



CENTERVILLE CITY

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

Incorporated in 1915

Mayor

Paul A. Cutler

City Council

Ken S. Averett

Tamilyn Fillmore

John T. Higginson

Stephanie Ivie

Lawrence Wright

City Manager

Steve H. Thacker

interoffice MEMORANDUM

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager
subject: City Manager's Summary of February 18, 2014 Council Meeting
date: February 14, 2014

S. Thacker

6:00 Work Session – Review 5-Year Streets Maintenance Plan – This topic was initially included in the draft agenda for the regular Council meeting. However, the Mayor and City Manager agreed it would be best to move this topic to a work session prior to the regular Council meeting. Public Works Director Randy Randall will review the current 5-Year Streets Maintenance Plan, which was updated in 2013 and reviewed at that time with the prior City Council. This will be an opportunity for the three new elected officials to become familiar with that plan. This will also provide a foundation for considering an amendment to the City Budget in a future Council meeting, pertaining to the annual Streets Project Budget. **Dinner will be available for the City Council beginning at 5:45 p.m.**

7:00 Regular City Council meeting

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

E.2. Summary Action Calendar

- a. Electronic Meeting Policy** – This policy is being amended to make it applicable to any of the City's boards and committees so they may take advantage of the option of Board members calling in to participate in meetings.
- b. Minutes Policy** – The City Attorney recommends the current Minutes Policy be amended to conform with recent changes in State law.
- c. Use of Contingency** – I recommend the Council authorize the use of \$4,985 of Contingency funds for the upgrade of the City's GIS system. This upgrade was actually budgeted for in the FY 2013 Budget, but in the last month of that budget year, staff decided to hold off for anticipated software updates. At that point, however, it was too late to add this item into the FY 2014 Budget, which had already been adopted.

E.3. Public Hearing – Zoning Ordinance Text Amendments – The City Attorney recommends amendments to the Zoning Code regarding noticing and public hearing requirements. Some of these amendments are the result of recent changes in State law.



- E.4. Temporary Zoning Regulations** – At their February 4 meeting, the City Council directed staff to draft a temporary zoning ordinance pertaining to a portion of the area west of I-15. This ordinance would impose a moratorium on development applications for a period of time to allow the City's General Plan and related zoning ordinances to possibly be updated for that area.
- E.5. Financial Report** – Blaine Lutz, Finance Director, has prepared the enclosed financial report for the seven-month period ending January 31, 2014. He will highlight the report and answer questions at the meeting.
- E.6. Mayor's Report** – Mayor Cutler will report on his efforts to secure volunteers for the July 4th Celebration.
- E.7. City Manager's Report** – As shown on the agenda, I will report on several matters, which are explained in my staff report. In brief, however, I will: a) seek direction from the Council on writing a letter to Wasatch Front Regional Council about the regional plan documents; b) report on my discussions with UTA about bus stops on Main Street; c) report on the proposed Tesoro oil pipeline that would run through Bountiful, West Bountiful, Woods Cross and North Salt Lake; d) recommend a work session to review the Drainage Utility Comprehensive Financial Sustainability Plan, prepared by the City's financial advisors over the past year; and e) report on staff's efforts to improve the information provided to those who call in asking about the City's regulations.
- E.8. Miscellaneous Business** – No items are identified at this time under this heading.
- E.9. 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.10. Action following closed meeting** – Mayor Cutler may recommend appointments to boards and committees.
- 8:45 Adjourn to RDA Meeting** – In the RDA meeting the Board should appoint two representatives to the Administrative Control Board of the Davis Center for the Performing Arts. The RDA Board will also discuss the proposed content for a tax increment participation agreement relating to the Salmon Pasture Development. This was the topic of a recent work session. Since then staff have met further with Salmon and are recommending content for the participation agreement, as explained in the enclosed staff report. An agreement has not yet been drafted, but will be drafted following this meeting—based on direction given by the RDA Board.

Potential Agenda Items for March 4 regular City Council Meeting (subject to change):

- Work Session – Drainage Utility Comprehensive Financial Sustainability Plan
- Zoning Text Amendment re noticing & public hearings (continued from February 18 meeting)
- Questions and answers about UTOPIA/UIA audit reports
- Potential enhancements to Main & Parrish Intersection Project
- URMMA presentation
- RDA meeting to approve Salmon agreement

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 18, 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:

6:00 Work Session – Review of 5-Year Streets Maintenance Plan

7:00 A. ROLL CALL

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

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Councilman John Higginson

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

E. BUSINESS

7:10 1. MINUTES REVIEW AND ACCEPTANCE February 4, 2014 meeting

(OVER)

- 7:15 2. Summary Action Calendar
- a. Consider approval of Resolution No. 2014-07 regarding updates to the City's Electronic Meetings Policy for public meetings
 - b. Consider approval of Resolution No. 2014-08 regarding updates to the City's Minutes Approval Policy for Public Bodies
 - c. Approve use of Contingency funds in the amount of \$4,985 for upgrade of GIS computer system
- 7:15 3. Public Hearing - Zoning Ordinance Text Amendments regarding Noticing and Public Hearing Requirements
(This item was tabled from the February 4 meeting)
Consider Ordinance No. 2014-03
- 7:35 4. Temporary Zoning Regulations for West Centerville Neighborhood
Discuss temporary zoning regulations for a portion of the West Centerville Neighborhood (west of I-15) - Consider Ordinance No. 2014-04
- 7:55 5. Financial Report for period ending January 31, 2014
- 8:05 6. Mayor's Report
- a. 4th of July Celebration
- 8:15 7. City Manager's Report
- a. Letter to Wasatch Front Regional Council re: future growth maps for Centerville
 - b. Bus stops on Main Street
 - c. Tesoro Pipeline
 - d. Proposed topics for work sessions
 - e. Staff efforts to improve public information
- 8:45 8. Miscellaneous Business
9. 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. Possible action following closed meeting, including appointments to boards and committees

8:45 Adjourn to RDA meeting

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 2/18/2014

Item No.

Short Title: Work Session - Review of 5-Year Streets Maintenance Plan

Initiated By: City Manager and Public Works Director

Scheduled Time: 6:00

SUBJECT

RECOMMENDATION

Allow Randy Randall, Public Works Director, to present a summary of the 5-Year Streets Maintenance Plan and answer questions.

BACKGROUND

In 1998 the Public Works Director and City Engineer prepared the first multi-year streets maintenance plan—covering a 10-year period. That was later updated with a 5-Year Plan. In 2013 staff prepared another update for the 5-year period 2014-2018. That current plan is attached. It was reviewed with the prior City Council. However, there are three new elected officials who should become familiar with this Plan. Carry-over elected officials may also benefit from this review. This work session could be characterized as one of those "budget training sessions" requested by new council members. It will also provide a foundation for amending the Streets Project portion of the General Fund Budget in a later meeting--which staff recommend in order to restore funding for the 2014 streets contracts to the level intended when the FY 2014 Budget was adopted.

ATTACHMENTS:

Description

- ☐ 5-Year Streets Maintenance Plan

STREET MASTER PLAN

2014 – 2018

FOR

CENTERVILLE CITY

BY

**RANDY RANDALL
PUBLIC WORKS DIRECTOR**

**GRAPHICS BY GIS DEPARTMENT
MICHAEL SMITH**

**ENGINEERING ESTIMATES
ESI ENGINEERING**

MARCH 2013

**PUBLIC WORKS DEPARTMENT
655 North 1250 West
Centerville, Utah 84014
(801)292-8232**

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EXECUTIVE SUMMARY

After a careful study and analyzing of our street system and the updating of the City's Street Master Plan, I made the following findings and observations. There are five main factors why our streets are deteriorating with potholes and rough areas.

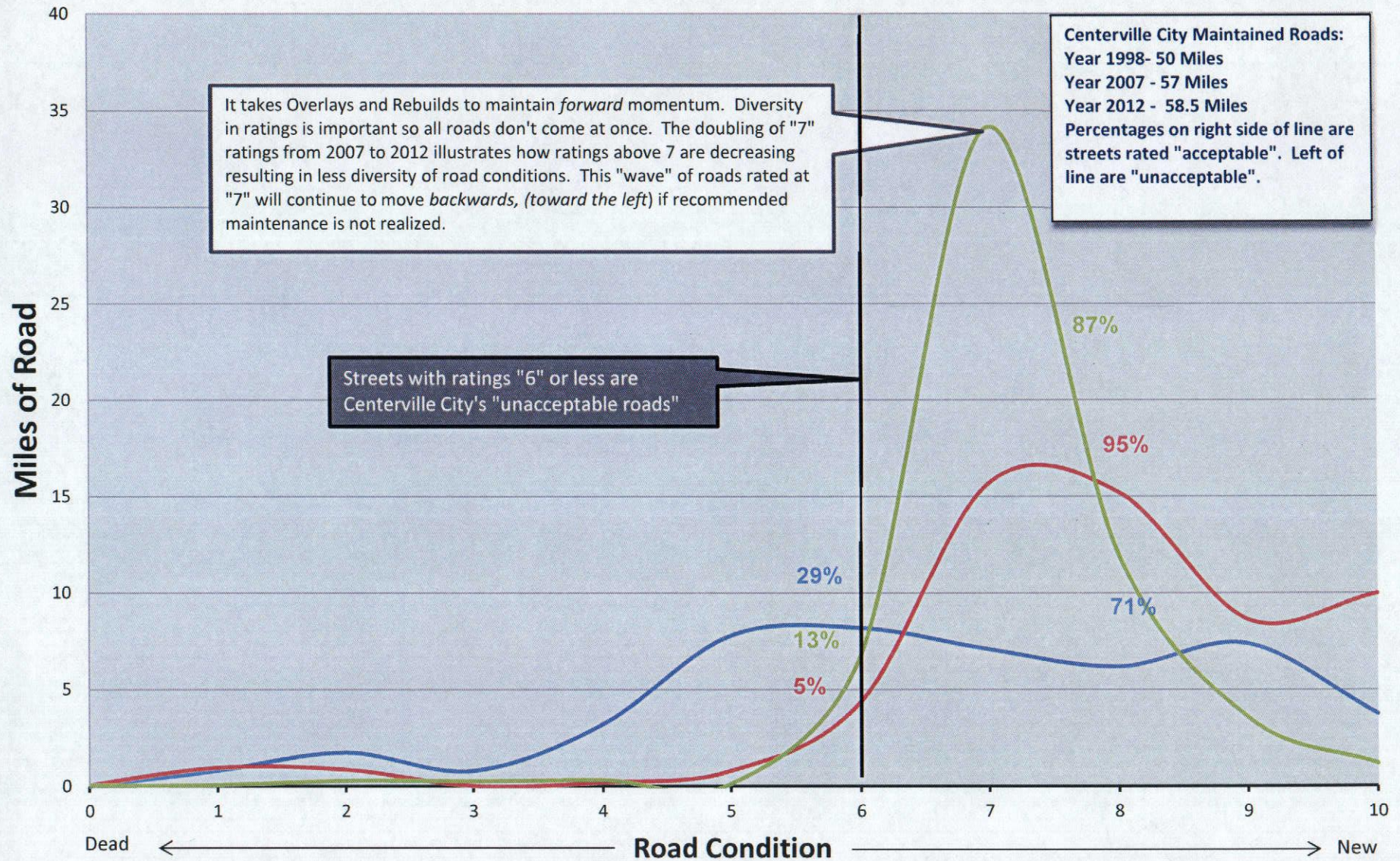
1. If we don't continue ongoing maintenance, the normal aging of our streets due to nature and our environment, such as sunlight, heat, cold, water and traffic, will over time create a very low quality street system.
2. Since we started using a street master plan in 1998, we have added over 7.22 miles of roads which is a 14% increase. Most of these added roads now need preventative maintenance, which takes more revenue.
3. During the period of the last master plan we were **unable** to complete the scheduled projects of 3.5 miles of rebuilt streets and 4.84 miles of overlays. This was due to lack of funding of about \$3,155,500.
4. Cuts in the streets made by utility companies shorten the life of the streets and make them rough to drive on. Last year we kept GIS records of where each street-cut took place and we had over 1,000 cuts made in our streets.
5. The cost to repair our streets continues to increase each year. Since the first master plan was written the costs have doubled. From the time the 2008-12 Master Plan was written, the cost of overlays has gone up 8% and the cost of rebuilds went up 25% to 30%. If we don't do street overlays as scheduled, then we have to rebuild them instead. To do rebuilds, it costs three times more than overlays. If we don't repair our roads in a timely manner, the cost for the repairs will continue to go up substantially.

One of the differences in this master plan is that half of the overlays are on streets that require a higher level of service because they are collector streets with heavy traffic. If they aren't maintained, the conditions will deteriorate and city residents will register complaints. There are 7.88 miles of major roads scheduled for overlay in this Master Plan.

We have many city utilities, waterlines, sub-drains, storm drains, plus other utility companies that need to replace aging lines. It is more cost effective and less damaging to the streets if all the city utilities coordinate their replacements. We would also encourage other utility companies to do this too. This could eliminate the risk of their lines blowing up and damaging our streets. It also reduces the need for another cut in our streets.

There is nothing that makes a city look more prosperous and well kept than streets that are smooth without potholes and yards that are well kept. Everyone, residents and visitors, who enters our City, travels on our streets and we would like the condition of the streets to reflect who we are.

