and Education Network.

However, the state has not excelled in developing its knowledge economy. Maine's ICT industry has lagged the national average as well as its New England neighbors, when measured as a share of overall GDP and employment.¹² With the state's efforts to improve network quality and broadband use in sectors such as health care and education, one would expect to see payoffs to the economy and quality of life in Maine in the coming years.

UTAH

Ranking 9th on the State Broadband Index, Utah's boasts a healthy technology economy supported by robust broadband infrastructure. Though many Utah communities are relatively rural and remote, the state has become a regional technology hub capable of attracting high technology businesses and supporting broadband adoption and use in various sectors like healthcare and education, and over 5 percent of the state's jobs are ICT-related occupations. In 2010, Utah had the highest broadband adoption rate in the country and continues to outpace the national average in adoption growth between 2009 and 2010. And the state ranks far above the national average on number of residences with fiber to the home as well as the peak and average speeds available to its residents.

Utah has led the country in publicly-supported broadband deployment projects, hosting one of the first—and largest—open access fiber deployments in the United States, the Utah Telecommunications Open Infrastructure Agency (UTOPIA) and its sister project, the iProvo network. UTOPIA is a consortium of now 16 cities that joined together to deploy an all fiber network to homes and businesses funded through municipal bonds. During the planning phases of these networks, the state legislature imposed a number of requirements that effectively barred the networks from providing retail services to homes and businesses but allowed municipal providers to exist as wholesale networks. These deployments faced considerable legal and legislative challenges, as well as problems in planning and management.¹³ The iProvo network was sold to private provider Broadweave Networks in 2008 but was transferred back to the city earlier this year. UTOPIA, under new management since 2008, has continued to operate as a public open access network.

Disagreements remain about the success of Utah's fiber network experiments, and the issue has become a political dividing line in many communities. But these experiments, as well as private investment and sector-based broadband networks, have resulted in a sophisticated and healthy broadband infrastructure that the state's public and private institutions have readily used.

Public private partnerships between the Utah Education Network (UEN) and private broadband providers have connected over one thousand schools, supporting interactive video conferencing and distance education programs throughout the state.¹⁴ Connections to schools are fully covered by the UEN, which receives support from state appropriations as well as federal universal service funds through the E-rate program and other federal grants. The network serves as the "anchor tenant" for many independent telecom providers throughout the state and is set to expand using BTOP funds to connect 149 more community anchor institutions. Similarly, the state's Department of Transportation has enabled the deployment of broadband throughout Utah through its policy, which originated with major road construction projects for the 2002 Winter Olympics, of facilitating cooperative fiber and conduit trades with broadband service providers as well as laying fiber conduit during road construction projects where it makes sense. The agency uses this backbone to provide "smart roads" to help eliminate traffic congestion.¹⁵ And, the Utah Telehealth Network (UTN) connects urban and rural providers throughout the state with facilities and patients, enabling telemedicine, home monitoring for elderly and chronic patients, as well as public health and health administration projects.¹⁶

MASSACHUSETTS

Massachusetts ranks second on the index, driven by high marks in every category—broadband adoption, network health and economic structure. Demographics and geography put Massachusetts in a relatively advantageous position relative to other states—with a high median income, population density and level of education amongst residents, private and public stakeholders have taken an aggressive stance with regard to maintaining and improving the state's digital health. On display in Massachusetts is a holistic approach to broadband deployment, adoption and use that has yielded positive results.

Massachusetts communities were relatively early broadband adopters, with the state showing a nine percent broadband adoption rate in 2000—the highest in the country.¹⁷ State and regional leadership appear to have helped the Commonwealth get a head start, with regional coalitions banding together to promote demand aggregation amongst anchor tenants, businesses and residents in rural western Massachusetts.¹⁸ These efforts were led through The Massachusetts Technology Collaborative (MTC), the state's economic development agency for the "innovation economy and renewable energy," as directed by the legislature. The MTC became the home for other projects aimed at using technology to innovate in the economy and specific sectors like healthcare.¹⁹ In 2008, the Massachusetts Broadband Institute (MBI) was created and assigned to the purview of the MTC. The authorizing legislation gave the MBI the ability to invest up to \$40 million of state bond funds

in necessary infrastructure assets like conduits, fiber-optics and wireless towers. MBI has used these funds as leverage to attract funding from the federal government's Broadband Technology Opportunities Program, as well as from the private sector. MBI's state resources helped attract investment from Axia NGN to serve as network operator for the Massachusetts 123 and OpenCape infrastructure projects.

The history of broadband policy in Massachusetts is full of partnerships—with the federal government, with private entities, amongst state agencies and interested nonprofits. For example, an MBI project along I-91 came from a collaboration between the state transportation agency, who was installing conduit for a traffic-management system and MBI who took the opportunity to install some of its own fiber at the same time.²⁰ The MBI has since developed a dig once policy and has a similar agreement with the Department of Conservation to use the state's fire towers as attachment points for wireless equipment.²¹ The state, as already noted, has received federal stimulus grants to expand existing projects as well as work with private providers to build new infrastructure like the MassBroadband 123, which will connect over 120 communities in western and north central Massachusetts.²² Such partnerships can fuel community action. In the western Massachusetts town of Leverett, the town has invested \$3.6 million for a fiber-to-the-home project, which will use the MassBroadband 123 infrastructure as its on-ramp to the Internet backbone.

While deploying broadband and working to support its adoption in residences and businesses, stakeholders have also invested in the capacity of the overall digital ecosystem in the state. The John Adams Innovation Institute, another division of the MTC, has worked to develop and support research universities, hospitals and laboratories, the concentration of venture capitalists and angel investors

as a framework for the innovation economy in Massachusetts. The Institute conducts investment support studies for private entities and the public sector and leads efforts like the development of the State Regional Economic Development Strategy.²³

MISSOURI

Missouri, hit hard by the most recent economic downturn, sees broadband as a part of a broader economic recovery strategy. While the state is hampered by broadband network availability and capacity, recent high broadband adoption growth rates and a demonstrated embrace of the digital economy earns the state a rank of 32 on the broadband capacity index. The state possesses a host of necessary components to drive broadband-based economic growth and seems poised to address its broadband infrastructure challenges.

Rural residents in Missouri are less likely to have broadband at home than non-rural residents (63 percent compared to 82 percent).²⁴ State leaders have taken notice, establishing a Rural High-Speed Internet Access Task Force tasked with providing recommendations for policy changes to increase the availability of broadband in the state as well as applying for federal broadband stimulus funds for broadband infrastructure expansion.²⁵ These awards are intended to add capacity to the state's middle mile broadband infrastructure, lowering the costs to deliver service to homes and businesses for service providers and potentially lowering costs for consumers by improving competition amongst those service providers. Like other broadband stimulus funded projects, these infrastructure improvements are required to be substantially built out in two years. At the same time, localities are limited in the amount they can do to support broadband expansion as existing legislation bars municipalities and municipal electric utilities from selling or leasing certain telecommunications services to the public and sales of telecommunications services to other

providers are also subject to various restrictions.²⁶

In light of these challenges, elected officials, local stakeholders and representatives from private industry have demonstrated a commitment to planning for broadband and integrating the infrastructure into a broader, long-term strategy for development. In 2009, the Governor established MoBroadbandNow, a public-private initiative to expand broadband accessibility and facilitate the integration of broadband and information technology into state and local economies, including directing the state's stimulus funding and projects. The initiative's main objective is to deliver broadband to 95% of residents by the end of 2014.²⁷ In pursuing these objectives, the initiative has established regional teams to develop grassroots-level strategic broadband plans and holds an annual broadband summit. The initiative also collects broadband data to produce semi-annual interactive mapping information and reports on the status of other broadband infrastructure projects—joining all things broadband under one umbrella. The 19 regional planning councils recently completed local needs assessments and strategic planning efforts, all of which will be brought together in a state strategic plan.

In addition to the state's MoBroadbandNow efforts, Missouri is home to several existing networks that support the state's established and growing information technology sector. MORENet, a statewide research and education network, was established in 1991 at the University of Missouri Columbia and has connected schools, public libraries, academic institutions and state agencies to an advanced,

high-speed network as well as staff training, technical support and electronic resources.²⁸ The Missouri Telehealth Network (MTN) is a public-private partnership operating a semi-private network to deliver telehealth and general telecommunications services to hospitals, health care centers, and universities throughout the state.

In an effort to recover from the recent economic downturn, Missouri has aggressively pursued building economic diversity and a growing broadband-based economy. A report issued earlier this year details the importance of broadband for the state's agriculture economy and outlines ways to help farmers take advantage of the technology. Further, the state has sought to encourage the use of information technology in agriculture and heavy manufacturing, while encouraging entrepreneurship and the growth of new and emerging high-tech companies. The state supports emerging businesses through public-private partnerships like the Missouri Technology Corporation and non-profit and

public-supported efforts like the IT Entrepreneur Network and university-housed Innovation Centers. Finally, using tax credit incentives, the state has attracted several high-technology companies to the region including IBM, Capgemini and Unysis.

There are some bright spots on the horizon for Missouri: The Google Fiber project, in Kansas City, will add a considerable boost to the speeds available to a portion of the state's residents, while making the area a potential hub for network-based innovations. Furthermore, the state's highly skilled workforce—the number of skilled employees in the state exceeds the population of 19 other states—and ability to attract ICT-based occupations even absent the robust networks of other regions should only improve with faster, more available broadband service.

OHIO

Currently, Ohio ranks below the national average in broadband adoption and indicators of network health like average and peak speeds, leaving the state unable to take full advantage of these networks. Though Ohio currently ranks 39th on the state index, strong stakeholder leadership and investment have the state poised to improve its standing on all indicators—broadband adoption, network deployment and strength of digital economy.

Ohio has a history of leading the country in its policies to support broadband deployment and usage, modeling programs for other states. In the past, the state has sought “alternative” regulatory arrangements to encourage providers to offer more broadband in exchange for its approval of mergers of telecommunications companies.²⁹ The state also led federal policy with several other states, when, in December 2007, then Governor Ted Strickland launched Connect Ohio, a public-private partnership to address broadband availability in the state. Ohio made an investment to establish this program to map broadband availability, research broadband use and adoption, work to stimulate and aggregate demand, and engage communities in the development of local and regional technology plans and expanded this program with funding from NTIA when it became available in 2009.³⁰ Also in 2007, the Governor created the Ohio Broadband Council to coordinate efforts to extend access to the states Broadband Ohio Network to every county in Ohio. In addition to developing a plan for statewide broadband deployment, the Ohio Broadband Council was charged with coordinating all state-funded

broadband initiatives, pursuing additional federal investments in broadband, promoting public and private broadband initiatives and addressing the digital divide in Ohio’s rural and urban areas. The council expired in 2010 with the end of Governor Strickland’s term.

With changes in state leadership came changes in approach to the state’s broadband efforts, with Governor John Kasich announcing plans to have the state spend \$8.1 million to upgrade Ohio’s existing fiber optic network, connecting schools, governments, and other anchor institutions. The plan calls for a ten-fold increase in download speeds, expanding the network’s capacity to 100 Gbps.

In addition to these state initiatives, Ohio has a long history of non-profit groups promoting and expanding the use of broadband by its citizens. The internationally-recognized, Cleveland-based OneCommunity has been working in the state’s northeast region since 2003 to support technological innovation and broadband-based economic development through technology adoption programs and on its non-profit high-speed network. OneCommunity—with private companies Horizon Telcom and Com Net, Inc—joined with the state’s OARnet to form the public-private Ohio Middle Mile Consortium which was awarded \$141.3 million to combine with private funds to build 3,600 new miles of broadband fiber throughout Ohio.³¹ Leaders in rural, Southeastern Ohio.

Finally, Ohio’s leaders—both elected and not—are promoting the use of technology to support entrepreneurship and innovation. In Cleveland,

an initiative called JumpStart pairs experience entrepreneurs with up and coming business leaders, especially women and minorities.³² In addition, numerous angel funds have newly emerged and are now well underway to making investments, led by a matching program that's a small part of the State's Third Frontier Program, a \$700 million investment in research, innovation and economic development.

The state's educational institutions have made substantial investments in the region's digital economy as well. The Case Connection Zone is a research project with the goal of bringing 1 Gbps Internet connectivity to the neighborhoods surrounding Case Western Reserve University. The current beta block comprises 100 separate residences, and the University has sought to expand this coverage as part of the national Gig.U initiative. The initiative has

already spawned two startups in the neighborhood while serving as a model for university communities around the country. And, the Ohio State University Office of the CIO and OARnet are helping underserved communities achieve broadband Internet connectivity through wireless technologies, with major funding from the American Distance Education Consortium (ADEC), the Governor's Office of Appalachia and the Ohio Community Computing Network (OCCN).³³

The state will soon begin to see dividends from these investments—in networks and digital capital to take advantage of those networks. It is likely the state's ranking will rise noticeably.

SUMMARY

The preceding discussion is obviously not a comprehensive view of what states are doing to encourage broadband. A number of states not mentioned here have initiatives to spur broadband adoption and deployment. In Illinois (ranked 24th), Governor Pat Quinn has created a \$6 million Gigabit Communities Challenge fund that will award grants in the form of prizes to public or private sector projects that expand broadband infrastructure and link the build out to economic development, job creation, or improvements in education and health care. Illinois also has the Broadband Innovation Fund, a \$500,000 grant program to organizations seeking to expand broadband adoption. Officials in Illinois were surprised to receive 113 applications for this grant program for 14 awards that the state made. In Hawaii (ranked 48th), Governor Neil Abercrombie has announced that the state will build a gigabit network statewide by 2018.

The diversity of state approaches is undoubtedly a virtue, as states search for models on how to encourage broadband in a fairly new arena for them. At the same time, building the capacity to learn lessons across states is crucially important. The National Broadband Plan recommended the creation of a clearinghouse for best practices for state and local broadband projects. The range of state performance in broadband demonstrated in this report suggests that the creation of such a clearinghouse would have clear payoffs.

ENDNOTES

- 1 See "The State Broadband Index", available online at: http://illinoisbroadbanddeployment.pbworks.com/f/State_Broadband_Index.pdf
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- 19 <http://www.masstech.org/AgencyOverview/history11-05.pdf>
- 20 http://www.iberkshires.com/story.php?story_id=31735
- 21 Pew State Broadband Report, p. 25; <http://www.massbroadband.org/Network/tower.html>
- 22 <http://www.massbroadband.org/Network/mb123.html>
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- 25 <http://www.heartlandconnection.com/news/story.aspx?id=749638#.UFZVFqRSSwE>; Missouri received \$256 Million from NTIA and RUS for 18 separate infrastructure projects throughout the state.
- 26 Mo. Rev. Stat. § 392.410(7)
- 27 <http://mobroadbandnow.com/>
- 28 <http://www.more.net>
- 29 www.puco.ohio.gov/PuCo/Consumer/information.cfm?id=4078
- 30 <http://connectohio.org/>
- 31 www.ohiomiddlemile.org
- 32 Federal Communications Commission, Connecting America: The National Broadband Plan, 270. See also "About JumpStart" (JumpStart, Inc.); <http://www.jumpstartinc.org/about/>
- 33 <http://cro.osc.edu>.

APPENDIX

This appendix provides background on the inputs and data sources used for the index. Below is a table that lists the occupations used to develop the measure of the share of a state's jobs reliant on broadband. As noted, it is adapted from an approach

used by US Telecom in estimating the number of jobs nationally that are "broadband-related." This report took this approach and replicated it state by state. More on the US Telecom method can be found on line [here](#).

