

- E.4. Rezone of Park Expansion Property** – The City owns approximately six acres on the south side of the Community Park for expansion. The property is currently zoned Agricultural-Low and needs to be rezoned to Public Facility-Low to conform with the City's land use ordinances. The initial phase of park construction on this property will begin this spring, which is anticipated to include site grading, drainage and other underground utilities. It will take several years to complete this expansion, depending on funding from Park Impact Fees. The expansion will add two multi-sports playing fields to the Community Park, an extension of the walking path and additional parking.
- E.5. Public hearing – Zoning Ordinance Text Amendments** – The City Attorney recommends a number of amendments to the City's ordinances pertaining to noticing and public hearings for land use matters. Some of these amendments will bring the City's ordinances into harmony with recent changes to State law. Staff does not expect the City Council to act on these amendments at this meeting. Tabling action on this matter to the next meeting is anticipated.
- E.6. Process to amend the West Centerville Neighborhood Plan** – In 2013 the Planning Commission and City Council agreed there is a need to review and update the General Plan regarding the area west of I-15. The Planning Commission and staff have recommended a process for doing this. The City Council now needs to weigh in on that process and give pertinent direction.
- E.7. Main & Parrish Intersection Project** – These actions will allow this intersection project to move forward to construction. First is the approval of a Construction Engineering Management Contract with Horrocks Engineering to oversee the contractor who will construct these improvements. The second action is to approve the sale of a small piece of City property to UDOT, which is needed for the construction of the improvements. Third, I recommend the Council authorize the Mayor to consent to or concur with the award of a construction contract once the bids are known and verified by UDOT, without bringing this matter back to the City Council. The reasons for this recommendation are explained in my staff report. UDOT administers the bidding process and wishes to move quickly with bid award once the lowest responsible bidder has been identified.
- E.8. Mayor's Report** – Mayor Cutler may report on one or more matters, including a UTOPIA update.
- E.9. City Manager's Report** – I may report on one or more matters, although none are identified yet on the agenda.
- E.10. Miscellaneous Business** – No specific topics are identified at this time under this heading.
- E.11. Closed meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.
- E.12. Appointments to boards and committees** – Mayor Cutler may recommend appointments to City boards/committees.

Potential Agenda Items for February 18 regular City Council Meeting (subject to change):

- Approve Electronic Meetings Policy (amended)
- Approve Minutes Policy (amended)
- Zoning Text Amendment re noticing & public hearings (continued from February 4 meeting)
- RDA meeting to consider agreement re the Salmon Pasture Development and to appoint two reps to ACB of Davis Center for Performing Arts
- Discuss Community Development Department procedures for providing information to public
- Approve Museum building use guidelines

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- D City Manager Summary Memo of February 4, 2014 Council meeting

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, FEBRUARY 4, 2014 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 Open House re Transportation Planning and Projects Affecting Centerville

7:00 A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Councilman Ken Averett

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

E. BUSINESS

- 7:10**
1. Transportation planning and projects affecting Centerville
 - a. Presentations from UDOT, WFRC and UTA
 - b. Public comments and questions

(OVER)

- 8:10 2. **MINUTES REVIEW AND ACCEPTANCE** – January 21, 2014 work session; January 21, 2014 regular City Council meeting and closed meeting
- 8:15 3. Summary Action Calendar
a. Approve request for extension of Woods Park Subdivision final plat
b. Approve submittal of CLG grant application
- 8:25 4. Public Hearing – Rezone Community Park expansion property– 1250 North 800 West
Consider Ordinance No. 2014-02 amending the Zone Map (rezone) for property being used for the expansion of the Centerville Community Park, from A-L (Agricultural-Low) to PF-L (Public Facility-Low)
- 8:35 5. Public Hearing - Zoning Ordinance Text Amendments - Public Hearing and Notice Requirements
Public Hearing - Consider Zoning Ordinance Text Amendments regarding Noticing and Public Hearing Requirements - Ordinance No. 2014-03
- 8:55 6. Planning Commission recommendation for the public process to amend the West Centerville Neighborhood Plan
Approve the process and initiate action for a General Plan Update for the West Centerville Neighborhood Plan
- 9:15 7. Actions relating to construction of Main & Parrish Intersection Project
a. Approve construction engineering management contract
b. Approve sale of City property to UDOT
c. Authorize Mayor to consent to award of construction contract
- 9:30 8. Mayor's Report
- 9:40 9. City Manager's Report
- 9:50 10. Miscellaneous Business
- 10:00 11. Closed meeting, if necessary, for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.
- 10:00 12. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

Items of Interest (i.e., newspaper articles, not items on agenda)

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No.

Short Title: Open House re Transportation Planning and Projects Affecting Centerville

Initiated By:

Scheduled Time: 5:00

SUBJECT

RECOMMENDATION

BACKGROUND

Representatives of Wasatch Front Regional Council, UTA, UDOT and the City will be at open house stations to explain the Regional Transportation Plan (including mass transit section as it pertains to Centerville), the I-15 Express Lane Project (including a pedestrian bridge), and the Parrish & Main Intersection Project scheduled for construction this spring. The attachment provides further details.

ATTACHMENTS:

Description

- ☐ Standard Article - Open House
- ☐ Transportation Open House & Presentation

Date: Jan 25, 2014; Section: Top of Utah - Davis; Page: 1B

Open house to address transit questions

Centerville mayor wants agencies to lay out facts

By BRYON SAXTON

Standard-Examiner staff

CENTERVILLE — The mass-transit debate that once raged here, creating rumors and misconceptions among residents, will be put to rest

— this time by a new mayor and city council.

Centerville will host a transportation open house from 5 p.m. to 7 p.m. Feb. 4 at City Hall, 250 N. Main St.

Representatives from the Wasatch Front Regional Council, Utah Transit Authority, Utah Department of Transportation and the city will be on hand to answer questions relating to transportation plans for the city.

"Our intent is for this open house and council meeting presentation to clear up misconceptions and help settle down the emotions in our community about how mass transit may affect Main Street in the future," City Manager Steve Thacker said.

The idea for this event comes from the context of the local election campaigns last year, he said.

The issue of whether there would be light rail on Main Street; what the Regional Transportation Plan says about it; whether city officials support or oppose it; and whether specific candidates favor it all led to the previous city council in December agreeing to have UTA or WFRC come to explain what the RTP actually says about mass transit in Centerville and answer related questions, Thacker said.

Thacker said mass transit in Centerville has been a very sensitive subject in recent years.

A group known as Centerville Citizens Against Main Street Rail formed in 2010 after a UTA study proposed a transportation plan involving a dedicated Main Street street-car line.

Because of opposition, Thacker said, the council did not support the street-car proposal, or any proposal that would involve the widening of Main Street.

And it shows.

The most updated RTP shows for Centerville only an enhanced bus service, Bus Rapid Transit, for Main Street in mixed-use traffic, and not an exclusive lane for buses, Thacker said. He said that should settle some of those suspicions that the group opposing the street-car proposal may have had.

"So, bottom line, the overall purpose is to give our elected officials and residents the most reliable information we can get on this subject by hearing it from the representatives of these agencies," Thacker said. "In doing so, any community discussion that occurs thereafter on the subject of mass transit will be based on this commonly understood foundation of factual information."

Those exhibiting displays during the open house:

- * WFRC/UTA will make available its 2015-2040 Draft Regional Transportation Plan in addressing what is proposed for mass transit in Centerville, including on Main Street. The groups will also explain highway projects in the RTP affecting Centerville, such as the Parrish Lane/Interstate 15 interchange replacement.

- * UDOT officials will be

available to explain the Interstate 15 Express Lane Project, including a pedestrian crossing at Parrish Lane. Construction is set to begin on that project in 2014.

- * The Centerville city

engineer will be available to answer questions about the Main and Parrish intersection project, scheduled to be advertised for bid in February.

Following the open house, transit agencies will provide presentations to the Centerville City Council beginning at 7 p.m.

It was agreed by the former city council to wait until the new council was seated to have the presentations, Thacker said.

Since the first of the year, Centerville has added a new mayor, Paul Cutler, and two new council members, Tami Fillmore and Stephanie Ivie.

"This is a great opportunity for citizens to learn more about regional plans that are in place both in Centerville and around the south end of Davis County," Cutler told the Standard-Examiner.

UTA officials will be on hand to explain transit studies in south Davis County in recent years, including a summary of the SLC-Davis County Connector Study and Centerville's role in that study as part of the "area of influence."

The potential for a Front-
Runner stop in Centerville
will also be discussed.

Contact reporter Bryon Saxton at 801-625-4244 or
bsaxton@standard.net.

Follow him on Twitter at
@BryonSaxton.

Transportation Open House and Presentation

Centerville City Hall

February 4, 2014

Agenda/Content

Open House in Lobby—5 to 7 p.m.

Three display stations with personnel to answer questions:

- WFRC/UTA – 2015-2040 Draft Regional Transportation Plan (RTP). Specifically address what is proposed for mass transit in Centerville, including on Main Street. Also explain highway projects in the RTP that affect Centerville, such as Parrish Lane/I-15 Interchange replacement. Do WFRC and UTA want to break this into two display stations?
- UDOT – Explain I-15 Express Lane Project, including pedestrian crossing at Parrish Lane over freeway. Construction to begin in 2014 and finish in 2015.
- Centerville City – City Engineer will answer questions about the Main & Parrish Intersection Project, which is scheduled to be advertised for bid in February. Residents can also express concerns to City staff about other intersections or traffic issues.

Presentation in Council Meeting—7 p.m.

Three presentations at first of meeting:

1. UDOT – 5 minutes for explanation of I-15 Express Lane Project, including pedestrian crossing (Nathan Peterson, project manager)
2. WFRC – (Greg Scott) 15 minutes for power point presentation explaining:
 - What the WFRC is (brief)
 - What the Regional Transportation Plan (RTP) is and the process for creating it
 - How input is sought from public officials and residents for the RTP
 - Broad overview of regional road network in the RTP (brief)
 - Mass Transit section of the RTP, with focus on what is proposed for Centerville in the Draft 2015-2040 Plan, including Main Street (how will this affect the width of Main Street?)
3. UTA – (Hal Johnson or Matt Sibul) 15 minutes explaining:
 - Transit studies in south Davis County in recent years
 - Summary of current SLC-Davis County Connector Study and Centerville's role in that study as part of the "area of influence"
 - Explanation regarding whether there is potential for a Frontrunner Stop in Centerville in future

Public comments and questions following these presentations

Answers from WFRC/UTA/UDOT reps

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- D City Manager Summary Memo of February 4, 2014 Council meeting

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No.

Short Title: Councilman Ken Averett

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 1.

Short Title: Transportation planning and projects affecting Centerville

Initiated By: City Council

Scheduled Time: 7:10

SUBJECT

- a. Presentations from UDOT, WFRC and UTA
- b. Public comments and questions

RECOMMENDATION

Allow presentations from representatives of UDOT, Wasatch Front Regional Council (WFRC) and UTA, followed by comments and questions from the public and answers from the agency reps. At the conclusion of this matter, the Mayor may want to take a break to accomodate residents wishing to leave before the Council continues with other business.

BACKGROUND

The presenters will be (subject to change): UDOT--Nathan Peterson; WFRC--Greg Scott; and UTA--Hal Johnson or Matt Sibul. Their topics are shown in the attachment. Nathan has been told he has 5 minutes and the other two have 15 minutes each. Following their presentations, Mayor Cutler will invite the public to comment and ask questions regarding any of these topics. The agencies' reps will answer those questions. Councilwomen Fillmore and Ivie have agreed to prepare polished summaries of these questions and answers after the meeting to put on the City's website, along with power point slides used by the agencies in their presentations (assuming they give permission).

ATTACHMENTS:

Description

- Transportation Open House & Presentation

Transportation Open House and Presentation

Centerville City Hall

February 4, 2014

Agenda/Content

Open House in Lobby—5 to 7 p.m.

Three display stations with personnel to answer questions:

- WFR/UTA – 2015-2040 Draft Regional Transportation Plan (RTP). Specifically address what is proposed for mass transit in Centerville, including on Main Street. Also explain highway projects in the RTP that affect Centerville, such as Parrish Lane/I-15 Interchange replacement. Do WFR and UTA want to break this into two display stations?
- UDOT – Explain I-15 Express Lane Project, including pedestrian crossing at Parrish Lane over freeway. Construction to begin in 2014 and finish in 2015.
- Centerville City – City Engineer will answer questions about the Main & Parrish Intersection Project, which is scheduled to be advertised for bid in February. Residents can also express concerns to City staff about other intersections or traffic issues.

Presentation in Council Meeting—7 p.m.

Three presentations at first of meeting:

1. UDOT – 5 minutes for explanation of I-15 Express Lane Project, including pedestrian crossing (Nathan Peterson, project manager)
2. WFR – (Greg Scott) 15 minutes for power point presentation explaining:
 - What the WFR is (brief)
 - What the Regional Transportation Plan (RTP) is and the process for creating it
 - How input is sought from public officials and residents for the RTP
 - Broad overview of regional road network in the RTP (brief)
 - Mass Transit section of the RTP, with focus on what is proposed for Centerville in the Draft 2015-2040 Plan, including Main Street (how will this affect the width of Main Street?)
3. UTA – (Hal Johnson or Matt Sibul) 15 minutes explaining:
 - Transit studies in south Davis County in recent years
 - Summary of current SLC-Davis County Connector Study and Centerville's role in that study as part of the "area of influence"
 - Explanation regarding whether there is potential for a Frontrunner Stop in Centerville in future

Public comments and questions following these presentations

Answers from WFR/UTA/UDOT reps

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 2.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 8:10

SUBJECT

January 21, 2014 work session; January 21, 2014 regular City Council meeting and closed meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ January 21, 2014 Work Session
- ☐ January 21, 2014 City Council meeting
- ☐ January 21, 2014 closed meeting

PRELIMINARY DRAFT

Minutes of the Centerville City Council **work session** held Tuesday, January 21, 2014 at 5:40 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler

Council Members Ken Averett
Tamilyn Fillmore
Stephanie Ivie
Lawrence Wright

MEMBER ABSENT

John T. Higginson

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Senator Stuart Adams (arrived at 6:09 p.m.)
Representative Roger Barrus
Senator Todd Weiler
Roger Tew, Utah League of Cities and Towns lobbyist
Clayton Schmoekel, Intern to Senator Weiler

WORK SESSION WITH STATE LEGISLATORS REPRESENTING CENTERVILLE

Roger Tew, lobbyist for the Utah League of Cities and Towns (ULCT), expressed a hope to see Centerville officials at the ULCT Local Officials Day on January 29th. Mr. Tew referred to a speech given by Kevin Lo, Google Fiber General Manager, at the ULCT annual conference in September of 2013. He believes Mr. Lo's remarks may have changed the minds of some legislators and raised important issues regarding fiber networks. Mr. Tew stated that fiber to the end user is now widely recognized as infrastructure. He said Google representatives expressed a concern regarding impediments towards implementation from different government entities. Mr. Tew has been put in charge of a study group that will identify and examine existing impediments, and try to facilitate improvements. The Council and Legislators discussed open access versus proprietary infrastructure, a discussion that Mr. Tew pointed out is happening nationwide.