Street Condition Ratings for years: 1998, 2007, 2012

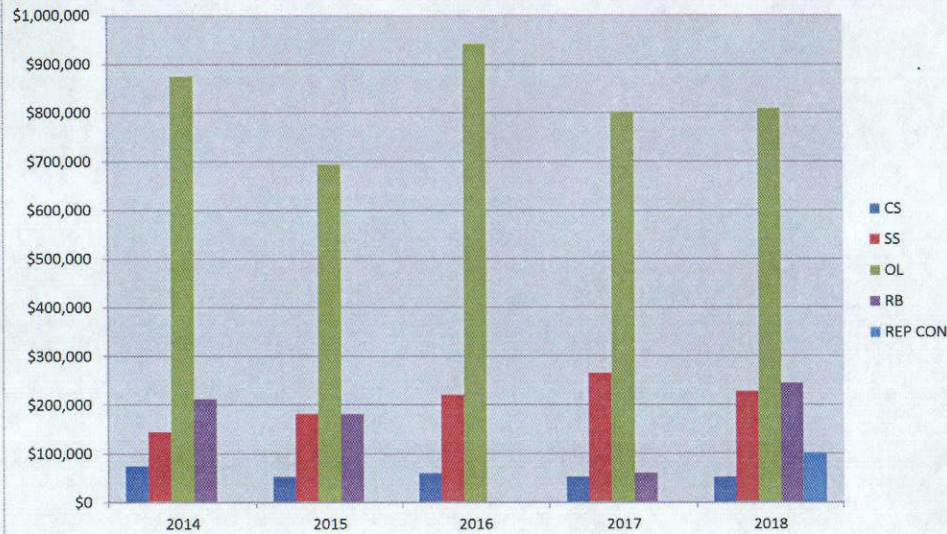


2014-2018 Street Maintenance Master Plan

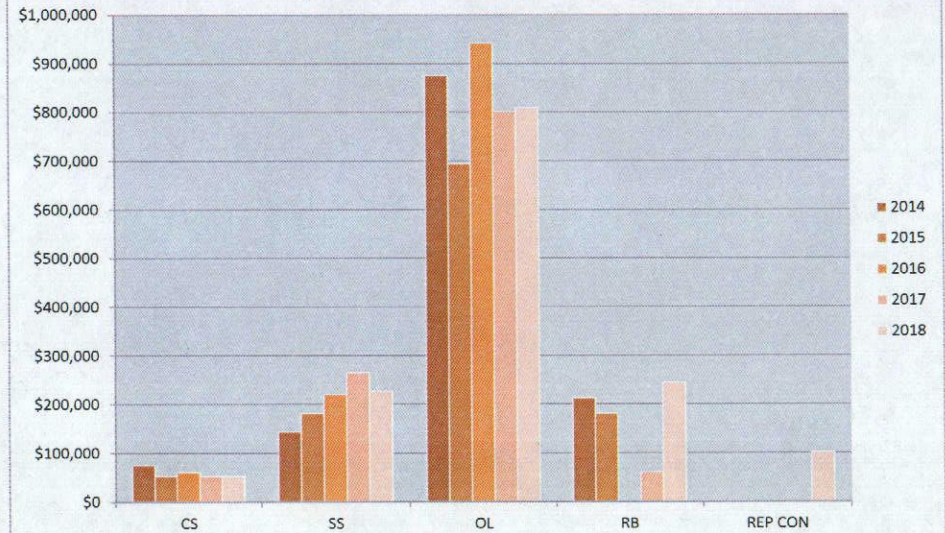
ESI reported estimates 1/14/13 (Includes trails and parking lots)

	2014	2015	2016	2017	2018	5 YEAR TOTAL	YEARLY AVERAGE
CS	\$75,000	\$52,500	\$60,000	\$52,500	\$52,500	\$292,500	\$58,500
SS	\$143,816	\$181,125	\$219,692	\$264,684	\$227,011	\$1,036,328	\$207,266
OL	\$874,926	\$694,485	\$941,613	\$801,813	\$809,068	\$4,121,905	\$824,381
RB	\$212,296	\$181,293	\$0	\$60,384	\$244,965	\$698,938	\$139,788
REP CON					\$101,787	\$101,787	\$101,787
Mobilization & Traffic Control	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	\$50,000
Contingency (10% of Construction Total)	\$135,603	\$115,940	\$127,130	\$122,938	\$148,533	\$650,144	\$130,029
Engineering (7% of Construction Total)	\$94,923	\$81,158	\$88,991	\$86,057	\$103,973	\$455,102	\$91,020
Inflation (3% of Treatment Construction Total (3% per year after 2014))	\$40,681	\$69,564	\$114,417	\$147,526	\$222,800	\$594,988	\$118,998
TOTALS	\$1,627,244	\$1,426,065	\$1,601,843	\$1,585,902	\$1,960,637	\$8,201,691	\$1,640,338

Cost Per Year



Yearly Treatment Comparison by Cost



CS - Crack Seal existing cracks with asphalt emulsion.
 SS - Slurry Seal is asphalt emulsion and gravel to create a new 3/8" wearing surface.
 OL - Overlay is 2" asphalt layer on top of existing surface.
 RB - Rebuild involves removing existing asphalt and replacing with 12"-24" base and sub-base
 REP CON - Replace Concrete

Treatment Costs

2013 Bids From ESI

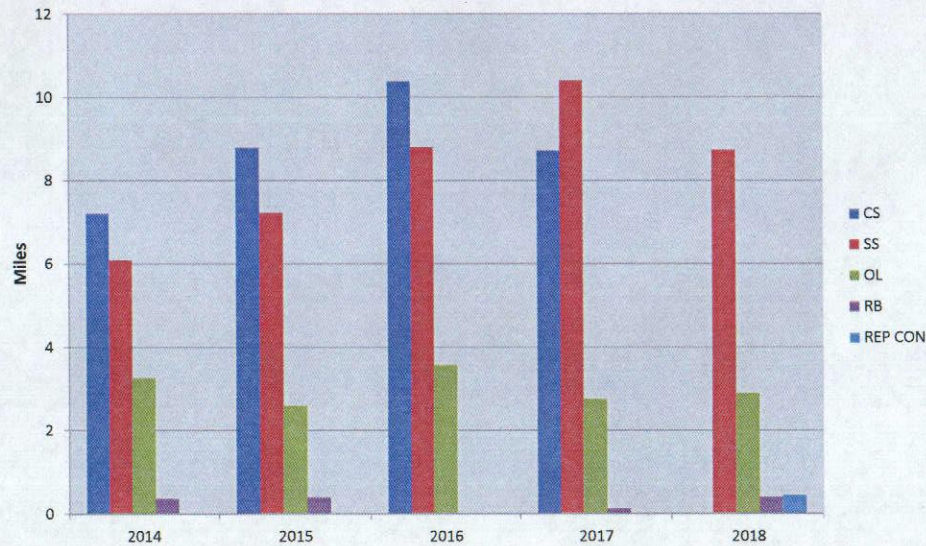
Treatment	Cost Per Mile
Crack Seal	\$10,000.00 (\$1,600 per ton)
Slurry Seal	\$22,968.00
Overlay & Mill	\$229,680.00
Rebuild	\$612,480.00 12" deep
	\$765,600.00 24" deep
Replace Concrete	\$689,040.00 (\$4.50 per sq ft)

2014-2018 Street Maintenance Master Plan

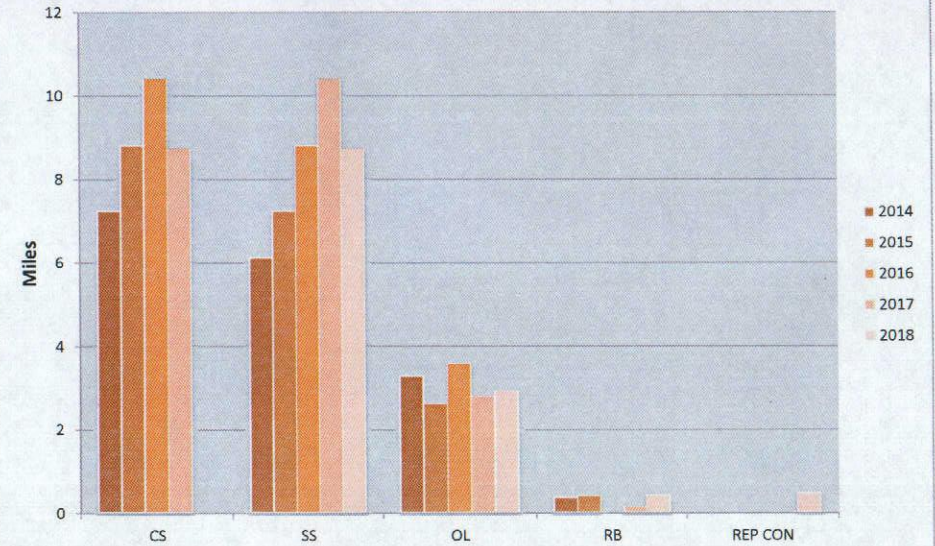
Mileage of Roads Scheduled for Repair 2014-2018

	2014	2015	2016	2017	2018	5 YEAR TOTAL	YEARLY AVERAGE
CS	7.22	8.79	10.39	8.72	0	35.12	7.02
SS	6.09	7.22	8.79	10.39	8.72	41.21	8.24
OL	3.26	2.6	3.57	2.76	2.9	15.09	3.02
RB	0.36	0.39	0	0.13	0.4	1.28	0.26
REP CON	0	0	0	0	0.44	0.44	0.09
TOTALS	16.93	19	22.75	22	12.46	93.14	

Road Treatment Per Year



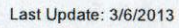
Yearly Treatment Comparison by Mileage



CS - Crack Seal existing cracks with asphalt emulsion.
 SS - Slurry Seal is asphalt emulsion and gravel to create a new 3/8" wearing surface.
 OL - Overlay is 2" asphalt layer on top of existing surface.
 RB - Rebuild involves removing existing asphalt and replacing with 12"-24" base and sub-base
 REP CON - Replace Concrete







Last Update: 3/6/2013

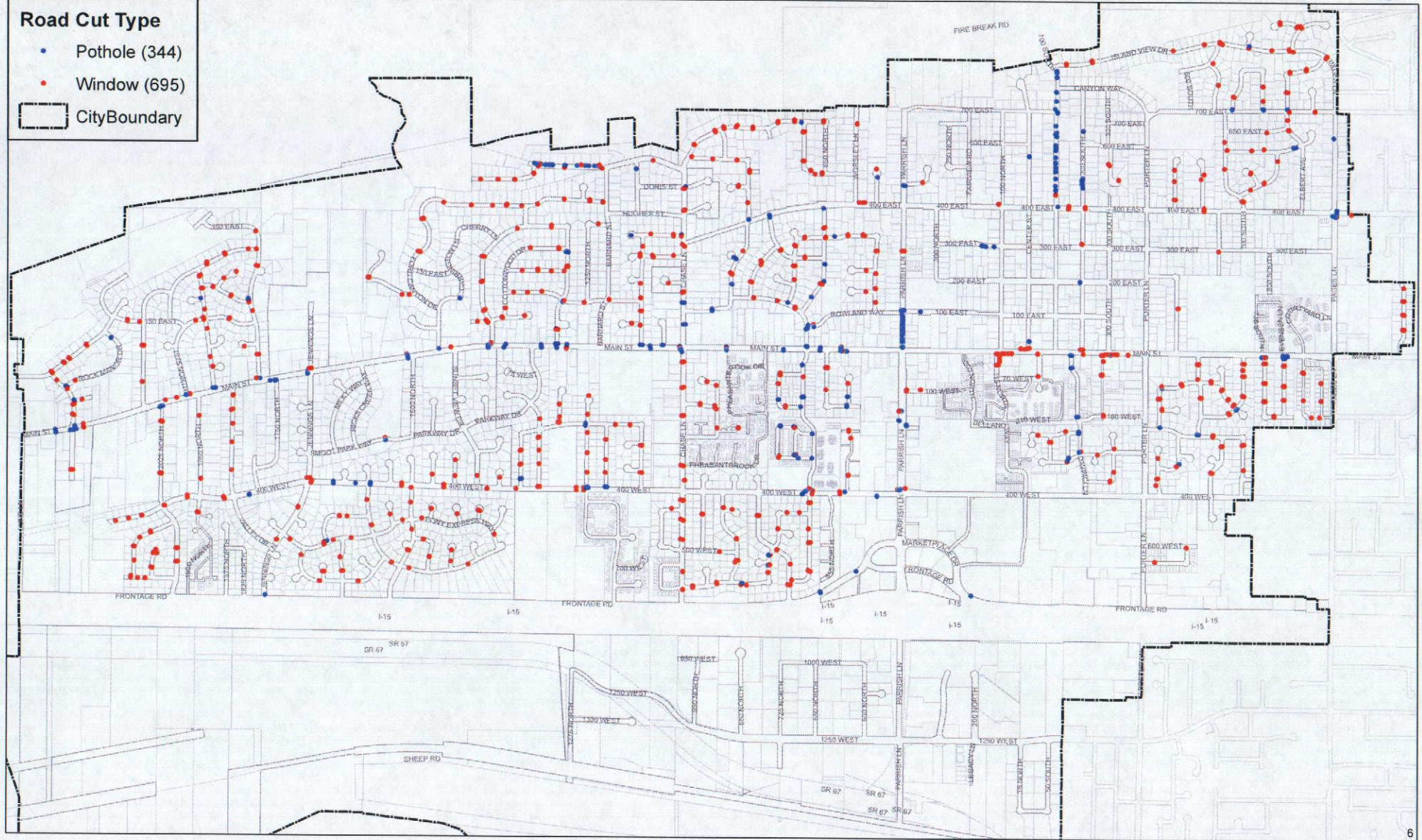
2,000 1,000 0 Feet

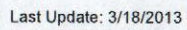
Potholes/Window Cuts Occurred August 2011 to October 2012



Road Cut Type

- Pothole (344)
- Window (695)

 CityBoundary

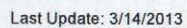


Every 5 year streets master plan begins with an evaluation of every section of road and is rated on a scale of 1-10 (1 being the worst, 10 being the best). Pictures are taken of each segment and the data is entered in the GIS database. The 1998 evaluation consisted of 260 different road segments compared to the 2012 evaluation of 366 segments.

This map represents only the road segments that were rated 6 or below.