- Computer Programming and Software

- Computer Programmers
- Software Developers, Applications
- Software Developers, Systems Software
- Computer Specialists, Support, Operators, Users
- Computer Hardware Engineers
- Computer Operators
- Computer Support Specialists
- Data Entry Keyers
- Database Administrators
- Word Processors and Typists
- Computer Occupations, All Other
- Computer and Information Research Scientists

- Content/Information Production and Management

- Archivists
- Broadcast News Analysts
- Broadcast Technicians
- Camera Operators, Television, Video, and Motion Picture
- Desktop Publishers
- Film and Video Editors
- Graphic Designers
- Librarians
- Library Assistants, Clerical
- Library Technicians
- Motion Picture Projectionists
- Radio and Television Announcers
- Sound Engineering Technicians
- Printing Press Operators
- Print Binding and Finishing Workers
- Audio-Visual and Multimedia Collections Specialists

- Equipment, Repair, and Installation
 - Audio and Video Equipment Technicians
 - Camera and Photographic Equipment Repairers
 - Computer, Automated Teller, and Office Machine Repairers
 - Electronic Equipment Installers and Repairers, Motor Vehicles
 - Electronic Home Entertainment Equipment Installers and Repairers
 - Media and Communication Equipment Workers, All Other
 - Radio Operators
 - Security and Fire Alarm Systems Installers
 - Telecommunications Equipment Installers and Repairers, Except Line Installers
 - Telecommunications Line Installers and Repairers
 - Radio, Cellular, and Tower Equipment Installers and Repairs
- Manufacturing
 - Electrical and Electronic Equipment Assemblers
 - Semiconductor Processors
- Marketing, Advertising, and Sales
 - Advertising and Promotions Managers
 - Advertising Sales Agents
 - Telemarketers
- Network/I.T. Administrators, Operators, and Analysts
 - Communications Equipment Operators, All Other
 - Computer and Information Systems Managers
 - Computer Systems Analysts
 - Switchboard Operators, Including Answering Service
 - Telephone Operators
 - Network and Computer Systems Administrators
 - Information Security Analysts, Web Developers, and Computer Network Architects
- Other
 - Media and Communication Workers, All Other
- Teaching and Research
 - Communications Teachers, Postsecondary
 - Computer Science Teachers, Postsecondary
 - Library Science Teachers, Postsecondary

The National Telecommunications and Information Administration (NTIA), an agency in the U.S. Department of Commerce, periodically has conducted large scale national surveys to determine the number of Americans online and how many have broadband service at home. These surveys interview in excess of 50,000 households, a large enough sample size to estimate broadband adoption at the state level. Detail about the NTIA surveys can be found online [here](#). The table at right shows state-by-state figures for 2007, 2009, and 2010.

BROADBAND ADOPTION BY STATE (NTIA SURVEYS)

STATE	2007	2009	2010
Alabama	37%	48%	56%
Alaska	63%	73%	73%
Arizona	54%	67%	74%
Arkansas	38%	51%	52%
California	56%	68%	73%
Colorado	58%	69%	72%
Connecticut	60%	71%	75%
Delaware	50%	67%	68%
Florida	53%	67%	70%
Georgia	54%	64%	69%
Hawaii	58%	70%	69%
Idaho	46%	67%	72%
Illinois	52%	63%	69%
Indiana	42%	56%	59%
Iowa	47%	62%	67%
Kansas	55%	67%	75%
Kentucky	40%	54%	58%
Louisiana	42%	57%	61%
Maine	48%	61%	67%
Maryland	56%	70%	74%
Massachusetts	61%	73%	76%
Michigan	46%	62%	66%
Minnesota	53%	67%	71%
Mississippi	33%	42%	52%
Missouri	45%	57%	64%
Montana	40%	58%	61%
Nebraska	54%	64%	69%
Nevada	54%	68%	74%
New Hampshire	65%	73%	78%
New Jersey	57%	72%	73%
New Mexico	43%	55%	58%
New York	54%	66%	69%
North Carolina	47%	59%	65%
North Dakota	49%	63%	71%
Ohio	49%	61%	64%
Oklahoma	39%	56%	63%
Oregon	58%	70%	75%
Pennsylvania	48%	62%	67%
Rhode Island	59%	69%	71%
South Carolina	39%	53%	60%
South Dakota	48%	60%	66%
Tennessee	42%	55%	60%
Texas	48%	60%	67%
Utah	59%	73%	80%
Vermont	47%	61%	69%
Virginia	53%	65%	70%
Washington	58%	72%	77%
West Virginia	33%	52%	59%
Wisconsin	53%	67%	71%
Wyoming	50%	66%	73%
All of United States	51%	64%	68%

For assessing the share of homes passed by fiber optic infrastructure, the Fiber to the Home Council contacts with RVA LLC, which develops North American FTTH Homes, passed and connected numbers using two different primary research studies and public information. Annually, RVA conducts interviews with approximately 350 FTTH providers and gathers detailed information about their respective deployments. Public Information from large public companies on FTTH deployment is also gathered.

RVA also conducts a random online consumer study of approximately 1250 FTTH consumer users each year. This study is based on a pre-screening of a far larger sample nationwide. While the consumer study is primarily used to determine the use and perceived value of FTTH, it also helps validate deployment information from providers, and helps determine the state-by-state distribution of FTTH from large multi-state providers. The table at right shows the results state-by-state.

SHARE OF HOMES PASSED BY FIBER (FIBER TO THE HOME COUNCIL)

STATE	2012
Alabama	2.6%
Alaska	1.0%
Arizona	0.6%
Arkansas	0.8%
California	20.1%
Colorado	0.7%
Connecticut	2.1%
Delaware	74.8%
Florida	22.1%
Georgia	3.6%
Hawaii	1.2%
Idaho	1.5%
Illinois	0.7%
Indiana	16.7%
Iowa	10.3%
Kansas	13.9%
Kentucky	4.5%
Louisiana	9.9%
Maine	2.8%
Maryland	67.9%
Massachusetts	62.8%
Michigan	1.1%
Minnesota	5.9%
Mississippi	2.3%
Missouri	5.0%
Montana	6.4%
Nebraska	5.1%
Nevada	1.6%
New Hampshire	9.1%
New Jersey	54.6%
New Mexico	5.4%
New York	35.0%
North Carolina	5.3%
North Dakota	18.6%
Ohio	1.7%
Oklahoma	1.7%
Oregon	20.5%
Pennsylvania	43.5%
Rhode Island	55.2%
South Carolina	7.1%
South Dakota	20.7%
Tennessee	18.2%
Texas	20.2%
Utah	20.9%
Vermont	53.0%
Virginia	18.2%
Washington	8.4%
West Virginia	0.7%
Wisconsin	3.7%
Wyoming	3.4%
All of United States	15.4%

GOALS FOR A HIGH- PERFORMANCE AMERICA

CHAPTER 2

[Back to cover page](#)

THE MISSION OF THIS PLAN is to create a high-performance America—a more productive, creative, efficient America in which affordable broadband is available everywhere and everyone has the means and skills to use valuable broadband applications.

The importance of broadband continues to grow around the world. High-performing companies, countries and citizens are using broadband in new, more effective ways. Some countries have recognized this already and are trying to get ahead of the curve. South Korea, Japan, Australia, Sweden, Finland and Germany, among others, have already developed broadband plans.

A high-performance America cannot stand by as other countries charge into the digital era. In the country where the Internet was born, we cannot watch passively while other nations lead the world in its utilization. We should be the leading exporter of broadband technology—high-value goods and services that drive enduring economic growth and job creation. And we should be the leading user of broadband-enabled technologies that help businesses increase their productivity, help government improve its openness and efficiency, and give consumers new ways to communicate, work and entertain themselves.

To ensure we lead the world, this plan addresses the troubling gaps and unrealized opportunities in broadband in America by recommending ways federal, state and local governments can unleash private investment, innovation, lower prices and better options for consumers. Its recommendations fall into four general categories:

- Design policies to ensure robust competition and, as a result, maximize consumer welfare, innovation and investment.
- Ensure efficient allocation and management of assets government controls or influences, such as spectrum, poles, and rights-of-way, to encourage network upgrades and competitive entry.
- Reform current universal service mechanisms to support deployment of broadband and voice in high-cost areas; and ensure that low-income Americans can afford broadband; and in addition, support efforts to boost adoption and utilization.
- Reform laws, policies, standards and incentives to maximize the benefits of broadband in sectors government influences significantly, such as public education, health care and government operations.

Across these categories, this plan offers recommendations for the Federal Communications Commission (FCC), the Executive Branch, Congress, states and other parties. But to ensure we are on the right path, the country should set long-term goals and benchmarks to chart our progress. The plan recommends that the country set the following six goals for 2020 to serve as a compass over the next decade.

GOAL NO. 1: At least 100 million U.S. homes should have affordable access to actual download speeds of at least 100 megabits per second and actual upload speeds of at least 50 megabits per second.

The United States must lead the world in the number of homes and people with access to affordable, world-class broadband connections. As such, 100 million U.S. homes should have affordable access to actual download speeds of at least 100 Mbps and actual upload speeds of at least 50 Mbps by 2020. This will create the world's most attractive market for broadband applications, devices and infrastructure.

The plan has recommendations to foster competition, drive demand for increased network performance and lower the cost of deploying infrastructure. These recommendations include providing consumers with information about the actual performance of broadband services, reviewing wholesale access policies and conducting more thorough data collection to monitor and benchmark competitive behavior. Reforming access to rights-of-way can lower the cost of upgrades and entry for all firms. Increased spectrum availability and use for backhaul can enable more capable wireless networks that will drive wired providers to improve network performance and ensure service is affordable.

Government can also help create demand for more broadband by enabling new applications across our most important national priorities, including health care, education and energy, and by ensuring consumers have full control of their personal data.

As a milestone, by 2015, 100 million U.S. homes should have affordable access to actual download speeds of 50 Mbps and actual upload speeds of 20 Mbps.

GOAL NO. 2: The United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.

Mobile broadband is growing at unprecedented rates. From smartphones to app stores to e-book readers to remote patient monitoring to tracking goods in transit and more, mobile services and technologies are driving innovation and playing an increasingly important role in our lives and our economy. Mobile broadband is the next great challenge and opportunity for the United States. It is a nascent market in which the United States should lead.

Spectrum policy is the most important lever government has to help ensure wireless and mobile broadband thrive. Efficient

allocation of spectrum consistent with the public interest will maximize its value to society. It will lower network deployment costs, making it easier for new companies to compete and enabling lower prices, more investment and better performance.

Today, the FCC has only 50 megahertz of spectrum in the pipeline that it can assign for broadband use, just a fraction of the amount that will be necessary to match growing demand. As a result, companies representing 5% of the U.S. economy asked the FCC to make more spectrum available for mobile broadband, saying that “without more spectrum, America’s global leadership in innovation and technology is threatened.”¹

To achieve this goal of leading the world in mobile broadband, the plan recommends making 500 megahertz of spectrum newly available for broadband by 2020, with a benchmark of making 300 megahertz available by 2015. In addition, we should ensure greater transparency in spectrum allocation and utilization, reserve spectrum for unlicensed use and make more spectrum available for opportunistic and secondary uses.

GOAL NO. 3: Every American should have affordable access to robust broadband service, and the means and skills to subscribe if they so choose.

Not having access to broadband applications limits an individual’s ability to participate in 21st century American life. Health care, education and other important aspects of American life are moving online. What’s more, government services and democratic participation are shifting to digital platforms. This plan recommends government use the Internet to increase its own transparency and make more of its data available online. Getting everyone online will improve civic engagement—a topic this plan also addresses by recommending a more robust digital public ecosystem.

Three requirements must be satisfied to ensure every American can take advantage of broadband. First, every American home must have access to network services. Second, every household should be able to afford that service. Third, every American should have the opportunity to develop digital skills.

The plan recommends reforming existing support mechanisms to foster deployment of broadband in high-cost areas: specifically, the Universal Service Fund and intercarrier compensation. The plan outlines a 10-year, three-stage course of action to transform these programs to connect those who do not have access to adequate broadband infrastructure.² Rather than add new burdens to the already strained contribution base, we must make the tough choice to shift existing support that is not advancing public policy goals in order to directly focus those resources on communities unserved by broadband.

To promote affordability, this plan also proposes extending the Lifeline and Link-Up programs to support broadband. To promote digital skills, we need to ensure every American has

access to relevant, age-appropriate digital literacy education, for free, in whatever language they speak, and we need to create a Digital Literacy Corps.

Achieving this goal will likely lead to an adoption rate higher than 90% by 2020 and reduced differences in broadband adoption among demographic groups.

To the end, government can make broadband more accessible to people with disabilities. It can also work with Tribal governments to finally improve broadband deployment and adoption on Tribal lands.³ And it can ensure small businesses—many of which are owned by women and minorities—have the opportunity to purchase broadband service at reasonable rates.

GOAL NO. 4: Every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings.

Schools, libraries and health care facilities must all have the connectivity they need to achieve their purposes. This connectivity can unleash innovation that improves the way we learn, stay healthy and interact with government.

If this plan succeeds, every American community will have affordable access to far better broadband performance than they enjoy today. To do so, the plan makes recommendations about reforming the E-rate and the Rural Health Care support programs. Second, non-profit and public institutions should be able to find efficient alternatives for greater connectivity through aggregated efforts.

What’s more, unleashing the power of new broadband applications to solve previously intractable problems will drive new connectivity demands. The plan makes numerous recommendations, including reforming incentive structures, licensing and data interoperability, to ensure public priorities take advantage of the benefits broadband networks, applications and devices offer. If they are implemented, demand for connectivity in hospitals, schools, libraries and government buildings will soar.

In some communities, gigabit connectivity may not be limited to anchor institutions. Certain applications could also require ultra-high-speed connectivity at home. And once community anchors are connected to gigabit speeds, it would presumably become less expensive and more practical to get the same speeds to homes.

GOAL NO. 5: To ensure the safety of the American people, every first responder should have access to a nationwide, wireless, interoperable broadband public safety network.

In June 2004, the 9/11 Commission released its final report about events of September 11, 2001. The report found that “the inability to communicate was a critical element” at each of the

"crash sites, where multiple agencies and multiple jurisdictions responded." They concluded: "Compatible and adequate communications among public safety organizations at the local, state, and federal levels remains an important problem."⁴

It remains a problem more than five years later. Often, first responders from different jurisdictions cannot communicate at the scene of an emergency. Federal officials can rarely communicate with state and local officials. Officials from different towns and cities have difficulties communicating with each other. What's more, with few exceptions, current networks do not take advantage of broadband capability, limiting their capacity to transmit data and hindering potential innovations in public safety that could save lives.

The country should create a nationwide, wireless, interoperable broadband public safety network by 2020. The network should be robust enough to maintain performance in the aftermath of a disaster, and should allow every first responder, regardless of jurisdiction or agency, to communicate with each other and share real-time data over high-speed connections. Chapter 16 outlines recommendations to make this goal a reality.

GOAL NO. 6: To ensure that America leads in the clean energy economy, every American should be able to use broadband to track and manage their real-time energy consumption.

America can no longer rely on fossil fuels and imported oil. To improve national security, reduce pollution and increase national competitiveness, the United States must lead, not follow, in the clean energy economy. Encouraging renewable power, grid storage and vehicle electrification are important steps to improve American energy independence and energy efficiency; to enable these technologies at scale, the country will need to modernize the electric grid with broadband and advanced communications.

Studies have repeatedly demonstrated that when people get feedback on their electricity usage, they make simple behavioral changes that save energy.⁵ Real-time data can also inform automated thermostats and appliances, allowing consumers to save energy and money while helping the country reduce the need for expensive new power plants.

Chapter 12 outlines specific recommendations to ensure that consumers can use broadband to gain access to and improve their control of their real-time energy information. With strong cybersecurity and privacy protections, consumers and their authorized third parties should be able to get access to real-time usage information from smart meters and historical billing information over the Internet.

Conclusion

To achieve these goals, it is not enough to simply state where we wish to be.⁶ America needs a plan that creates a process to meet these targets and look beyond them. The chapters that follow offer specific recommendations to launch that process.

Part I of this plan makes recommendations to ensure that America has a world-leading broadband ecosystem for both fixed and mobile service. It discusses recommendations to maximize innovation, investment and consumer welfare, primarily through competition. It then recommends more efficient allocation and management of assets government controls or influences, such as spectrum, poles and rights-of-way, to maximize private sector investment and facilitate competition.