Mr. Tew updated the Council on the Marketplace Fairness Act passed in the U.S. Senate in 2013 which addressed the collection of sales tax on internet sales. He stated he does not have confidence it will pass in the House of Representatives. State Legislators may see a bill during the Session that would expand the definition of "nexus" or presence of a company in the State. Companies are required to collect sales tax on sales originating in states in which they have a presence. Mr. Tew added that if the Marketplace Fairness Act were to pass, it would prompt discussions regarding redistribution of sales tax. Senator Weiler commented that Davis County could enact a .25% sales tax increase currently authorized by State law for transportation purposes if the County Commissioners chose to do so. One of the allowed uses in the law is streets maintenance. Senator Adams added that distribution of the .25% increase would be at the discretion of the County Commissioners. Senator Adams explained that 17-20% of current sales tax income is auto related, making it, to some extent, a user-related fee, because cities are using some of their sales tax revenue for streets maintenance. The Council and Legislators discussed sales tax versus fuel tax, and benefits/drawbacks of user-related

1 fees. Councilman Wright asked if a study has been conducted to examine the impact various
2 taxes all together have on individual citizens. Senator Adams stated there are arguments in
3 favor of a local option, arguments in favor of a tax increase, and arguments in favor of
4 increasing registration fees.

5
6 Mayor Cutler stated he would like to see the fairest methodology possible to cover costs.
7 He stated that a gas tax seems fairer than a property or sales tax increase. The Mayor
8 expressed that maintaining high quality roads is an essential function of government and
9 essential to an effective economy. Councilman Wright disagreed, stating that taxes are an
10 inhibitor to commerce. Councilman Wright expressed appreciation to the Legislators that a
11 pedestrian walkway to the west side of the City has been added to the 18-month HOV-lane
12 expansion project beginning in 2014. Senator Adams responded that the addition of the
13 walkway to the project is the result of hard work by City staff and officials.

14
15 Councilman Averett asked if owners of fuel efficient cars pay a premium when they
16 register their vehicles. Representative Barrus responded they do not. Councilwoman Ivie
17 stated that a gas tax increase results in lower-income families paying more for fuel, as well as
18 other goods that become more expensive as a result of increased transportation costs.
19 Councilwoman Fillmore pointed out that owners of fuel efficient vehicles pay a premium
20 purchase price and therefore more sales tax, and provide a benefit to society by helping the
21 environment. Councilwoman Fillmore stated she believes officials should do everything
22 possible to encourage the purchase of vehicles that will contribute less to the air quality
23 problem. Senator Weiler added that about 55% of the smog visible this winter is due to vehicle
24 emissions. Home furnaces and fireplaces are also a major contributor. Representative Barrus
25 serves on a task force examining air quality, and he pointed out that the Salt Lake area currently
26 has half the pollution that was present in 1997. Much has already been done to improve air
27 quality. As a society, behavior will have to change for improvement to continue.

28
29 Senator Adams explained Senate Bill 153, which passed in 2013 and provides that
30 developers be allowed to install infrastructure to serve their projects before recording the plat,
31 and without depositing a bond with the city to assure the proper construction of such
32 infrastructure. Centerville staff is working on revisions to the City's ordinances to harmonize
33 with this new State law, which came as a surprise to many cities. Lisa Romney, City Attorney,
34 expressed concerns raised by the change. Senator Adams stated it is important to be careful
35 with barriers to development. He expressed respect for the ULCT and a willingness to listen if
36 significant problems are raised.

37
38 At the Mayor's request, the Legislators briefly described topics they will be addressing
39 during the upcoming Session. They indicated that email would be the best way to communicate
40 with them during the Session.

41
42 **ADJOURNMENT**

43
44 The work session was adjourned at 6:50 p.m.

45
46
47
48 _____
49 Marsha L. Morrow, City Recorder

50
51
52 _____
Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville City Council meeting held Tuesday, January 21, 2014 at 7:00 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore Stephanie Ivie Lawrence Wright

MEMBER ABSENT

John T. Higginson

STAFF PRESENT

Steve Thacker, City Manager
Jacob Smith, Management Assistant
Brandon Toponce, Assistant City Planner
Neal Worsley, Centerville Police Chief
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Councilman Lawrence Wright

COMMENDATIONS

Mayor Cutler recognized Steven Markham for seven years of service on the Planning Commission and Tamilyn Fillmore for five years of service on the Planning Commission.

OPEN SESSION

George McEwan – Mr. McEwan referred to item 11 on the agenda regarding reappointment of the City Recorder. He expressed he does not feel it would be appropriate for the Council to reappoint the City Recorder at this time considering the open investigation into action taken during the recent election.

Grant Peterson – Mr. Peterson mentioned that a resident of the apartments on the west side of the freeway recently expressed to him that pedestrian access between the east side and the west side would be nice. He urged the Council to consider pedestrian and bicycle access before continuing growth west of the freeway.

Brandon Ivie – Mr. Ivie expressed that UTOPIA is an important issue to him. He stated that the possible public/private venture discussed in the papers recently sounds like it may be a good opportunity. He mentioned that the number of UTOPIA subscribers is lower than originally anticipated, and expressed a fear that UTOPIA is still operating with the original inflated numbers. He urged the Council to evaluate the business plan and the numbers being used.

1 Mayor Cutler responded to Mr. Peterson's comments, reporting that a pedestrian bridge
2 will be added to the north side of the Parrish Lane overpass as part of the 18-month UDOT
3 HOV-lane project beginning in 2014.

4
5 **MINUTES REVIEW AND APPROVAL**
6

7 The minutes of the Tuesday, January 7, 2014 Swearing-In Ceremony and the January 7,
8 2014 Council meeting were reviewed. Councilwoman Fillmore questioned whether or not her
9 appointment to the South Davis Recreation District mentioned on page 6 of the Council meeting
10 minutes was done by resolution. Councilman Wright made a **motion** to approve both sets of
11 minutes, subject to staff verifying and correcting page 6 of the Council meeting minutes if
12 necessary. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

13
14 **PIPELINE CROSSING AGREEMENTS FOR LUND LANE DRAINAGE CULVERT**
15

16 In connection with the Woods Park PDO, the developer entered into an agreement with
17 the City pertaining to the construction of a drainage culvert under the railroad tracks. For the
18 past several months, staff have been seeking permits from Union Pacific Railroad and the UTA
19 for the construction of this drainage pipeline. Those agreements are now ready for Council
20 approval. The construction contract for this project will be awarded in a future meeting. Lisa
21 Romney, City Attorney, explained that the developer will pay the cost of a 24-inch pipe, and the
22 City will pay the cost of upsizing to a 36-inch pipe. Councilman Wright commented that it would
23 make sense to improve other utilities, such as fiber optics, as part of the same project. Ms.
24 Romney responded that staff have already begun discussions with Union Pacific and UTA
25 regarding other utilities, however, this drainage culvert would not be the appropriate location.

26
27 Councilman Averett made a **motion** to:
28

- 29 a. Approve Pipeline Crossing Agreement between the City and UTA for
30 construction and operation of 36" pipeline under the UTA right-of-way adjacent to
31 the Union Pacific railroad tracks at approximately Lund Lane conditioned upon:
32 (1) receipt of \$150,000 from Woods Park developer (Henry Walker Homes) in
33 accordance with requirements of the Woods Park PDO Development Agreement;
34 and (2) approval of similar agreement by Union Pacific prior to execution of UTA
35 Pipeline Crossing Agreement.
36 b. Approve Pipeline Crossing Agreement between the City and Union Pacific
37 Railroad Company for construction and operation of 36" pipeline under the Union
38 Pacific railroad tracks at approximately Lund Lane conditioned upon: (1) receipt
39 of \$150,000 from Woods Park developer (Henry Walker Homes) in accordance
40 with requirements of the Woods Park PDO Development Agreement; and (2)
41 approval of similar agreement by UTA prior to execution of UPRR Pipeline
42 Crossing Agreement.

43
44 Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).
45

46 **CONSIDER FUNDING REQUEST FROM CENTENNIAL BOOK COMMITTEE**
47

48 Brandon Toponce, Assistant City Planner and representative of the Centennial Book
49 Committee, gave a brief overview of what the Centennial book will include and the efforts taken
50 to guarantee a professional result. The Committee is requesting \$10,000 from the Council in
51 2014 and another \$10,000 in 2015 to cover preparation and initial printing costs. The book will
52 be available at the beginning of July 2015, with a planned printing of 1,000 copies. Mr. Toponce

1 asked for feedback from the Council regarding whether to offer presales or wait until the
2 availability date. Mayor Cutler mentioned that with digital printing capabilities it is less
3 expensive to print smaller orders of books than it used to be, and asked if the Committee has
4 considered starting with a smaller initial order. Lloyd Carr, President of Carr Printing Company,
5 responded that traditional printing methods are less expensive for orders of 300 or more books.
6 The Committee would like to begin with presales to get a feel for the number of books needed.
7 Mayor Cutler suggested advertising the book during the 2014 4th of July celebration.
8 Councilman Wright said he would like to see the Committee collect money now as part of the
9 presale to help gauge how much money is needed from the City. Mr. Carr indicated a desire to
10 meet with staff regarding how to accept donations. Mr. Carr also asked if the remaining balance
11 would be available in 2015 if the Committee does not use the full \$10,000 allocated for 2014.
12 Steve Thacker, City Manager, responded that the Council would be able to reappropriate
13 remaining funds as part of the next year's budget.
14

15 Councilman Averett asked how the price of the book was originally determined. Mr. Carr
16 responded the price (\$25) was originally based on a 200-page book. The Committee now
17 believes the book will have at least 250 pages. Mr. Carr stated the price could be reevaluated.
18 Mayor Cutler stated the book project is valuable to the City in terms of documenting history.
19 While it would be nice to cover the cost of printing with sales, he believes it is worth investing in
20 and that the Council should move forward with the process regardless of sales. Councilman
21 Wright stated he is fully behind the project, but would like to make it self sustaining rather than
22 government funded if possible. Councilman Wright asked why the Committee needs the
23 \$10,000 now. Mr. Carr responded that the Committee has been financing all expenses to this
24 point from their own pockets. They do not want to pull money from the City's account sooner
25 than needed, but expenses will be more substantial moving forward. He stated the Committee
26 could look at raising the price of the book slightly, and they are hoping to receive private
27 donations to help with the project. Councilman Wright suggested the Committee consider
28 offering a less expensive e-book option as well.
29

30 Earl C. Tingey, a member of the Centennial Book Committee, commented that it can be
31 difficult to pre-sell a book without a visible finished product. The books will not be ready for
32 distribution until July of 2015. He reported that the Committee has already pre-sold 72 copies,
33 and expressed confidence that once the book is available for distribution the City will sell 1,000
34 copies "over night." Mr. Carr expressed a hope that the City will help with advertising by
35 including information about the book in the newsletter and on the website. The Committee does
36 not want to entice people too soon because the public will get tired of waiting. Staff indicated
37 that book sales could be made possible online, and they will look into the possibility of online
38 donations.
39

40 Councilman Averett made a **motion** to approve the use of up to \$10,000 from the 2014
41 Council Contingency Budget for the initial funding, support and production of the Centennial
42 book, and direct staff that any unspent amount of this \$10,000 be re-appropriated to the next
43 budget for the project. Councilwoman Ivie seconded the motion. Councilwoman Fillmore
44 expressed excitement for the project and confidence in community donation support as word
45 gets out. She encouraged the Committee to set the goal of reaching the second \$10,000 with
46 donations. The motion passed by unanimous vote (4-0).
47

48 **DISCUSSION OF HB 76 FROM 2013 LEGISLATIVE SESSION**

49

50 Council members Ivie and Wright requested discussion of HB 76 (Concealed Weapon
51 Carry Amendments) at the meeting, and an explanation from Chief Worsley regarding a letter
52 sent to the Governor as if on behalf of Centerville. Chief Worsley explained to the Council the

1 series of events that led to the letter being sent, and acknowledged his mistake in not exercising
2 due care to see that the letter was appropriately modified to make it clear that he was speaking
3 for himself in his professional capacity. Chief Worsley stated he will correct the situation, and
4 expressed a desire to hear Council members' opinions of the concealed weapon issue. Mayor
5 Cutler stated he is opposed to eliminating concealed carry permits. He believes police should
6 be able to question citizens regarding dangerous weapons. Councilman Wright suggested it
7 would be a good topic for public discussion. Councilwoman Fillmore stated she feels a Council
8 meeting would be an appropriate forum for a public discussion of the issue. Chief Worsley
9 suggested it would be appropriate to see what happens in the next Legislative Session before
10 holding public discussions.

11
12 Councilman Averett voiced the opinion that a Council meeting is an appropriate place to
13 discuss gun rights and gun control. However, he does not think it is an appropriate place to
14 discuss staff issues. He feels a closed meeting is the appropriate place for discussions
15 regarding staff performance and credibility. Councilman Averett stated he personally does not
16 appreciate the way the Chief was brought before the Council in such a public way. Councilman
17 Wright countered that the issue was brought up in a public meeting (December 3, 2013 open
18 session). Councilman Wright added that he does not question Chief Worsley's competency.

19
20 **LEGACY CROSSING DEVELOPMENT AGREEMENT AND EASEMENT**
21 **AMENDMENTS**
22

23 Lisa Romney, City Attorney, explained that the developer of Lot 404 within the Lot 4
24 Amended Subdivision of the Legacy Crossing Project desires to build an office building and
25 related improvements. As part of the conceptual site plan review for the office building on Lot
26 404, it was determined that certain amendments to the Development Agreement and
27 Declaration of Parking and Cross-Access Easement would be necessary to permit the proposed
28 development. Specifically, the developer has requested the following amendments to the
29 Development Agreement: (1) eliminating some fencing along Legacy Boulevard immediately
30 adjacent to the new Lots 403 and 404; (2) eliminating a drive access point along Legacy
31 Boulevard and revising the parking layout; and (3) amending the Master Site Plan to allow the
32 buildings to be brought closer to Legacy Boulevard and addressing the parking layout. The
33 developer is also requesting an amendment to the Declaration of Parking and Cross-Access
34 Easement to revise the on-site parking requirements for lots within Lot 4 Amended Subdivision.
35 Staff recommends approval of the proposed amendments to the Legacy Crossing Development
36 Agreement and Declaration of Parking and Cross-Access, with the condition that the final
37 exhibits to the Development Agreement are found acceptable by staff.

38
39 Craig Widmier with US Development stated he feels the proposed changes will give an
40 enhanced look and feel along the Boulevard. Councilman Wright commented that the driving
41 area on Legacy Boulevard is often narrowed with vehicles parked along both sides. Mr.
42 Widmier responded that one side of the Boulevard will be striped "no parking" when the office
43 building is completed and more parking becomes available. Councilwoman Fillmore added that,
44 from a planning perspective, on-street parking contributes to the community feel considered
45 desirable in a PDO. Gary Wright with Wright Development Group briefly described the office
46 buildings that will be built on Lots 403 and 404.