Centerville Roads Hierarchy





Last Update: 3/14/2013

2,000 1,000 0 2,000 Feet

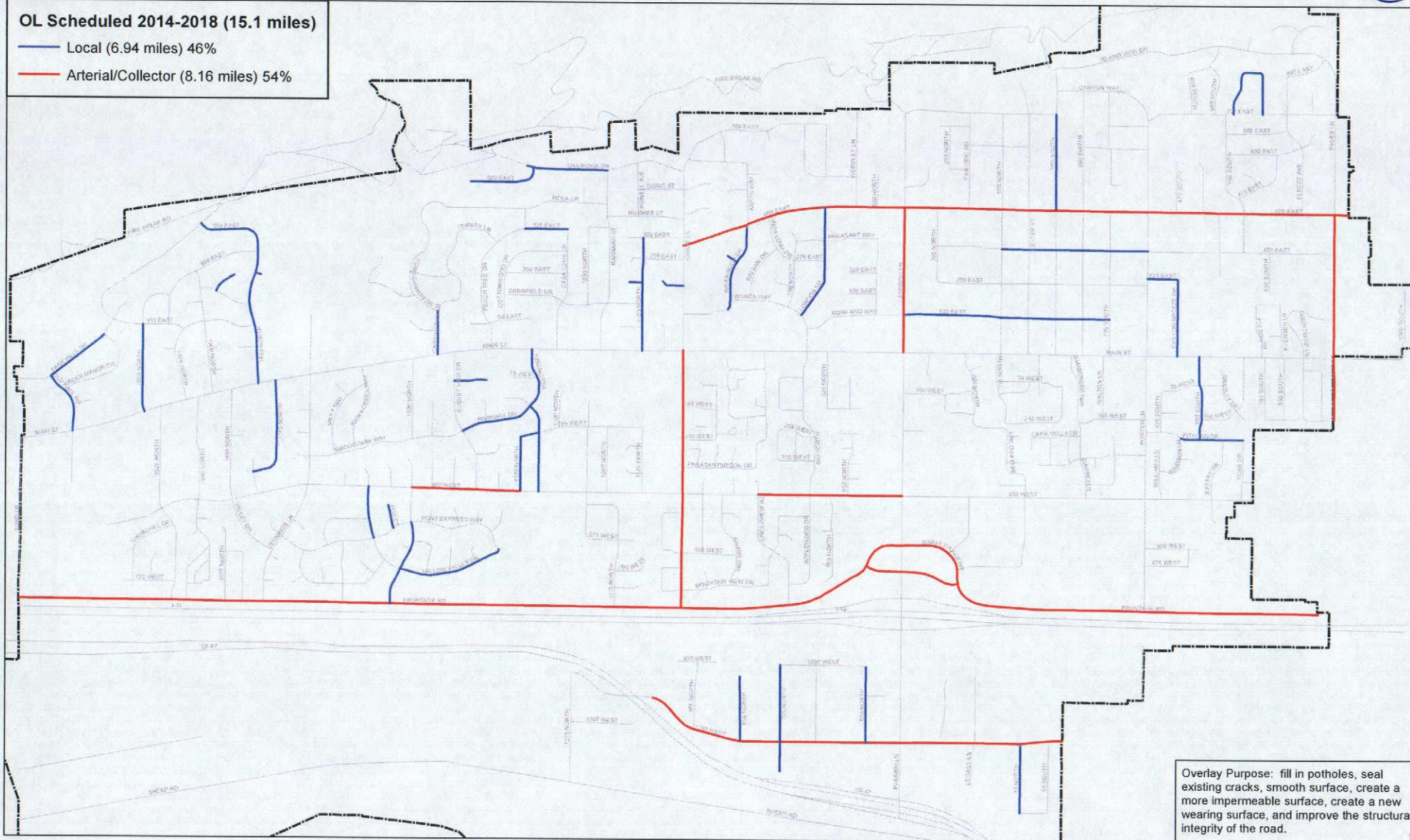
OL Scheduled 2014-2018
54% are Arterial/Collectors



OL Scheduled 2014-2018 (15.1 miles)

— Local (6.94 miles) 46%

— Arterial/Collector (8.16 miles) 54%



Overlay Purpose: fill in potholes, seal existing cracks, smooth surface, create a more impermeable surface, create a new wearing surface, and improve the structural integrity of the road.

North Arrow Last Update: 3/14/2013

OL Scheduled for 2014-2018 15.1 Total Miles

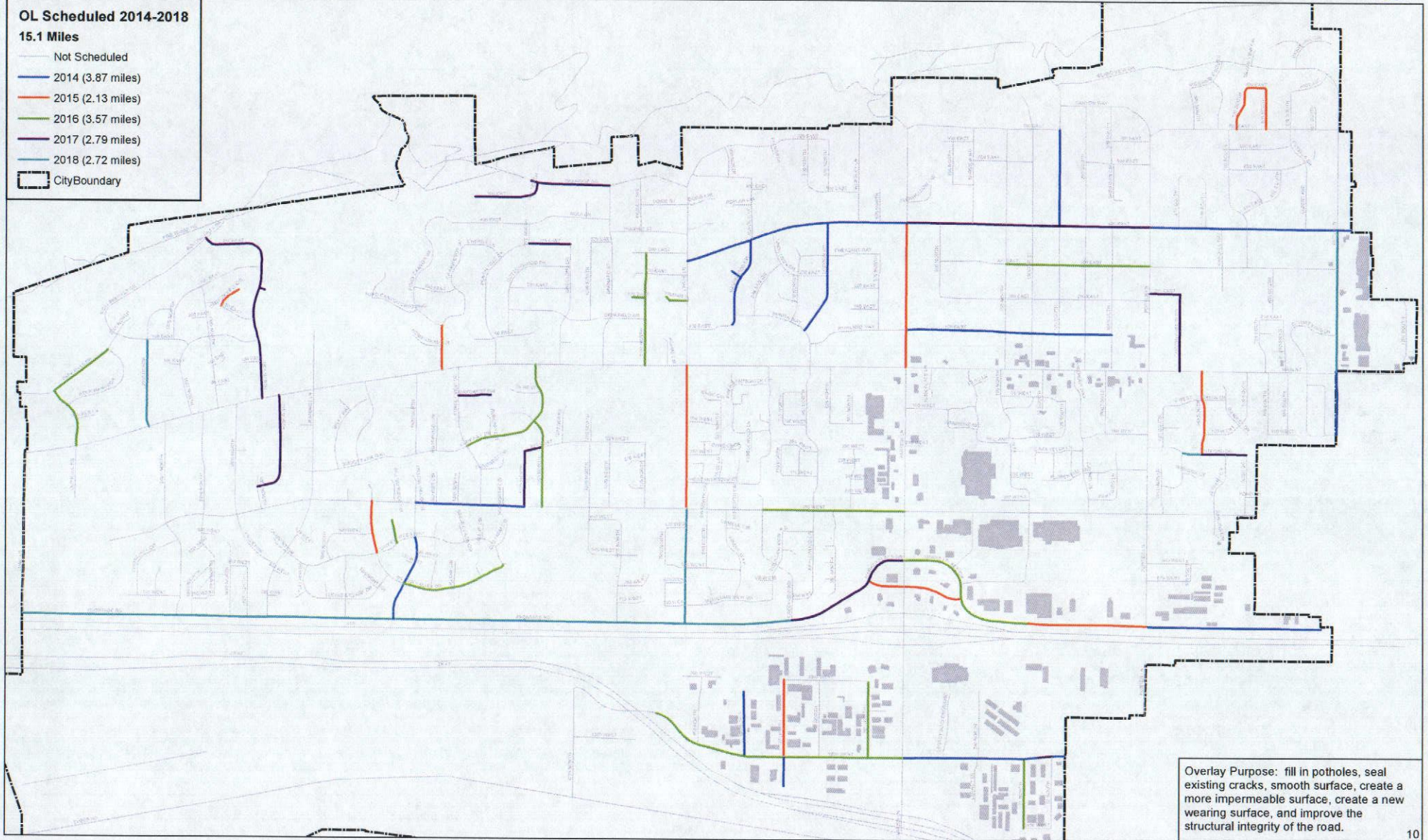


2,000 1,000 0 2,000 Feet

OL Scheduled 2014-2018

15.1 Miles

- Not Scheduled
- 2014 (3.87 miles)
- 2015 (2.13 miles)
- 2016 (3.57 miles)
- 2017 (2.79 miles)
- 2018 (2.72 miles)
- CityBoundary



RB Scheduled for 2014-2018 1.29 Total Miles



2,000 1,000 0 2,000 Feet

RB Scheduled 2013-2017 (none in 2016)

1.29 Miles

- Not Scheduled
- 2014 (.36 miles)
- 2015 (.39 miles)
- 2017 (.13 miles)
- 2018 (.4 miles)
- CityBoundary



North Arrow Last Update: 3/14/2013

SS Scheduled between 2014-2018 40.8 Total Miles

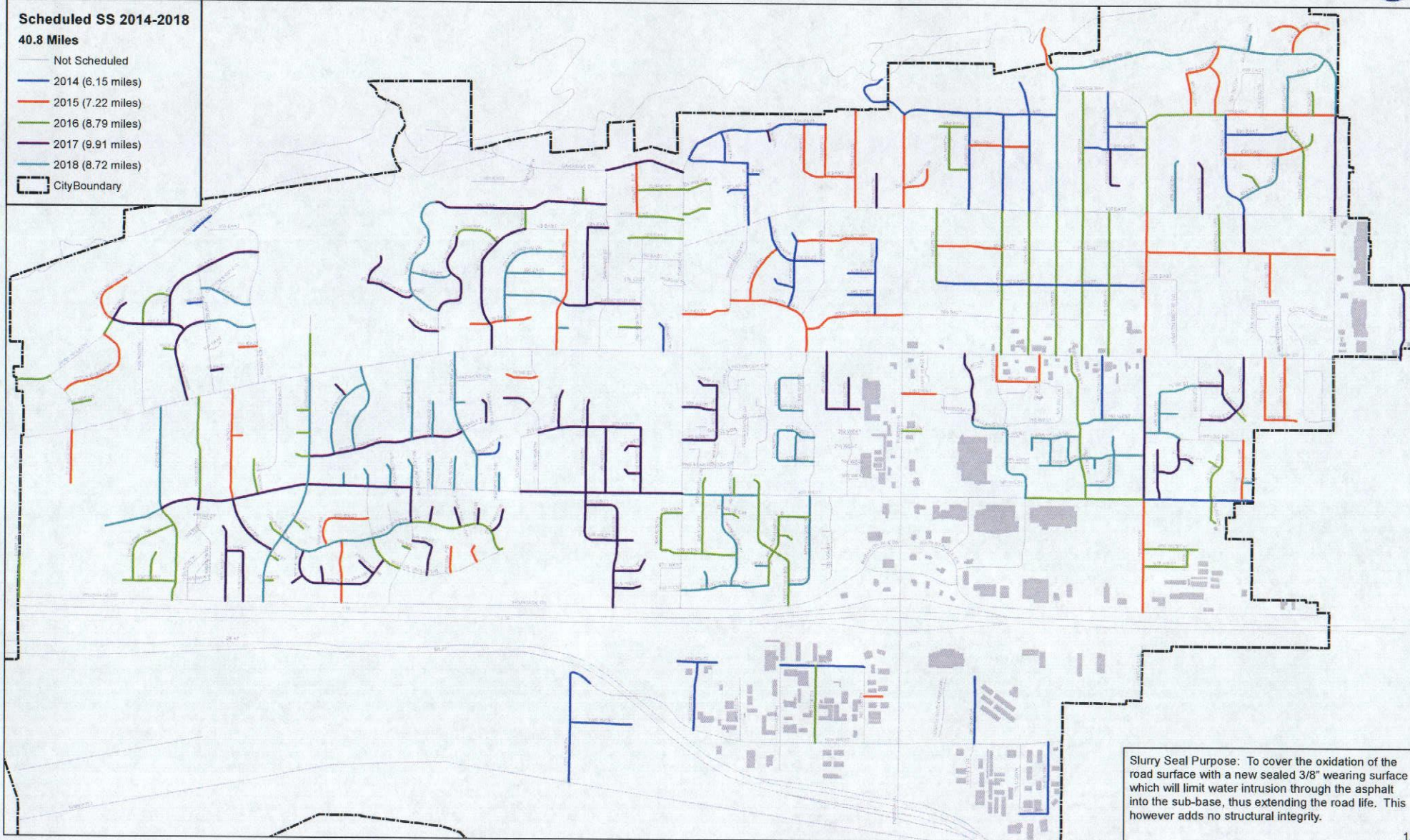


2,000 1,000 0 2,000 Feet

Scheduled SS 2014-2018

40.8 Miles

- Not Scheduled
- 2014 (6.15 miles)
- 2015 (7.22 miles)
- 2016 (8.79 miles)
- 2017 (9.91 miles)
- 2018 (8.72 miles)
- CityBoundary