Part II makes recommendations to promote inclusion—to ensure that all Americans have access to the opportunities broadband can provide. These include reforming the Universal Service Fund and intercarrier compensation. It also makes recommendations to promote broadband affordability, adoption and digital literacy.

Part III makes recommendations to maximize the use of broadband to address national priorities. This includes reforming laws, policies and incentives to maximize the benefits of broadband in areas where government plays a significant role. This part makes recommendations to unleash innovation in health care, energy, education, government performance, civic engagement, job training, economic development and public safety.

Finally, the plan outlines an implementation strategy to ensure the country executes these recommendations, creates a dynamic process and meets each of the goals outlined here.

Before exploring any of these recommendations further, though, it is important to understand the current state of broadband in the United States, which is described in Chapter 3.

⁴ In Shakespeare's *Henry IV*, Welsh rebel Glendower tells his co-conspirator Hotspur: "I can call spirits from the vasty deep." Hotspur responds, "Why, so can I. or so can any man; But will they come when you do call for them?" William Shakespeare, *Henry IV*, pt. I, act 3, sc. 1, 52-58.

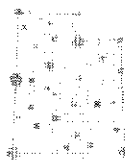
CHAPTER 2 ENDNOTES

- 1 Letter from 21st Century Telecommunications et al., Members of the Consumer Electronic Association et al., to Chairman Julius Genachowski and Commissioners, FCC, GN Docket No. 09-51 (Dec. 2, 2009) at 1 (filed by Consumer Electronics Association on behalf of 115 parties).
- 2 OMNIBUS BROADBAND INITIATIVE, THE BROADBAND AVAILABILITY GAP (forthcoming).
- 3 For the purposes of the plan, "Tribal lands" is defined as any federally recognized Tribe's reservation, pueblo, and colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act, Pub. L. No. 92-203, 85 Stat. 688 (1971), and Indian allotments. The term "Tribe" means any American Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or Community, which is acknowledged by the Federal government to have a government-to-government relationship with the United States and is eligible for the programs and services established by the United States. *See Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078, 4080 (2000). Thus, "Tribal lands" includes American Indian Reservations and Trust Lands, Tribal Jurisdiction Statistical Areas, Tribal Designated Statistical Areas, and Alaska Native Village Statistical Areas, as well as the communities situated on such lands. This would also include the lands of Native entities receiving Federal acknowledgement or recognition in the future.
- 4 9/11 COMM'N, THE 9/11 COMMISSION REPORT 39 (2004), available at <http://www.9-11commission.gov/report/911Report.pdf>.
- 5 Google Comments in re NBP PN #2 (*Comment Sought on the Implementation of Smart Grid Technology—NBP Public Notice #2*, GN Docket Nos. 09-47, 09-51, 09-137, Public Notice, 24 FCC Rcd 11747 (WCB 2009) (NBP PN #2)), filed Oct. 2, 2009, at 4.

Utah Broadband Advisory Council Report

A report on the
discussions, findings,
and accomplishments
of the Council during
its inaugural year:
June 2011-May 2012

*Compiled by the Utah
Broadband Project and
approved by the Utah
Broadband Advisory Council*



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Disclaimer

This Report has been prepared through a collaboration of Utah Broadband Advisory Council members and staff from the Utah Governor's Office of Economic Development who are employed by the Utah Broadband Project pursuant to the requirements of award 49-50-M09054 from the National Telecommunications and Information Administration, U.S. Department of Commerce under the American Recovery and Reinvestment Act of 2009. The Utah Broadband Advisory Council is not a statutory body of the State of Utah, rather it is a voluntary group of stakeholders brought together under the auspices of the Utah Broadband Project's planning process. The representations, conclusions, and recommendations contained herein are provided for informational purposes only; they are not binding on any policy making body of the State. This document does not reflect the intent or official position of any governmental agency or entity, including but not limited to, the Utah Governor's Office of Economic Development, the Automated Geographic Reference Center, the Utah Public Service Commission, individual members of the Utah Broadband Advisory Council, the U.S. Department of Commerce's National Telecommunications and Information Administration, or the Federal Communications Commission.

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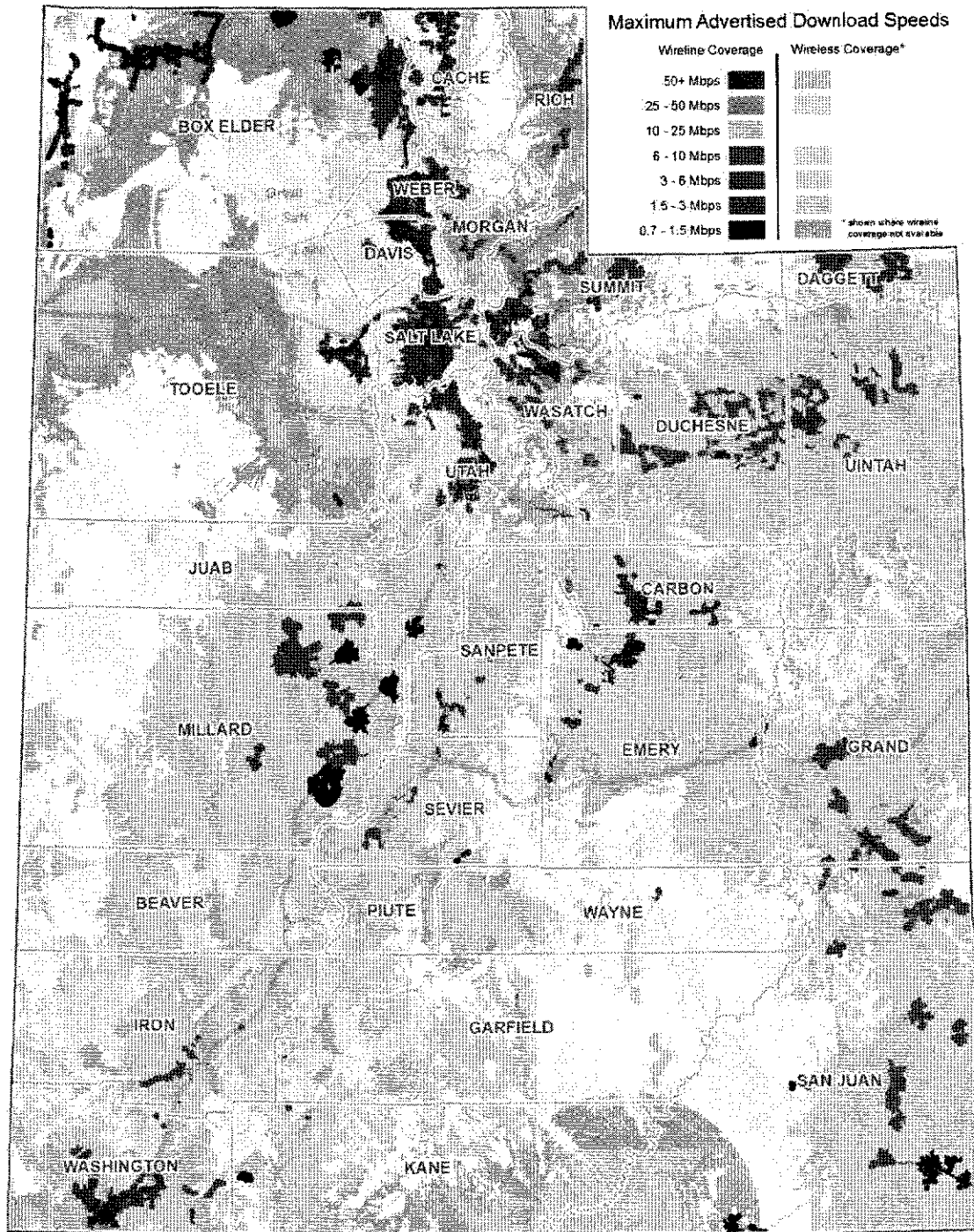
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Broadband Availability by Speed



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UTAH AGRC
May 31, 2012

FIGURE 1: Broadband availability by speed. Most of Utah's populated areas are covered by some type of broadband service.



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Introduction

The Utah Broadband Advisory Council (the "Council") was formed in June 2011 and convenes on a monthly basis to discuss the status of broadband adoption and deployment in the State of Utah. This Report summarizes the deliberations and findings of the Council as of May 2012 and is intended to provide Governor Gary R. Herbert, the Utah State Legislature, and other interested parties an overview of the Council's recommendations and policy guidance.

Utah has received national recognition for its extensive broadband infrastructure and high broadband adoption rate. According to a 2011 report published by the U.S. Department of Commerce entitled *Exploring the Digital Nation: Computer and Internet Use at Home*, Utah ranked #1 of all states in average home broadband adoption. The following report, compiled by the Utah Broadband Project, details the programs and organizations that have contributed to these accomplishments and highlights the recommendations made by the Council to continue coordinating efforts to expand broadband access and use throughout Utah.

The Council was formed as an initiative of the Utah Broadband Project ("Broadband Project"). The Project is a collaboration between the Governor's Office of Economic Development (GOED), the Utah Public Service Commission (PSC), and the Department of Technology Services' (DTS) Automated Geographic Reference Center (AGRC). It currently operates through a national grant program known as the "State Broadband Initiative" which is administered by the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA).

Current members of the Council represent a diverse group of interests including economic development, State and local government, broadband providers, legislators, technology-related businesses, health care, education, libraries, public safety, and tribal entities. Initially, private sector broadband service providers were not officially invited to participate in the Council. However, the Council quickly found that to effectively address issues related to broadband deployment and adoption in Utah, industry and stakeholder representatives from both the public and private sectors would need to participate to be able to form a consensus and have effective discussions regarding broadband issues.

In accordance with Utah's open meeting regulations, all meetings are open to public attendance and are documented with meeting minutes and available presentation materials on the Broadband Project's website, broadband.utah.gov.



Mission and Objectives

The **mission** of the Utah Broadband Advisory Council is to examine the condition of broadband adoption and deployment in the State of Utah and to provide the Governor and Legislature with recommendations and policy guidance related to the findings of the Advisory Council.

The **objectives** of the Council, as originally laid out and agreed upon, are as follows:

- Identify current barriers to broadband access, adoption, and deployment and develop an action plan to address those barriers.
- Identify unserved areas and develop strategic guidance for deployment efforts in these areas.
- Encourage and enable coordination on the State and local levels related to broadband deployment and adoption efforts.
- Identify and address specific local or regional needs related to deployment or adoption.
- Examine existing laws regarding tax- or fee-based incentives for broadband infrastructure in Utah and recommend updates or additions, if necessary.
- Examine census data to determine potential correlations between deployment or adoption deficiencies and demographic or location correlations.
- Examine regulatory and legislative changes being made at the federal level and their potential impact on Utah's broadband landscape.
- Identify and promote public/private partnerships to foster broadband adoption and digital literacy.
- Identify components of the National Broadband Plan that may be incorporated into Utah's broadband plan.
- Review the results of the Broadband Project's demand survey and based on those results, develop recommendations for target broadband speeds or other outstanding needs related to the demand for high-speed Internet access in Utah.
- Review regional and local needs for redundancy.
- Recommend actions to be taken to appropriate public or private entities.
- Consider whether the Utah Universal Service Fund (USF) should be transitioned from supporting traditional landline voice service to supporting more modern data services.
- Develop recommendations for sustainable funding sources for incentivizing broadband adoption and/or deployment efforts.
- Present recommendations to the Broadband Project, Governor Herbert and the Utah State Legislature for inclusion in a comprehensive broadband plan for Utah.



Areas of Focus

This Report was compiled based on the presentations and discussions held during the Utah Broadband Advisory Council meetings from June 2011 through May 2012. It organizes information from the presentations and discussions of the Advisory Council into subject areas and issues for specific focus. Each subject area includes a summary of the issues and relevant background information, along with a list of recommendations from the Council for specific parties, including the Governor and the Utah State Legislature, to consider.

During the past year, the Council's discussions have focused heavily on the impacts of broadband availability and access on education, libraries, economic development, public safety, health care, transportation, and in rural and tribal areas. These subjects represent the most pressing issues in the State of Utah and support the overall goal of the National Broadband Plan to "ensure every American has access to broadband capability." This document provides a framework for each of these issues as they relate to Utah's current infrastructure, policies, and practices. In many cases, Utah has developed a successful and unique State solution and the recommendations should be used to expand and continue these efforts.

Education

Unlike many other states with similar population densities and geography, Utah's remote and rural communities are largely served with at least some broadband services. The main reason for this achievement has been the level of public/private partnerships formed and maintained between the Utah Education Network (UEN) and Utah's broadband service providers. UEN works with local telecommunications service providers to connect over one thousand Utah public schools and districts, charter schools, colleges, universities, and libraries,



PHOTO 1: Earlier this year, the Utah Office of Education visited Centennial Junior High School in Kaysville to mark the first annual Digital Learning Day.



most with gigabit-speed connections. These UEN-connected facilities serve as community anchor institutions or anchor-tenants, allowing the surrounding communities to benefit from broadband connectivity that may not otherwise be available.

At the October 2011 Advisory Council meeting, Michael Peterson, the then-Executive Director of UEN, gave the Council an overview of UEN's efforts to partner with broadband service providers to provide connections to community anchor institutions (see a schematic view of UEN's network in Figure 2).

UEN hosts 45,000 live events each year and Governor Herbert recently demonstrated the network's capabilities by holding a live interactive broadcast from the College of Eastern Utah in Blanding that was broadcast to every Utah high school. The Governor also used UEN to broadcast a live press conference from Grouse Creek High School, a one-room schoolhouse in rural Box Elder County, via a gigabit fiber connection to the Eccles Broadcast Center in downtown Salt Lake City.

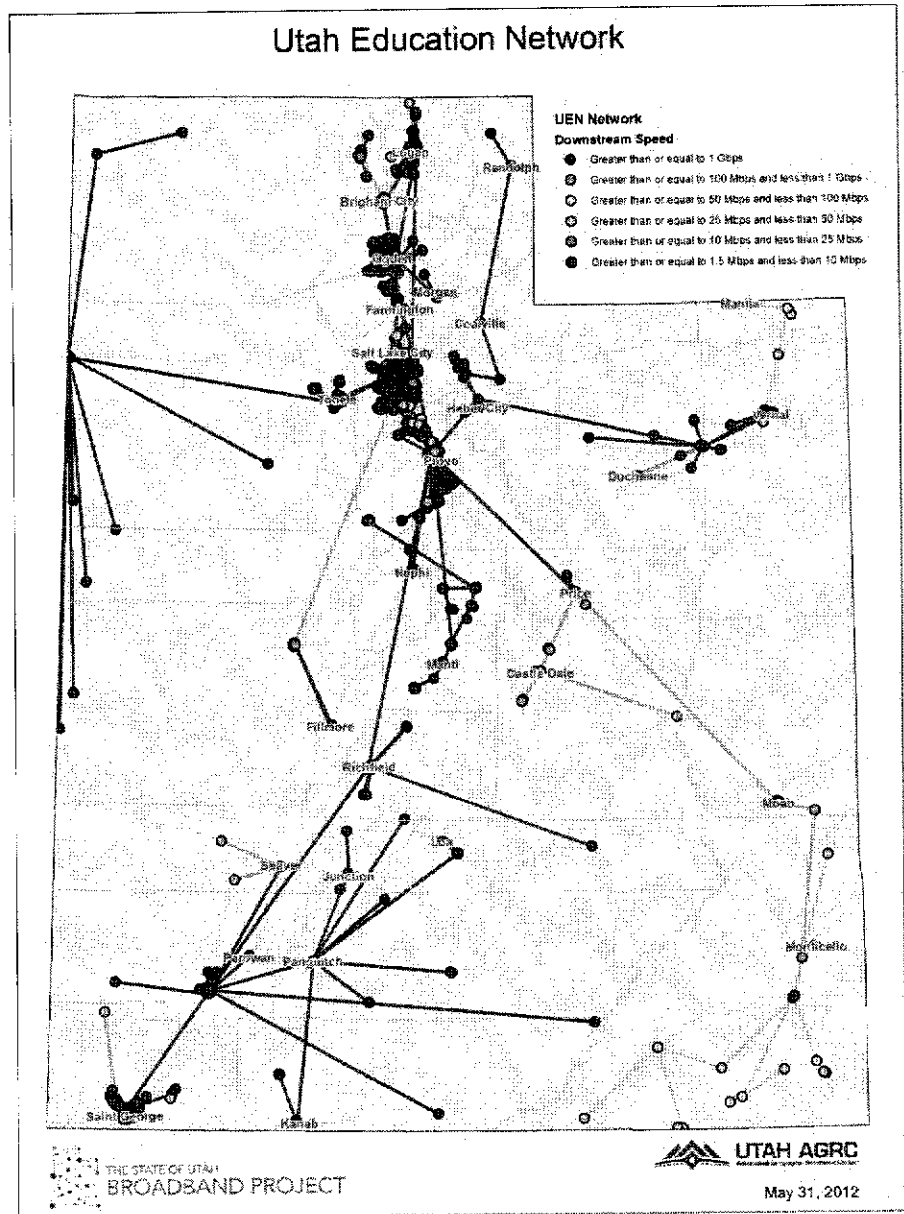


FIGURE 2: A schematic view of UEN's network illustrates the speeds provided to schools, colleges, universities, and libraries.