47
48 Councilman Wright made a **motion** to:

- 49
50 a. Approve the Third Amendment to the Legacy Crossing Development Agreement
51 regarding master site plan, fencing, drive aisles and parking, as related to

- 1 development of the Lot 4 Amended Subdivision, subject to verification of the exhibits
2 by staff
3 b. Approve the Second Amendment to Legacy Crossing Declaration of Parking and
4 Cross-Access Easement relating to on-site parking requirements for lots within Lot 4
5 Amended Subdivision.
6

7 The motion was seconded by Councilwoman Fillmore and passed by unanimous vote (4-0).
8

9 **ORDINANCE CORRECTING REVISIONS TO SECTION 12-41-060 OF ZONING**
10 **ORDINANCE**
11

12 Lisa Romney, City Attorney, explained that it has recently come to staff's attention that
13 the version of Ordinance No. 2009-22 signed by the Mayor and put in the City's books did not
14 include the staff recommended amendments as approved by the Council on December 1, 2009.
15 In order to ensure that Ordinance No. 2009-22 properly reflects what the City Council adopted,
16 staff proposes Ordinance No. 2014-01 ratifying and correcting Ordinance No. 2009-22.
17

18 Councilwoman Fillmore made a motion to approve Ordinance No. 2014-01 ratifying
19 amendments to Section 12-41-060 and Table 12-36 of the Zoning Ordinance regarding mixed
20 commercial uses in Planned Development Overlay Zone. Councilman Wright seconded the
21 motion, which passed by unanimous vote (4-0).
22

23 The Council took a recess at 8:37 p.m. and returned at 8:46 p.m.
24

25 **DISCUSSION OF POLICIES AND GUIDELINES FOR CONDUCTING COUNCIL**
26 **BUSINESS AND INTERACTIONS WITH STAFF**
27

28 The Council and staff reviewed the Approval of Minutes Policy, and Electronic Meetings
29 Policy. Mayor Cutler asked if the Whitaker Museum Board meetings could be covered by the
30 Electronic Meeting Policy. Ms. Romney responded that any public body is allowed to have an
31 electronic meeting as long as a policy is in place. She added that the City's Policy could be
32 broadened to include all City boards and committees. The boards or committees would also
33 need to meet technology requirements in the statute.
34

35 The Council and staff discussed guidelines for Council/staff relations. Councilman
36 Wright expressed a desire for the Council to review the code regarding responsibilities of the
37 Mayor and responsibilities delegated to the City Manager. Councilwoman Fillmore suggested a
38 short period of time be added on the agenda for each meeting to allow Council members to
39 mention issues or complaints shared with them by community members. Mr. Thacker
40 responded that the miscellaneous portion of the agenda has traditionally been used for that
41 purpose. Councilman Wright mentioned it would be beneficial for the discussion to be earlier in
42 the meeting while more community members are present. City Manager Thacker expressed a
43 preference to be notified of the complaints and issues prior to the meetings to have a chance to
44 collect relevant information. Mayor Cutler stated he would prefer to discuss those types of
45 concerns under miscellaneous business, but would be willing to amend the agenda when
46 appropriate.
47

48 The Council and staff briefly reviewed guidelines for dealing with news media. The
49 Mayor and the City Manager are the two officials authorized to speak to media representatives
50 on behalf of the City. Other officials can be delegated the authority when appropriate.
51 Councilman Wright stated he feels Council members should have a chance to discuss issues
52 before communication with the press.

1 Ms. Romney provided the Council with a list of training topics she recommends for 2014.
2 Councilwoman Fillmore expressed an interest in a review of the ethics and civility training that
3 was given in 2013. She also asked if a budget training session could be held to explain the
4 overall structure of the City's accounting system. Councilwoman Ivie also expressed interest in
5 a budget training session. Mayor Cutler requested staff provide financial training before the
6 budget planning period starts. Councilman Averett requested emergency training regarding
7 responses to emergencies in City Hall. The Council indicated support for holding a work
8 session to receive emergency response training – i.e., how to respond to a hostile threat in the
9 building.

10
11 **FINANCIAL REPORT**
12

13 City Manager Thacker presented a financial report for the six-month period ending
14 December 31, 2013.

15
16 **MAYOR'S REPORT**
17

- 18 • Commissioner Brett Milburn has been elected Chairman of the Fire Agency Board.
19 Mayor Cutler has been appointed Vice Chair. He stated that updating the Centerville
20 Fire Station is a high priority of the Fire Agency Board.
- 21 • Mayor Cutler reported that the 2014 4th of July Committee does not yet have a Chair.
22 He would welcome recommendations from Council members. The Mayor stated he
23 has received a lot of response to volunteer opportunities that were posted on the
24 website, and is ready to recommend a few appointments.
- 25 • The UTOPIA and UIA Boards postponed election of new officers at their recent
26 meetings. Mayor Cutler informed the Council that UTOPIA has partnered with
27 Macquarie, a potential private sector partner, for an in-depth assessment. The Pre-
28 Development Agreement has been posted on-line with NovusAgenda for tonight's
29 meeting. Councilman Wright stated he would somehow like to present the results of
30 the assessment to the public and get public feedback. Mayor Cutler explained that
31 alternative proposals are being explored that will be presented in conjunction with the
32 Macquarie offer to provide options. Councilman Wright requested that information
33 be put on the City website as soon as possible for citizen benefit.

34
35 **CITY MANAGER'S REPORT**
36

- 37 • Steve Thacker, City Manager, presented a proposed agenda for the February 4th
38 Transportation Open House and presentation. Councilman Wright asked if the
39 presentations given by Wasatch Front Regional Council, UTA, and UDOT could be
40 video recorded and put on the City website. Mr. Thacker responded that PowerPoint
41 presentations used that night could be put on the website. Councilwoman Fillmore
42 suggested putting together a summary of frequently asked citizen questions. Council
43 members Fillmore and Ivie offered to help put a summary together.
- 44 • An RDA work session will be held on January 28th at 5:30 p.m.

45
46 **MISCELLANEOUS**
47

- 48 • Regarding Resolution No. 2014-06, Councilman Wright requested a closed meeting
49 to discuss reappointment of the City Recorder. Mayor Cutler suggested postponing
50 remaining miscellaneous business on the agenda until after the closed meeting.

- Councilwoman Ivie asked if Council members are given an opportunity to review the recreation booklet provided to the community each year. Staff was surprised she had not received an email with the 2014 booklet attached. The email was sent on Friday, January 17th, and was apparently not received by Council members Higginson, Ivie, and Wright. The booklet has been sent to the printer, and Councilman Wright asked if printing could be stopped to provide an opportunity for review.
- Mayor Cutler asked if a targeted request for volunteers for the 2014 4th of July Committee could be included in the upcoming utility bill insert. The insert will also advertise the February 4th Transportation Open House.

CLOSED MEETING

At 10:17 p.m. Councilman Wright made a **motion** to move to a closed meeting to discuss the sale and purchase of real property, and the character and competency of individuals. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0). In Attendance were: Paul Cutler, Mayor; Council members Averett, Fillmore, Ivie, and Wright; Steve Thacker, City Manager; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

The Council returned to open session at 11:13 p.m.

MISCELLANEOUS BUSINESS

- Councilwoman Fillmore made a **motion** to approve Resolution No. 2014-06 reappointing the following officers of Centerville: (1) City Recorder, Marsha Morrow, and (2) City Treasurer, Jolene Jackson. The motion was seconded by Councilman Averett and passed by unanimous vote (4-0).
- Mayor Cutler recommended appointing Steven Markham to the Board of Adjustments; Kyle Barney to the Parks and Recreation Committee; Monte Roberts to the Landmarks Commission; and Jack Dellastatious to the Community Foundation. Councilman Averett made a **motion** to appoint Steven Markham to the Board of Adjustments; Kyle Barney to the Parks and Recreation Committee; Monte Roberts to the Landmarks Commission; and Jack Dellastatious to the Community Foundation. The motion was seconded by Councilwoman Fillmore and passed by unanimous vote (4-0).
- Councilman Averett made a **motion** to approve sale of property on Main Street with the following conditions: the City can move forward in selling the south portion of property to UDOT without delay, but offer the north portion of the property to the property owners, respectively, for the same price per square foot the City is receiving from the State. If all three property owners do not accept the City's offer to sell the property, the City is authorized to sell the property to UDOT without any further approval from the Council. The motion did not receive a second.

Councilwoman Fillmore made a **motion** to approve sale of the southern most portion of the property to UDOT, authorize an administrative lot-split if allowable, and offer sale of the remaining property to the property owners at the square-foot sale price without the additional charge for improvements to the property. If the three property owners are not all interested in purchasing the property, the City will retain the property. The motion was seconded by Councilwoman Ivie and passed by majority vote (3-1), with Councilman Averett dissenting.

ADJOURNMENT

At 11:19 p.m. Councilwoman Fillmore made a **motion** to adjourn. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

(Not for public dissemination)

Minutes of the **Centerville City Council closed meeting** held Tuesday, January 21, 2014 at 10:21 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler

Council Members Ken Averett
Tamilyn Fillmore
Stephanie Ivie
Lawrence Wright

MEMBER ABSENT John T. Higginson

STAFF PRESENT Steve Thacker, City Manager
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

STAFF ABSENT Blaine Lutz, Finance Director/Assistant City Manager

UDOT OFFER TO PURCHASE MAIN STREET PROPERTY

Steve Thacker, City Manager, explained UDOT's offer to purchase a seven-foot strip of City-owned property on the west side of Main Street near the Parrish Lane intersection. Not all of the property will be needed for the intersection project. Mr. Thacker stated that the City does not need the property for utility purposes. Councilwoman Fillmore stated she would prefer to either hold onto the property as a City, or offer the property owners the opportunity to purchase the property. Mr. Thacker responded that UDOT is offering \$17,000 for the strip of property, and the City would have to figure out how to let UDOT use the portion they need for the intersection project if the City does not sell the whole strip. Councilwoman Ivie stated she is reluctant to sell any portion of City property to another entity. She agreed with the suggestion to offer it for sale to the property owners. Mayor Cutler stated he does not want to hold up the bid process for the project, and he does not see a reason not to sell it to UDOT. Councilman Wright stated he feels the City should sell the property to the property owners. Councilman Averett stated his opinion that the City should sell UDOT the portion needed for the project, and offer the remaining land to the property owners for sale. Councilman Averett continued that if the property owners are not interested, he does not see a reason for the City to hold onto it. Mr. Thacker said he will research the options for disposal of the property. Councilwoman Fillmore restated her desire to not sell the property to UDOT. She feels owning the property may be a greater benefit to the City in the future than \$17,000 now. Councilwoman Fillmore added it would only be a benefit to sell the property to the property owners if all three owners agree to purchase the land. She would not want to break it up. Councilman Wright agreed it would be appropriate to offer the land to the property owners first, and if they don't want it, sell it to UDOT. Mr. Thacker pointed out that \$10,500 of the UDOT offer is for the land. The rest of the offer covers improvements on the land.

At 10:42 p.m. the Council turned off the recorder to discuss the character and competency of individuals.

PRELIMINARY DRAFT

(Not for public dissemination)

City Council of Centerville

Minutes of Closed Meeting of January 21, 2014

Page 2

ADJOURNMENT

At 11:13 p.m. Councilwoman Ivie made a **motion** to return to open session. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 3.

Short Title: Summary Action Calendar

Initiated By: Woods Park developer and City staff

Scheduled Time: 8:15

SUBJECT

- a. Approve request for extension of Woods Park Subdivision final plat
- b. Approve submittal of CLG grant application

RECOMMENDATION

- a. Approve the Woods Park Subdivision final plat extension subject to a specific date of June 12, 2014 to record the final plat. (See the attached confidential memo from Lisa Romney explaining why the deadline for recording would be June 12 rather than six months.)
- b. Authorize submittal of an application for a Certified Local Government (CLG) grant to fund projects for both the Museum and the Landmarks Commission.

BACKGROUND

- a. See the attached staff report from Cory Snyder, Community Development Director, and the City Attorney's confidential memo, for background on the Woods Park matter.
- b. See the attached staff report from Brandon Toponce, Assistant City Planner, for background on the CLG grant matter. The Museum Director understands that the match for the Museum's portion of the grant (\$7800) will come from a combination of in-kind services/goods and funds already in the Whitaker Museum Fund (prior donations, available City funds already transferred into the Whitaker Fund, etc). The match (\$2150) needed for the Landmarks Commission activities would be addressed in the next City Budget (FY 2015), or if needed sooner, could be accommodated in the current Community Development budget with line item savings.

ATTACHMENTS:

Description

- D Staff Report for Final Subdivision Plat Approval Extension
- D Woods Park Extension Letter from Henry Walker Homes
- D Final Plat Expiration - Woods Park - Memo
- D CLG Grant Staff Report

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

STAFF TRANSMITTAL REPORT

DATE: **JAUNARY 22, 2014**

TO: **STEVE THACKER, CITY MANAGER**

FROM: **CORVIN M. SNYDER, COMMUNITY DEVELOPMENT DIRECTOR**

APPLICANT: **PHIL HOLLAND
HENRY WALKER HOMES
500 NORTH MARKET PLACE DRIVE SUITE #201
CENTERVILLE, UTAH 84014**

PROPERTY: **WOODS PARK SUBDIVISION**

APPLICATION: **REQUEST FOR FINAL SUBDIVISION PLAT APPROVAL
EXTENSION**

RECOMMENDATION: **APPROVE THE REQUEST FOR EXTENSION**

BACKGROUND

The final plat for the Woods Park PDO was approved by the City Council on August 6, 2013. Such approval was conditioned upon a number of terms and conditions, many of which are still outstanding. Section 15-4-112 of the Centerville Subdivision Ordinance provides that "[i]f the final plat is not recorded within six (6) months from the date of City Council approval, such approval shall be null and void. Given the City Council approval date of August 6, 2013, the Woods Park PDO final plat is set to expire if it is not recorded by February 6, 2014. Section 15-4-112 does allow for an extension of final plat approval to be granted by the City Council for up to an additional six (6) months. If granted, such extension would give the developer until August 6, 2014 to record the final plat.

It should also be noted that since Woods Park is a PDO, there are relevant deadlines regarding subdivision plat approval and recording as set forth in Title 12, Chapter 41. Such provisions are more restrictive than the provisions in the Subdivision Ordinance. Specifically, Section 12-41-120 provides that the rezoning of any property to a PDO zone is subject to the "submission, approval, and recording of a final subdivision plat within one (1) year from the effective date of approval of the preliminary subdivision plat(s) and/or site plan approval, as applicable." The preliminary subdivision plat was approved by the Planning Commission on June 12, 2013.

Under the provisions of Section 12-41-120, the final plat is required to be approved and recorded by June 12, 2014. There are no extension provisions under Section 12-41-120.

RECOMMENDATION

The request for this extension needs to be scheduled for the February 04, 2014 City Council Agenda. Staff recommends that the City Council grant the final subdivision approval, subject to a specific date of June 12, 2014 to record the final plat (*see Memo from Lisa Romney explaining the reason for this date*).



HENRY WALKER
H O M E S™

Henry Walker Homes
Phil Holland
500 North Marketplace Drive Suite #201
Centerville, Utah 84014

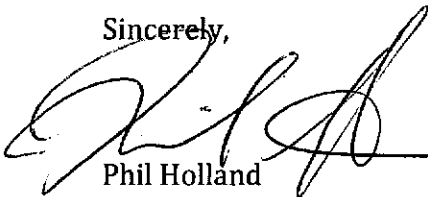
Corvin M. Snyder, AICP
Community Development Director
655 North 1250 West, Centerville, Utah 84014

RE: Woods Park Extension

Corvin,

We would like to request an extension to the PDO Preliminary Plan and Final Subdivision Plan Approval for our Woods Park community. This community is located at 800 West and Lund Lane (2400 North). Please process this request at your earliest convenience.

Sincerely,



Phil Holland



CENTERVILLE CITY ATTORNEY'S OFFICE

250 North Main Street
Centerville, Utah 84014
801.335.8842

MEMORANDUM

Privileged and Confidential under Attorney/Client Privilege

TO: Cory Snyder, Community Development Director
FROM: Lisa G. Romney, City Attorney
DATE: January 7, 2014
RE: Expiration of Final Plat Approval for Woods Park PDO

The final plat for the Woods Park PDO was approved by the City Council on August 6, 2013. Such approval was conditioned upon a number of terms and conditions, many of which are still outstanding. Section 15-4-112 of the Centerville Subdivision Ordinance provides that "[i]f the final plat is not recorded within six (6) months from the date of City Council approval, such approval shall be null and void. Given the City Council approval date of August 6, 2013, the Woods Park PDO final plat is set to expire if it is not recorded by February 6, 2014. Section 15-4-112 does allow for an extension of final plat approval to be granted by the City Council for up to an additional six (6) months. If granted, such extension would give the developer until August 6, 2014 to record the final plat.