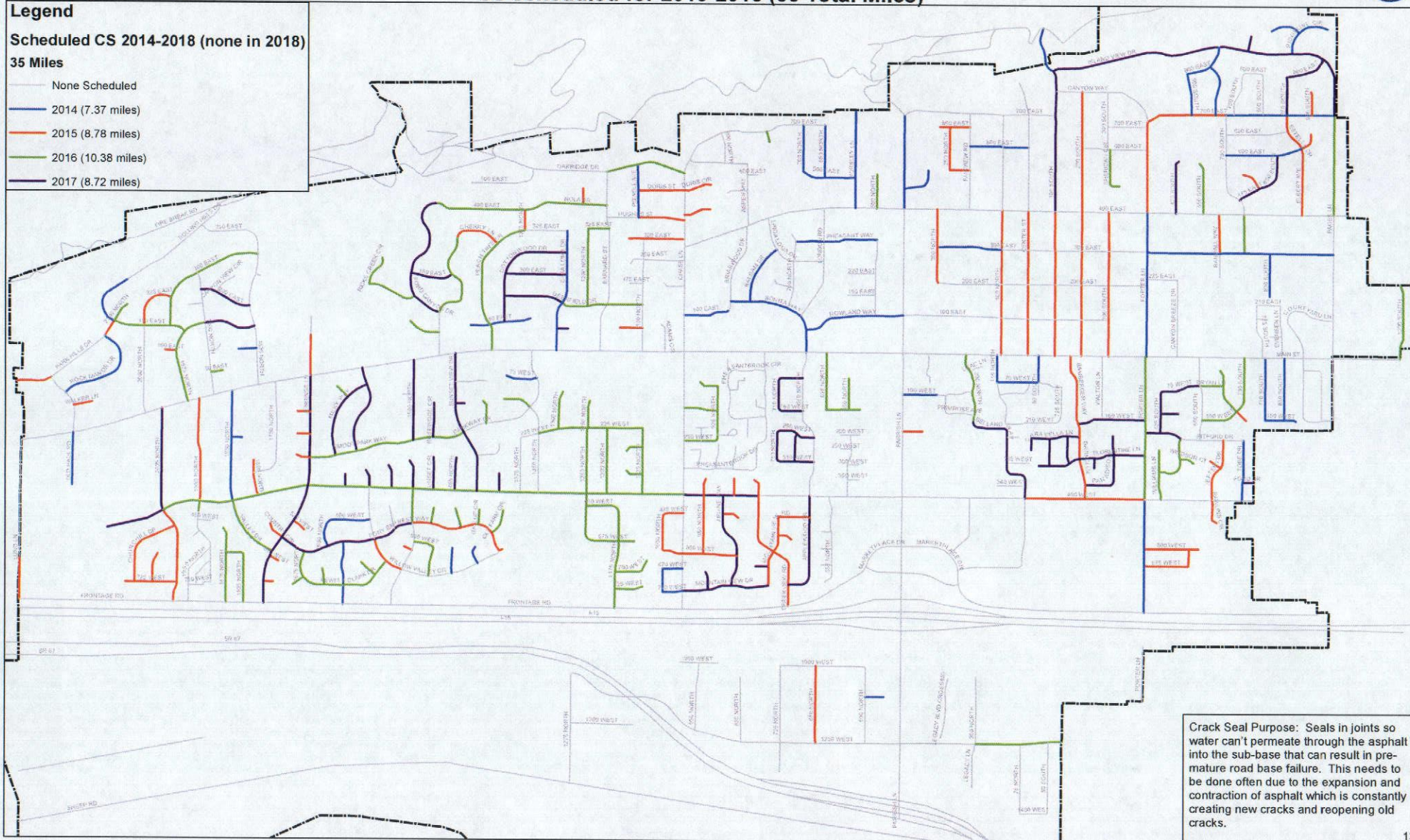
CS 2014-2018 These are scheduled 1 year before SS scheduled for 2015-2018 (35 Total Miles)

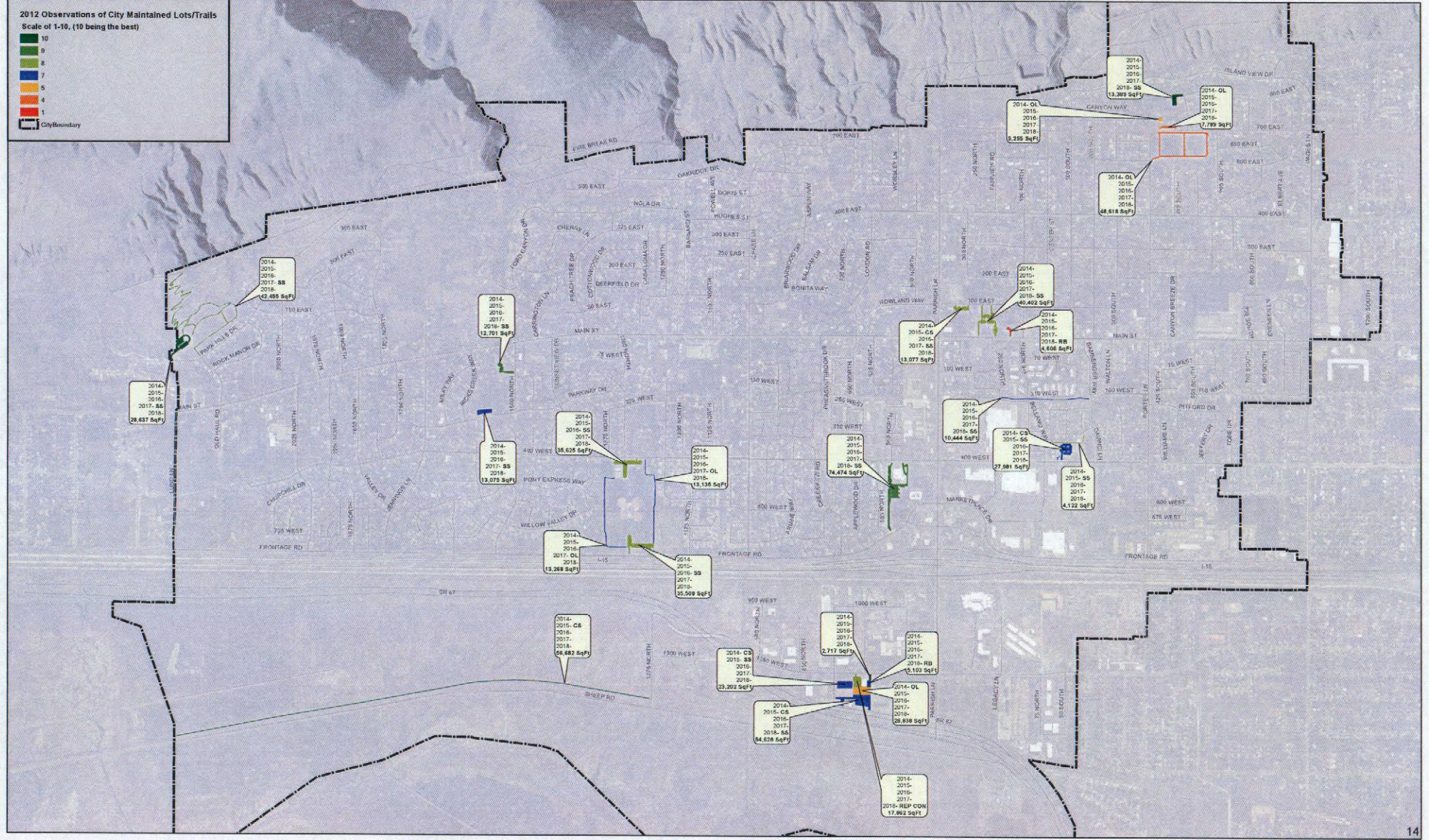


2,000 1,000 0 2,000 Feet

Legend Scheduled CS 2014-2018 (none in 2018) 35 Miles

- None Scheduled
- 2014 (7.37 miles)
- 2015 (8.78 miles)
- 2016 (10.38 miles)
- 2017 (8.72 miles)



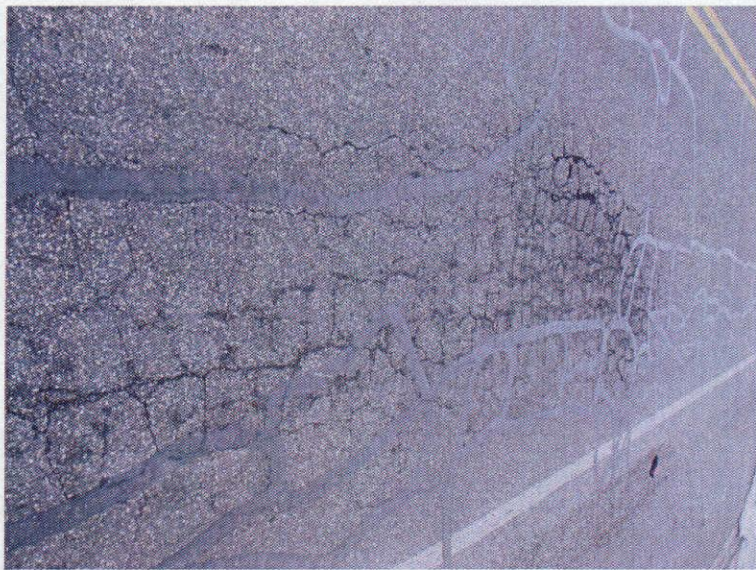




Alligatoring



Frost_Heaving



Larger_Area_Starts_To_Fail



Oil_Loss



Oil_Loss2



Oil_Loss_And_Rotting



Overlay_Will_Not_Work_Anymore



Pothole_On_Pothole



Road_Held_Together_With_Rubberbands



Road_only_20_years_old



Shifting_Aspfalt



Skin_Patch



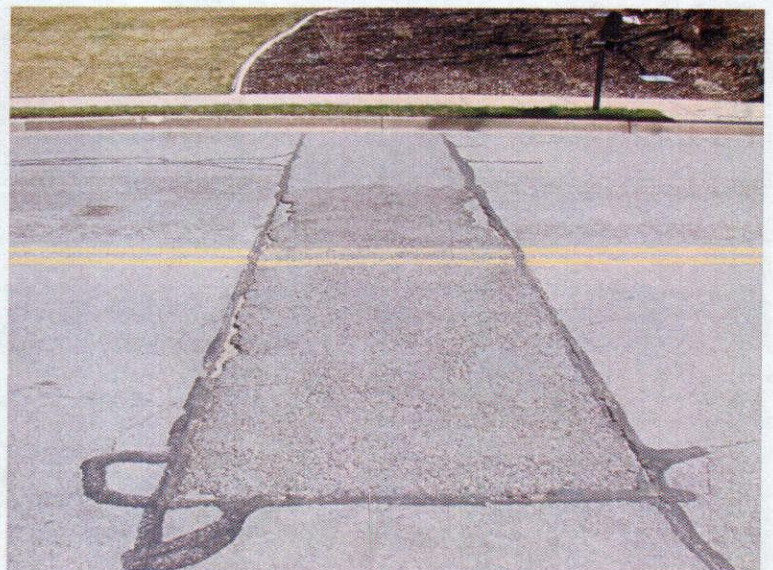
Sub_Base_Failing



Utility_Cuts



Utility_Cuts3



Utility_Cuts_2

DEFINITIONS

REBUILD

Street is completely rebuilt with new roadbase 4" to 24" deep and asphalt. Streets that have gone far beyond their usable life need to be rebuilt.

OVERLAY

An overlay is an additional 1½" to 2" of asphalt. Each street should receive an overlay every 15 to 20 years to keep the road from breaking up.

SLURRY SEAL

Slurry seal is a thin coat of asphalt and small chips that are squeegeed onto the road surface. It helps keep the roads sealed so water will run off into the curb rather than into the road base. It allows rejuvenation of the road surface and prevents oxidation. All streets should be slurry sealed every five years to extend their life of service.

CRACK SEALING

Cracks are sealed in the road. This extends the life of a road by keeping water out of the sub-base. Roads should be sealed a year or more before overlaid or slurry sealed.

NEW DEVELOPMENT

New roads that may need the city's help to encourage their development in the next five years.

DEVELOPER

A new road that has been completed by a developer. No work will be required by the city for the next five years.

C & B FUNDING

Gas tax from the State that is earmarked for roads.

DEFINITION OF ROAD CONDITIONS

RATING SCHEDULE #1 (Worst) – #10 (Best)

- #1 Road is dead with no life left. There is no reason to hurry and repair it because it can't get any worse and it has low traffic volume.
- #2 No life is left in this road, but it needs to be worked on before #1 projects because of high traffic and coordination with other utility work.
- #3 The road is mostly dead with very little life. However, it needs to be worked on before #1 because of high volume traffic and complaints.
- #4 Road has deteriorated but an overlay can save it. It should have high priority in order to preserve the life and avoid replacement.
- #5 A lot of pot holes, and more alligatoring and cracking are seen on this road.
- #6 This road will have few pot holes. Longitudinal and horizontal cracking are very apparent and some in-between cracks are appearing.
- #7 This road is beginning to show longitudinal and horizontal cracking.
- #8 More cracks are apparent on this road with a life of 80% to 85% remaining.
- #9 The road has 85% to 90% of life remaining. It is in good condition; however, it may have a few small cracks. Surface is starting to change color because of sun light.
- #10 The road has 90% to 100% of life remaining. It is in very good condition.

PRIOR OBSERVATIONS 1998

NOTE: This page is a reprint of a page in the 1998 report.

1. Roads that are 15 to 20 years old are worn out. Longitude and horizontal cracking has been created from many years of expansion and contraction going from winter to summer. After roads become cracked then water gets into the bases and softens them substantially. Roads then become susceptible to more cracks and alligating is formed. Roads that have received regular maintenance such as slurry or chip seals look much better.
2. Many roads 15 to 20 years old are oxidized because sunlight has eaten away much of the fine sand and has created a lot of loose gravel. Roads that have received very little maintenance were graphically more worn out.
3. Roads receiving more and heavier traffic loads that have not been overlaid within the last ten to fifteen years are failing.
4. Factors that lead to a longer road life are:
 - a. Proper design
 - b. Proper compaction when the road is built
 - c. Surface maintenance
 - d. Overlay
 - e. Installing fabric between layers of overlay
 - f. Keep utility cuts to a minimum
 - g. Major roads require more repair and maintenance sooner than minor roads
 - h. A good inspection program throughout pavement life.
5. There is life curve for pavement. There is a point when it becomes cost prohibitive to try and save a road. The only alternative is to replace it at a much higher cost. The road generally doesn't get much worse, but it always looks terrible.
6. Factors that limit the life of pavements.
 - a. Age
 - b. Heat and frost
 - c. Lack of maintenance
 - d. Poor compaction
 - e. Water getting into bases
 - f. Sunlight
 - g. Utility companies
 - h. Traffic volume and weight of vehicles
 - i. Location of pavement geographically. A flat road does not last as long as those with a grade.
 - j. Poor drainage
 - k. Pavement design

PRIOR BACKGROUND REPORTS 1998

In September 1998, the Public Works Department completed the City's first Streets Master Plan. The Master Plan incorporated a street rating system where the worst streets were rated "1" and the best were rated "10". Based upon that ratings system, a ten-year replacement and maintenance plan was developed to include slurry seal, crack seal, overlay, and rebuild priorities. After the maintenance plan was implemented, the City Council adopted a Capital Improvement Plan (CIP) to develop additional master plans for the water, subdrain, and storm drain systems. The Council then acquired bonds to fund the CIP. All of the master plans, developed by the City staff, were then merged so that all of the underground utilities could be completed prior to street re-pavement. The coordination created a cost-savings strategy not utilized prior to the CIP.