Interactive video conferencing (IVC) and distance education have also played an important role in the growth and expansion of UEN's footprint in Utah and the deployment of optical broadband infrastructure. The growth of UEN's IVC system has led to increased educational opportunities for students in all areas of the State. It has also provided an impetus for the high-speed, high-performance broadband network currently enjoyed in Utah. UEN's IVC program currently handles more than 250 events each day and provides high-definition video conferencing services for public education, State government and non-profit organizations (*images of these classes can be seen in Photo 1 and Photo 2*). Thousands of students, educators, and administrators use the UEN IVC system every day for live, instructor-led curriculum, collaborative meetings, and special educational events. Hundreds of thousands of students, educators, and library patrons use the aggregate Internet access and the myriad applications that the Internet makes available through UEN. UEN IVC service results in cost-savings for taxpayers and contributes to Utah's efforts to be green and reduce carbon emissions.

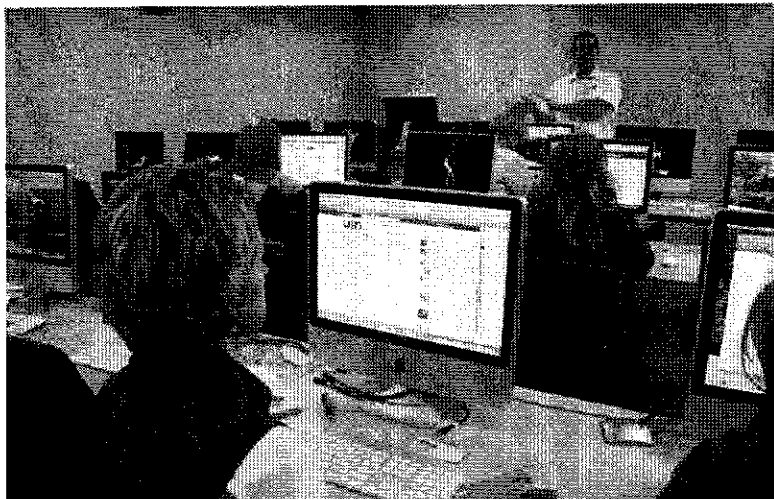


PHOTO 2: UEN trains library media specialists at Weber State University.

Technology adoption in education is now driving one-to-one initiatives across the State which may also be responsible for the current technology trends, the consolidation of public services within multi-use community centers, and BYOD (Bring Your Own Device) initiatives for public and higher education students, suggesting that broadband availability must be ubiquitous wherever people live and work.

E-Rate/Universal Service

The Schools and Libraries Universal Service Support Program, also known as the "E-Rate program," has been critical to the development and deployment of UEN. As one of the federal Universal Service Fund (USF) programs, E-Rate is dependent upon universal service contributions from interstate ratepayers for the annually capped \$2.27 billion dedicated to discounts for schools and libraries. As interstate revenues have decreased, the USF contribution factor has increased. As USF as a whole undergoes substantial



reform by the Federal Communications Commission (FCC), it is expected that the E-Rate program will eventually face significant reform as well.

The United States Unified Community Anchor Network (USUCAN) is a national program connecting community anchor institutions across the country. In February 2012, USUCAN named UEN as one of the first affiliate program participants in the nation to help deliver advanced broadband networks to help community anchor institutions. An outgrowth from the Internet2 research network, USUCAN may provide a means for Utah to direct universal service funds toward broadband infrastructure without the limitations and administrative burdens that the E-Rate program brings. Given the restrictions imposed by the E-rate program, combined with the trends toward non-traditional education and consolidation of public services, E-Rate will likely become increasingly burdensome to manage for all parties.

The recent Connect America Fund (CAF) order is the FCC's first attempt at federal USF reform. The order and subsequent orders on reconsideration suggest that the State may need to consider acting on behalf of current rural broadband service providers to ensure that their services remain competitive, affordable, and equitable throughout the State. For example, Voice over IP (VoIP) technology and services effectively render current voice service pricing and subsidy models obsolete. Competitive VoIP providers are now able to offer voice services in the protected rural service areas. To address the tax and fee disparity that may arise due to changes in federal regulation and pervasive technologies, the State may wish to consider adopting a communications tax and fee structure that is technology neutral.

Recommendations

- Promote the continuation of the UEN model for the aggregated utilization of E-Rate funding for schools, libraries and State offices, which has been vital for connectivity in rural and low-income communities.
- Continue informing the Governor and Utah Legislators on the role State appropriations have in leveraging federal funds to connect and maintain facilities supported by UEN. Specifically, informing the Utah Legislature on the distinct funding vehicles and sustainability of each of these models. For example, under the E-Rate program, every State dollar allocated to UEN is matched with approximately two dollars of federal funding.
- Encourage the completion of broadband service to all K-12 public and charter schools statewide.
- Working with Utah's telecommunications providers, continue to meet the communication and information technology needs of UEN stakeholders with cost-effective services and solutions.



Libraries

Libraries are important community anchor institutions which not only help to expand broadband infrastructure into communities, but also provide Internet access to individuals who do not have service available, who cannot afford it, or who need professional assistance. At the October 2011 meeting, Donna Jones Morris, the Utah State Librarian, and Craig Neilson, a Program Manager for the State Library, discussed libraries' role as community anchor institutions and as providers of public broadband access through traditional and mobile library (bookmobile) sites. Libraries also offer online materials such as audio and e-books, as well as extensive services for individuals with disabilities.

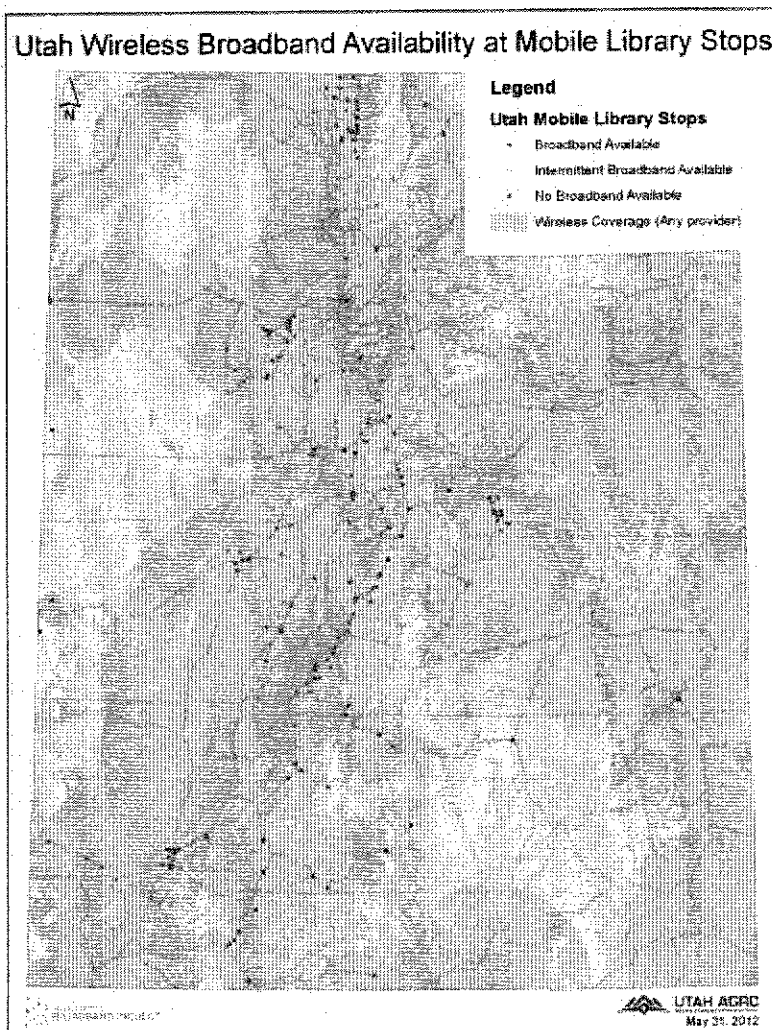


FIGURE 3: Wireless broadband coverage at mobile library stops in Utah. This is an example of data helping to facilitate broadband planning, in this case for the State Library.

Mobile libraries are becoming an important community resource to access the Internet. Mobile libraries are equipped with laptops and iPads for patrons to use, but some stops lack the wireless broadband capability required to access the Internet. At the April 2012 meeting, the Broadband Project presented data gathered from mobile libraries detailing wireless broadband access. Overall, 80 percent of mobile library stops have access to some form of wireless broadband access, 5 percent have intermittent access and 15 percent reported no access at all. The Broadband Project is currently working with the State Library to find a way to get connected at more mobile library stops. This data is provided in *Figure 3*.



The Utah State Library System recently lost 20 percent of its library budget, due to cuts in State funding, resulting in the elimination of five full-time positions and selected services. The State Library is working with UEN to assist local libraries in qualifying for E-Rate funding but knows that many librarians need to be educated on the importance of broadband access, online services, and their potential. Additionally, libraries are part of the trend toward community center-based provisioning of public services. As stated previously in the Education E-Rate section of this Report, the trend toward more efficient multi-use community facilities will likely further complicate the process of obtaining E-Rate discounted services.

Recommendations

- Promote continued education and communication efforts that will inform librarians about the benefits of using broadband and broadband-enabled technologies cooperatively with the State Library.
- The State Library should work with libraries to address local or individual needs for broadband access, technology planning, and computer usage.
- Continue informing the Governor and Utah Legislators on the important role that State appropriations have in supporting local libraries and State Library services.
- Inform libraries of funding opportunities to expand broadband access, including E-Rate funding.

Economic Development

Economic development is a major priority for the State of Utah and broadband access is critical to the State's ability to attract and retain businesses of all sizes. Utah is known as a strategic location for national connectivity and has attracted high tech companies such as Adobe Systems Inc., Oracle America Inc., IM Flash Technologies LLC, Overstock.com Inc., and eBay Inc.

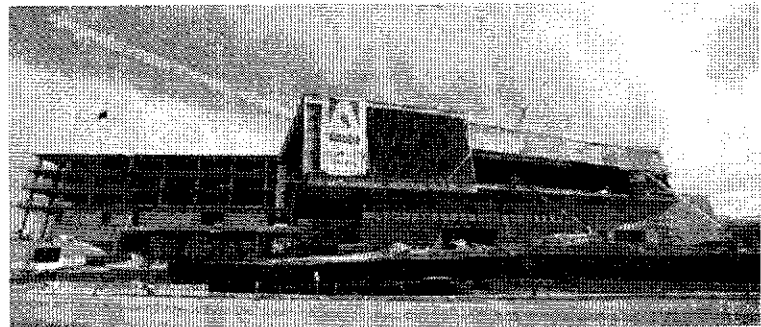


PHOTO 3: Construction of Adobe's new campus in Utah County.

Jeff Edwards, President and CEO of the Economic Development Corporation of Utah (EDC Utah), spoke to the Advisory Council in July 2011 and cited several examples of companies who located facilities in Utah using the robust network that exists. Economic developers across the State have expressed interest in



working with the Utah Broadband Project and the Advisory Council to obtain information on high-speed broadband availability for site selection purposes.

The Utah Broadband Project Team and Advisory Council have discussed developing a strategy to map and promote the availability of high-speed broadband for economic development purposes. The Project is currently working on collecting and mapping data on existing backbone infrastructure that would include mapping community anchor institutions, along with service provider data on high-capacity network capabilities. This map would prove useful for State and local economic developers to use for attracting businesses and addressing technology planning issues in their communities.



PHOTO 4: Small businesses got websites and learned more about managing their online presence at a recent "Utah: Get Your Business Online" event hosted by Google.

The Advisory Council has also discussed the need to improve redundancy statewide, which is an important factor in attracting high tech businesses. The Council has heard several presentations on the need for redundancy. At the July 2011 meeting, Steve Corbató, the Director of Cyberinfrastructure at the University of Utah, reported on the June 17 fiber cut in Sardine Canyon, which disrupted 9-1-1 services, mobile phone networks, and interrupted credit and debit card service for Cache County.

Southern Utah had similar redundancy issues in the 1990s. Scott Hirschi, the Director of the Washington County Economic Development Council, discussed the issue of redundancy in the region at the March 2012 Advisory Council meeting. After the first fiber line was installed in 1994, broadband service was frequently interrupted by fiber cuts caused mostly by farmers and construction workers. The existing microwave system could only support 25-30 percent of the existing load during these outages making it very difficult to recruit and retain businesses.

The Washington County Economic Development Council spent three years working with various service providers but was not offered a diverse and redundant option until a local group, headed by Kay Traveller, proposed a route that would follow the Kern River Pipeline (which was previously owned by Williams



Companies and is now owned by MidAmerican Energy Holdings Company). Now known as Interlinx Communications LLC, the newly formed company was able to provide redundancy to Washington County without using public funding. Iron County later used Interlinx Communications to provide redundancy into the Cedar City area.

The Advisory Council also plans to increase efforts in Utah to improve broadband adoption among individuals and small business as part of State-led economic development efforts. Google recently sponsored several events aimed at helping small business create websites (*an image of one of these classes can be seen in Photo 4*). The Advisory Council, along with the Utah Broadband Project, may develop a targeted program that would assist both individuals and small businesses in locating resources in their areas to help them utilize broadband more efficiently. These topics will be discussed in future meetings.

Recommendations

- Form a subgroup to work with the Utah Broadband Project and collect data on existing backbone infrastructure in Utah that would include networks operated by the Utah Department of Transportation (UDOT), UEN, and DTS. Broadband service providers will also be invited to participate in this effort. The resulting data will be used to more effectively promote broadband availability for economic development purposes.
- Continue meeting with local economic development groups and service providers to collaborate on strategies to improve high-capacity access and redundancy.
- Improve efforts to assist small businesses, particularly in rural areas, to use broadband more effectively.
- Improve efforts to assist individuals in locating digital literacy programs and resources in their areas.
- Increase broadband adoption by providing information on reduced-cost Internet services for low-income households. Comcast Cable Communications LLC and CenturyLink currently offer programs to assist low-income households; however, similar programs are needed outside of these service areas, particularly in rural Utah.



Public Safety

Broadband infrastructure is becoming increasingly important to public safety. Transitioning the current voice-based emergency services system to a standardized IP-based system will facilitate interoperability between agencies to allow effective public safety communications and coordination on statewide and national levels. An IP-based system will also allow emergency information to be transmitted to first responders via video and data, in addition to traditional 9-1-1 voice capabilities.



PHOTO 5: VECC is a 9-1-1 public safety answering point and emergency services dispatch center in Salt Lake County that attends to more than 53,000 fire and medical calls annually.