In order to qualify for an extension, the developer must petition the City Council in writing for an extension prior to the expiration of the original six months. The City Council may grant an extension "for good cause shown." An extension shall not be granted if it is determined that the extension "will be detrimental to the City." If any fees charged as a condition of subdivision approval have increased, the City is authorized to require the bond estimate to be recalculated and to require the developer to pay any applicable fee increases as a condition of granting the extension. Based on these provisions of Section 15-4-112, the developer must submit a request

for extension of final plat approval by February 6, 2014, and must provide evidence of good cause for granting of the extension.

Given the language and standards set forth in Section 15-4-112, the City Council does have discretion to determine whether there is good cause for an extension and/or whether granting the extension would be detrimental to the City. It is arguable that lack of money is insufficient grounds for the showing of good cause. It is also arguable that granting an extension would be detrimental to the City given the time sensitive requirements of the Development Agreement and the new statutory framework regarding installation of improvements prior to final plat recording. However, it is probably more sustainable and defensible for the City to grant the extension as such extensions are generally granted as a matter of course so long as the developer is moving forward with the project and making a good faith effort to pursue development. The City would have to make a sufficient finding of detrimental impact and lack of good cause for extension. If the extension is denied, the developer would have to start over with approvals. From a practical standpoint, it is likely that the City would re-approve the project, which would merely extend the deadlines for recording the final plat for another six months to a year.

Based on Section 15-4-112, the developer is required to record the final plat or request an extension of time to record by February 6, 2014. If the extension is granted, the developer will have until August 6, 2014 to record the final plat. There are no further extensions for recording the final plat under such provisions. Thus, if the developer moves forward with installation of infrastructure prior to recording the plat (as provided under SB 153), they will need to complete such improvements and record the plat by August 6, 2014, or bond for the remaining infrastructure prior to recording the final plat by August 6, 2014.

It should also be noted that since Woods Park is a PDO, there are relevant deadlines regarding subdivision plat approval and recording as set forth in Title 12, Chapter 41. Such provisions are more restrictive than the provisions in the Subdivision Ordinance. Specifically, Section 12-41-120 provides that the rezoning of any property to a PDO zone is subject to the "submission, approval, and recording of a final subdivision plat within one (1) year from the effective date of approval of the preliminary subdivision plat(s) and/or site plan approval, as applicable." The preliminary subdivision plat was approved by the Planning Commission on June 12, 2013. Under the provisions of Section 12-41-120, the final plat is required to be approved and recorded by June 12, 2014. There are no extension provisions under Section 12-41-120.

Under standard rules of statutory construction, we are to give meaning to all provisions of the code to the extent practical. In the event of conflict, the more specific provision generally applies. I think it is reasonable to argue that the PDO provision is more restrictive and specific than the general subdivision ordinance requirements and should be controlling. In order to be granted a PDO, the terms and conditions of Chapter 12-41 must be met. In addition, Section 12-41-080 provides that PDO approval does not exempt any applicant from meeting the requirements of Title 15 "except as may be modified" pursuant to the provisions of Chapter 12-41. Section 12-41-120 alters the recording date requirements of Title 15 and should govern for PDO developments. Given the more restrictive provisions of the PDO Ordinance, it is arguable that the Woods Park PDO final plat must be recorded by June 12, 2014. In light of this provision, an extension could be granted, but should probably not extend the recording deadline beyond June 12, 2014.

26
CLG grant
~~application~~
staff report

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

STAFF TRANSMITTAL REPORT

DATE: FEBRUARY 4, 2014

TO: STEVE THACKER, CITY MANAGER

FROM: BRANDON TOPONCE, ASSISTANT CITY PLANNER

REQUEST: CLG GRANT APPLICATION PROPOSAL

CERTIFIED LOCAL GOVERNMENT OVERVIEW

The Certified Local Government (CLG) is a partnership between the State Preservation Offices and the National Park Service to help promote preservation efforts at a local level. Being a part of the CLG, allows local communities to take part in federal funding for projects that are related to historic structures. These grants are applied for in February and begin in April of that year and run for 16 months. The grants that are awarded are a 50/50 matching grant with the expectation that the participating CLG provide the matching amount given by the National Park Service.

CENTERVILLE'S PARTICIPATION

The last several years the City of Centerville has requested funding for projects associated with the preservation within our community. Last year, the city requested and received \$10,000 for the Whitaker Museum renovations and for the Landmarks Commission to create a historic walking tour map, among other projects. The funding for preservation projects are divided among the Landmarks Commission and Whitaker Museum Board. Each organization selects projects they believe will be beneficial for the community and qualify for CLG funding.

PROPOSED CLG PROJECTS

Proposed CLG Projects				
Organization	Project	Total Cost	City Obligation	Grant Funding
Whitaker Museum	Fascia and Soffits	\$2,400	\$1,200	\$1,200
	Rain Gutters	\$2,400	\$1,200	\$1,200
	Heat Coil	\$600	\$300	\$300
	Dormer Repair	\$1,600	\$800	\$800
	Foundation Stone Sealing	\$1000	\$500	\$500
	Exterior Painting	\$7,600	\$3,800	\$3,800
	Combined Total	\$15,600	\$7,800	\$7,800

Proposed CLG Projects				
Organization	Project	Total Cost	City Obligation	Grant Funding
Landmarks Commission	National Register Nomination	\$2,000	\$1,000	\$1,000
	National Register Nomination	\$2,000	\$1,000	\$1,000
	Utah Preservation Conference	\$300	\$150	\$150
	Combined Total	\$4,300	\$2,150	\$2,150

Combined Group Totals			
Organization	Total Cost of Projects	CLG Grant	City Match
Museum Board	\$15,600	\$7,800	\$7,800
Landmarks Commission	\$4,300	\$2,150	\$2,150
Combined Totals	\$19,900	\$9,950	\$9,950

Centerville City CLG Request	
Total CLG Request	\$9,950

RECOMMENDATION

It is the recommendation of City Staff that the City Council reviews the CLG Request and approve the projects and total city match. This recommendation is based on the funding already in place for the Whitaker Museum and Landmarks Commission for the . After the City Council approves the amount, staff will prepare the application and send it to the State Preservation Office in Salt Lake, which is due by February 7, 2014. The grant Cycle will run from April 1, 2014 to August 31, 2015.

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 4.

Short Title: Public Hearing - Rezone Community Park expansion property - 1250 North 800 West

Initiated By: City staff

Scheduled Time: 8:25

SUBJECT

Consider Ordinance No. 2014-02 amending the Zone Map (rezone) for property being used for the expansion of the Centerville Community Park, from A-L (Agricultural-Low) to PF-L (Public Facility-Low)

RECOMMENDATION

Following a public hearing, approve Ordinance No. 2014-02 amending the Zone Map for property being used for the expansion of the Centerville Community Park, from A-L (Agricultural-Low) to PF-L (Public Facility-Low).

BACKGROUND

See the attached staff report from Brandon Toponce, Assistant City Planner, for an explanation of this subject.

ATTACHMENTS:

Description

- ☐ Staff Report
- ☐ Public Hearing Notice for Rezone
- ☐ Ordinance No. 2014-02

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

STAFF TRANSMITTAL REPORT

DATE: JANUARY 21, 2014

TO: STEVE THACKER, CITY MANAGER

FROM: BRANDON TOPONCE, ASSISTANT CITY PLANNER

APPLICANT: CENTERVILLE CITY
250 NORTH MAIN STREET
CENTERVILLE

PROPERTY: PARCEL 02-014-0043 (5.93ACRES), APPROXIMATELY
1250 NORTH 800 WEST

ACREAGE: 5.9 ACRES

ZONING: A-L (AGRICULTURAL-LOW)

APPLICATION: ZONING MAP AMENDMENT REQUEST TO REZONE
FROM AGRICULTURAL-LOW (A-L) TO PUBLIC
FACILITY-LOW (PF-L)

RECOMMENDATION: APPROVE THE REZONE TO PUBLIC FACILITY-LOW
(PF-L)

BACKGROUND

The Centerville Parks Department has requested the rezone of the property located south of the Community Park, adjacent to the Frontage Road. Centerville City desires to expand the Community Park in order to create additional sports fields and parking. The applicant desires to rezone the parcel from A-L to PF-L, to match the existing park and to allow the development of the sports fields and parking expansion.

REVIEW

The Planning Commission reviewed the application at the January 8, 2014 meeting and at that time found that it was in harmony with the General plan according to Section 12-460-1(2) and Section 12-460-1(3)(c). In addition, the rezone would allow for a park to be constructed, which will benefit the overall aesthetics of the community and for those living in Chase Lane Village.

There are currently no utility services into the property and would need to be completed as part of the park construction, which will include a storm drain, culinary and irrigation, plus electricity. One of the concerns staff had was that of lighting of the fields identical to the adjacent baseball fields. Bruce Cox, stated that in the future as the budget allows a play area, restroom facility and soccer field lighting could be possibilities. However, it was also stated that lighting for soccer fields are lower and face directly downward which would not have a large impact on the neighboring community. Finally, the issue of the reduction of the drainage swell was brought up. It was discussed by the applicant that the entire park is actually constructed as a drainage swell and the City Engineer has allowed the reduction within the swell along the Frontage Road. Yet, staff will still be requesting written verification from the Engineer concerning the drainage swell reduction.

RECOMMENDATION

After reviewing the staff report the Planning Commission recommended that the City Council approve the following amendment to the Centerville City Zoning Map:

Rezone Parcel 02-014-0043 (5.93 ACRES) owned by Centerville City, from Agricultural-Low (A-L) to Public Facility-Low (PF-L).

Suggested Reasons for the Action (Findings):

1. The proposed rezone meets the criteria found in Section 12-21-080(e) of the Zoning Ordinance.
2. The rezone is consistent with the goals of the General Plan found in Section 12-460-1.
3. In order to meet the goals of the General Plan, the property must be rezoned to PF-L to allow for the park expansion.
4. No adverse effects will occur with the rezoning of this property for the development of the park expansion.

Planning Commission Vote (4-1):

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

**CENTERVILLE CITY COUNCIL
ZONING MAP AMENDMENT**

Notice is hereby given that the Centerville City Council will hold a public hearing on Tuesday, February 4, 2014, beginning at 7:00 p.m., or as soon as the matter may be heard, in the City Council Chambers at the Centerville City Hall Building, 250 North Main Street, Centerville, to consider a zone map amendment (rezone) for property being used for the expansion of the Centerville Community Park, located at approximately 1250 North 800 West. Such property is currently zoned A-L (Agricultural-Low) and is to be rezoned to PF-L (Public Facility-Low).

More information about this proposed change contact Community Development at 801-292-8232.

Marsha L. Morrow, MMC
Centerville City Recorder

ORDINANCE NO. 2014-02

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 5.93 ACRES OF THAT CERTAIN REAL PROPERTY AS DESCRIBED HEREIN FROM AGRICULTURAL LOW (A-L) TO PUBLIC FACILITY-LOW (PF-L).

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

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-460-1, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Agricultural Low (A-L) to Public Facility-Low (PF-L) as more particularly provided herein; and

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

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

Section 1. Amendment. The real property located at approximately 1250 North 800 West in Northwest Centerville consisting of approximately 5.93 acres as more particularly described in the legal description set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned and changed from Agricultural Low (A-L) to Public Facility-Low (PF-L) and the Centerville City Zoning Map is correspondingly amended as described herein.

Section 2. Findings. The rezone of the subject property and corresponding amendment to the Centerville City Zoning Map is based on the following findings:

- a. The proposed rezone meets the criteria found in Section 12-21-080(e) of the Zoning Ordinance.
- b. The rezone is consistent with the goals of the General Plan found in Section 12-460-1.
- c. In order to meet the goals of the General Plan, the property must be rezoned to PF-L to allow for the park expansion.
- d. No adverse effects will occur with the rezoning of this property for the development of the park expansion.

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 4th DAY OF FEBRUARY, 2014.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

EXHIBIT "A"

LEGAL DESCRIPTION OF REZONE PROPERTY

EXHIBIT "A"



ESI Engineering, Inc.

3500 South Main Suite 206
Salt Lake City, Utah 84115

Tel: (801) 263-1752

Fax: (801) 263-1780

www.esieng.com

Email: kevin.campbell@esieng.com

Community Park Expansion Property Description from Warranty Deed (06-30-06):

Beginning 13.858 chains North and 1,623.61 feet West from the Southeast corner of the Southwest Quarter of Section 6, Township 2 North, Range 1 East, Salt Lake Base and Meridian, and running thence South $89^{\circ}28'58''$ West 697.952 feet to the East of a Frontage Road as conveyed to State Road Commission by 394/658; thence North $0^{\circ}18'$ East 395.27 feet, more or less, along said East line; thence East 684.13 feet; thence South $0^{\circ}06'47''$ West 376.06 feet to the point of beginning.

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 5.

Short Title: Public Hearing - Zoning Ordinance Text Amendments - Noticing and Public Hearing Requirements

Initiated By: City Attorney

Scheduled Time: 8:35

SUBJECT

Public Hearing - Consider Zoning Ordinance Text Amendments regarding Noticing and Public Hearing Requirements - Ordinance No. 2014-03

RECOMMENDATION

Hear Staff presentation on proposed Zoning Ordinance Text Amendments regarding noticing and public hearing requirements; hold public hearing regarding proposed amendments; and table action on Ordinance No. 2014-03 until next City Council meeting.

BACKGROUND

Staff has reviewed the noticing and public hearing requirements for various land use applications as set forth in the City Zoning Ordinance for compliance with State law provisions. Such review was initiated in response to State law amendments as adopted during the 2013 legislative session. Specifically, HB 88 requires cities to provide additional courtesy notice to owners of real property whose property is subject to a zoning map amendment (rezone). In reviewing relevant provisions of the City's Zoning Ordinance, it was determined to conduct a more comprehensive review of the noticing and public hearing requirements. The proposed amendments are intended to bring City Ordinances into compliance with State law, where necessary, and to recommend additional changes regarding electronic noticing, newspaper publications, and noticing requirements for first and subsequent public hearings. The current Zoning Ordinances provide additional noticing and public hearings above and beyond what State law requires. The proposed amendments are not intended to reduce such additional opportunities for public input regarding zoning and land use applications, but to provide more meaningful and less costly noticing through electronic means. Staff is not recommending action by the City Council at tonight's meeting regarding the proposed amendments. This meeting will be an opportunity for Staff to present the proposed changes and to explain some of the issues involved. After Staff presentation, the City Council should hold a public hearing regarding the proposed amendments. The City Council can provide Staff with any initial comments, questions or discussion regarding the proposed amendments. It is recommended the City Council table this matter for further discussion and action at the next meeting to be held on February 18, 2014.