Before the Streets Master Plan was adopted, citizens and the Council tried to set annual priorities for street maintenance. The input, although well appreciated, created more conflict than productivity. After the Council agreed upon the plan, the City staff utilized the plan to determine which streets needed which type of maintenance for each year. The staff continues to use the report and other facts in order to make sound judgments. The results have been a remarkable increase of the quality of life for our citizens by improving the drivability, looks, and safety of our city street system. We have been able to keep our streets maintained at a higher level while lowering our yearly costs because of the strategic and timely manner in which our streets are being maintained.

One way we maximized our dollars was to let dead streets die and to upgrade streets that were serviceable. One by one, we have been rebuilding dead streets and currently only a few remain. An integral part of the management of the street infrastructure is the coordination of underground utility installation and replacement. In most cases, the cost to patch and repair a road, after utilities have been installed, is as much as a complete road rebuild.

We use other master plans to help us determine when to work on streets based upon the underlying utilities. If the street has utilities requiring maintenance, we will repair the utilities prior to working on the street. Letters are sent to utility companies to let them know which streets we are repairing and to inform them that no excavation fee will be charged, nor will they have to patch the street, if they repair their utility while the street is under construction. We have had great participation and success with this request.

There were many other standards implemented by the Council that have helped the staff improve the quality of our streets. The following ordinance changes are examples:

1. Developers have to slurry seal streets within the warranty period.
2. The subdivision standards for streets have been increased by requiring a more durable road.
3. Utility companies must bore to install their utility in the streets, unless approved by the Public Works Director.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

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 of February 18, 2014 meeting

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

SUBJECT

February 4, 2014 meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- February 4, 2014 Preliminary Draft Minutes

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, February 4, 2014 at 7:04 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
John T. Higginson
Stephanie Ivie
Lawrence Wright

STAFF PRESENT

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

VISITORS

Nathan Peterson, UDOT Project Manager
Greg Scott, Wasatch Front Regional Council
Matt Sibul, UTA Planner
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE Boy Scouts of America Troop 1169

PRAYER OR THOUGHT Councilman Ken Averett

OPEN SESSION

No one wished to comment.

TRANSPORTATION PLANNING AND PROJECTS AFFECTING CENTERVILLE

Nathan Peterson, UDOT Project Manager, explained the upcoming express lane project on I-15 between Layton and Salt Lake County. The winning bid proposal for the project includes: express lanes in both directions (US-89 entrance ramp in NSL to Glovers Lane in Farmington); interchange and cross street improvements at 2600 South and 500 South; new structures at 2600 South, 1500 South, 500 South, and 400 North; and improved active transportation (pedestrian access) at 500 South, 400 North, and Parrish Lane. A pedestrian bridge will be constructed near the existing Parrish Lane bridge over I-15. Mr. Peterson urged the community to sign up to receive electronic updates from UDOT via one of several public information options.

Greg Scott with Wasatch Front Regional Council (WFRC) explained what the WFRC is, and gave an overview of regional planning processes. He mentioned that Main Street south of Parrish Lane is designated as a "boulevard" community, and explained what "enhanced bus" means for Centerville in the Regional Transportation Plan. Mr. Scott emphasized that every step of project planning includes public input.

Matt Sibul, a planner with UTA, gave an overview of the UTA transit system. He explained that the South Davis Transit Study originally included a rail option on Main Street in

1 Centerville. Mr. Sibul stated that Centerville responded, and UTA heard loud and clear, that the
2 Centerville community does not want the rail option on Main Street. The current Davis-Salt
3 Lake Community Connector Study defines Centerville as an "area of influence," and does not
4 include rail as an option on Main Street. Mr. Sibul stated that a FrontRunner stop at Parrish
5 Lane is not feasible now, but may be possible in the future if additional funding is received to
6 electrify the lines and increase from single to double track. He introduced several UTA team
7 members present at the meeting.

8
9 At 7:56 p.m. Mayor Cutler opened a public comment period.

10
11 Lee Skabelund – Mr. Skabelund asked how school crossings will be affected by the
12 enhanced bus service. Mr. Sibul responded that with enhanced bus service buses have priority
13 at intersections, but must still obey all traffic laws including school zones.

14
15 Mark Gabriel – Mr. Gabriel suggested there are several innovative ways to partner with
16 different entities (universities, private sector) to continue working towards the goal of converting
17 to electric.

18
19 Maureen Huffaker – Ms. Huffaker stated she loves the idea of a pedestrian bridge over I-
20 15. She asked if it will be covered or enclosed, and what it will look like. Mr. Peterson
21 responded the pedestrian/bike bridge will not be covered. In response to a question from
22 Councilman Wright, Mr. Peterson stated that lighting is not included in the pedestrian bridge
23 plan.

24
25 Benjamin Kimball – Mr. Kimball asked what was meant by the term "cookie cutter" in the
26 WFRM presentation. Mr. Scott responded that "cookie cutter" refers to something that looks the
27 same every time.

28
29 Brian Connor – Mr. Connor asked if a traffic light is planned for the Parrish Lane/1250
30 West intersection. He also asked if the "boulevard" designation took into account the school
31 zones on Main Street. Mr. Peterson responded that UDOT plans to install traffic signals at the
32 Parrish Lane/1250 West intersection when the "warrants" (i.e. criteria) are met. UDOT will
33 continue to monitor the intersection. Steve Thacker, City Manager, added that design work for
34 the signal has already been done—and conduits have been installed under the intersection—to
35 expedite construction when warrants are met.

36
37 Responding to Mr. Connor's second question, Mr. Scott stated that the definition of a
38 boulevard community is broad, and the designation is implemented by the city. Designation of
39 "boulevard" or "main street" community helps transportation professionals treat the area with kid
40 gloves. Councilwoman Ivie asked which of the two designations would result in greater kid-
41 glove treatment. Mr. Scott answered that a "main street" designation, of the two, would
42 probably achieve that result. Cory Snyder, Community Development Director, clarified that the
43 designation is more associated with land-use than the physical street itself. The definition of a
44 "boulevard" has lower intensity than the "main street" definition. Mr. Snyder advised the Council
45 to consider requesting a tailoring of the definition if they consider changing to a "main street"
46 designation.

47
48 Sherri Lindstrom – Ms. Lindstrom referred to speculation during the recent election that
49 light-rail was in the plan for Centerville, and requested clarification regarding what would have to
50 happen to move enhanced bus off the plan and switch to light-rail. She stressed that she asks

1 this not because she wants light-rail, but because she wants community members to clearly
2 understand the process that would have to happen to move away from enhanced bus.

3
4 Hal Johnson with UTA responded that the first step would be to amend the long-range
5 plan. The next step would be a feasibility study to consider the market, alignments, and
6 technology. An environmental study would also be involved. Mr. Johnson stated previous
7 studies have identified that Centerville, being a narrow corridor, would not provide sufficient
8 market for such an expensive investment. He stated he thinks the enhanced bus option fits well
9 with the market and what the community is looking for. The process to look at switching to light-
10 rail would take a decade or more to accomplish.

11
12 Dale McIntyre – Mr. McIntyre asked for clarification regarding bus priority in intersections
13 with the enhanced bus system. He commented that to him it seems less efficient for the
14 majority of traffic to give priority to buses. Mr. Sibul responded that efficiency depends on the
15 number of people riding the bus. Mr. Sibul also stated that priority for the buses may only be
16 necessary at certain hours of the day.

17
18 Garth Heer – Mr. Heer suggested the same technology that would allow the buses to go
19 first could be used to let buses follow the rest of traffic. He stated he is happy that tracks will not
20 be put on Main Street. Mr. Heer commented that Centerville is a bottleneck, and suggested
21 building a raised road through the Great Salt Lake similar to “alligator alley” in Florida. He also
22 stated that converting locomotives/buses to electric power does not eliminate coal burning. Mr.
23 Heer suggested natural gas conversion, which would not contribute to pollution. He stated he
24 feels existing government regulations are a barrier to natural gas conversion. He feels natural
25 gas vehicle conversion would complement the efforts to clear-up road congestion.

26
27 Kadin Mercer – Mr. Mercer mentioned that bus stops on 400 East and other residential
28 streets are dark at night, and asked if lighting could be added to stops on other streets in
29 conjunction with the enhanced bus service improvements on Main Street.

30
31 Jeff Thomas – Mr. Thomas asked if UTA has considered variable speeds for
32 FrontRunner trains in the rail corridor to allow for more stops. Referring to the plan to replace
33 the drainage culvert west of Lund Lane under the railroad tracks, he asked if it would be
34 possible for UDOT to fund the upgrade of the pipe instead of the City. Mr. Thacker responded
35 that the cost-sharing agreement in place with the developer only pertains to the culvert under
36 the railroad tracks, not I-15. Staff has talked to UDOT about replacing the culvert under I-15 as
37 part of the upcoming express-lane project. Mr. Thomas asked if the City has talked to
38 Farmington about sharing the cost since the culvert is right on the city border. Mr. Thacker
39 stated that the drainage culvert in question is designed to primarily take care of drainage from
40 Lone Creek, which is in Centerville.

41
42 In response to Mr. Thomas's question regarding variable speeds for FrontRunner, Mr.
43 Sibul stated that double tracking and electrification would allow a more tailored service in the
44 future.

45
46 William Ince – Mr. Ince commented that parking is often inadequate at FrontRunner
47 stations, and asked if feeder bus routes will be included in Centerville and Farmington. Kent
48 Jorgensen with UTA responded that UTA planners are always looking at new options and
49 connections. Mr. Jorgensen mentioned that in South Davis, being so close to Salt Lake already,
50 drivers often have a tendency to drive all the way into Salt Lake rather than drive to a
51 FrontRunner station.

1 Rob Oakes – Mr. Oakes asked how standard and express bus routes will be impacted
2 by the move to enhanced bus service. He also asked the likelihood of seeing the improved rail
3 services that have been mentioned. Greg Scott with WFRC stated that enhanced bus service
4 will make existing routes a little faster because of fewer stops. Enhanced bus service is about
5 reliability, not speed. Outside of Centerville, dedicated bus lanes may help speed service. Mr.
6 Sibul responded to the question regarding the likelihood of accomplishing the improved rail
7 services by stating that improvements assume additional funding.

8
9 Paul Russell – Mr. Russell expressed gratitude for the bus service. He feels public
10 transit is an important option, particularly in the winter because of poor air quality.

11
12 At 8:52 p.m. Mayor Cutler closed the public comment period, and called a brief recess.
13 The Council returned at 9:04 p.m.

14
15 **MINUTES REVIEW AND APPROVAL**

16
17 The minutes of the Tuesday, January 21, 2014 work session and Council meeting were
18 reviewed. Mayor Cutler requested an amendment to the work session minutes, and
19 Councilman Wright requested two amendments to the Council meeting minutes. Councilman
20 Higginson made a **motion** to approve both sets of minutes as amended. Councilwoman Ivie
21 seconded the motion, which passed by unanimous vote (5-0).

22
23 **SUMMARY ACTION CALENDAR**

- 24
25 a. Approve request for extension of Woods Park Subdivision final plat
26 b. Approve submittal of CLG grant application

27
28 Councilman Wright made a **motion** to approve item (a) on the Summary Action
29 Calendar subject to a specific date of June 12, 2014 to record the final plat, and item (b) on the
30 Summary Action Calendar. Councilman Higginson seconded the motion, which passed by
31 unanimous vote (5-0).

32
33 **PUBLIC HEARING – REZONE COMMUNITY PARK EXPANSION PROPERTY – 1250**
34 **NORTH 800 WEST**

35
36 Councilman Wright suggested rescheduling the public hearing since the time listed on
37 the agenda for this item was significantly earlier, and most of the public in attendance already
38 left. Mayor Cutler responded that a lot of public input has already been received regarding the
39 Community Park expansion, and he feels the rezone is an administrative action. City Manager
40 Thacker added that no public comments were made when the Planning Commission held a
41 public hearing for the rezone.

42
43 At 9:11 p.m. Mayor Cutler opened the public hearing. Seeing that no one wished to
44 comment, the Mayor closed the public hearing. Mayor Cutler asked if any Council members
45 have heard concerns about the rezone from community members. Council members did not
46 indicate they had received any negative feedback about the rezone. Mr. Thacker reported that
47 Bruce Cox recently met with residents in Chase Lane Village at their annual Homeowner's
48 Association meeting to give an opportunity for feedback. Councilman Wright repeated he feels
49 it is important to give an opportunity for public comment as advertised.
50

1 Councilwoman Fillmore made a **motion** to approve Ordinance No. 2014-02 amending
2 the Zone Map (rezone) for property being used for the expansion of the Centerville Community
3 Park, from A-L (Agricultural-Low) to PF-L (Public Facility-Low). Councilman Averett seconded
4 the motion. Councilman Higginson stated he feels there has been ample opportunity for public
5 comment on the issue. The motion passed by majority vote (4-1), with Councilman Wright
6 dissenting.

7
8 **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENTS – NOTICING AND**
9 **PUBLIC HEARING REQUIREMENTS**

10
11 Councilman Wright suggested tabling the discussion of the Zoning Ordinance text
12 amendment and public hearing to allow public comment earlier in the next meeting.
13 Councilman Higginson expressed the opinion that, since the public had opportunity to comment
14 on the issue in Planning Commission meetings, ample opportunity has been given.
15 Councilwoman Fillmore pointed out that the discussion times stated on the agenda are
16 tentative. The Council and staff discussed times on the agenda and noticing of public hearing
17 requirements.

18
19 Councilwoman Fillmore made a **motion** to table discussion and public hearing for the
20 Zoning Ordinance text amendments to the next Council meeting. Councilman Wright seconded
21 the motion, which passed by majority vote (3-2), with Councilmen Averett and Higginson
22 dissenting.