The December 2011 Advisory Council meeting was held at the Salt Lake Valley Emergency Communications Center (VECC) facility in West Valley City and focused on public safety communications (*an image of VECC can be seen in Photo 5*). Bill Harry, the Executive Director of VECC, reported that VECC is the largest of all Public Safety Answering Points (PSAPs) in Utah. PSAP operators answer 9-1-1 calls and other requests for emergency service and route these calls to police and fire dispatchers who dispatch the appropriate police, fire, or medical first responders. VECC responds to 1,200 to 4,000 emergency calls per day and supports nine fire and emergency medical services agencies and eight police agencies within Salt Lake County.

The Utah Communications Agency Network (UCAN) provides public safety mobile radio communications services and facilities on a regional or statewide basis for the benefit and use of public safety agencies (*an image of a UCAN radio tower can be seen in Photo 6*). Steve Proctor, the Executive Director of UCAN, gave the Council an overview of the network, which services 147 public safety networks in 25 counties in the State and is the only network of its kind in the nation. DTS also serves public safety radio providing very high frequency (VHF) communications to agencies that do not utilize UCAN.



At the April 2012 Advisory Council meeting, Mr. Proctor also reported that he was called to serve on the FCC's Technical Advisory Board for First Responder Interoperability. The Interoperability Board will make recommendations for "minimum technical requirements" for implementation into the Nationwide Public Safety Broadband Network (NPSBN) to ensure a nationwide level of interoperability.

The NPSBN, recently established with the passage of the Middle Class Tax Relief and Job Creation Act of 2012, will soon be under construction. The Act established the First Responder Network Authority (FirstNet) to plan, construct, operate, and manage the NPSBN. The Department of Homeland Security recently concluded that Utah is ahead of most states in terms of interoperability because the State interoperates on a regular basis across the State's VHF networks and UCAN.

VECC and UCAN have recommended that the Advisory Council support the development and expansion of public safety broadband systems, including recommendations to address funding issues associated with the transition to an IP-based system. These issues will continue to be discussed in future Advisory Council meetings.

Recommendations

- Identify and evaluate current public safety agencies' broadband facilities and services to determine future needs.
- Make recommendations to address State and local funding for transitioning the current voice-based 9-1-1 system to a standardized IP-based system to enable public safety communication networks to more effectively communicate and coordinate (this will be an issue of connectivity and standardizing software and will require sustainable funding).
- Inform State leadership on the details of the legislation which established the Nationwide Public Safety Broadband Network and support State and local coordination with FirstNet.
- Coordinate with Utah's FirstNet designee (to be appointed) on opt-in or opt-out plans for the NPSBN and State and/or Local grant efforts.

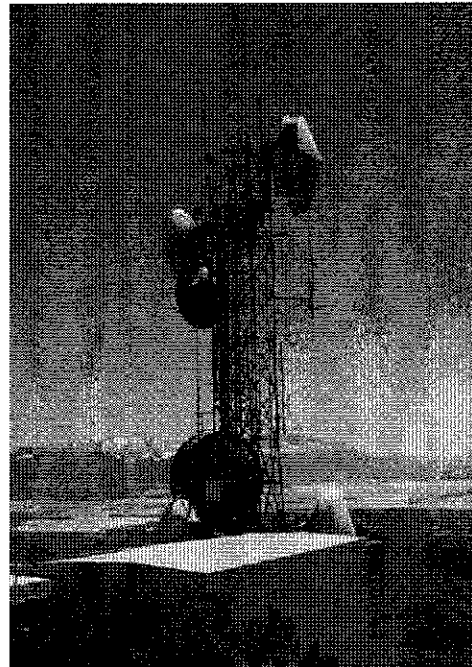


PHOTO 6: A UCAN radio tower in Delle provides radio service to the Tooele-Grantsville area.

Health Care

Broadband infrastructure is becoming increasingly important to health care and to the delivery of health care services in both urban and rural areas. In Utah, the Utah Telehealth Network (UTN) has created an extensive State network that uses electronic information and telecommunications technologies to support distant clinical health care, patient and professional health-related education, public health, and health administration.



PHOTO 7: Doctors in rural areas of the State can attend training seminars using the Utah Telehealth Network.

Deb LaMarche, UTN Associate Director, presented the Advisory Council with an overview of UTN at the February 2012 meeting. UTN is managed by the University of Utah, governed by the UTN Advisory Board, and is open to all health care providers who wish to participate.

The network offers health care providers access to video conferencing, media services such as live streaming and video-on-demand, telemedicine application development, electronic transmission of digital images, networking services,

security management, and 24-hour technical support (*an example of health care professionals using the Utah Telehealth Network can be seen in Photo 7*). These services are particularly important to rural health care providers who often lack access to radiology services and other specialties. The network enables prison telemedicine, which reduces the need for expensive inmate transports. UTN also extends care to people in their homes, facilitating home monitoring for elderly patients and care for patients with chronic conditions.

Telehealth in Utah has traditionally received support from the Rural Health Care Program, which provides reduced rates to rural health care providers for telecommunications services and Internet access charges related to the use of telemedicine and telehealth.



In 2006, the FCC established the Rural Health Care Pilot Program ("Pilot Program") to encourage the development and use of broadband networking services by health care providers to connect rural facilities to urban facilities, creating statewide networks.

This program currently funds 85 percent of the one-time and recurring network costs. Under the program, urban and rural facilities pay the same price for any given connection speed. Health care facilities pay their portion directly to the provider and the provider receives a reimbursement for the remainder of the cost from the Universal Service Administration Company

(USAC). For-profit facilities are not eligible for the discount but are allowed to connect into the network if they pay the full price. This creates a financial burden for some facilities, particularly independent doctors' offices because they are considered for-profit sites.

In 2007, Utah was awarded \$9,045,959 through the FCC's Pilot Program to implement the Utah ARCHES (Advancing Rural Connections for Healthcare and E-health Services) Project. This project is led by the University of Utah and co-managed by Intermountain Healthcare. Intermountain Healthcare has

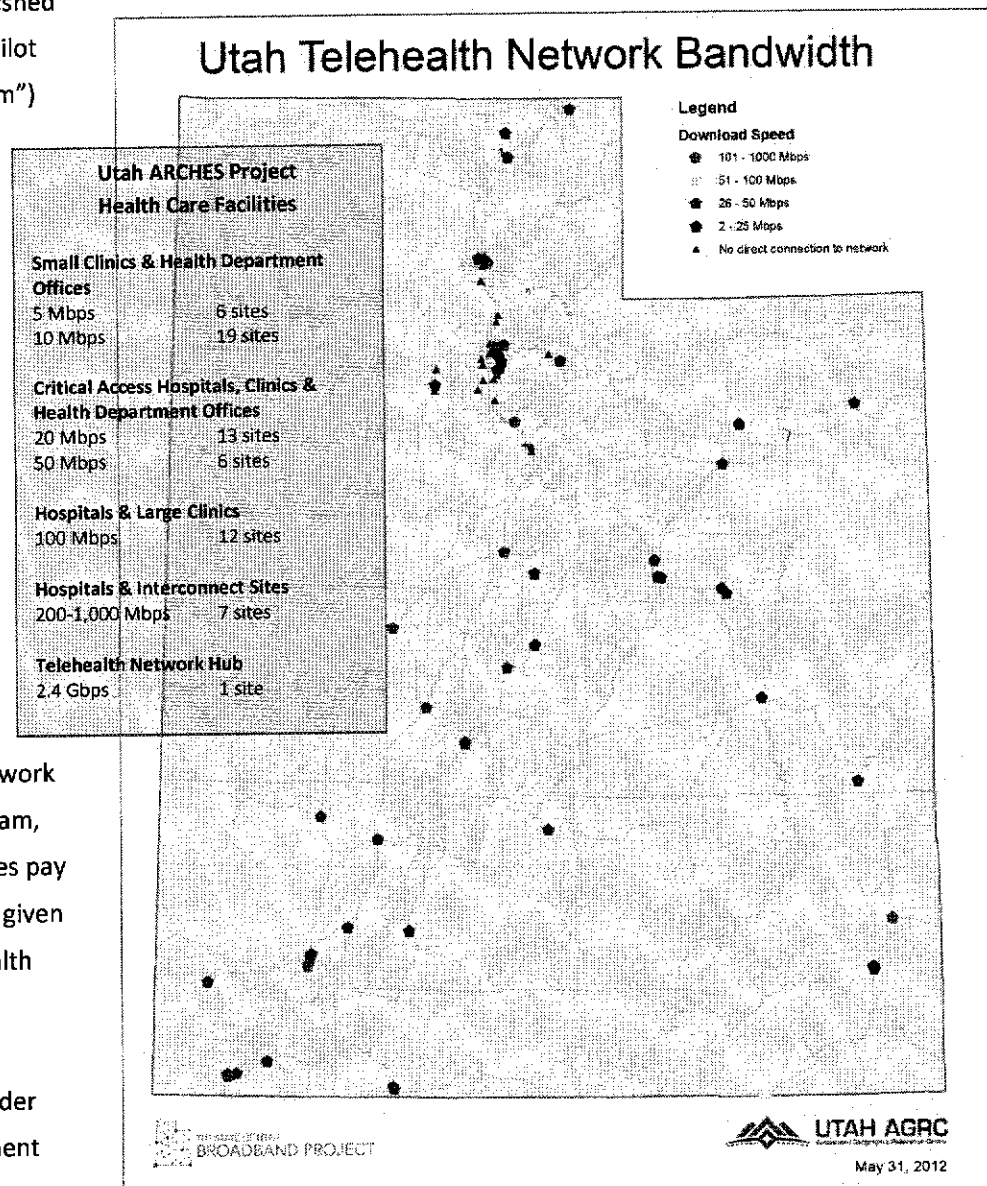
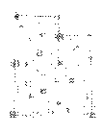


FIGURE 4: High-speed broadband connections provided to health care facilities by the Utah Telehealth Network.



connected 26 locations and the University of Utah is connecting 40 locations under the program (see *Figure 4 for details*), with the possibility of adding 10 more if funding is available.

Some challenges encountered in implementing the Pilot Program include the administrative burden on UTN and the challenge of determining “fair” pricing for non-eligible sites, in accordance with the grant. Another challenge is that the FCC has not announced an ongoing program to sustain and build upon the Pilot Project. There are also some areas of UTN which lack redundancy.

Recommendations

- Support FCC adoption of permanent rules and funding based upon the success of the Pilot Program.
- Provide letters of support, if needed, from Advisory Council members and use the Council as an example of collaboration if UTN responds to the FCC’s Further Notice of Proposed Rulemaking regarding telehealth.
- Foster opportunities for broadband collaboration as health care delivery expands to non-traditional settings such as homes, schools, and the workplace.

Transportation

As transportation systems modernize, they are increasingly planning for communications infrastructure to improve the safety and efficiency of traffic operations through the adoption of “smart roads” (an example of variable display road signs connected by UDOT can be seen in Photo 8). UDOT has been instrumental in facilitating the expansion of broadband infrastructure into remote areas of the State, through their own efforts to expand their agency’s fiber



PHOTO 8: Variable display road signs are connected through UDOT’s fiber network and help to eliminate traffic congestion.



footprint and through installing and trading access to fiber conduit. For the past five years, UDOT has been facilitating cooperative fiber and conduit trades with broadband service providers and has a best practice of laying fiber conduit during road construction projects, where it makes sense.

These practices have extensively expanded the State's communications infrastructure without major capital investment, resulting in real cost-savings for Utah taxpayers (*see details in Figure 5*). The UDOT model is unique to Utah and has given the State a competitive advantage by enabling the development of next-generation broadband services available in both urban and rural areas. In its most recent *State of the Internet* report, Akamai Technologies ranked Utah as having the fourth fastest Internet speeds in the nation, leading all western states.

At the August 2011 Advisory Council meeting, the Council met at the UDOT Traffic Operations Center to discuss how UDOT utilizes its fiber network as the backbone for cameras and traffic/weather sensors to monitor traffic, detect accidents and problems, and take actions necessary to return traffic flow to normal. This network has both increased public safety and extended broadband infrastructure throughout the State.

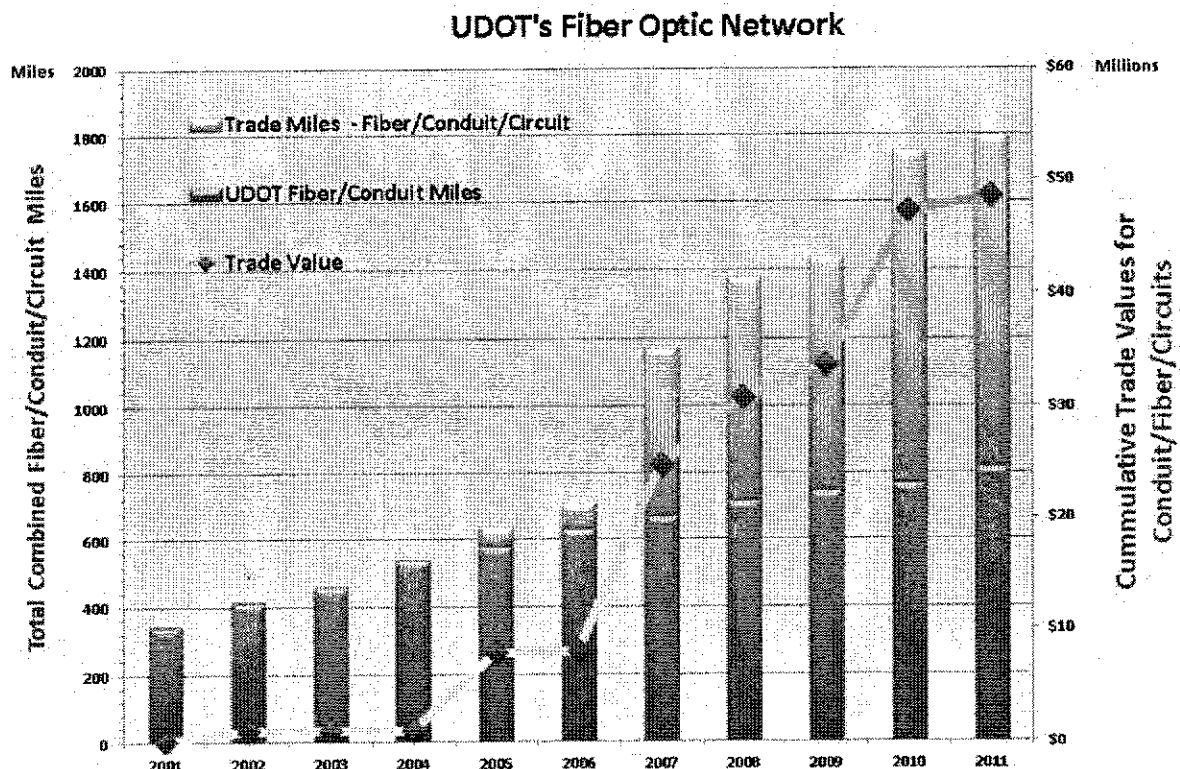


FIGURE 5: Graph illustrating the growth from 2001 to 2011 in both miles and trade values of conduit, circuit, and fiber through UDOT's trade program.



On October 18, 2011, the Utah Broadband Project, along with members of the Advisory Council, testified before the Utah State Legislature's Public Utilities and Technology Interim Committee regarding UDOT's trade model and its successes in expanding the State's network. The Council plans to continue informing policy makers on the importance of the conduit deployment and trade model, especially on the local level.

Recommendations

- Support and promote the continuation of the UDOT fiber partnership and trade model and the successes Utah has made with public/private partnerships.
- Develop a strategy to improve coordination with cities and counties and encourage them to follow UDOT's model of laying conduit during road construction projects where feasible.

Rural Broadband Access

The Utah Broadband Advisory Council has actively discussed the implications that recent changes to the federal USF program will have on broadband expansion and funding in rural Utah. On October 27, 2011, the FCC announced the creation of the Connect America Fund (CAF), which will transition funding traditionally allocated to support the buildout of traditional telephone service to support broadband expansion.