The Planning Commission first reviewed these Zoning Code amendments and held a public hearing regarding the same on November 13, 2013. On January 8, 2014, after further review and study of the matter, the Planning Commission recommended to the City Council approval of the proposed Zoning Code amendments as set forth in Ordinance No. 2014-03 regarding public hearing and noticing requirements for land use applications.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2014-03
- ☐ Exhibit A - Zoning Ordinance Amendments
- ☐ HB 88
- ☐ Public Notice Flow Charts

ORDINANCE NO. 2014-03

AN ORDINANCE AMENDING SECTIONS 12-12-030, 12-21-040, 12-21-050, 12-21-070, 12-21-080 AND 12-21-120 OF THE CENTERVILLE ZONING CODE REGARDING PUBLIC HEARINGS, NOTICE REQUIREMENTS AND OTHER VARIOUS PROCEDURAL AMENDMENTS REGARDING ZONING APPLICATIONS

WHEREAS, the Utah Legislature recently amended provisions of *Utah Code Ann.* § 10-9a-205 regarding notice of public hearings for zoning map amendments, including new courtesy notice requirements for rezone applications, as more particularly set forth in H.B. 88 of the 2013 General Session; and

WHEREAS, City Staff has reviewed the noticing and public hearing requirements for various zoning applications for compliance with State law and has made various recommended changes to the City Council as more particularly provided herein; and

WHEREAS, the City Council has determined that the proposed amendments to various provisions of the Centerville Zoning Code are in the best interest of the City and the public which it serves to ensure that appropriate, effective and lawful notice is provided to the public and developers for various zoning applications in compliance with applicable provisions of Utah law; and

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

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

Section 1. Amendment. Section 12-12-030(i) of the Centerville Zoning Code regarding Computation of Time is hereby amended to read as more particularly provided in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. Amendment. Subsection 12-21-040 of the Centerville Zoning Code regarding General Requirements for land use applications and procedures is hereby amended to read as more particularly provided in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 3. Amendment. Subsection 12-21-050 of the Centerville Zoning Code regarding Public Hearings and Meetings for land use applications and procedures is hereby amended to read as more particularly provided in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 4. Amendment. Subsection 12-21-070 of the Centerville Zoning Code regarding General Plan Amendments is hereby amended to read as more particularly provided in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 5. Amendment. Subsection 12-21-080 of the Centerville Zoning Code regarding Zoning Map and Text Amendments is hereby amended to read as more particularly provided in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 6. Amendment. Subsection 12-21-120 of the Centerville Zoning Code regarding Special Exceptions is hereby amended to read as more particularly provided in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 7. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 8. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 9. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS _____ DAY OF FEBRUARY, 2014.**

CENTERVILLE CITY

By: _____
Mayor Paul A. Cutler

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

EXHIBIT A

CENTERVILLE ZONING CODE AMENDMENTS TO:

Section 12-12-030

Section 12-21-040

Section 12-21-050

Section 12-21-070

Section 12-21-080

Section 12-21-120

**Proposed Zoning Ordinance Text Amendments regarding
Noticing and Public Hearing Requirements**

January 9, 2014

(As Recommended for Approval by the Planning Commission)

12-12-030. Rules of Interpretation.

* * *

(i) *Computation of Time.* The time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday, then the last day shall be the next following business day. In computing the time required for public hearing notice, the day of the hearing shall be excluded.

12-21-040. General Requirements.

The following requirements shall apply to a proposed land use, development, or other matter which is subject to a procedure set forth in this Title.

(a) *Application Form.* An application shall be submitted on a form provided by the Zoning Administrator and in such numbers as reasonably required by the Zoning Administrator for a particular type of application. Applicants shall be required to submit electronic copies of all drawings, plans, plats, etc., submitted as part of the application process, upon request of the Zoning Administrator. Applicants shall be required to provide a designated contact name and accurate mailing address and email address for receiving legal notice of staff reports, public meetings, public hearings, final action, and other notices required to be provided by the City to applicants.

* * *

12-21-050. Public Hearings and Meetings.

Any public hearing or meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this section.

(a) *Scheduling a Public Hearing or Meeting.* An application requiring a public hearing or meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or meeting regarding the application shall be considered in light of:

- (1) The complexity of the application submitted;
- (2) The number of other applications received which require a public hearing or meeting;
- (3) Available staff resources; and
- (4) Applicable public notice requirements.

(b) *Notice of Public Meeting.* In accordance with the Utah Open and Public Meetings Act, as set forth in *Utah Code Ann.* §§ 52-4-101, 52-4-1, et seq., as amended, the applicable land use authority shall provide public notice of its meetings.

(1) *Annual Meeting Schedule.* The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date, time and place of such meetings in accordance with *Utah Code Ann.* § 52-4-202, as amended.

(2) *Individual Meeting.* The applicable land use authority shall also provide not less than 24 hours' public notice of the agenda, date, time and place of each of its meetings in accordance with *Utah Code Ann.* § 52-4-202, as amended.

(3) For purposes of Subsection (1) and (2), public notice of meetings shall be satisfied by:

- (i) posting written notice in at least three public locations within the City, including at City Hall; and
- (ii) publishing notice on the Utah Public Notice Website created under *Utah Code Ann.* § 63F-1-701, as amended;
- (iii) publishing notice on the City's website; and
- (iv) providing notice to at least one newspaper of general circulation within the area of the City.

(4) *Emergency Meetings.* When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act.

(c) *Notice of Public Hearing.* When this Title or any state statute requires a public hearing for any land use application, permit, or matter governed by this Title, notice of the first public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.

(1) *Contents.* Public notice of the public hearing should include the following information:

- (i) a statement summarizing the substance of the application;
- (ii) the date, time and place of the public hearing; and
- (iii) the place where the application may be inspected by the public or the person to contact for further information.

(2) *Notice for First Public Hearing.* Public notice of the first public hearing on an application shall be provided at least ten (10) calendar days before the public hearing. Such notice shall be:

- (i) published in a newspaper of general circulation in the area; published on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701, as amended;
- (ii) mailed to each affected entity (as defined in Section 12-12-040); and
- (iii) posted in at least three public locations within the City or on the City's official website;
- (iii) for the first public hearing for general plan enactment or amendment, zoning ordinance enactment or amendment, and zoning map enactment or amendment, notice shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the area and mailed to each affected entity (as defined in Section 12-12-040); and
- (iv) for the first public hearing regarding a zoning map enactment or amendment, the City shall send a courtesy notice at least 10 days prior to the hearing to each owner of private real property whose property is located entirely or partially within the proposed map amendment in accordance with Utah Code Ann. § 10-9a-205, as amended.

(3) *Notice for Subsequent Public Hearings.* Public notice of any additional or subsequent public hearing on an application shall be provided at least ten (10) calendar days before the public hearing by:

- (i) publishing notice on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701, as amended; and
- (ii) posting notice on the City's official website.

(d) *Applicant Notice.* For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting, subject to the waiver warranty provisions of Utah Code Ann. § 10-9a-202, as amended. Such notice may be provided by mail, email or other electronic means to the designated contact and mailing address or email address provided by the applicant in accordance with Section 12-21-040. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (l).

(e) *Notice of Intent to Prepare General Plan Amendment Notice.* Before preparing a proposed general plan or general plan amendment, the City shall provide ten (10) calendar days notice of its intent to prepare a proposed general plan or general plan amendment to the following listed entities or persons. Such notice shall comply with the requirements of *Utah Code Ann. § 10-9a-203, as amended.* Notice of intent shall be provided to:

- (1) each affected entity (as defined in Section 12-12-040);
- (2) the Automated Geographic Reference Center (as defined in *Utah Code Ann. § 63F-1-506, as amended*);
- (3) the association of governments of which the City is a member; and
- (4) the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701, as amended. ~~the State Planning Coordinator (appointed pursuant to Utah Code Ann. § 63-38d-202, as amended).~~

(f) *Posting Notice On-Site.* In addition to public notice of a public hearing as provided in this section, the City shall post on-site notice of the first public hearing regarding a proposed zoning map amendment, conditional use permit, or conceptual site plan application at least ten (10) calendar days before the public hearing. Such notice should include the information set forth in Section 12-21-050(c)(1). Applications that involve multiple parcels need not have notice posted on each individual parcel, but shall be posted in a location or locations representative of the proposed project area.

(1) The Zoning Administrator, in his or her sole discretion, may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners.

(2) Any on-site posting, direct mailing, or other notice provided under this Subsection (f) is intended as a courtesy only. Any error or failure on the part of the City to provide on-site posting or other courtesy notice shall not affect the adequacy or sufficiency of published and/or posted notice of the meeting or hearing as required by law.

(g) *Challenge of Notice.* Pursuant to *Utah Code Ann. § 10-9a-209, as amended*, if notice required by this section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

(h) *Examination of Application.* Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Government Records Access Management Act, *Utah Code Ann., §§ 63G-2-101, 63-2-101, et seq.*, as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City's fee schedule.

(i) *Public Hearing and Meeting Procedures.* An application shall be considered pursuant to policies and procedures established by the decision-making body or official for the conduct of its meetings.

(j) *Withdrawal of Application.* An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:

- (1) A staff review of the application has been undertaken; or
- (2) Notice for a public hearing or meeting on the application has been mailed, posted or published.

(k) *Record of Public Hearing or Meeting.*

(1) Except as provided by law, written minutes and or a digital or tape recording shall be kept of all public hearings or open meetings. Written minutes of an open meeting. Such minutes or a digital or tape recording shall include:

- (i) The date, time, and place of the meeting;
- (ii) The names of members present and absent;
- (iii) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (iv) The names of each person who provides testimony or comments to the public body ~~all citizens who appeared and the~~ substance in brief of their testimony or comments; and
- (v) Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(2) The minutes, ~~tape~~-recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Section 12-21-050(h) of this section.

(I) Final Action Notification. Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to an applicant within a reasonable time. Such notice shall be provided by mail, email or other electronic means to the designated contact and mailing address or email address provided by the applicant in accordance with Section 12-21-040.

12-21-070. General Plan Amendment.

* * *

(3) After an application is determined to be complete or prior to the initiation of a City-initiated General Plan amendment, the Zoning Administrator shall provide notice of intent to prepare or amend the General Plan in accordance with the provisions of Section 12-21-050. After providing the required 10-day notice of intent to prepare or amend the General Plan, the Zoning Administrator shall thereafter review and prepare a staff report evaluating the application.

(4) The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the Planning Commission shall be deemed the first public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(2). After the public hearing, the Planning Commission may modify the proposed General Plan. The Planning Commission shall then forward its recommendation regarding the proposed General Plan amendment to the City Council.

(5) The City Council shall schedule and hold a public hearing on the proposed General Plan recommended to it by the Planning Commission. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the City Council shall be deemed an additional or subsequent public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(3).

* * *

12-21-080. Zoning Map and Text Amendments.

* * *

(3) The Planning Commission shall schedule and hold a public hearing on the proposed amendment. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the Planning Commission shall be deemed the first public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(2). Prior to the public hearing regarding any zoning map amendment, the Planning Commission shall consider each written objection filed in accordance with *Utah Code Ann. § 10-9a-502*, as amended. After the public hearing, the Planning Commission shall review the application and thereafter submit its recommendation for approval, approval with modifications, or denial thereof to the City Council. The Planning Commission shall forward to the City Council all objections to a zoning map amendment filed in accordance with *Utah Code Ann. § 10-9a-502*, as amended.

(4) Following receipt of a recommendation from the Planning Commission, the City Council shall schedule and hold a public hearing on the application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. The public hearing before the City Council shall be deemed an additional or subsequent public hearing on the application subject to noticing requirements as set forth in Section 12-21-050(c)(3). Following a public hearing and after due consideration the City Council may approve, approve with modifications, or deny the proposed amendment.

(e) *Approval Standards.* A decision to amend the text of this Title or the zoning map is a matter within the legislative discretion of the City Council as described in Section 12-21-060(a) of this Chapter. In making an amendment, the following factors should be considered:

- (1) Whether the proposed text or map amendment is consistent with goals, objectives and policies of the City's General Plan;
- (2) Whether the proposed map amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

- (3) The extent to which the proposed map amendment may adversely affect adjacent property; and
- (4) For proposed map amendments, the ~~The~~ adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

12-21-100. Conditional Use Permit.

* * *

(4) The Planning Commission shall schedule and hold a public hearing on the proposed conditional use permit application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. After due consideration the Planning Commission shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Section 12-21-100(e) of this section. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Any conditions of approval shall be limited to conditions needed to conform the conditional use permit to approval standards.

* * *

12-21-110. Site Plan Review.

* * *

(4) The Planning Commission shall schedule and hold a public hearing on the proposed conceptual site plan. Public notice of the public hearing and public meeting shall be provided in accordance with the provisions of Section 12-21-050. After due consideration, the Planning Commission shall accept, accept with conditions, or reject the application pursuant to the standards set forth herein. Any conditions of acceptance shall be limited to conditions needed to conform the conceptual site plan to approval standards and ordinance requirements. Any conceptual site plan acceptance for a planned development shall not be effective until and unless a corresponding Planned Development Overlay Zone is approved by the City Council.

* * *

12-21-120. Special Exception.

* * *

(4) The Planning Commission shall consider at a public meeting ~~schedule and hold a public hearing regarding the proposed~~ special exception application. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 12-21-050. After due consideration the Planning Commission shall approve, approve with conditions or deny the application pursuant to the standards set forth in Section 12-21-120(e) of this section. Any conditions of approval shall be limited to conditions needed to conform the special exception to approval standards.

* * *

LAND USE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies provisions governing land use.

Highlighted Provisions:

This bill:

- requires a municipality or county to give notice to an owner of private real property if the property is located within an area located in a proposed zoning map or map amendment;
- permits an owner of private real property located within a proposed zoning map or map amendment to file a written objection to the zoning map or map amendment;
- requires the planning commission to consider the written objections and forward them to the legislative body; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-205, as last amended by Laws of Utah 2010, Chapters 90 and 123

10-9a-502, as renumbered and amended by Laws of Utah 2005, Chapter 254

17-27a-205, as last amended by Laws of Utah 2010, Chapters 90 and 123

17-27a-502, as renumbered and amended by Laws of Utah 2005, Chapter 254

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9a-205** is amended to read:

10-9a-205. Notice of public hearings and public meetings on adoption or modification of land use ordinance.

(1) Each municipality shall give:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use ordinance; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity at least 10 calendar days before the public hearing;

(b) posted:

(i) in at least three public locations within the municipality; or

(ii) on the municipality's official website; and

(c) (i) (A) published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and

(B) published on the Utah Public Notice Website created in Section 63F-1-701, at least 10 calendar days before the public hearing; or

(ii) mailed at least 10 days before the public hearing to:

(A) each property owner whose land is directly affected by the land use ordinance change; and

(B) each adjacent property owner within the parameters specified by municipal ordinance.

(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be posted:

(a) in at least three public locations within the municipality; or

(b) on the municipality's official website.

(4) (a) If a municipality plans to hold a public hearing in accordance with Section

10-9a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least 10 days prior to the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body; and

(viii) state the location, date, and time of the public hearing described in Section 10-9a-502.

(c) If a municipality mails notice to a property owner in accordance with Subsection (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent separately.

Section 2. Section 10-9a-502 is amended to read:

10-9a-502. Preparation and adoption of land use ordinance or zoning map.

(1) The planning commission shall:

(a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);

(b) hold a public hearing on a proposed land use ordinance or zoning map; ~~and~~

(c) if applicable, consider each written objection filed in accordance with Subsection

10-9a-205(4) prior to the public hearing; and

~~[(c)]~~ (d) (i) prepare and recommend to the legislative body a proposed land use

ordinance or ordinances and zoning map that represent the planning commission's

recommendation for regulating the use and development of land within all or any part of the

area of the municipality~~[-]; and~~

(ii) forward to the legislative body all objections filed in accordance with Subsection

10-9a-205(4).

(2) The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection 10-9a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate.

Section 3. Section **17-27a-205** is amended to read:

17-27a-205. Notice of public hearings and public meetings on adoption or modification of land use ordinance.

(1) Each county shall give:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use ordinance; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity at least 10 calendar days before the public hearing;

(b) posted:

(i) in at least three public locations within the county; or

(ii) on the county's official website; and

(c) (i) published:

(A) in a newspaper of general circulation in the area at least 10 calendar days before

the public hearing; and

(B) on the Utah Public Notice Website created in Section 63F-1-701, at least 10 calendar days before the public hearing; or

(ii) mailed at least 10 days before the public hearing to:

(A) each property owner whose land is directly affected by the land use ordinance change; and

(B) each adjacent property owner within the parameters specified by county ordinance.

(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the hearing and shall be posted:

(a) in at least three public locations within the county; or

(b) on the county's official website.

(4) (a) If a county plans to hold a public hearing in accordance with Section 17-27a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed map at least 10 days prior to the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the county will be

142 provided to the municipal legislative body; and

143 (viii) state the location, date, and time of the public hearing described in Section
144 17-27a-502.

145 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
146 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
147 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
148 separately.