23
24 **PLANNING COMMISSION RECOMMENDATION FOR PUBLIC PROCESS TO**
25 **AMEND THE WEST CENTERVILLE NEIGHBORHOOD PLAN**

26
27 Cory Snyder, Community Development Director, explained the process proposed by the
28 Planning Commission for updating the West Centerville Neighborhood Plan, and the proposal to
29 create a committee to address public outreach, public stakeholder discussions, transportation,
30 and outside resources. Mr. Snyder answered questions from the Council. Councilman Wright
31 suggested the proposed committee address crime prevention and vulnerability in the area. Staff
32 explained how the proposed analysis would affect any applications that have already been
33 submitted. Councilwoman Fillmore mentioned that the Council has the legislative authority to
34 place a TZRO on the area if development pressure is expected that would be counter to the
35 plan in motion. The Council and staff discussed the schedule for the West Centerville
36 Neighborhood Plan and possible composition of the committee. Councilman Averett expressed
37 the opinion that it would make sense to place a moratorium sooner than later.

38
39 Councilman Wright made a **motion** directing staff to prepare the types of documents
40 that would allow a temporary zoning ordinance, and other actions to coincide with the planning
41 initiative the Council has discussed. Councilwoman Fillmore seconded the motion, which
42 passed by unanimous vote (5-0).

43
44 **ACTIONS RELATING TO CONSTRUCTION OF MAIN/PARRISH INTERSECTION**
45 **PROJECT**

- 46
47 a. Steve Thacker, City Manager, explained and answered questions regarding the
48 proposed construction engineering management contract for the Main/Parrish
49 intersection project. Councilman Higginson made a **motion** to approve the contract
50 for Construction Engineering Management services relating to the construction of the
51 Parrish & Main Intersection Project, with Horrocks Engineering, Inc. in the maximum

amount of \$117,855.25. Councilman Averett seconded the motion, which passed by majority vote (3-2), with Council members Wright and Ivie dissenting.

- b. During the January 21, 2014 Council meeting, the Council approved subdivision of a portion of City-owned property on Main Street needed by UDOT for the Main/Parrish Intersection Project. The Council discussed retaining the remaining City-owned property not needed for the project, versus selling the whole portion to UDOT or offering to sell the property to the property owners. Councilwoman Fillmore made a **motion** to approve sale of approximately 553 square feet of City-owned property to UDOT for the Parrish & Main Intersection Project, for the amount of \$6.25 per square foot, or an estimated amount of \$3,456. The motion was seconded by Councilman Higginson and passed by majority vote (3-2), with Council members Wright and Ivie dissenting. The City Manager was directed to offer the remainder of the City-owned strip of property for purchase by the adjoining property owners.
- c. Councilwoman Fillmore made a **motion** to authorize the 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. The motion was seconded by Councilman Higginson and passed by majority vote (3-2), with Council members Wright and Ivie dissenting.

MAYOR'S REPORT

- Mayor Cutler updated the Council regarding staffing changes made by the UTOPIA Board, upcoming litigation involving UTOPIA, and a proposed Council work session with Macquarie on Thursday, February 13th.
- The Mayor reported on a Utah League of Cities and Towns Legislative Policy Committee meeting he attended.

MISCELLANEOUS BUSINESS

- Councilwoman Ivie shared a concern expressed to her at a recent Landmarks Commission meeting that a lot of behind-the-scenes work will be necessary for the 2015 Centennial celebration. A suggestion was made for a recommended reading list to be compiled for use by the schools in conjunction with the celebration.
- Councilman Wright told staff of a concern the Whitaker Museum Board has regarding the purchase of a computer. Blaine Lutz, Finance Director, stated he would look into the concern. Councilman Wright also expressed a desire to have a policy in place regarding providing feedback to citizens following complaints.
- Councilman Higginson asked if the Council and Planning Commission have any control over the types of businesses that come into the community. Lisa Romney, City Attorney, responded that the Council has the authority to amend the Zoning Code Ordinances and the General Plan regarding acceptable land use types, but not specific businesses as long as these fall within the permitted uses per the zone in place.
- Councilwoman Ivie shared a concern from a citizen regarding the City's policy for plowing snow in cul-de-sacs. Mr. Thacker explained the reasons for the policy.

APPOINTMENT

Mayor Cutler recommended that Diane Chamberlain be appointed to the Whitaker Museum Board. Councilman Wright made a **motion** to appoint Diane Chamberlain to the

Whitaker Museum Board. The motion was seconded by Councilwoman Ivie and passed by unanimous vote (5-0).

ADJOURNMENT

At 11:09 p.m. Councilman Higginson made a **motion** to adjourn. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/18/2014

Item No. 2.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:15

SUBJECT

- a. Consider approval of Resolution No. 2014-07 regarding updates to the City's Electronic Meetings Policy for Public Meetings
- b. Consider approval of Resolution No. 2014-08 regarding updates to the City's Minutes Approval Policy for Public Bodies
- c. Consider approval of use of Contingency funds in the amount of \$4,985 for upgrade of GIS computer system

RECOMMENDATION

- a. Approve Resolution No. 2014-07 regarding updated Electronic Meetings Policy for Public Meetings.
- b. Approve Resolution No. 2014-08 regarding updated Minutes Approval Policy for Public Bodies.
- c. Approve Use of Contingency funds in the amount of \$4,985 for upgrade of GIS computer system.

BACKGROUND

- a. Electronic Meetings Policy. Staff has reviewed the City's Electronic Meetings Policy for compliance with State law requirements as set forth in Section 52-4-207 of the Utah Open Meetings Act. A copy of Section 52-4-207 is attached for your review. Some minor revisions and formatting updates have been made to the policy based on this review. As requested by the City Council, Staff has also broadened the policy to apply to all commissions, boards and committees of the City. So long as the provisions of the policy are met, such as notice, anchor location and technology requirements, all boards and committees of the City will be allowed to convene and conduct electronic meetings, as necessary. A copy of the new proposed Electronic Meetings Policy is attached. A copy of the current Electronic Meetings Policy is also attached for comparison purposes. Staff recommends approval of Resolution No. 2014-07 adopting the updated Electronic Meetings Policy.
- b. Minutes Approval Policy. Staff has reviewed the City's Minutes Approval Policy for compliance with State law requirements, including recent amendments to the Utah Open and Public Meetings Act provisions regarding recordings and written minutes requirements for public meetings as set forth in SB 77 from the 2013 General Session. A copy of the redline version of SB 77 is attached. SB 77 requires that recordings of open meetings of public bodies of the City must be available to the public within 3 days from the date of the meeting. SB 77 also requires that pending minutes in draft form of City Council meetings must be available to the public within 30

days from the date of the City Council meeting and final approved minutes of the City Council must be available within 3 days from the date of the meeting. The City has been complying with these requirements of SB 77, but such practice and procedures need to be updated in the policy provisions. These and other revisions and updates have been made to the City's Minutes Approval Policy as attached. A copy of the original Minutes Approval Policy is also attached for comparison purposes. Staff recommends approval of Resolution No. 2014-08 adopting the updated Minutes Approval Policy.

c. Use of Contingency Funds. Of all the departments or employees, Mike Smith, GIS Specialist, has the greatest need for leading technology. By its nature GIS requires extensive processing. The FY 2013 GIS department budget included \$5,000 for computer upgrade and monitors. In late June 2013, instead of expending the budget on dated technology that would not serve his purposes well, Mike decided to delay the purchase as new technology was to be released in the coming months. He discussed this potential with Blaine, who agreed that it was the prudent thing to do. This was after the FY 2014 Budget was adopted; otherwise the recommendation would have been made to re-appropriate the funding. There will be a need to consider this and other amendments to the FY 2014 Budget prior to June 30th. If approved, we will include this amendment at that time. Currently, the recommended funding source would be contingency; however, there may be other savings available in other departments that can be utilized. The Council contingency is \$47,379. Other potential budget amendments will need to be considered for the Centennial Book, Fire District Assessment, and emergency repair of the Parks building door.

ATTACHMENTS:

Description

- D Resolution No. 2014-07
- D Electronic Meetings Policy-Updated
- D Electronic Meetings Policy-Current
- D UCA 52-4-207
- D Resolution No. 2014-08
- D Minutes Approval Policy-Updated
- D Minutes Approval Policy-Current
- D SB 77
- D GIS Computer

RESOLUTION NO. 2014-07

**A RESOLUTION OF THE CENTERVILLE CITY COUNCIL ADOPTING
UPDATED ELECTRONIC MEETINGS POLICY REGARDING
GUIDELINES AND PROCEDURES FOR THE CONVENING OF
ELECTRONIC MEETINGS HELD BY PUBLIC BODIES OF THE CITY IN
ACCORDANCE WITH THE UTAH OPEN AND PUBLIC MEETINGS ACT**

WHEREAS, the City Council has previously adopted the Electronic Meetings Policy establishing and implementing procedures for the convening of electronic meetings held by public bodies of the City in accordance with and subject to the requirements of the Utah Open Meetings Act; and

WHEREAS, the City Council desires to adopt the Electronic Meetings Policy as more particularly set forth herein updating and revising procedures for the convening of electronic meetings held by public bodies of the City in accordance with and subject to the requirements of the Utah Open Meetings Act; and

WHEREAS, the City Council finds that the adoption of the Electronic Meetings Policy as set forth herein is in the best interest of the City and the public which it serves to ensure that electronic meetings held by public bodies of the City are in compliance with the Utah Open and Public Meetings Act.

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

Section 1. Adoption. The City Council hereby adopts the Electronic Meetings Policy as more particularly set forth in **Exhibit "A,"** attached hereto and incorporated herein by reference.

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS _____ DAY OF FEBRUARY 18th, 2014.**

CENTERVILLE CITY

ATTEST:

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

EXHIBIT "A"
ELECTRONIC MEETINGS POLICY



CENTERVILLE CITY ELECTRONIC MEETINGS POLICY

February 14, 2014

This Electronic Meetings Policy sets forth guidelines and procedures for the convening and conduct of electronic meetings held by various councils, commission, boards and committees of the City. This Policy is intended to comply with all applicable provisions of Utah law, including, but not limited to, the Utah Open Meetings Act as set forth in *Utah Code Ann. §§ 52-4-101, et seq.*

Electronic Meetings Policy

- 010. Purpose and Scope.
- 020. Compliance by Public Bodies.
- 030. Applicability.
- 040. Authority to Conduct Electronic Meetings.
- 050. Public Notice of Electronic Meetings.
- 060. Member Notice of Electronic Meetings.
- 070. Electronic Communication Requirements.
- 080. Anchor Location.
- 090. Procedures.
- 100. Participation.
- 110. Agenda Statement.
- 120. No Separate Right of Action.

010. Purpose and Scope.

The purpose of this Policy is to establish guidelines and procedures for various councils, commissions, boards and committees of the City to convene and conduct electronic meetings. It is the intent of this policy to comply with applicable provisions and requirements of *Utah Code Ann. § 52-4-207*, as amended, regarding the authority of public bodies to conduct electronic meetings.

020. Compliance by Public Bodies.

Each public body of the City is subject to the requirements of the Utah Open Meetings Act and shall comply with the provisions of this Policy regarding the convening or conducting of an electronic meeting. As set forth in *Utah Code Ann. § 52-4-103*, as amended, "public body" is defined as any administrative, advisory, executive, or legislative body of the City that: (1) is created by the Utah Constitution, statute, rule, ordinance, or resolution; (2) consists of two or more persons; (3) expends, disburses, or is supported in whole or in part by tax revenue; and (4) is vested with the authority to make decisions regarding the public's business.

030. Applicability.

The provisions of this Policy shall apply to the following boards and committees of the City, as well as any other board or committee that meets the definition of "public body" as defined in Section 020: City Council, Planning Commission, Board of Adjustment, Parks and Recreation Committee, Trails Committee, Landmarks Commission and Whitaker Museum Board.

Electronic Meetings Policy

040. Authority to Conduct Electronic Meetings.

Public bodies of the City are authorized to conduct an electronic meeting so long as such meeting meets the procedures and requirements of this Policy, including notice of the electronic meeting and all technological requirements set forth herein. Electronic meetings of public bodies shall also comply with applicable provisions of *Utah Code Ann.* § 52-4-207, as amended.

050. Public Notice of Electronic Meeting.

The public body convening or conducting an electronic meeting shall provide public notice of the meeting in accordance with *Utah Code Ann.* § 52-4-202, as amended, and shall post written notice of the meeting at the anchor location.

060. Member Notice of Electronic Meeting.

In addition to the public notice provided in accordance with Section 050, the public body convening or conducting an electronic meeting shall provide notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present. Notice to members shall also include a description of how the members will be connected to the electronic meeting.

070. Electronic Communication Requirements.

For purposes of this Policy, an electronic meeting means a meeting of a public body convened or conducted by means of a conference using electronic communications. In order to conduct an electronic meeting, there must be sufficient and working facilities and technology at the anchor location so that all participants of the meeting have the ability to communicate with all other members of the public body, either verbally or electronically, and so that each member of the public body can hear or observe the communication. The number of separate connections for an electronic meeting may be restricted based on available equipment capabilities. Connections shall be approved based on priority of request and for members of the public body.

080. Anchor Location.

Anchor location means a physical location where the public body normal meets and where facilities and technology are provided for electronic communication. For most public bodies of the City, the Centerville City Offices, located at 250 North Main Street, Centerville, Utah, 84014, shall be considered the anchor location. Appropriate space and facilities shall be provided at the anchor location of the meeting so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

Electronic Meetings Policy

090. Procedures.

The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. The chair of the meeting shall confirm that the non-present members are connected via electronic means. Recording and minutes shall be kept for the meeting in accordance with the requirements of the Open and Public Meetings Act. If voting is required for any action, a roll call vote shall be taken so that the non-present member(s) vote may be counted and heard. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

100. Participation.

All interested parties shall be able to either hear public statements made by all members of the public body participating in the meeting, or be able to view and hear all members participating in the meeting. In addition, all interested parties shall be able to participate in the public hearing by having their voices or their voices and images conveyed live to all members of the public body. Care should be taken to ensure that participants verbalize their statements and responses so that non-present members may hear them. In addition, any and all visual aids and written material not available to the non-participating members should be verbally described. Nothing in this policy may be construed to interfere with reasonable accommodations made under the Americans with Disabilities Act.