At the December 2011 Advisory Council meeting, Douglas Meredith, the Director of Economics and Policy at John Staurulakis Inc., gave the Council an overview of the FCC's decision to transition the existing USF and intercarrier compensation (ICC) systems into the CAF. The CAF will combine the current ICC and USF funds and will have an annual cap of \$4.5 billion. It will be divided into five areas which include \$2 billion for rate-of-return carriers, \$1.8 billion for price-cap carriers, \$500 million to create a "Mobility Fund" for mobile broadband providers (*see a geographic analysis of Mobility Fund eligibility for Utah in Figure 6*), \$100 million for satellite broadband providers, and \$100 million for administrative support.

Under this ruling, the FCC has also defined broadband as data transmission speeds of at least 4 Mbps for download speeds and 1 Mbps for upload speeds. In five years, this definition will be upgraded to a minimum download speed of 6 Mbps and a minimum upload speed of 1 Mbps. It is not yet clear how the FCC will allocate CAF funds using data gathered by states for the National Broadband Map.



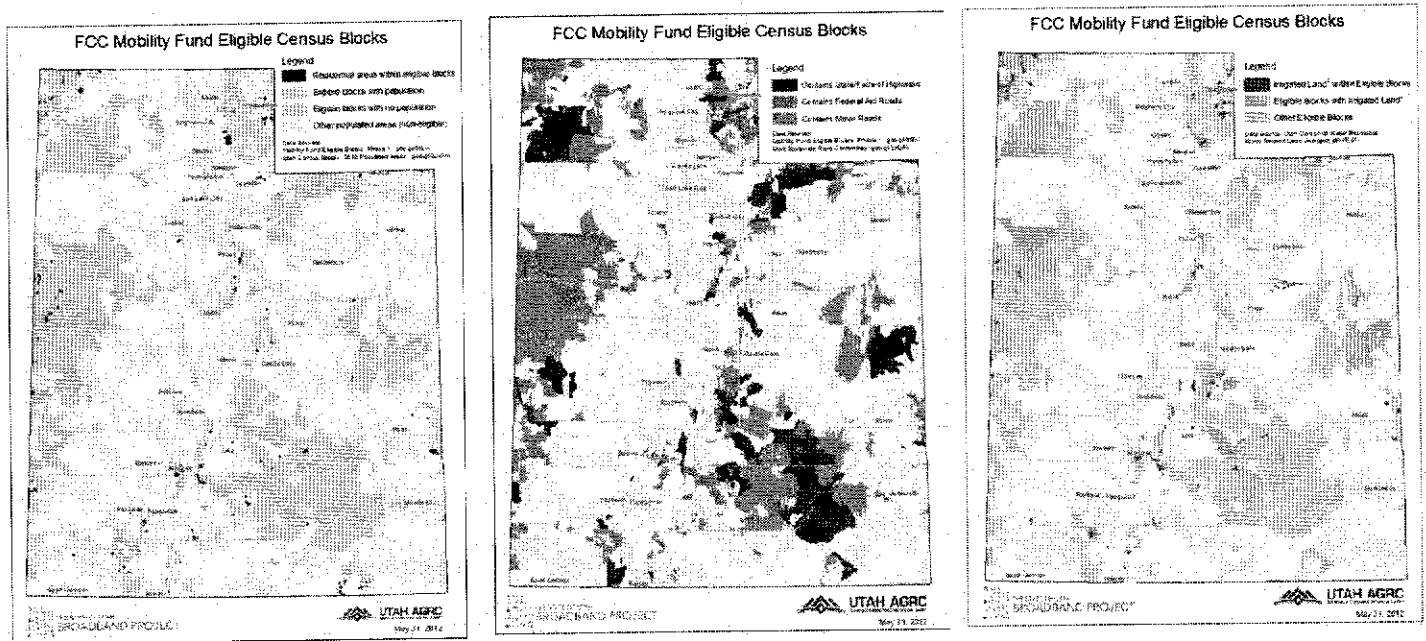


FIGURE 6: Maps illustrating areas eligible for the FCC's Mobility Fund, along with their proximity to population, roads, and irrigated agriculture.

The FCC's changes to the federal USF program were also discussed at the March 2012 meeting. Stan Stoll, Executive Director of the Utah Rural Telecom Association (URTA), an association of Utah's rural incumbent local exchange carriers, discussed the possible implications that the FCC's changes will have on Utah's rural service providers. Rural providers have four streams of revenue, which include subscriber rates, ICC, federal USF, and State USF. Where funding is being reduced in certain areas, recovery mechanisms are being implemented in other areas, which may or may not impact rural providers in Utah.

In some rural areas, the actual cost of providing monthly residential telephone service could be as high as \$200 per month; however, the current monthly base affordable rates established by the PSC for rural residential and business telephone service are \$16.50 and \$26.00, respectively. The rural service providers are able to provide service at such rates as a result of federal and State support, which it receives from their respective USFs and ICC.

Due to the FCC's changes, Utah's rural providers will face substantial decreases in revenue over time which could be several million dollars per year depending on the specific circumstances of each of the rural telecommunications companies. Since current State law requires State USF to make up the shortfall created by reductions in ICC and the federal USF it may become necessary to increase the State USF tax rate.

Under the current funding structure, rural service providers have used business profits, State USF funds, and borrowing power to invest in broadband infrastructure. Under the proposed changes to the federal USF, URTA members are concerned that Utah companies could be penalized for being early adopters of the fiber deployment model.

Current industry uncertainty may affect their ability to secure loans and rural service providers may begin seeing impacts as early as July 2012. URTA will be actively working with Utah State Legislators during the upcoming

Interim Session and during the 2013 General Session to help them understand the current climate and to make policy recommendations on how to maintain and develop broadband infrastructure in Utah. This would include formulating a definition for broadband and recommending speed goals for the State, which would also include a goal for upload speeds.

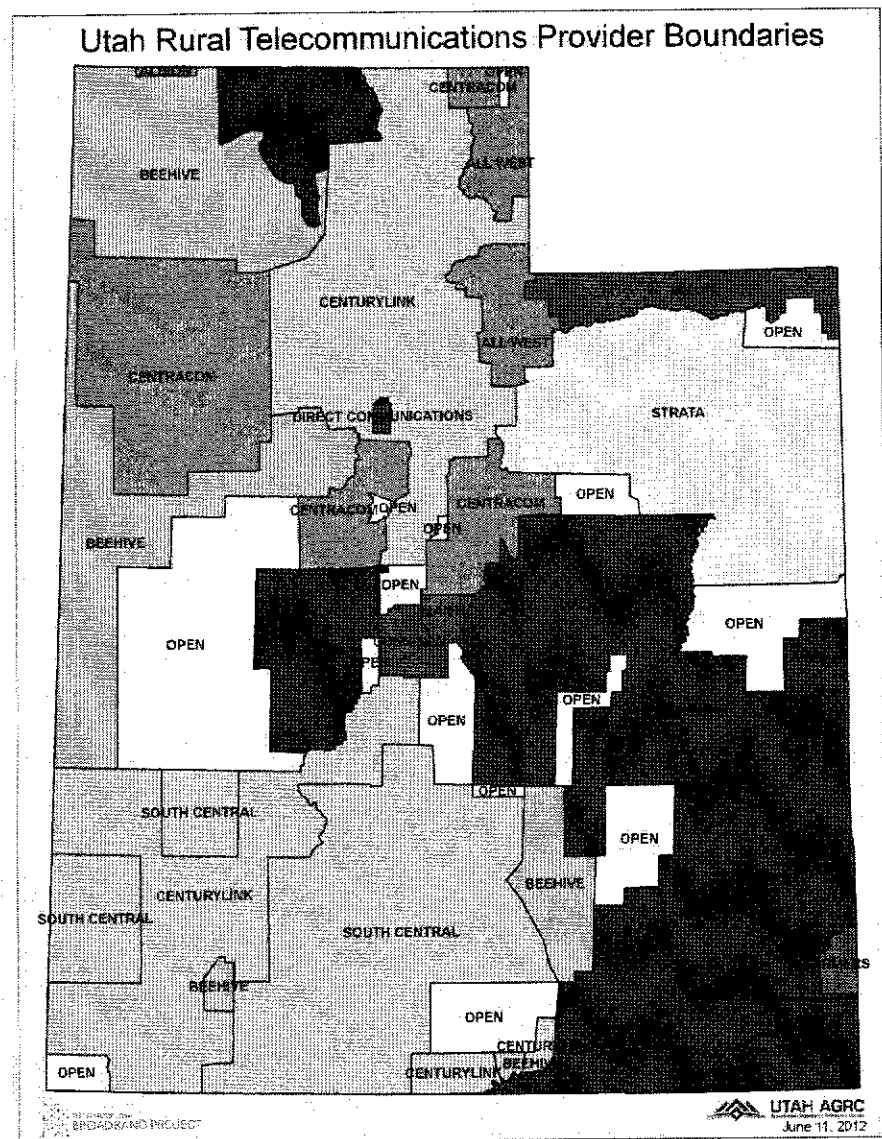


FIGURE 7: Map illustrating the service territory districts for Utah's Rural Telecommunications Providers.



Recommendations

- Develop uniform urban and rural broadband speed goals for the State, which would include a goal for download and upload speeds. The Council has discussed establishing a benchmark used for distribution of available State funds for broadband deployment at no less than 10 Mbps for download speeds and 3 Mbps upload speeds.
- Inform Utah Legislators on basic broadband issues/technologies and encourage a technology-neutral approach to telecommunications legislation.
- Inform policy makers on the impact that the FCC's recent changes to USF and intercarrier compensation will have on telecommunications service providers and make recommendations for changes to the State USF fund to support broadband deployment in Utah.

Tribal Broadband Access

Native American populations have some of the lowest access and adoption rates for broadband service both in Utah and nationwide. This low usage rate can be attributed to many obstacles including high build-out costs, lower education rates, and limited ability to pay for



PHOTO 9: The seven Tribal Nations in Utah present their flags at the 2011 Native American Summit.

service. The Navajo Tribal Utility Authority (NTUA), the Ute Indian Tribe, and the Confederated Tribes of the Goshute Reservation have all received federal grants to assist with broadband planning and access issues on tribal lands.

- NTUA received a grant for \$32,190,067 for the Navajo National Middle Mile/Last Mile Project which will deploy 550 miles of new aerial fiber-optic cable and 59 new or modified microwave towers. The vast majority of this infrastructure will be constructed in Arizona and New Mexico and there are many areas of the Utah Navajo tribal area that still lack basic broadband access.



- The Ute Indian Tribe received a grant for \$1,418,266 for the Ute Indian Tribe of the Uintah and Ouray Reservation Fiber Optic Infrastructure Project. Many of the community anchor institutions on the Uintah and Ouray Reservation, home to the Ute Indian Tribe, lack sufficient broadband infrastructure to interconnect the tribal government, the Bureau of Indian Affairs (BIA), and other federal agencies. Many residents in the area, such as the Fort Duchesne Tribal Community, are also severely underserved by current broadband providers. The Ute Indian Tribe is proposing to install new fiber optic cable to enhance distance learning, telehealth, and public safety applications in the region. The Project would also help spur economic opportunities and social services in an area that, according to BIA, has an unemployment rate of up to 77 percent. The network would bring speeds of up to 10 Mbps to police, courts, emergency, and social services facilities, and enable rapid information sharing between local, inter-tribal, State, and federal agencies.

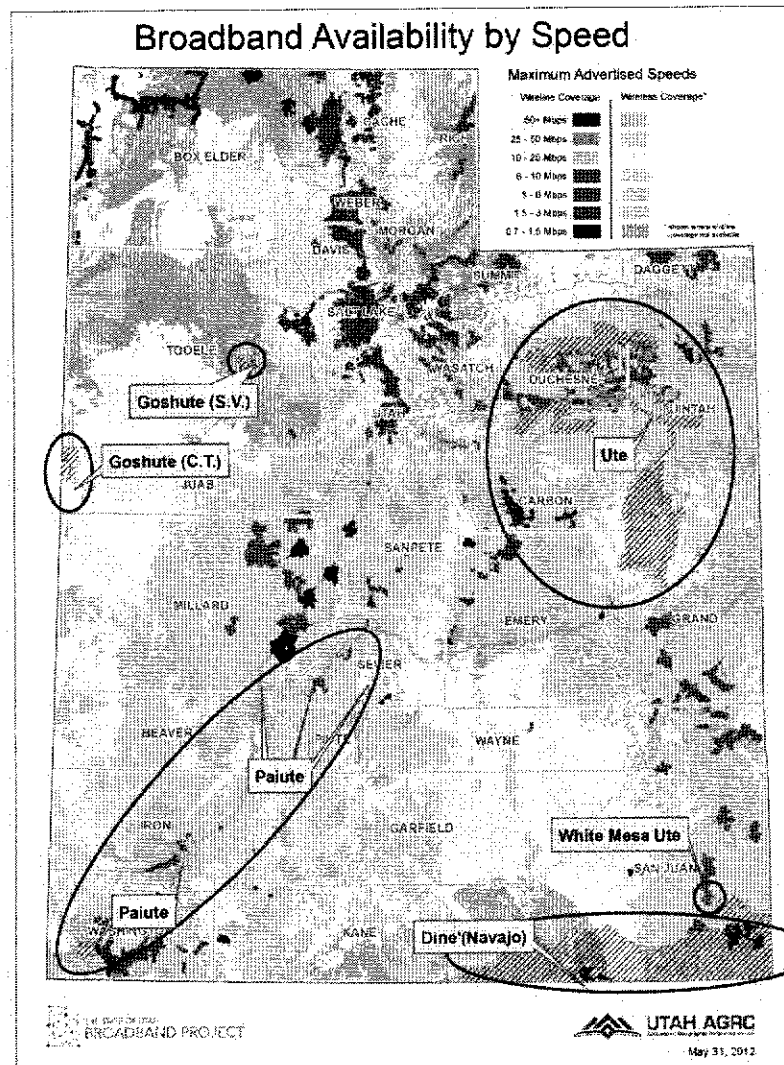


FIGURE 8: Map giving a general overview of Utah tribal areas and broadband availability.

- The Confederated Tribes of the Goshute Reservation received a grant for \$200,000 to implement the Regional Broadband Planning for Western Utah and Eastern Nevada Goshute Tribal Lands Project. The Project seeks to advance cooperation and coordination in creating a regional



broadband development plan resulting in development strategies for implementing sustainable broadband infrastructure. The Project intends to advance the use of broadband and other critical infrastructure as a strategy to facilitate local entrepreneurship and expansion of market opportunities for small businesses.

The Utah Broadband Project Team has met with tribal representatives on several occasions and Tara Thue, Manager of the Utah Broadband Project, recently presented an overview of broadband access on tribal lands to Utah tribal leaders. The presentation featured maps of each tribal area, along with an overview of broadband availability. Representatives from the Utah Division of Indian Affairs, Navajo Nation, Northwestern Band of Shoshone Nation, Paiute Indian Tribe of Utah, Confederated Tribes of the Goshute Reservation, and Skull Valley Goshute Tribe attended the meeting.

Recommendations

- Continue to encourage tribal representatives to participate in Utah Broadband Advisory Council meetings to improve coordination and communication.
- Work with tribal representatives to develop strategies to improve broadband access and availability on tribal lands.



Conclusion

This Report has summarized the discussions, findings, and accomplishments of the Utah Broadband Advisory Council from June 2011 to May 2012. By examining the state of broadband in Utah across various sectors, the Council will continue to seek innovative ways to aggregate the deployment of broadband infrastructure. Members of the Council have contributed expertise regarding broadband planning issues and their influence on education, libraries, economic development, public safety, health care, transportation, and rural and tribal access. The work of the Council has encouraged unprecedented partnerships and has resulted in increased coordination and collaboration between both public and private entities to further broadband adoption and deployment in Utah.