149 Section 4. Section **17-27a-502** is amended to read:

150 **17-27a-502. Preparation and adoption of land use ordinance or zoning map.**

151 (1) The planning commission shall:

152 (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable,
153 Subsection 17-27a-205(4);

154 (b) hold a public hearing on a proposed land use ordinance or zoning map; ~~[and]~~

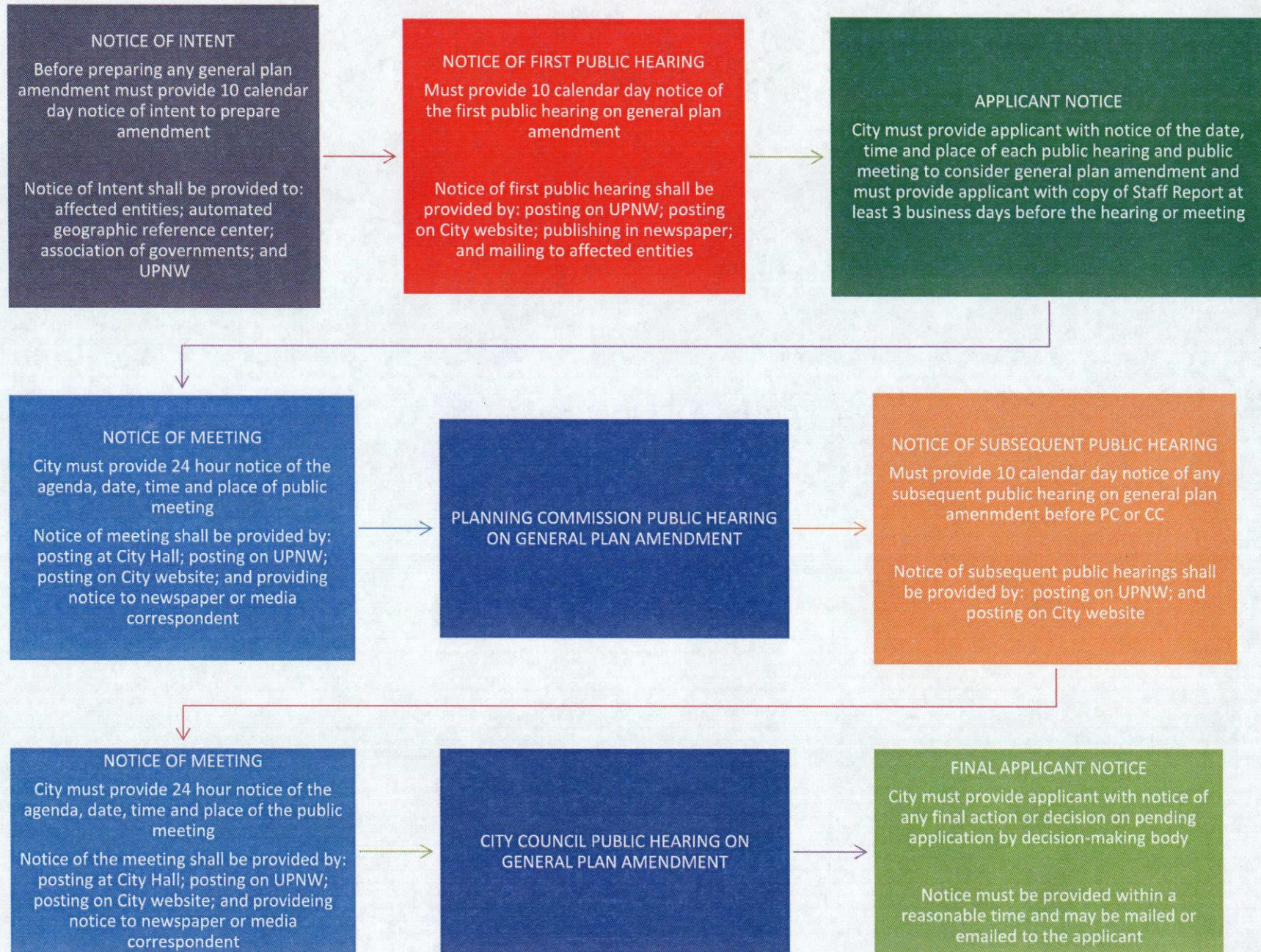
155 (c) if applicable, consider each written objection filed in accordance with Subsection
156 17-27a-205(4) prior to the public hearing; and

157 ~~[(c)]~~ (d) (i) prepare and recommend to the legislative body a proposed land use
158 ordinance or ordinances and zoning map that represent the planning commission's
159 recommendation for regulating the use and development of land within all or any part of the
160 unincorporated area of the county[-]; and

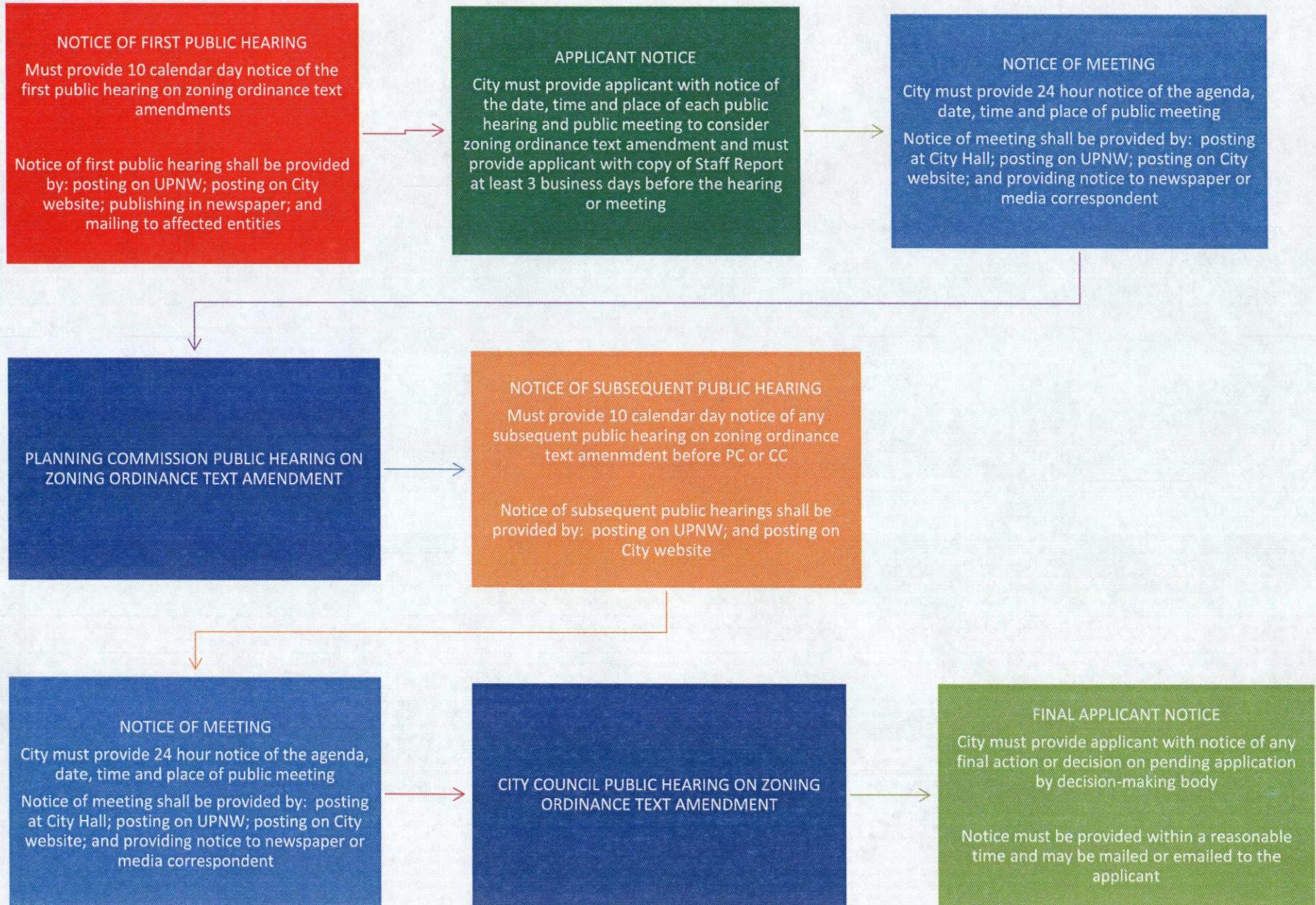
161 (ii) forward to the legislative body all objections filed in accordance with Subsection
162 17-27a-205(4).

163 (2) The county legislative body shall consider each proposed land use ordinance and
164 zoning map recommended to it by the planning commission, and, after providing notice as
165 required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body
166 may adopt or reject the proposed ordinance or map either as proposed by the planning
167 commission or after making any revision the county legislative body considers appropriate.

General Plan Amendments



Zoning Ordinance Text Amendments



Zoning Map Amendments



CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 6

Short Title: Planning Commission recommendation for public process to amend the West Centerville Neighborhood Plan

Initiated By: City Council and Planning Commission

Scheduled Time: 8:55

SUBJECT

Approve the process and initiate action for a General Plan Update for the West Centerville Neighborhood Plan

RECOMMENDATION

Discuss the process proposed by the Planning Commission for updating the West Centerville Neighborhood Plan (i.e. west of I-15) and agree upon any changes to that process.

BACKGROUND

Last year both the City Council and Planning Commission adopted the work program goal of updating the General Plan for the area west of I-15. The attachments explain the need for an update and the proposed process.

ATTACHMENTS:

Description

- ☐ Staff Report
- ☐ Event Planner

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

STAFF TRANSMITTAL REPORT

DATE: JANUARY 23, 2014

TO: STEVE THACKER, CITY MANAGER

FROM: CORVIN M. SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

AGENDA REQUEST: PLANNING COMMISSION RECOMMENDATION FOR
THE PUBLIC PROCESS TO AMEND THE WEST
CENTERVILLE NEIGHBORHOOD PLAN

RECOMMENDATION: APPROVE THE PROCESS AND INITATE ACTION FOR A
GENERAL PLAN UPDATE FOR THE WEST
CENTERVILLE NEIGHBORHOOD PLAN

BACKGROUND

As part of the "work program" goals for the Community Development Department, both the Planning Commission and City Council agreed to undertake a General Plan Update for the West Centerville Neighborhood. This goal was in response to the introduction of the residential uses of the Legacy Crossing at Parrish Lane Development (aka: Megaplex Theater). The update was to evaluate how introducing the residential uses in the Legacy-Parrish Gateway area affects the land use pattern in the immediate area and if and what changes ought to be considered in the future land use pattern for this area.

During the latter part of 2013, the Planning Commission began discussions about how such an update process ought to proceed. On January 22, 2014, the Planning Commission solidified a process outline for implementing a neighborhood plan update.

Although, the process is being presented in a calendar type format, it's the process outline that is being recommended by the Planning Commission. The purpose of the calendar is to understand the time commitment it takes to undertake this particular process and the dates, weeks, and months can be adjusted to when an actual oversight committee is selected.

WEST CENTERVILLE. SCHEDULE

2014

PROJECT PHASE 1		
Oversight Committee Creation -City Council Names Members- -Notice of Intent Posted-	01.21	2.04
1st Oversight Committee Meeting Create an Awareness & Project Branding Campaign-	02.17	02.28
Awareness & Branding Campaign Implementation	03.10	03.28
2nd Oversight Committee Meeting -A Review of Awareness Campaign- -Create a Public Education & Input Strategy-	3.31	4.11
Public Education & Input Strategy Implementation	4.14	5.02
3rd Oversight Committee Meeting -Review Results of Strategy Implementation- -Amendment Alternatives Discussion- -Determine Needs for Outside Resource Assistance-	5.05	5.16
Outside Resource Evaluations & Recommendations	5.19	5.30
4th Oversight Committee Meeting -Review Outside Resource Recommendations- -Review & Edit Staff Draft of Plan Amendment- -Prepare Appropriate Forum for Public Presentation-	6.02	6.13
PROJECT PHASE 2		
Public Presentation Forum Implementation	6.16	6.27
Final Oversight Committee Meeting -Consent of Final Draft of Plan Amendment-	6.30	7.11
PROJECT PHASE 3		
Formal Process Implementation for Planning Commission Review and Recommendation	JULY	JULY
Formal Process Implementation for City Council Review and Adoption	AUGUST	AUGUST

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august						
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WEST CENTERVILLE NEIGHBORHOOD AMENDMENT

PROJECT TIMELINE

COMMUNITY DEVELOPMENT DEPARTMENT

655 NORTH 1250 WEST

CENTERVILLE, UTAH 84014

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No. 7.

Short Title: Actions relating to construction of Main & Parrish Intersection Project

Initiated By: City Manager

Scheduled Time: 9:15

SUBJECT

- a. Approve construction engineering management contract
- b. Approve sale of City property to UDOT
- c. Authorize Mayor to consent to the award of construction contract

RECOMMENDATION

- a. Approve contract for Construction Engineering Management services relating to the construction of the Parrish & Main Intersection Project, with Horrocks Engineering, Inc. in the maximum amount of \$117,855.25.
- b. Approve sale of 553 square feet of City-owned property to UDOT for the Parrish & Main Intersection Project, for the amount of \$3456.
- c. Authorize Mayor to "concur" with the award of a bid to construct the Parrish & Main Intersection Project, conditioned upon adequate funding as established in the Federal Aid Agreement approved earlier by the City Council.

BACKGROUND

- a. UDOT recommended Horrocks Engineering, Inc. to provide Construction Engineering Management (CEM) services for this project. They made this selection from a pool of engineering companies that are qualified to provide such services for federal aid projects, which have many special regulations. Per UDOT or Federal regs, the CEM services must be provided by a different engineering company than those which provided design services (ESI and Lochner). These expenses are covered by the Federal Aid Agreement approved earlier by the City Council. Pertinent excerpts of the CEM contract are attached.
- b. Centerville City owns a narrow strip of property, 7 feet wide and 241 feet long, that runs through the front yards of the first three homes north of Wells Fargo Bank. The southern portion of this strip is needed for the construction of the intersection improvements. UDOT offered to buy the entire strip from the City. However, at their January 21 meeting, the City Council directed staff to divide off the portion needed by UDOT and offer to sell the remainder to the homeowners. Staff recommend the strip of land be divided at the property line between the first and second homes. The portion in front of the first home would be sold to UDOT. This is 553 square feet. At \$6.25 per square foot (the same value used in compensating this homeowner for sale of a sliver of land to UDOT), total value would be \$3456. The project contractor will replace concrete driveway and repair/restore the lawn and sprinkler system. The City Manager will contact the owners of the second and third homes to see if they want to purchase the remainder of the narrow strip from the

City. If not, the City will remain the owner, per the City Council's direction on January 21.

c. The "Federal Aid Agreement for Local Agency Project" (attached)--the governing document pertaining to the funding of this project--was approved by the City Council in 2012. It shows total project funding of \$1,634,861--consisting of \$1,197,876 of Federal funds, \$350,000 from the State (UDOT), and \$86,985 from the City. According to UDOT, once the Federal Aid Agreement is approved for a Local Agency Project, UDOT normally needs only a signature from the Mayor or City Manager to approve contracts for engineering, construction, etc. In other words, according to the UDOT project manager for this intersection project, it is an anomaly for city councils to be involved in approving these various contracts once the Federal Aid Agreement is approved. In Centerville's case, City staff were being conservative in following the City's own purchasing policy when it brought these contracts to the Council for approval. In keeping with that pattern, the Horrocks contract for CEM services is on this agenda for approval (see item "a" above). **However, UDOT has asked that Centerville City allow the construction contract to be awarded--with the Mayor's "concurring" signature--without coming back to the City Council for approval.** UDOT's practice and desire is to award construction contracts as soon as they have determined the lowest responsible bidder and have checked the bid calculations. This allows UDOT to release the bid bonds for the unsuccessful contractors so they have capacity to bid on other projects right away. This is particularly important to the smaller contractors, which are likely to be attracted to Centerville's project. Under this scenario, if UDOT concludes after opening bids that there is not enough funding remaining to cover the construction bid, then a new Federal Aid Agreement will be prepared for the City Council's consideration. If this happens, most of the additional funding would again come from Federal and State sources, with a small share from the City (i.e. 6.77% of the total of the Federal and local government funds).