110. Agenda Statement.

Each agenda for an electronic meeting shall include the following statement: *"Meetings of the Centerville City Council [Planning Commission, Board of Adjustment or Committee] 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."*

120. No Separate Right of Action.

The Provisions of this Policy are intended to provide guidelines for the convening of electronic meetings by the public bodies of the City in accordance with applicable law and shall not create a separate right of action by any third party for failure of the City or its public bodies to comply with the same. The City reserves the right to prohibit or limit electronic meetings based on budget, logistical or technological restraints and considerations.

CENTERVILLE CITY ELECTRONIC MEETINGS POLICY

1. Purpose. The purpose of this Policy is to establish written procedures governing electronic meetings in accordance with *Utah Code Ann.* § 52-4-207, as amended, permitting a public meeting held by the City Council, Planning Commission or Board of Adjustment to be convened or conducted by means of a conference using electronic communications.

2. Definitions. As used in this Policy, the following terms shall have the meaning set forth as follows:

(a) "Anchor location" means the physical location from which the electronic meeting originates or from which the participants are connected.

(b) "Electronic meeting" means a meeting of a public body convened or conducted by means of a conference using electronic communications.

(c) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communications.

(d) "Public body" means the Centerville City Council, Planning Commission or Board of Adjustment.

(e) "Public hearing" means a portion of a meeting at which comments from the public will be accepted.

(f) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

3. Notice. The public body may, by following the procedures and requirements of this Policy, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

(a) Give public notice of the meeting in accordance with *Utah Code Ann.* § 52-4-202, as amended, and other applicable provisions of the Utah State Code;

(b) Post written notice at the anchor location;

(c) Provide notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

(d) Provide a description of how the members will be connected to the electronic meeting.

4. Emergency Meeting. Pursuant to *Utah Code Ann. § 52-4-202(5)*, as amended, certain noticing requirements may be disregarded if because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature. In the event of an emergency meeting, the public body shall comply with the requirements of *Utah Code Ann. § 52-4-202(5)*, as amended.

5. Location. The Centerville City Offices, located at 250 North Main, Centerville, Utah, 84014, shall be considered the anchor location for purposes of this Policy. Space and facilities shall be provided at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting. If the meeting is a public hearing, space and facilities shall be provided at the anchor location so that interested persons and the public may attend, monitor and participate in the open portions of the meeting.

6. Procedures Governing Electronic Meeting. The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. The meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. The chair of the meeting shall confirm that the non-present members are connected via electronic means. Minutes shall be kept for the meeting in accordance with the requirements of the Open Meetings Law. If voting is required for any action, a roll call vote shall be taken so that the non-present member(s) vote may be counted and heard. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

7. Participation. All interested parties shall be able to either hear public statements made by all members of the public body participating in the meeting, or be able to view and hear all members participating in the meeting. In addition, all interested parties shall be able to participate in a public hearing by having their voices or their voices and images conveyed live to all members of the public body. Care should be taken to ensure that participants verbalize their statements and responses so that non-present members may hear them. In addition, any and all visual aids and written material not available to the non-participating members should be verbally described. Nothing in this policy may be construed to interfere with accommodations made under the Americans With Disabilities Act.

8. Statement. Each agenda for an electronic meeting shall include the following statement:

Meetings of the Centerville City Council [Planning Commission or Board of Adjustment] 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.

§ 52-4-207. Electronic meetings--Authorization--Requirements, UT ST § 52-4-207

West's Utah Code Annotated
Title 52. Public Officers
Chapter 4. Open and Public Meetings Act (Refs & Annos)
Part 2. Meetings

U.C.A. 1953 § 52-4-207

§ 52-4-207. Electronic meetings--Authorization--Requirements

Currentness

(1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may convene and conduct an electronic meeting in accordance with this section.

(2)(a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.

(b) The resolution, rule, or ordinance may:

(i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;

(ii) require a quorum of the public body to:

(A) be present at a single anchor location for the meeting; and

(B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;

(iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;

(iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or

(v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.

(3) A public body that convenes or conducts an electronic meeting shall:

(a) give public notice of the meeting;

§ 52-4-207. Electronic meetings--Authorization--Requirements, UT ST § 52-4-207

- (i) in accordance with Section 52-4-202; and
 - (ii) post written notice at the anchor location;
- (b) in addition to giving public notice required by Subsection (3)(a), provide:
- (i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
 - (ii) a description of how the members will be connected to the electronic meeting;
- (c) establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
- (d) provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; and
- (e) if comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
- (4) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Credits

Laws 2006, c. 14, § 35, eff. May 1, 2006; Laws 2007, c. 45, § 3, eff. April 30, 2007; Laws 2011, c. 31, § 1, eff. May 10, 2011.

U.C.A. 1953 § 52-4-207, UT ST § 52-4-207
Current through 2013 Second Special Session.

End of Document

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RESOLUTION NO. 2014-08

**A RESOLUTION OF THE CENTERVILLE CITY COUNCIL ADOPTING
UPDATED MINUTES APPROVAL POLICY REGARDING GUIDELINES
AND PROCEDURES FOR THE PREPARATION, REVIEW AND APPROVAL
OF MINUTES FOR PUBLIC MEETINGS HELD BY PUBLIC BODIES OF
THE CITY IN ACCORDANCE WITH THE UTAH OPEN AND PUBLIC
MEETINGS ACT**

WHEREAS, the City Council has previously adopted the Approval of Minutes Policy establishing and implementing procedures for the approval of written minutes for meetings of public bodies of the City in accordance with and subject to the requirements of the Utah Open Meetings Act; and

WHEREAS, in accordance with recent amendments to the Utah Open and Public Meetings Act, as amended by S.B. 77 in the 2013 General Session, the City Council desires to make certain revisions and updates to the City policies regarding the approval of written minutes for meetings held by its public bodies; and

WHEREAS, the City Council desires to adopt the Minutes Approval Policy as more particularly set forth herein updating and revising procedures for the approval of written minutes for meetings of public bodies of the City in accordance with and subject to the requirements of the Utah Open Meetings Act; and

WHEREAS, the City Council finds that the adoption of the Minutes Approval Policy as set forth herein is in the best interest of the City and the public which it serves to ensure that public meetings and the minutes of such meetings are in compliance with the Utah Open and Public Meetings Act.

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

Section 1. Adoption. The City Council hereby adopts the Minutes Approval Policy as more particularly set forth in **Exhibit "A,"** attached hereto and incorporated herein by reference.

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

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

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS _____ DAY OF FEBRUARY 18th, 2014.**

CENTERVILLE CITY

ATTEST:

Marsha L. Morrow, City Recorder

By: _____
Mayor Paul A. Cutler

EXHIBIT "A"
MINUTES APPROVAL POLICY



CENTERVILLE CITY MINUTES APPROVAL POLICY

February 13, 2014

This Minutes Approval Policy sets forth guidelines and procedures for the preparation, review and approval of minutes for public meetings held by various councils, commission, boards and committees of the City. This Policy is intended to comply with all applicable provisions of Utah law, including, but not limited to, the Utah Open Meetings Act as set forth in *Utah Code Ann. §§ 52-4-101, et seq.*

Minutes Approval Policy

- 010. Purpose and Scope.
- 020. Compliance by Public Bodies.
- 030. Applicability.
- 040. Recording of Meetings.
- 050. Availability of Recordings.
- 060. Written Minutes of Meetings.
- 070. Preparation and Availability of Pending Minutes.
- 080. Approval of Minutes by City Council.
- 090. Approval of Minutes by Planning Commission.
- 100. Approval of Minutes by Other Public Bodies.
- 110. Preparation and Availability of Written Minutes.
- 120. Written Minutes as Government Record.
- 130. No Separate Right of Action.

010. Purpose and Scope.

The purpose of this Policy is to establish guidelines and procedures for the preparation, review and approval of minutes and recordings of public meetings held by various councils, commissions, boards and committees of the City. It is the intent of this Policy to comply with applicable provisions and requirements of the Utah Open and Public Meetings Act, as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq.*, as amended, regarding the conduct of public meetings by public bodies of the State and its political subdivisions.

020. Compliance by Public Bodies.

Each public body of the City is subject to the requirements of the Utah Open Meetings Act and shall comply with the provisions of this Policy regarding the approval of minutes for public meetings. As set forth in *Utah Code Ann.* § 52-4-103, as amended, "public body" is defined as any administrative, advisory, executive, or legislative body of the City that: (1) is created by the Utah Constitution, statute, rule, ordinance, or resolution; (2) consists of two or more persons; (3) expends, disburses, or is supported in whole or in part by tax revenue; and (4) is vested with the authority to make decisions regarding the public's business.

030. Applicability.

The provisions of this Policy shall apply to the following boards and committees of the City, as well as any other board or committee that meets the definition of "public body" as defined in Section 020: City Council, Planning Commission, Board of Adjustment, Parks and Recreation Committee, Trails Committee, Landmarks Commission and Whitaker Museum Board.

Minutes Approval Policy

040. Recording of Meetings.

All public bodies of the City are required to prepare and maintain a recording of all public meetings. Except as otherwise provided by law, such recordings must be a complete and unedited record of all portions of the meeting from the commencement of the meeting through adjournment of the meeting. A recording is not required to be kept of an open meeting that is a site visit or traveling tour so long as no vote or action is taken by the public body during the site visit or tour. A recording is not required to be kept of a lawfully closed meeting held to discuss the character, professional competence, or physical or mental health of an individual or discussion regarding deployment of security personnel, devices or systems, so long as the person presiding signs a sworn statement affirming that the sole purpose of the meeting was to discuss such matters. All recordings must be properly labeled or identified with the date, time and place of the meeting.

050. Availability of Recordings.

Pursuant to *Utah Code Ann. § 52-4-203*, as amended, recordings of open meetings of City Council are required to be made available within three (3) business days after the City Council meeting. Although not required by law, it is Centerville City's policy to make recordings of all open public meetings of other public bodies of the City available to the public for listening within three (3) business days after the meeting to the extent practicable. The City Recorder shall coordinate the availability of recordings of public meetings as provided herein. Recordings of public meetings should be retained for a minimum of three (3) years from the date of the meeting.

060. Written Minutes of Meetings.

All public bodies of the City are required to prepare, approve and maintain written minutes of all open meetings of the public body. Public bodies may keep written minutes of closed portions of meetings as provided by law. Pursuant to *Utah Code Ann. § 52-4-203*, as amended, written minutes are required to include the following:

- (a) The date, time and place of the meeting;
- (b) The names of the members present and absent;
- (c) The substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
- (d) A record, by individual member, of each vote taken by the public body;

Minutes Approval Policy

- (e) The name of each person who is not a member of the public body, and after being recognized by the public body, provided testimony or comments to the public body;
- (f) The substance in brief of the testimony or comments provided by the public to the public body; and
- (g) Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording of the meeting.

070. Preparation and Availability of Pending Minutes.

The recording secretary for each public body shall prepare minutes of the meeting and submit such proposed minutes to the designated staff for review and processing. For purposes of this Policy, "pending minutes" means minutes of a public meeting that have been prepared in final draft form by the recording secretary, have been submitted to and reviewed by designated staff, are clearly marked as pending or preliminary, and are pending approval by the public body. Pursuant to *Utah Code Ann.* § 52-4-203, as amended, pending minutes of City Council meetings are required to be made available to the public within thirty (30) days after the City Council meeting. Although not required by law, it is Centerville City's policy to have pending minutes for the all other public bodies available within thirty (30) days from the date of the meeting to the extent practicable. The City is encouraged to prepare, approve and make available for public inspection written minutes of meetings as soon as reasonably practicable.

080. Approval of Minutes by City Council.

The City Council shall consider approval of written minutes at the next regularly scheduled City Council meeting following the completion and designation of the pending minutes. The City Council shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any pending minutes that are tabled for further review and/or corrections shall be scheduled on the next regularly scheduled City Council meeting agenda for final action.

090. Approval of Minutes by Planning Commission.

The Planning Commission shall consider approval of written minutes at the next regularly scheduled Planning Commission meeting following the completion of the pending minutes. The Planning Commission shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any pending minutes that are tabled for further review and/or corrections shall be scheduled on the next regularly scheduled Planning Commission meeting agenda for final action.

Minutes Approval Policy

100. Approval of Minutes by Other Public Bodies.

Public bodies of the City, other than the City Council and Planning Commission, may not meet on a regularly scheduled basis or meet less often than once a month. Given the potential for significant time period between meetings of these other bodies, the following procedures are provided for a more efficient and timely process for the approval of written minutes.

(a) If the public body has a meeting scheduled within thirty-five (35) days following the completion of the pending minutes in final form, the public body shall consider the minutes for approval at such next immediately scheduled meeting. If presented at the next immediately scheduled meeting, the public body shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any pending minutes that are tabled for further review and/or corrections shall be approved within thirty-five (35) days from the date of such action to table in accordance with the provisions of this Section.

(b) If the public body does not have a meeting scheduled within thirty-five (35) days following the completion of the pending minutes in final form, the City Recorder or other designee, shall provide each member of the public body with a copy of the minutes for review. Such minutes may be provided to the members of the public body electronically or by hard copy, as determined by the City. Members of the public body shall have seven (7) days to review and provide the City Recorder with any corrections to the minutes. If corrections to the pending minutes are made by any member, a new revised draft version shall be sent out to the members, who shall have another seven (7) days to review and revise the draft minutes. If the City Recorder does not hear back from any members of the public body with corrections to the pending minutes, or revised pending minutes, the minutes shall be deemed approved by the public body and shall thereafter become the official record of the meeting.