In upcoming years, broadband access will become increasingly more important. Economic development, career training, and advances in education and health care rely not only on broadband infrastructure, but on the knowledge and tools to leverage that infrastructure. To continue this effort, the Council will begin to engage in a more targeted approach to coordinate with local and regional planning groups to develop strategies to increase availability and adoption in both rural and urban communities. While much work has been done, there is still much work to do as the Council continues to meet and ensure that Utah remains a leader in extending affordable, reliable broadband services to every citizen of the state.



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Comments/Questions

If you would like to submit your questions or comments regarding this Report of the work of the Utah Broadband Advisory Council, please contact our Utah Broadband Project Team.

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Blog:

blog.broadband.utah.gov

Email:

broadband@utah.gov

Twitter:

[@utahbroadband](https://twitter.com/utahbroadband)

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THE STATE OF UTAH
BROADBAND PROJECT
BROADBAND.UTAH.GOV

Broadband: Public Officials Want More Government Participation

BY: Tod Newcombe | August 29, 2013

First there was dial up. Then came something called DSL. Followed by coaxial cable broadband. Now, it's all about fiber. A fiber-optic network can be 200 times faster than cable and has the potential to trigger a new generation of economic development. So, it should come as no surprise that 69 percent of public officials cite economic factors as the top reason why cities need to have fiber.

This, according to a new survey conducted online in July by the Governing Exchange, the research arm of *Governing*. More than 125 senior managers in state and local government were polled, and about 70 percent said they believe fiber networks should be considered a public good that government regulates and sometimes runs, similar to water, sewer and other utility services.

Fiber networks are seen by many as one of the most important infrastructure developments of the 21st century. Hair-thin glass fibers can deliver voice, data and video in quantities and speeds that are considered transformative by experts. But how does this next generation Internet superhighway get built and who builds it?

Want more urban news and commentary? Click here.

It certainly won't be the major cable TV and telecom providers, critics say. They own most of today's broadband networks, which reach 89 percent of Americans. There's no incentive, critics say, for them to embrace fiber.

But demand for next generation fiber is rising and our survey found that 59 percent of public officials believe government should play an active role in the deployment of fiber networks. But that interest doesn't translate into action either. Only 24 percent of the respondents said they have either an active plan, proposal or are considering implementation of a publicly-owned fiber network in their community.

Currently, 150 cities and towns have their own, municipally run broadband network, either cable or fiber. The one big stand out is Chattanooga, Tenn., which is America's largest city with a municipally owned fiber network available to residents and businesses. The city's utility, EPB, launched fiber broadband in 2012 as part of a broad economic development strategy that would also provide the city government with innovative capabilities in delivering better services for public safety, transportation, public works and education.

One reason why only a small percentage of cities are planning on pursuing their own fiber networks is the cost. Several cities have racked up significant losses trying to build their own networks. One solution is to find a partner, whether it's a cable provider or Google, which has partnered with several cities to build fiber networks. Another option is for multiple cities to work together to create a regional operation. But then there are the 19 states that have passed laws that block local governments from setting up publicly owned broadband services.

Despite the obstacles, a small but growing number of cities, especially in the more rural areas of the country, are pursuing the development of their own networks. Spurring them on might be the fact that electricity was once a service delivered exclusively by the private sector. Today, 2,000 cities operate public power utilities, and more than 900 cooperatively owned power companies collectively serve more than 100 million Americans. Could fiber networks be the next piece of infrastructure with strong public involvement?

This article was printed from: <http://www.governing.com/columns/urban-notebook/col-broadband-public-officials-want-more-government-participation.html>

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 10.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 8:25

SUBJECT

- a. Staff report re: possibility of reserving park pavilion on line
- b. Results of business regulations review
- c. Police K-9 dog medical condition
- d. Drainage Utility subdrain fee audit

RECOMMENDATION

BACKGROUND

Item c - "Joker" is the name of the Police Department's K9 drug-sniffing dog. He was trained, certified and put into service in the past year. Unfortunately, Joker was recently diagnosed with severe hip dysplasia. The attached memo from K9 Officer Jason Read explains the situation, analyzes the costs of replacing Joker versus rehabing Joker through surgery, and proposes that surgery be done. The City Manager and Mayor discussed this matter with Police Chief Neal Worsley on Sept. 10 and will update the City Council. This matter was on several news channels the night of Sept. 12, and as a result several donations have been received at City Hall.

ATTACHMENTS:

Description

- D K9- Joker Proposal

K9 Joker Proposal

August 15

2013

Request for funding to cover necessary surgery for K9 Joker. Proposal covers cost efficiency and benefits of proposed surgery.

Officer Jason
Read

To: Chief Worsley
From: Officer Jason Read
Subject: Request for Funds
Date: August 15, 2013

Background

K9 Joker is a single purpose German Shepherd, donated to Officer Jason Read for use as a narcotic detection dog for Centerville City in November 2011. K9 Joker was P.O.S.T. certified in February 2013. In only five months' time, K9 Joker was deployed 37 times, and responsible for 9 drug related arrests. He has become a well-loved member of not only the Read family, but also Centerville and surrounding communities. K9 Joker has provided positive community relations through public interaction and school demonstrations.

In July 2013, K9 Joker was diagnosed with severe hip dysplasia and the prognosis is grim, requiring euthanasia if left untreated. K9 Joker's hip dysplasia affects both his left and right hips. At this time, K9 Joker's left hip is significantly worse than his right hip. It is the recommendation of his DVM that K9 Joker receive a complete left hip replacement at this time, with a right hip replacement to follow in approximately one year. After K9 Joker's left hip replacement he will be under observation and reassessed before proceeding with the right hip replacement. The spacing of the surgeries is the best course of action to ensure complete recovery and optimal performance for the K9. Fortunately, the City of Centerville has an opportunity to provide one of their officers the care he needs to remain in service by providing funds for a dual hip replacement surgery. At this time I am respectfully requesting any funds be allocated and made available.

The success rate of dogs undergoing a dual hip replacement is greater than 95%ⁱ. The surgery will encompass reforming, both ball and socket, and replacing both hips. These surgeries together will allow K9 Joker to return to service and live a pain free life. K9 Joker could be placed back into service approximately 60 days after each surgery.

Cost Benefit Analysis

Based on a comparison cost of surgery vs. putting a new K9 in service, it is more cost effective to provide funds for K9 Joker's surgery than to replace him with a new dog. Taxpayer savings of \$3,200 - \$6,200 can be realized by K9 Joker undergoing hip replacement surgery.

Cost of Surgery – Approx. \$4,500 per hip. Hips will be replaced individually with approximately a year in between surgeriesⁱⁱ

Cost of Putting New K9 inService – Approx. \$9,800 - \$12,800

- Purchase of K9 - \$1,000 offered by the city (normal cost of a single purpose dog is \$2,500 - \$4,000)ⁱⁱⁱ
- Estimated 40 training hours to prepare K9 for certification at officer wages of \$23.11^{iv} per hour - \$924.40 (Field training for the K9)
- 320 POST Certification hours^v at officer wages of \$23.11 per hour - \$7395.20.
- Potential cost of extra shifts to cover absence.
- Medical startup costs associated with starting a new dog.

Benefits of approving funds for surgery

- Taxpayer savings of \$3,200 - \$6,200
- Positive public relations and "feel good" news highlighting Centerville City caring for their K9
- K9 Joker will be serving the community within 60 days vs. 120 – 180 days' time to locate, purchase, train and certify a new K9.
- Officer Read and K9 Joker would be allowed to continue what has already been a successful working relationship.
- K9 Joker is expected to increase his career longevity from 1 year to approximately 5-8 years of service for Centerville City.

Summary

While I understand this is a large expense for the city, I wouldn't recommend it if I didn't believe it was the best overall solution. K9 Joker is only 2 years old and has the potential to have a long successful career. K9 Joker has already demonstrated he can successfully perform the tasks required of him. After reviewing this information I hope you see that this truly is the best option for all parties involved.

ⁱ <http://vet.osu.edu/vmc/faq-total-hip-replacement>

ⁱⁱ Quoted by veterinarian Pam Nichols (801)783-7974

ⁱⁱⁱ <http://www.policeone.com/K-9/articles/77178-K-9s-The-cost-of-starting-a-K-9-unit/>

^{iv} Current wages of Officer Jason Read

^v 8 week P.O.S.T. course <http://publicsafety.utah.gov/post/inserve/k9info.html>

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 11.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 8:55

SUBJECT

RECOMMENDATION

BACKGROUND

No items are identified at this time under this heading.

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 12.

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

Initiated By:

Scheduled Time: 9:00

SUBJECT

- a. Ellison versus Centerville City lawsuit
- b. Purchase of Main Street property for intersection project

RECOMMENDATION

Go into a closed meeting to discuss these two matters. The Ellison lawsuit involves a trip and fall in Island View Park.

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 13.

Short Title: Possible Action Following Closed Meeting Including Appointments to Boards and Commissions

Initiated By:

Scheduled Time: 9:30

SUBJECT

RECOMMENDATION

Approve Mayor's recommendation for appointment to the Parks and Recreation Committee.

BACKGROUND

A Statement of Interest is attached (for Mayor and Council only) from someone interested in serving on the Parks and Recreation Committee. There is currently one vacant position on the Committee. The Parks and Recreation Director supports this recommendation.

ATTACHMENTS:

Description

D Statement of Interest



RECEIVED
SEP 3 2013

COMMUNITY SERVICE STATEMENT OF INTEREST AND QUALIFICATIONS

MAKING Life
BETTER
Centerville City

PERSONAL INFORMATION

Name: Melissa Smith Phone: 801-294-4194
Address: 738 W 1900 N Cell: 801-309-4931
Email: jacobsmithfamily@gmail.com Work: _____
How long have you lived in Centerville? 5 month years
Occupation: Domestic Engineer
Company: _____
Address of Company: _____

COMMUNITY SERVICE AREAS OF INTEREST

Parks & Recreation Committee

PREVIOUS COMMUNITY SERVICE

PTA Treasurer, HOA Secretary and Board member, School Carnival Activity and Teacher Recognition Committee Chair, 4th of July Volunteer, Youth Camp Supervisor, Scout Committee Chair, Davis County Delegate, Mother of 4 active kids, School Rendezvous Chair

FORMAL EDUCATION AND TRAINING

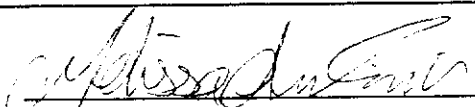
PTA Treasurer Certification, Woodbadge, School of Hard Knocks, Lifeguard Certification

MISCELLANEOUS SKILLS AND ABILITIES

Catering, Event Planning, Homecoming Committee Chair (4 years)

PERSONAL AND PROFESSIONAL REFERENCES

Chad Salmon 801-292-8974
Shar Weight 801-402-1750
Tawnie Higginson 801-296-0641


Signature

8/29/2013
Date

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No.

Short Title: Items of Interest

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Monthly Building Report for August 2013
- ☐ Newspaper Article re West Davis Highway
- ☐ Newspaper Article re Electronic Voting Machines
- ☐ Waste Report through August 2013
- ☐ Joker Standard Article



Steve Thacker,
City Manager

Bui

655 North 1250 West, Centerville, Utah 84014

Monthly Building Report for August 2013

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	3	11	11	11	459,683.00	311,850.00	1,378,969.00	3,430,349.00
Duplexes / Town Homes	0	23	34	5			-	5,756,566.00
Apartments	0	0	0	0			-	-
Addition/Alteration/Repair	1	17					150,000.00	732,983.00
Power/Mech	6	44					-	-
Signage	0	6					-	67,304.00
Commercial/Tenant Finish	1	9					580,745.00	16,347,303.00
Detached Structure/Gar	0	2					-	43,686.00
Demolition	2	3					-	-
Pool	0	0					-	-
Miscellaneous	2	7					6,600.00	46,500.00
Total Permits Issued:	15	122			Total Permitted Valuation:		2,116,334.00	26,424,693.00

Building Permit Related Revenues	Monthly		YTD Comparison	
	August 2013	YTD 2013	August 2012	YTD 2012
BUILDING	17,022.08	172,114.62	13,815.51	178,347.46
PLAN CHECK	5,912.42	79,590.10	5,986.25	54,514.54
ELECTRICAL	264.00	1,188.00		990.00
PLUMBING			66.00	198.00
MECHANICAL	132.00	1,782.00	330.00	2,538.00
GRADING				
STATE SURCHARGE	174.18	1,760.51	142.14	1,823.71
WATER DEV.	9,600.00	67,200.00	4,200.00	59,700.00
WATER CONNECTION			3,800.00	6,441.50
WATER METER	1,373.00	9,745.00	645.75	12,946.50
STORM DRAIN			710.00	9,230.00
FIRE IMPACT	2,550.60	36,600.04	1,169.19	21,615.40
PARK IMPACT	6,171.00	76,282.00	3,600.00	76,290.00
DRIVE APPROACH	105.00	1,190.00	105.00	2,410.00
BOND	4,000.00	22,000.00	4,000.00	21,000.00
SPECIAL RECORDING	30.00	42.00	-	20.00
ENGINEERING	3,089.80	3,099.60	500.00	2,370.40
TV INSPECT DRAINS	870.00	870.00	-	825.00
LANDSCAPING BOND			-	38,000.00
Total Permits Related Revenue:	\$51,303.88	\$473,453.67	\$39,069.84	\$521,470.56

Deseret News

New voice emerges in criticism for West Davis highway route

By Amy Joi O'Donoghue, Deseret News
Published: Thursday, Sept. 5 2013 3:25 p.m. MDT



Chris Montague, back right, director of conservation programs for the Nature Conservancy, talks about the impact of the proposed West Davis Corridor in Davis County, Wednesday, May 22, 2013. At back left is Chris Brown, stewardship director for the Nature Conservancy. (Ravell Call, Deseret News)

SALT LAKE CITY — New opposition to a proposed route for the West Davis Highway has emerged, this time from a federal agency that contends the four-lane roadway would cause irreparable damage to wetlands and birds.

As the deadline approaches at midnight Friday for public comments on a draft study, the U.S. Department of Interior's Fish and Wildlife Agency noted its interest stems from ensuring the project is planned in such a way that important wildlife values of the Great Salt Lake ecosystem are

preserved.

"The proposed alignments for the (West Davis Corridor) traverse and border some of the last undeveloped and unprotected habitats on the eastern shore. These areas would be impacted by the roadway and be vulnerable to future development," the agency's letter reads.

The 14-page document, dated in mid-August and signed by the agency's regional environmental officer Robert Stewart, was released by a coalition opposed to the highway.

But the decision isn't up to the Department of the Interior. It rests with the U.S. Army Corps of Engineers, which decides what can be built near wetlands, and the Federal Highway Administration, which must sign off on the project and the route designed to connect west Davis and Weber counties.

The concerns

"We are pleased that the DOI recognizes, as we do, that the impacts of this project on birds and wildlife and the Great Salt Lake ecosystem are unacceptable," said Steve Erickson, Utah Audubon policy advocate and a member the Shared Solution Coalition of conservation organizations and local opponents of the West Davis Freeway.

"We also assert that this project is bad for Davis County residents and an unnecessary waste of Utah taxpayers' money. The DEIS is fatally flawed in many respects, and it's time UDOT recognize that it must go back to the drawing board and examine better options for the future for Davis County."

The Utah Department of Transportation earlier this summer released its draft environmental impact statement on the planned highway, settling on the Glovers Lane alternative, which impacts fewer homes, historic properties and farms than a more easterly route contemplated by the agency.

But because the Glovers Lane alternative swings farther west along its 20-mile route, more wetlands — including adjacent upland in the Great Salt Lake Shoreline Preserve — would be at risk, a factor harshly rejected by the federal agency.

"The GSL ecosystem is an irreplaceable and immitigable resource due to its location within an arid region, large size and diversity of habitats for migratory birds, and the sheer number of birds, estimated at 7.2 million a year," Stewart wrote.