ATTACHMENTS:

Description

- D CEM Contract - Horrocks
- D Federal Aid Agreement



LOCAL GOVERNMENT CONTRACT

STATE OF UTAH
LOCAL GOVERNMENT
ENGINEERING SERVICES
2013-2016 LG POOL (DIRECT SELECT)
COST PLUS FIXED FEE

CONTRACT NO. _____
EFFECTIVE DATE _____
TRACKING NO. _____

CEM
contract -
Horrocks

Project No.: F-0106(11)3
PIN Description: SR-106; MAIN STREET & PARRISH LANE
FINET Prog No.: 5276413C
PIN No.: 7194
Work Discipline: Construction Engineering Management

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

Horrocks Engineers, Inc
2162 West Grove Pkwy Ste 400
Pleasant Grove, UT 84062

Legal Status of Consultant: For Profit Corporation

Fed ID No.: 87-0296502

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 Construction Engineering Management services as further described in Attachment C.
3. **PROJECT/CONTRACT PERIOD:** The project/contract will terminate December 22, 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 \$117,855.25 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 - Horrocks Engineers, Inc

LOCAL AUTHORITY - Centerville City

By: [Signature] 1/2/2013
Title: Executive Vice President Date

By: _____
Title: _____ Date

UTAH DEPARTMENT OF TRANSPORTATION

DEPARTMENT Comptroller's Office

By: [Signature] 12-20-13
Title: Engineer for Preconstruction Date

By: _____
Title: Contract Administrator Date

CERTIFICATION OF CONSULTANT

I hereby certify that I, Roy V. Harrison, am a duly authorized representative of Horrocks Engineers, 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.

1/2/2014
Date

Roy V. Harrison
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

SERVICES PROVIDED BY THE CONSULTANT

1. SCOPE SUMMARY:

This is a Local Government project with Steve Thacker from Centerville City being the principal decision maker. This contract is for complete CEM services with the Consultant being the Resident Engineer and will confer with the Construction Contractor in behalf of the City and UDOT during the construction of the project. The Consultant will provide control over the Project as described in the most current UDOT Construction Manual of Instruction. UDOT's District Engineer will exercise oversight control over the Project. This will include periodic audits, budget control, process reviews, and other involvement.

2. SCOPE DOCUMENTS:

Following are the scope items contained in this attachment pages 2 through 12:

- (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 December 22, 2014.
 - (2) Project/Contract Period: The project/contract will terminate December 22, 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

HORROCKS ENGINEERS, 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

This contract is for Construction Engineering Services for the project F-0106(11)3. The scope of this project is to add upgrade the existing signal, add dual left turns, widen existing intersection and upgrade ped ramps. HORROCKS Engineers will provide Construction Engineering Services for the Utah Department of Transportation. The work will include project administration, meetings, inspection, and documentation, material testing, pay requests, and close out.

HORROCKS will act as UDOT's consultant and will have administrative responsibility and authority to enforce the contract documents. The project will be staffed by engineers, technicians and administrative personnel during construction.

Project Team

No sub consultants

Assumptions

UDOT will advertise this project as a price plus time contract and the contractors schedule is unknown. The cost estimate will assume 45 calendar days which will work out to be 6 weeks. The contractor has not submitted his actual work schedule and we are making the following assumptions

Pre-construction:

- Resident Engineer will work 30 hours preview plans, submittals, meeting with contractors and conduction the pre-construction meeting.
- FE will work 28 hours assisting the RE with the same duties
- Inspectors will work 18 hours reviewing plans setting up materials tracking software and attending pre construction meeting
- Office Staff will work 20 hours setting up project and preparing for meetings

Construction

- Resident Engineer will work 117 hours during this phase
- Field Engineer will work 20 hours/week for 6 weeks
- Inspectors will work 10 hours per day 6 days/week for 6 weeks
- Lab Technician will work 60 hours testing concrete, HMA and soils.
- Office Manager and office tech will work combined 240 hours, working on DBE, EEO, payrolls, Estimates, Project files (PW) and reviewing quantities.

Project Close out

- The entire staff will work a combined effort of 164 hours

Phasing

The pre-construction work is anticipated to begin in April 2014 when the project advert. The construction will begin May 2014 and will be completed by July 2014 and final close out of the project in October 2014. The contract is a Cost Plus Fixed Fee. HORROCKS will invoice UDOT Monthly for the prior monthly services which include time, expenses, fixed fee earned as incurred and terms of payment will be 30 days. The fee is fixed, however any labor, overhead, and direct expenses not expended will not be charged. This type of contract is applicable because the majority of the costs are labor related and HORROCKS has been financially screened to perform these services at the approved overhead rates.

Fee Type

The contract is a Cost Plus Fixed Fee. HORROCKS will invoice UDOT Monthly for the prior monthly services which include time, expenses, fixed fee earned as incurred and terms of payment will be 30 days. The fee is fixed, however any labor, overhead, and direct expenses not expended will not be charged. This type of contract is applicable because the majority of the costs are labor related and HORROCKS has been financially screened to perform these services at the approved overhead rates.



State of Utah
Department of Transportation



Federal Aid Agreement for Local Agency Project CFDA No. 20.205	Centerville City - Steve Thacker 128644	Maximum Project Value Authorized \$1,634,861
PIN Number 7194 FINET Number 52764 FMIS Number F005695	Project Number F-0106(11)3 Project Location SR-106 MAIN STREET & PARRISH LANE	Agreement Number (Assigned By Comptrollers) 128644 Date Executed 2-9-12

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

State Wide Transportation Improvement Program STIP 2012 - 2015

Fund*	Prior	2012	2013	2014	2015	Total	Fed Aid	State	Other	Pct
CMAQ WFRM	\$57,161	\$1,217,700	\$0	\$0	\$0	\$1,284,861	\$1,197,876	\$0	\$86,985	6.77%
ST SIGNALS	\$350,000	\$0	\$0	\$0	\$0	\$350,000	\$0	\$350,000	\$0	00%
Total:	\$417,161	\$1,217,700	\$0	\$0	\$0	\$1,634,861	\$1,197,876	\$350,000	\$86,985	5.32%

*http://www.udot.utah.gov/cristoforo/State

Upon signing this agreement the Local Agency agrees to pay its estimated matching share in phases when requested by UDOT. Phases typically include environmental, design, right-of-way and construction. The local match for this project is represented by the percentages of the Total Project Value shown above. In addition the Local Agency agrees to pay 100% of the overruns that exceed \$1,634,861 and any ineligible costs when requested by UDOT.

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

Centerville City Official		Utah Department of Transportation	
By <u></u>	Date <u>1/31/12</u>	By <u></u>	Date <u>2-6-12</u>
Mayor Ron Russell		Region Director	
		By <u></u>	Date <u>2-9-12</u>
		Comptroller's Office	

Provisions

I. Roles and Responsibilities:

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

II. Project Authorization for Federal-aid:

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

III. Agreement provisions:

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

IV. Liability:

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

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

V. Termination:

This agreement may be terminated as follows:

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

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

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

VI. Single Audit Act:

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

VII. Maintenance:

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

VIII. Availability of Records:

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

IX. Payment and Reimbursement to UDOT:

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

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

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

If the advanced amount exceeds the Local Agency's share of project cost, UDOT will return the amount of overpayment to the Local Agency upon financial close out of the project.

UDOT shall provide the Local Agency with a quarterly statement reflecting a cost summary of project costs.

X. Reimbursement Claims by Local Agency:

The Local Agency shall bill UDOT for eligible federal aid project cost incurred after FHWA approval for authorization to proceed (form R709) and in conformity with applicable federal and state laws. Authorized Local Agency reimbursement claims should be submitted to UDOT Project Manager. Reimbursements to the Local Agency for right of way claims are classified as a pass-through of Federal funds from UDOT to the Local Agency. Expenditures by the Local Agency for general administration, supervision, and other overhead shall not be eligible for federal participation unless an indirect cost plan has been approved by the Federal government.

XI. Right of Way:

The Local Agency shall comply with 23 CFR 710.203 for FHWA reimbursement requests of real property acquisitions. A Local Agency shall not request reimbursement for excess acquisitions which are not eligible for FHWA reimbursement under 23 CFR 710.203 <http://www.gpoaccess.gov/cfr/retrieve.html> (6) Property not incorporated into a project funded under title 23 of the United States Code.

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

For UDOT right-of-way certifications required for advertising access the following:
<http://www.udot.utah.gov/main/f?p=100:00:::1:T,V:808,34728>

XII. Change in Scope and Schedule:

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

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

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

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

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

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

XIII. UDOT Service Costs:

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

XIV. H.B. 296 (UCA 72-6-108.5. Class B and C Roads – Federal-aid Highway Construction Contracts):

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

XV. Content Review

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

GENERAL (FHWA) PROVISIONS FOR FEDERAL-AID AGREEMENT

1. **General Provisions:** The Grantee will comply with all Federal laws and requirements which are applicable to grant agreements, and imposed by the Federal Highway Administration (FHWA) concerning special requirements of law, program requirements, and other administrative requirements.
2. **Modification:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the Grantee.
3. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three (3) years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for non-expendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
4. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The application/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contracts and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The application/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by August 1 an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
5. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, and person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
6. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
7. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulation (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages or every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
8. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions.
9. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefitting from the grant-aided activity.
10. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
11. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.
12. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.
13. **Accountability of equipment** acquired in prior years will be transferred to the current year Grant. An updated inventory list will be provided by FHWA.
14. This Grant is subject to the conditions specified in the enclosed Negotiation Document.
15. **Drug-Free Workplace:** By signing this agreement, the recipient certifies that it is in compliance with the Drug-Free Workplace Act (41 U.S.C. Sec. 701 et seq.) and implementing regulations (49 CFR Part 29), which require, in part, that grantees prohibit drug use in the workplace, notify the FHWA of employee convictions for violations of criminal drug laws occurring in the workplace, and take appropriate personnel action against a convicted employee or require the employee to participate in a drug abuse assistance program.
16. **Limitation on Use of Federal Funds for Lobbying for Grants in Excess of \$100,000:** By signing this agreement the recipient declares that it is in compliance with 31 U.S.C. Sec. 1352, which prohibits the use of Federally appropriated funds to influence a Federal employee, officer, or Member of Congress in connection with the making or modification of any Federal grant, loan, contract, or cooperative agreement. Unless the payment of funds is otherwise reported to FHWA, signing this agreement constitutes a declaration that no funds, including funds not Federally appropriated, were used or agreed to be used to influence this grant. Recipients of subgrants in excess of \$100,000 must make the same declarations to the grant recipient. With respect to the payment of funds not Federally appropriated by the recipient and sub-recipients, the recipient must report to the FHWA the name and address of each person paid or performing services for which payment is made, the amount paid, and the activity for which the person was paid.

50036.2-M-34b

Form FHWA-1273 (Rev. 3-94)

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No. 8.

Short Title: Mayor's Report

Initiated By:

Scheduled Time: 9:30

SUBJECT

RECOMMENDATION

BACKGROUND

Mayor Cutler may wish to report on one or more matters, including UTOPIA.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No. 9.

Short Title: City Manager's Report

Initiated By:

Scheduled Time: 9:40

SUBJECT

RECOMMENDATION

BACKGROUND

The City Manager may report on one or more matters.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No. 10.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:50

SUBJECT

RECOMMENDATION

BACKGROUND

No specific matters are identified at this time.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No. 11.

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

Initiated By:

Scheduled Time: 10:00

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/4/2014**

Item No. 12.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 10:00

SUBJECT

RECOMMENDATION

BACKGROUND

Mayor Cutler may recommend appointments to City boards/committees.

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/4/2014

Item No.

Short Title: Items of Interest (i.e., newspaper articles, not items on agenda)

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Solid Waste Statistics
- ☐ Newspaper article - Centerville hosts UTA open house
- ☐ Newspaper article - Congestion-easing project moves ahead
- ☐ Future Centerville Olympian?
- ☐ Newspaper article - UTOPIA director resigns

Waste Collection
By Tons

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

2011	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	66.9	301.11	N/A	368.01	18.18%	81.82%	0.00%
February	50.48	290.42	N/A	340.91	14.81%	85.19%	0.00%
March	55.09	418.05	6.21	479.35	11.49%	87.21%	1.30%
April	59.66	407.26	40.33	507.25	11.76%	80.29%	7.95%
May	72.26	573	95.92	741.18	9.75%	77.31%	12.94%
June	73.49	650.38	102.15	825.02	8.90%	78.74%	12.37%
July	65.71	489.01	75.56	630.28	10.43%	77.59%	11.99%
August	73.25	540.65	85.11	699.01	10.48%	77.35%	12.16%
September	66.45	512.48	74.85	653.78	10.16%	78.39%	11.45%
October	63.11	422.37	59.11	544.59	11.59%	77.56%	10.85%
November	74.36	564.45	84.24	723.05	10.28%	78.07%	11.65%
December	73.17	520.45	N/A	593.62	12.33%	87.67%	0.00%
Totals	793.94	5,689.63	623.48	7,107.05	11.17%	80.06%	8.77%

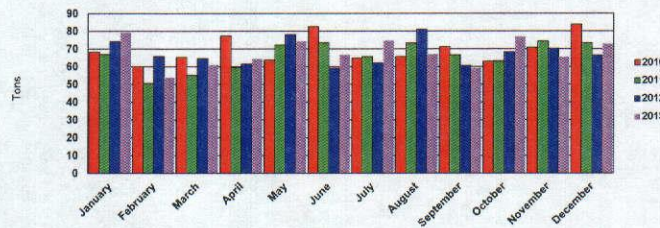
2012	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	74.08	369.25	0	443.33	16.71%	83.29%	0.00%
February	65.77	328.08	0	393.85	16.70%	83.30%	0.00%
March	64.58	364.09	24.14	452.81	14.26%	80.41%	5.33%
April	61.46	472.64	62.6	596.7	10.30%	79.21%	10.49%
May	77.93	698.78	129.8	906.51	8.60%	77.08%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

2013	Recycle	Waste	Green	Total	Recycle %	Waste %	Green%
January	79.28	355.68	0	434.96	18.23%	81.77%	0.00%
February	54.08	278.15	0	332.23	16.38%	83.62%	0.00%
March	61.01	349.1	17.79	427.9	14.26%	81.58%	4.16%
April	64.38	433.34	52.07	549.79	11.71%	78.82%	9.47%
May	74.35	643.52	134.3	852.17	8.72%	75.52%	15.76%
June	66.66	493.37	94.1	654.13	10.19%	75.42%	14.39%
July	74.61	541.68	98.75	715.04	10.43%	75.78%	13.81%
August	67.1	503.99	92.41	663.5	10.11%	75.96%	13.93%
September	59.3	491.3	90.35	640.95	9.25%	76.65%	14.10%
October	76.77	549.41	75.29	701.47	10.94%	78.32%	10.73%
November	65.64	470.69	83.66	619.99	10.59%	75.92%	13.49%
December	72.8	390.37	0	463.17	15.72%	84.28%	0.00%
Totals	815.98	5,498.60	738.72	7,053.30	11.57%	77.96%	10.47%