The agency said the environmental analysis fails to make a complete acknowledgement of the full range of impacts to wetlands and wildlife, and lacks a commitment to mitigate those impacts.

"We conclude that the construction of the (corridor), a new four-lane highway adjacent to the GSL shore would have significant, irreparable impacts to the wildlife populations that rely on those habitats, degrade the value of the habitat, and would permanently alter the composition of the wildlife community in the area," Stewart wrote.

The agency urged UDOT and the highway administration to instead pick the Shephard Lane alternative — which would result in the condemnation of more homes — or pursue the "shared solution" offered up by a coalition opposed to the highway altogether.

That alternative, pushed by Utahns for Better Transportation, stresses the creation of boulevard communities by reconfiguring existing east-west routes to I-15 and revamping intersections to facilitate better traffic flow. UDOT has countered such work will still fail to handle congestion brought on by projected population growth.

John Gleason, UDOT spokesman, stressed the transportation agency is open to all suggestions — hence the reason for the public comment period to solicit any and all ideas.

What's next

The planning process is still more than a year away from settling on a "final route," and ultimately is the Federal Highway Administration that makes that choice.

More than 850 comments have been received during on this draft analysis and substantive suggestions will be incorporated into the final study, he said.

"We want to make sure we have an understanding of all the different alternatives and we want to make sure the people are heard," he said. "We know this is an emotional issue for many and we want to make sure we get this right."

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The Salt Lake Tribune

Electronic voting machines becoming obsolete

Elections • As devices break down, trends include casting ballots by mail.

BY CATHY MCKITRICK | THE SALT LAKE TRIBUNE

PUBLISHED: SEPTEMBER 9, 2013 10:34AM

UPDATED: SEPTEMBER 9, 2013 01:01AM

How will voters cast ballots in the future?

"That is the million-dollar question when I meet with other election officers and directors," said Utah Elections Director Mark Thomas.

In 2002, Congress passed the Help America Vote Act (HAVA), making available billions of dollars in funding for states to purchase electronic voting machines — then new and controversial technology aimed at eliminating a repeat of the hanging-chad debacle of the 2000 presidential election.

"The manufacturer is no longer building them," Thomas said of the 7,500 electronic machines the state purchased with its \$28 million.

"The parts will get scarce, and the technology will become obsolete. We'll work through that as best and as long as we can, but at some point we'll have to do something different."

That "something different" has yet to be clearly defined — but as current machines age out of use, counties and states will be on the hook to devise and fund their own changes.

"Money is a big driver," Thomas said. "We had HAVA money a decade ago, but that has since dried up."

"We wish we had a crystal ball," he added.

In Utah's most populous county, Salt Lake County Clerk Sherrie Swensen expects its 3,100 electronic voting machines "to meet their demise over the next several years."

"We're hoping we can get another five years, at least through the presidential election of 2016," Swensen said. "I don't know beyond that."

After acquiring electronic voting machines in 2005, Salt Lake County had to build a high-security warehouse to store the equipment.

Swensen views today's trends in voting technology as paper-based, with more and more jurisdictions moving toward vote-by-mail ballots that can be tallied by optical scanners.

Salt Lake County currently has 10 such scanners, and in last year's presidential election, 103,000 voters cast paper ballots.

"It's a very labor-intensive process to feed them through these scanners, so we're hoping to get a couple of the high-speed readers to get us through the next few years," Swensen said.

This year, two cities in Salt Lake County — Cottonwood Heights and West Jordan — held all vote-by-mail primary elections, in part to boost voter turnout. The ballots are sent out 28 days before Election Day, giving voters time to study candidates and issues.

"They love it," Swensen said of the feedback she's received. "They don't have to make up their minds quickly because someone is standing in line behind them."

Once filled out, the ballots can be mailed or dropped off at an early voting location. Some chose to personally hand in their vote-by-mail ballots on Election Day, Swensen said, just to experience polling-place camaraderie.

According to Swensen, Salt Lake County has 486,000 active registered voters, of which 140,000 have enrolled in the permanent vote-by-mail program.

Davis County — Utah's third most populous — is planning to host a hybrid election in 2014, said Clerk/Auditor Steve Rawlings, where every registered voter will receive a vote-by-mail ballot, but there also will be eight polling sites scattered throughout the county for people to vote electronically if they choose.

Davis County currently has about 933 electronic voting machines, Rawlings said

"Vote by mail might not be a short-term thing, but down the road it might not be the process of choice," he said.



Tribune File Photo Voting on the touch-screen machines that have been used in recent elections may become a thing of the past as the machines -- no longer being manufactured -- grow old and obsolete.

"I think it will move from machines to vote by mail to Internet," Rawlings said. "It's gotta be the thing of the future because of the ultimate cost savings and ease of voting."

In November 2011, Oregon first used iPads to allow people with disabilities to vote in their homes or extended-care facilities. Those ballots were then printed on portable wireless printers and either mailed or dropped off at election sites.

Thomas, Utah's election director, predicts such trends will grow and that software will soon supersede hardware in importance.

"It wouldn't matter what hardware you used. It could be your iPad or phone," Thomas said. "Having gone through the last 10 years and spent \$28 million on machines, and then have it go obsolete ... people start looking at software-based solutions where you don't have warehouses full of equipment."

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Waste Collection By Tons	
1990	1,000
1991	1,000
1992	1,000
1993	1,000
1994	1,000
1995	1,000
1996	1,000
1997	1,000
1998	1,000
1999	1,000
2000	1,000
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2011	1,000
2012	1,000
2013	1,000
2014	1,000
2015	1,000
2016	1,000
2017	1,000
2018	1,000
2019	1,000
2020	1,000

2009	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
September	82.86	N/A	N/A	82.86	N/A	N/A	N/A
October	66.99	N/A	N/A	66.99	N/A	N/A	N/A
November	61.66	N/A	N/A	61.66	N/A	N/A	N/A
December	85.83	460.01	N/A	545.84	15.72%	84.28%	N/A

2010	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	68.06	303.07	N/A	371.13	18.34%	81.56%	N/A
February	60.08	283.39	N/A	343.47	17.49%	82.51%	N/A
March	65.17	427.61	N/A	492.78	13.22%	86.78%	N/A
April	77.22	436.21	N/A	513.43	15.04%	84.96%	N/A
May	63.97	437.2	N/A	500.87	12.71%	87.29%	N/A
June	82.81	587.36	N/A	669.97	12.33%	87.67%	N/A
July	84.71	547.51	N/A	612.22	10.57%	89.43%	N/A
August	65.73	598.01	69.15	732.89	8.97%	81.60%	9.44%
September	71.01	570.84	65.08	707.04	10.04%	80.75%	8.21%
October	62.91	430.08	44.94	537.93	11.69%	78.95%	8.35%
November	70.68	535.93	81.85	668.47	10.57%	80.17%	9.25%
December	83.71	482.26	N/A	565.97	14.79%	85.21%	N/A
Totals	835.57	5,639.57	241.03	6,716.17	12.44%	83.97%	3.59%

2011	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	66.9	301.11	N/A	368.01	18.18%	81.82%	0.00%
February	50.49	290.42	N/A	340.91	14.81%	85.19%	0.00%
March	55.09	418.05	6.21	479.35	11.49%	87.21%	1.30%
April	59.66	407.26	40.33	507.25	11.76%	80.29%	7.95%
May	72.26	573	95.92	741.18	9.75%	77.31%	12.94%
June	73.49	850.38	102.15	826.02	8.90%	78.74%	12.37%
July	85.71	489.01	75.56	630.28	10.43%	77.58%	11.99%
August	73.25	540.85	85.11	699.01	10.48%	77.35%	12.16%
September	88.45	512.48	74.85	653.78	10.18%	78.39%	11.45%
October	63.11	422.37	59.11	544.59	11.59%	77.56%	10.85%
November	74.36	584.45	84.24	723.05	10.28%	78.07%	11.65%
December	73.17	520.45	N/A	593.62	12.33%	87.67%	0.00%
Totals	793.94	5,688.63	623.48	7,107.05	11.17%	80.06%	8.77%

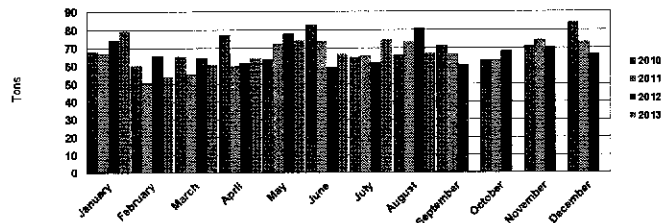
2012	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	74.08	389.25	0	443.33	16.71%	83.29%	0.00%
February	65.77	328.08	0	393.85	16.70%	83.30%	0.00%
March	64.58	364.09	24.14	452.81	14.26%	80.41%	5.33%
April	61.46	472.84	62.6	596.9	10.30%	79.21%	10.49%
May	77.93	698.78	129.8	906.51	8.60%	77.08%	14.32%
June	59.05	470.67	60.53	590.25	10.00%	79.74%	10.25%
July	62.03	536.19	82.88	680.9	9.11%	78.75%	12.14%
August	80.84	575.12	104.41	760.37	10.63%	75.64%	13.73%
September	60.5	488.29	85.22	634.01	9.54%	77.02%	13.44%
October	68.22	532.93	81.14	682.29	10.00%	78.11%	11.89%
November	70.09	540.29	84.74	695.12	10.08%	77.73%	12.19%
December	66.39	381.62	0	448.01	14.82%	85.18%	0.00%
Totals	810.94	5,757.95	715.28	7,284.15	11.13%	79.05%	9.82%

2013	Recycle	Waste	Green	Total	Recycle %	Waste %	Green %
January	79.28	355.88	0	434.98	18.23%	81.77%	0.00%
February	54.08	276.15	0	330.23	15.8%	83.62%	0.00%
March	61.01	348.1	17.79	427.9	14.26%	81.58%	4.15%
April	64.38	433.34	52.07	549.79	11.71%	78.62%	9.47%
May	74.35	643.52	134.3	852.17	8.72%	75.52%	15.76%
June	66.68	493.37	94.1	654.13	10.19%	75.42%	14.39%
July	74.61	541.68	98.75	715.04	10.43%	75.76%	13.81%
August	67.1	503.99	92.41	663.5	10.11%	75.86%	13.93%
September				0	#DIV/0!	#DIV/0!	#DIV/0!
October				0	#DIV/0!	#DIV/0!	#DIV/0!
November				0	#DIV/0!	#DIV/0!	#DIV/0!
December				0	#DIV/0!	#DIV/0!	#DIV/0!
Totals	541.47	3,596.83	489.42	4,627.72	11.70%	77.72%	10.58%

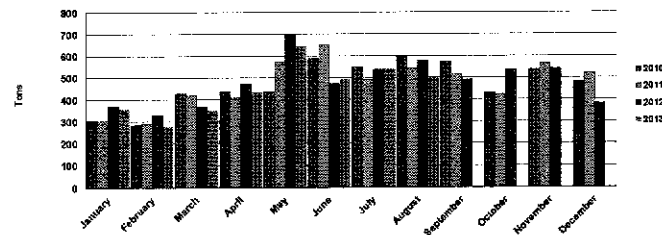
<u>Total tons</u>	<u>663.5</u>
Waste	75.98%
Recycle	10.11%
<u>Green</u>	<u>13.93%</u>
Total	100.00%

		% of Primary
Primary residential waste cans -	4,196	100.00%
Secondary residential waste cans -	722	17.21%
Recycling cans -	3,839	86.73%
Green waste cans -	1,105	26.33%

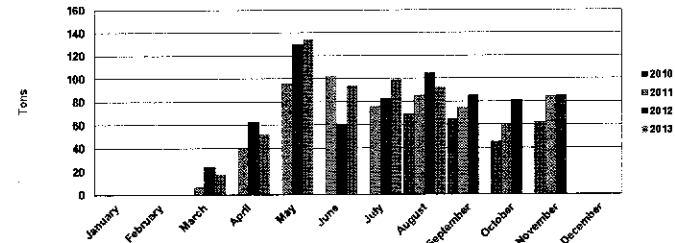
Recycling



Waste



Green Waste



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Joker needs hip replacement

By LORETTA PARK

Standard-Examiner staff

CENTERVILLE — Joker jumped out of the SUV and dashed across the parking lot, greeting his handler with all the enthusiasm he could muster.

The 2-year-old German Shepherd was ready to work or play, even though it was obvious that putting weight on his left back leg was painful.

"That's what it's all about. He loves playing and working so much, he forgets about the pain," said Centerville Police K-9 Officer Jason Read, as he rubbed Joker's head.

Joker, who was donated to the police department when he was 8 weeks old, is going to have hip replacement surgery Oct. 1, to fix his left hip. If all goes well, Joker will be back to work before Christmas.

Joker was diagnosed several months ago with hip dysplasia, which is an abnormal formation of the hip socket that, in its more severe form, can eventually cause crippling lameness and painful arthritis of the joints.

Centerville Police Department has had all of its police dogs donated, Read said. To buy a police dog from a kennel costs between \$8,000 and \$12,000.

"He was the pick of the litter," Read said. Joker's father is Chaos, a K-9 that worked for Kaysville Police Department until 2011, when he was medically retired.

The surgery will cost \$4,500. In six months to a year, Joker will have surgery to fix his right hip, and it will also cost \$4,500.

The city has stepped up to the plate to pay for the first surgery, said Police Chief Neal Worsley. But donations are needed to pay for the second surgery, and the city will accept donations to pay for the first as well.

Worsley said the surgery is not in the city's budget, but when city officials looked at the surgery's cost versus buying a new dog and training it, they decided the department will be ahead by paying for the surgery.

Joker has been out on the streets the past six months and has been involved in more than 40 searches, which have resulted in 10 drug-related arrests.

Joker went through the K-9 narcotics training at Utah's Peace Officer Standard Training. He is a certified narcotics K-9 and recently helped find six pounds of marijuana in a car traveling from California to Ogden during a traffic stop on Legacy Parkway.

Read said finding the six pounds of marijuana, with a street value between \$20,000 and \$30,000, isn't what makes Joker an amazing narcotics police dog.

"Big amounts are easy to sniff out," Read said.

It's Joker's ability to sniff out small amounts of hidden illegal drugs, Read said.

Two weeks ago Joker sniffed out a pipe with marijuana that had been placed underneath cigarette packages inside a cigarette carton, which was stuck under the passenger seat in a car, Read said.

"That's when you know your dog is on his game and knows what he is doing," Read said.

Read said he saw Joker was having problems getting up and down during POST K-9 training. He took Joker to the veterinarian several times, only to be told Joker was having "growing pains."

Finally, Read said he demanded X-rays. That's when the vet learned about the hip dysplasia. Joker went on medication and a special diet. It didn't help, so Read sought a second opinion from Dr. Pam Nichols, in West Bountiful.

The news was not good. Joker needed surgery or his career as a police dog would be finished before December.

Read said that drive home from Nichols' office "was the longest ride home ever." He was going home to tell his wife and three children, who have helped raise Joker, they may have to put down their beloved canine.

His wife cried and told Read if they had to pay for the surgeries, they would find a way. Then the couple talked to their children about Joker's problem.

"And my 10-year-old son said he wanted Santa to bring Joker new hips instead of presents for Christmas," Read said. "That was the deal clincher."

Read then let Worsley know about Joker's problems, and that's when the city and fellow police officers rallied around Joker.

"The amazing thing is, when the word got out about Joker, the guys just stepped up," Read said. "Joker is part of us."

Several organizations, such as Utah Fraternal Order of Police and Police Wives of Utah, are planning fundraisers, Read said.

Strangers are also asking to help, he said. Donations can be made to Centerville City K-9 account at Zions Bank or at the police department.

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KELLY KEITER/Standard-Examiner

Joker, the Centerville Police Department's K-9 narcotics dog, plays on the grass with Officer Jason Read recently. Joker has hip dysplasia and needs to undergo two surgeries. The city is paying for the first one. Officers are looking to raise money for the second.