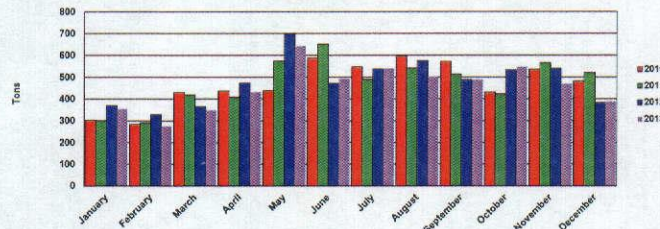
Total tons 463.17
Waste 84.28%
Recycle 15.72%
Green 0.00%
Total 100.00%

		% of Primary
Primary residential waste cans -	4,183	100.00%
Secondary residential waste cans -	746	17.83%
Recycling cans -	3,651	87.28%
Green waste cans -	1,111	26.56%

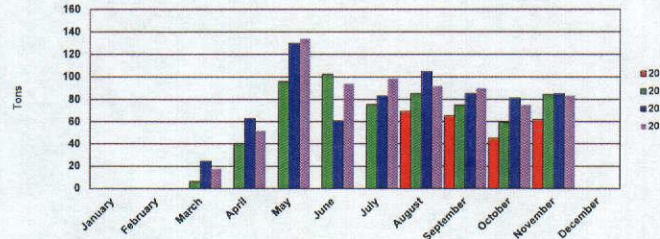
Recycling



Waste



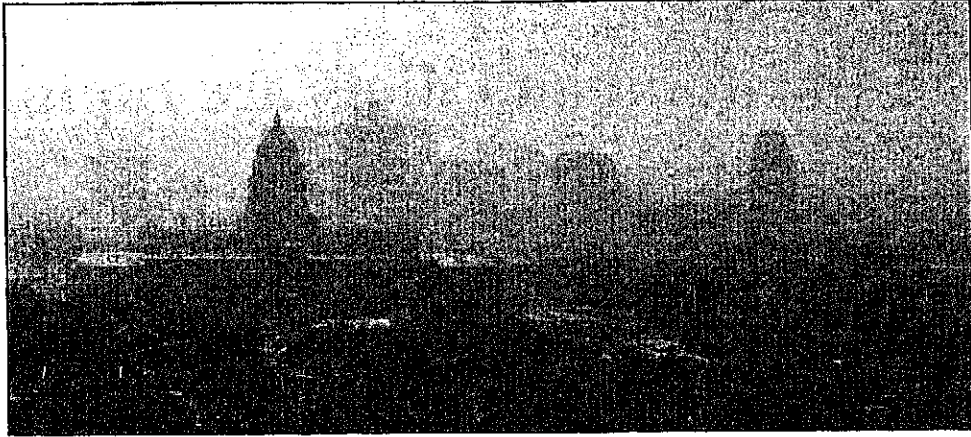
Green Waste



Quality big concern atitol

Legislators talked of d to improve air qual- the Wasatch Front, haze enveloped the spital where they met. Davis County legisla- sponsoring bills to the problem.

Photo by Louise R. Shaw | Davis Clipper



istrict supports Clearfield project

LOUISE R. SHAW

Staff Writer

IMINGTON — With the dissenting vote, School Board adopted tion in support of a development project urfield's FrontRunner

need this project very said Tamara Lowe, president, as she cast t of six votes in favor interlocal agreement et Clearfield City and vis School District. te was taken at the s regularly scheduled g Jan. 21.

agreement will allow ix dollars generated by oject to go into infra- ire improvements and ing structure related levelment for a set l of time.

ve pointed out that no

sistant city manager.

UTA currently owns 70 acres that will be used for the project. Another 56 acres in and around that land will be included in the development.

While UTA's plan initially was to fill it entirely with multi-family residential as a way to increase ridership, city leaders negotiated a plan with fewer homes and more business and industrial space.

"This meets the needs of UTA, but also meets the needs of Clearfield City," said Allen. "One of our major objectives is to promote new jobs for the area. We expect almost 1,000 new jobs will be brought in. We think that's a great component."

School board members are working with city leaders to determine if a five-acre parcel reserved for com-

to be involved if a school is needed in the area.

School board member Peter Cannon was the lone vote in opposition to the agreement, objecting that with so many homes, a smaller percentage of new taxes should go to the project.

"In this case I feel my arm is being twisted by a federal government," said Cannon. "We're being held hostage by a federal government that wants to force the people into small enclaves. If we don't stand up as citizens, we deserve what we get."

Citizens are being driven like sheep, he said, and need to stand up rather than do whatever the "pharaoh" tells them, like slaves.

Other board members expressed support of the project.

"I disagree that the federal government is involved,"

community development agency project he's been asked to support, said he was comfortable voting for it after hearing at an earlier workshop about the history of the project. Former mayor Don Wood had spoken to the board about 10 years of work and negotiations and three different developers the city had been involved with to make it happen.

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BY JENNIFFER WARDELL
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"The idea is to reduce emissions," said Thacker.

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Date: Jan 31, 2014; Section: Sports; Page: 3B

Olympic dreams

9-year-old Centerville girl becoming regular at elite gymnastics training camp

By **DANA RIMINGTON**

Standard-Examiner correspondent

CENTERVILLE — It is a rare opportunity for a gymnast to set foot in the Bela Karolyi's Gymnastics Camp at the Olympic Training site near Houston for the USA Women's National Gymnastics team, but 9-year-old Seneka Erickson of Centerville has been to the camp five times in the last two years.

Erickson has been selected out of thousands of girls throughout the nation to participate in the USA's Gymnastics Talent Opportunity Program (TOPs), which identifies talented gymnasts between the ages of 8 and 10 and trains them for future opportunities with the national elite gymnastics teams, including the Olympic team.

Participants in the TOPs program are instructed that training for the 2020 Olympics starts now, and every day they are preparing for that goal. Erickson tries not to think about the Olympics though, knowing it would be a long shot.

"To become an elite gymnast is my goal and I just concentrate on what I need to do for that goal every day," said Erickson. "The skills are insanely hard, like standing tucks on the beam, and other crazy stuff, but I like working on new skills until I can get it right."

Her mom, Becky Erickson says, "If you could just watch her, you would see that she was born for this. You can't make a 9-year-old work out for hours at the gym, and yet that is where she loves to be," said Becky Erickson, whose daughter spends 35 hours, six days a week training at the Olympus School of Gymnastics in Sandy. In between training sessions, Seneka grinds on her school work through Davis School District's online program.

Becky Erickson knows seeing her daughter make it to the Olympics is extremely rare. "Seneka has a better chance of getting on an NFL Football team, so I don't even dare hope for it, so we try not to talk about it much. Instead, we just focus on the moments and cherish these opportunities she does have through this journey," Becky Erickson said.

Seneka's journey didn't start out with Olympic dreams. Instead, as a typical 4-year-old with plenty of energy to go around, Becky thought it wise to sign her up for a gymnastics class. Seneka was literally doing cartwheels around her peers, doing sets of 30 cartwheels just in warm-up.

Seneka quickly worked her way through the gymnastics levels and entered her first gymnastics competition at age 5, participating with girls twice her age. By the time she was 8, she was chosen as one of 10 8-year-olds on the TOPs A-team, which is when talk of her Olympic potential began.

The Erickson family was shocked. "I didn't even know anything about gymnastics," said Becky Erickson.

Anytime Seneka begins learning a new move, Becky has to look it up on YouTube.

Seneka now works with her four coaches at the gym and competes across the nation.

One of her coaches, Mary Wright, says in the 45 years she has been coaching, it is extremely rare to come across an athlete with elite potential.

"Very rarely do you get all of the components of an elite athlete with the ability to fight for every single pinch, with the physical ability of power, strength, and flexibility, with the emotional stability, and attitude and effort they have to give 100 percent every time they go out onto the floor," said Wright. "That's why out of 300,000 gymnasts, there are only 20 girls on the elite national team."

For an athlete with elite potential, there are extreme sacrifices made on the part of their coaches, spending long hours in training; and for parents, who have to commit their time and finances to the effort; and from the athlete, who endures grueling training sessions.

Seneka spends several days a week getting up at 6 a.m. so she can be to the gym by 7:15 a.m. Once there, she and her coach begin the intense training, learning the five or six drills that go into each skill.

Wright says an Olympian gymnast has to master their muscle memory for each drill, which takes a minimum of 1,000 repetitions.

With 40 different skills in each competition, Wright says an elite gymnast has their work cut out for them.

"It's a very hard sport, and a lot of people decide they don't want to work that hard, and that's fine, but those who continue on get many rewards," said Wright.

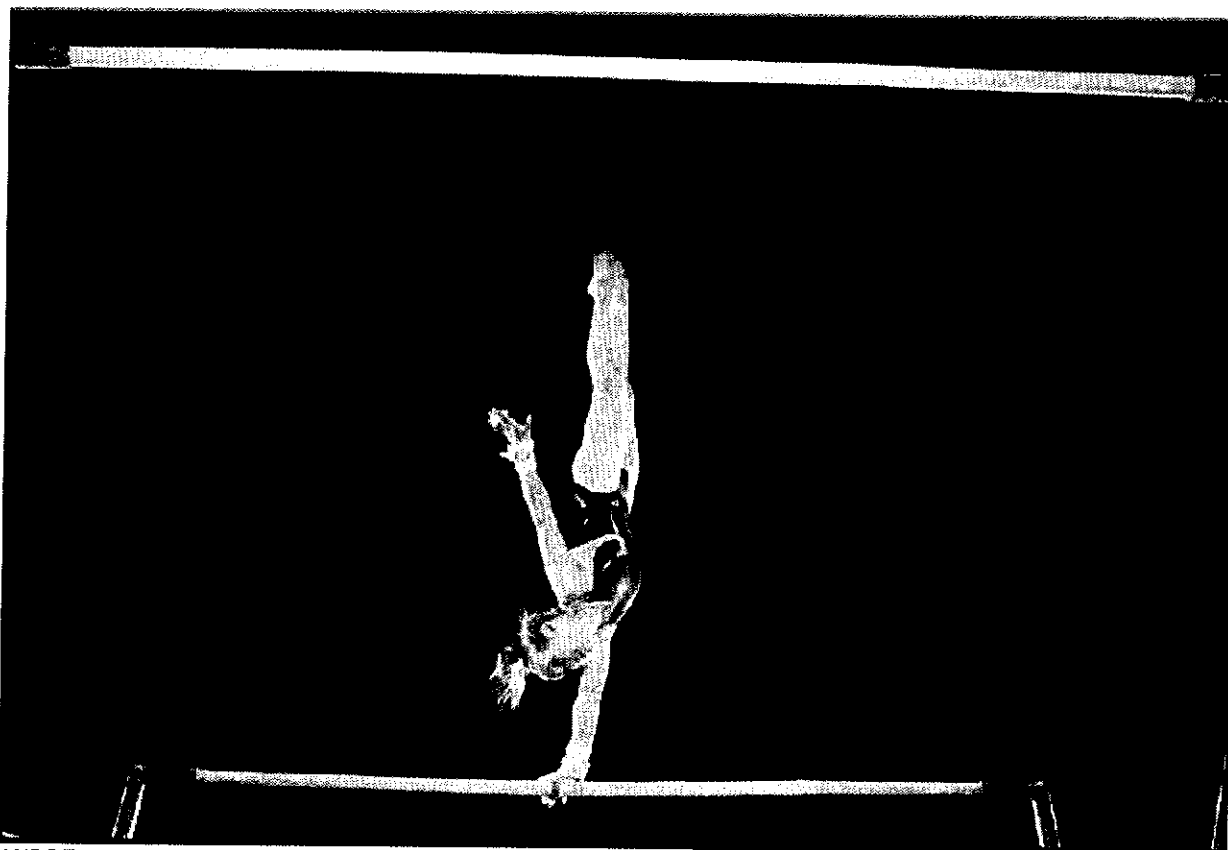
Seneka's mom is constantly watching for any warning signs in her daughter to make sure she isn't pushed too hard. Becky confesses sometimes she doesn't want to get up early to take Seneka to the gym, especially in the summer, but then Seneka is always up and ready to go.

"I don't like missing the gym because I don't want to lose my skills," said Seneka, especially when she has her sights set on the Olympics.



ANDREA HANKS/Courtesy Photo

Nine-year-old Seneka Erickson of Centerville trains as a 2020 Olympic hopeful, having been selected to participate with the USA Gymnastics Talent Opportunity Program, which identifies talented gymnasts between the ages of 8 and 10 and trains them for future opportunities with the national elite gymnastics teams, including the Olympic team.



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The Salt Lake Tribune

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Tech • Head of fiber optic network steps down amid possibility of a new firm taking over.

BY VINCE HORIUCHI

THE SALT LAKE TRIBUNE

PUBLISHED: JANUARY 31, 2014 07:36AM

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"We just felt like it was time to move on and go in another direction. Having had a conversation with him, he was fine with that," Pyle said Thursday night. "We're in a transition time here."

"We're going to want and need his support, and he's going to give that to us going forward," Pyle added. "He's just a font of information. He really has given a great contribution to the network and the cities at a time that was very difficult for us."

Marriott's cellphone mailbox was full, and he was unavailable for comment Thursday afternoon.

The news comes just a month after it was announced that Australian investment company, Macquarie Capital Group, has expressed interest in investing in UTOPIA and would complete construction of the network and operate it under a public-private partnership. Macquarie, which has invested in public-private partnerships on a variety of other projects in the U.S., is conducting a feasibility study over the next couple of months before it decides to take on UTOPIA. Pyle, who also is West Valley City's city manager, said Macquarie did not have any part in the decision for Marriott's resignation.

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Pyle acknowledged that over time Marriott did develop troubled relationships with some representatives of the member cities, and that was a part of the overall decision for his resignation.

"Any one in that kind of position . . . you're going to build relationships and have relationships with people who aren't happy. Some of that accumulation does have some effect," Pyle said. "But he did bring a lot of value to the system, and he did great things for the network."

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Quality big concern atitol

Legislators talked of a way to improve air quality in the Wasatch Front, but haze enveloped the Capitol where they met. Davis County legislators are sponsoring bills to solve the problem.

Story by Louise R. Shaw |
Davis Clipper



School district supports Clearfield project

LOUISE R. SHAW

Staff Writer

SLIMINGTON — With a dissenting vote, the School Board adopted a resolution in support of a redevelopment project in Clearfield City and Davis School District.

The project is very important, said Tamara Lowe, president, as she cast one of six votes in favor of the interlocal agreement. The project is in Clearfield City and Davis School District. The vote was taken at the regularly scheduled meeting on Jan. 21. The agreement will allow \$100,000 in dollars generated by the project to go into infrastructure improvements and building structure related development for a set period of time. She pointed out that no

assistant city manager.

UTA currently owns 70 acres that will be used for the project. Another 56 acres in and around that land will be included in the development.

While UTA's plan initially was to fill it entirely with multi-family residential as a way to increase ridership, city leaders negotiated a plan with fewer homes and more business and industrial space.

"This meets the needs of UTA, but also meets the needs of Clearfield City," said Allen. "One of our major objectives is to promote new jobs for the area. We expect almost 1,000 new jobs will be brought in. We think that's a great component."

School board members are working with city leaders to determine if a five-acre parcel reserved for community or civic space would

to be involved if a school is needed in the area.

School board member Peter Cannon was the lone vote in opposition to the agreement, objecting that with so many homes, a smaller percentage of new taxes should go to the project.

"In this case I feel my arm is being twisted by a federal government," said Cannon. "We're being held hostage by a federal government that wants to force the people into small enclaves. If we don't stand up as citizens, we deserve what we get."

Citizens are being driven like sheep, he said, and need to stand up rather than do whatever the "pharaoh" tells them, like slaves.

Other board members expressed support of the project.

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community development agency project he's been asked to support, said he was comfortable voting for it after hearing at an earlier workshop about the history of the project. Former mayor Don Wood had spoken to the board about 10 years of work and negotiations and three different developers the city had been involved with to make it happen.

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