110. Preparation and Availability of Approved Minutes.

The recording secretary for each public body shall prepare the final minutes as approved by the public body and submit the approved minutes to the City Recorder for posting and retention. Pursuant to *Utah Code Ann.* § 52-4-203, as amended, approved minutes of an open meeting of the City Council are required to be made available to the public within three (3) business days after the City Council meeting at which the minutes were approved. The City Recorder, or his or her designee, shall make such approved minutes of the City Council available to the public within the required three (3) business days from the date of the meeting by posting the minutes on the Utah Public Notice Website created under Utah Code Ann. 63F-1-701, as amended, and making such approved minutes and any public materials distributed at the meeting available to the public at City Hall. Although not required by law, the recording secretaries and City Recorder are encouraged to have written minutes for all other public bodies of the City available to the public within three (3) days from the date of the meeting at which the minutes were approved to the extent practicable.

Minutes Approval Policy

120. Written Minutes as Government Record.

Pending minutes, approved minutes, and a recording of an open public meeting are public records under the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann. §§ 63G-2-101, et seq.*, as amended. Closed meeting minutes or recordings are protected records under the Utah Government Records Access and Management Act. Once approved, or deemed approved and accepted, written minutes are the official record of the meeting. Written minutes shall be retained, classified, managed and accessed in accordance with applicable provisions of the Utah Government Records Access and Management Act and the Utah Open and Public Meetings Act. Pursuant to the Utah Municipal General Records Retention Schedule, minutes of public meetings are to be retained permanently and may be archived with the Utah State Archives.

130. No Separate Right of Action.

The Provisions of this Policy are intended to provide guidelines for the preparation and approval of minutes by the public bodies of the City in accordance with applicable law and shall not create a separate right of action by any third party for failure of the City or its public bodies to comply with the same.

CENTERVILLE CITY APPROVAL OF MINUTES POLICY

1. Utah Open and Public Meetings Act.

- a. The Utah Legislature has adopted the Open and Public Meetings Act, as set forth in *Utah Code Ann.* §§ 52-4-101, *et seq.*, as amended, regarding the conduct of public meetings by public bodies of the State or its political subdivisions.
- b. Each public body of the City is subject to the requirements of the Utah Open Meetings Act and shall comply with the provisions of this Policy regarding the approval of minutes for public meetings.

2. Definitions.

- a. As set forth in *Utah Code Ann.* § 52-4-103, as amended, "public body" means, and this Policy is applicable to, any administrative, advisory, executive, or legislative body of the City that: (1) is created by the Utah Constitution, statute, rule, ordinance, or resolution; (2) consists of two or more persons; (3) expends, disburses, or is supported in whole or in part by tax revenue; and (4) is vested with the authority to make decisions regarding the public's business.
- b. For purposes of this Policy, all other terms and definitions set forth in *Utah Code Ann.* § 52-4-103, as amended, are adopted herein by this reference.

3. Written Minutes and Recording of Meetings Required.

Except as otherwise provided by law, written minutes and a recording shall be kept of all open meetings of the public bodies of the City.

4. Recording of Meetings.

- a. Except as otherwise provided by law, a recording of an open meeting shall be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting.
- b. All recordings shall be properly labeled or identified with the date, time and place of the meeting.
- c. Pursuant to *Utah Code Ann.* § 52-4-203, as amended, a recording of an open meeting of a public body of the City shall be available to the public for listening within three (3) business days after the end of the meeting.

5. Substance of Minutes.

Pursuant to *Utah Code Ann.* § 52-4-203, as amended, written minutes of the meetings of public bodies of the City shall include the following:

- a. The date, time and place of the meeting;
- b. The names of the members present and absent;
- c. The substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
- d. A record, by individual member, of each vote taken by the public body;
- e. The name of each person who is not a member of the public body, and after being recognized by the public body, provided testimony or comments to the public body;
- f. The substance in brief of the testimony or comments provided by the public to the public body; and
- g. Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording of the meeting.

6. Reasonable Time -- Exceptions.

- a. Pursuant to the Utah Open and Public Meetings Act, written minutes are to be available to the public within a reasonable time after the end of the meetings.
- b. The Utah Supreme Court, in interpreting and applying the provisions of the Open and Public Meetings Act has noted that what is a reasonable time to prepare written minutes of a public body depends on the facts of each case and varies with the exigencies of the particular case. *Conover v. Board of Education of Nebo School Dist.*, 267 P.2d 768 (Utah 1954). In *Conover*, the Court further noted that the time for preparation and dissemination of written minutes of a meeting is directly proportional to the importance of the action taken.
- c. Notwithstanding any provision of this Policy to the contrary, written minutes of the meetings of the public bodies of the City shall be prepared, approved and available for public inspection within a reasonable time from the date of the meeting. What is a reasonable time for the preparation, approval and/or public inspection of minutes will depend on the applicable facts and circumstances.
- d. The City is encouraged to prepare, approve and make available for public inspection written minutes of meetings as soon as reasonably practicable. Based

on certain circumstances, such as appeal proceedings, effective date of action, etc., draft minutes in final form may be made available to the public sooner than the dates and time frames set forth in this Policy.

- e. Based on certain circumstances, such as the length of the meeting, the amount of public comment, the importance of the action taken, etc., draft minutes in final form may not be made available to the public within the dates and time frames set forth in this Policy, but shall be prepared and made available within a reasonable time from the date of the meeting.

7. Approval of Minutes by City Council.

- a. Except as otherwise provided by law, written minutes shall be prepared for all public meetings of the City Council.
- b. Draft written minutes in final form shall be prepared by the City within ten (10) days from the date of the City Council meeting.
- c. Draft written minutes in final form shall be clearly labeled as draft, preliminary, unapproved, or with some other appropriate language indicating that the written minutes are in draft form and are subject to change until formally approved by the City Council.
- d. The City Council shall consider the draft minutes for approval at the next regularly scheduled City Council meeting following the completion of the draft minutes in final form.
- e. The City Council shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any draft minutes that are tabled for further review and/or corrections shall be scheduled on the next regularly scheduled City Council meeting agenda for final action.
- f. Once the meeting minutes are approved by the City Council, the City Recorder shall prepare, execute, and file the final version of the meeting minutes in the official records of the City.

8. Approval of Minutes by Planning Commission.

- a. Except as otherwise provided by law, written minutes shall be prepared for all public meetings of the Planning Commission.
- b. Draft written minutes in final form shall be prepared by the City within ten (10) days from the date of the Planning Commission meeting.

- c. The draft written minutes in final form shall be clearly labeled as draft, preliminary, unapproved, or with some other appropriate language indicating that the written minutes are in draft form and are subject to change until formally approved by the Planning Commission.
- d. The Planning Commission shall consider the draft minutes for approval at the next regularly scheduled Planning Commission meeting following the completion of the draft minutes in final form.
- e. The Planning Commission shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any draft minutes that are tabled for further review and/or corrections shall be scheduled on the next regularly scheduled Planning Commission meeting agenda for final action.
- f. Once the meeting minutes are approved by the Planning Commission, the City Recorder shall prepare, execute, and file the final version of the meeting minutes in the official records of the City.

9. Approval of Minutes by Other Public Bodies.

- a. Except as otherwise provided by law, written minutes shall be prepared for all public meetings of other public bodies of the City (i.e., all public bodies of the City other than the City Council and the Planning Commission).
- b. The policies and procedures set forth in this Section for the approval of minutes for other public bodies is necessary due to the fact that such other bodies of the City do not meet on a regularly scheduled basis or meet less often than once a month. Given the significant time period between meetings of these other bodies, a more efficient and timely policy is necessary for the approval of written minutes.
- c. Draft minutes in final form shall be prepared by the City within ten (10) days from the date of the meeting of the public body.
- d. Draft minutes in final form shall be clearly labeled as draft, preliminary, unapproved, or with some other appropriate language indicating that the written minutes are in draft form and are subject to change until formally approved by the public body.
- e. If the public body has a meeting scheduled within thirty-five (35) days following the completion of the draft minutes in final form, the public body shall consider the draft minutes for approval at such next immediately scheduled meeting.

- f. If presented at the next immediately scheduled meeting, the public body shall approve the minutes as presented, approve the minutes with amendments, or table action on the minutes for further review and/or corrections. Any draft minutes that are tabled for further review and/or corrections shall be approved within thirty-five (35) days from the date of such action to table in accordance with the provisions of this Section.
- g. If the public body does not have a meeting scheduled within thirty-five (35) days following the completion of the draft minutes in final form, the City Recorder or other designee, shall provide each member of the public body with a copy of the minutes for review. Such draft minutes may be provided to the members of the public body electronically or by hard copy, as determined by the City.
- h. Members of the public body shall have seven (7) days to review and provide the City Recorder with any corrections to the minutes. If corrections to the draft minutes are made by any member, a new revised draft version shall be sent out to the members, who shall have another seven (7) days to review and revise the draft minutes.
- i. If the City Recorder does not hear back from any members of the public body with corrections to the draft minutes, or revised draft minutes, the draft minutes shall be deemed approved by the public body and shall thereafter become the official record of the meeting.
- j. Once approved or deemed approved, the City Recorder shall prepare, execute, and file the final version of the meeting minutes in the official records of the City.

10. Minutes as Government Record.

- a. Written minutes and recording of an open meeting are public records under the Utah Government Records Access and Management Act, as set forth in *Utah Code Ann.* §§ 63G-2-101, *et seq.*, as amended. Minutes shall be retained, classified, managed and accessed in accordance with applicable provisions of the Utah Government Records Access and Management Act and the Utah Open and Public Meetings Act.
- b. Pursuant to *Utah Code Ann.* § 52-4-203, as amended, written minutes that have been prepared in final draft form awaiting only formal approval by the public body are a public record. Thus, once draft minutes have been prepared by the City in final form, the minutes shall be deemed a public record and shall be made available to the public even though they have not yet been formally approved by the public body. Such draft minutes must be properly labeled as such in accordance with the provisions of this Policy prior to release to the public.
- c. Once approved or deemed approved and accepted, written minutes are the official record of action taken by the public body at the meeting.

11. No Separate Right of Action.

The Provisions of this Policy are intended to provide guidelines for the preparation and approval of minutes by the public bodies of the City in accordance with applicable law and shall not create a separate right of action by any third party for failure of the City or its public bodies to comply with the same.

AVAILABILITY OF GOVERNMENT INFORMATION

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Craig Hall

LONG TITLE

General Description:

This bill modifies provisions relating to the availability of government information.

Highlighted Provisions:

This bill:

- requires certain public bodies to post minutes and audio recordings of meetings on the Utah Public Notice Website;
- modifies provisions regarding the manner and time of making minutes public;
- modifies a provision relating to the Utah Public Notice Website to make conforming changes; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-203, as last amended by Laws of Utah 2009, Chapter 137

63F-1-701, as last amended by Laws of Utah 2010, Chapter 138

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

Section 1. Section **52-4-203** is amended to read:

52-4-203. Written minutes of open meetings -- Public records -- Recording of

30 meetings.

31 (1) Except as provided under Subsection (7), written minutes and a recording shall be
32 kept of all open meetings.

33 (2) Written minutes of an open meeting shall include:

34 (a) the date, time, and place of the meeting;

35 (b) the names of members present and absent;

36 (c) the substance of all matters proposed, discussed, or decided by the public body

37 which may include a summary of comments made by members of the public body;

38 (d) a record, by individual member, of each vote taken by the public body;

39 (e) the name of each person who:

40 (i) is not a member of the public body; and

41 (ii) after being recognized by the presiding member of the public body, provided

42 testimony or comments to the public body;

43 (f) the substance, in brief, of the testimony or comments provided by the public under

44 Subsection (2)(e); and

45 (g) any other information that is a record of the proceedings of the meeting that any

46 member requests be entered in the minutes or recording.

47 (3) A recording of an open meeting shall:

48 (a) be a complete and unedited record of all open portions of the meeting from the

49 commencement of the meeting through adjournment of the meeting; and

50 (b) be properly labeled or identified with the date, time, and place of the meeting.

51 ~~[(4) The written minutes and recording of an open meeting are public records under~~

52 ~~Title 63G, Chapter 2, Government Records Access and Management Act, as follows:]~~

53 ~~[(a) Written minutes that have been prepared in a form awaiting only formal approval~~

54 ~~by the public body are a public record.]~~

55 ~~[(b) Written minutes shall be available to the public within a reasonable time after the~~

56 ~~end of the meeting.]~~

57 ~~[(c) Written minutes that are made available to the public before approval by the public~~

body under Subsection (4)(d) shall be clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the written minutes are subject to change until formally approved.]

(4) (a) As used in this Subsection (4):

(i) "Approved minutes" means written minutes:

(A) of an open meeting; and

(B) that have been approved by the public body that held the open meeting.

(ii) "Pending minutes" means written minutes:

(A) of an open meeting; and

(B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.

(iii) "Specified local public body" means a legislative body of a county, city, or town.

(iv) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.

(v) "Website" means the Utah Public Notice Website created under Section 63F-1-701.

(b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.

(c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.

(d) A state public body shall:

(i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes of an open meeting, post to the website and make available to the public at the public body's primary office a copy of the approved minutes and any public materials distributed at the meeting; and

(iii) within three business days after holding an open meeting, post on the website an audio recording of the open meeting, or a link to the recording.

86 (e) (i) A specified local public body shall:

87 (A) make pending minutes available to the public within 30 days after holding the open
88 meeting that is the subject of the pending minutes;

89 (B) subject to Subsection (4)(e)(ii), within three business days after approving written
90 minutes of an open meeting, post to the website and make available to the public at the public
91 body's primary office a copy of the approved minutes and any public materials distributed at
92 the meeting; and

93 (C) within three business days after holding an open meeting, make an audio recording
94 of the open meeting available to the public for listening.

95 (ii) A specified local public body of a city of the fifth class or town is encouraged to
96 comply with Subsection (4)(e)(i)(B) but is not required to comply until January 1, 2015.

97 (f) A public body that is not a state public body or a specified local public body shall:

98 (i) make pending minutes available to the public within a reasonable time after holding
99 the open meeting that is the subject of the pending minutes;

100 (ii) within three business days after approving written minutes, make the approved
101 minutes available to the public; and

102 (iii) within three business days after holding an open meeting, make an audio recording
103 of the open meeting available to the public for listening.

104 ~~[(d)]~~ (g) A public body shall establish and implement procedures for the public body's
105 approval of the written minutes of each meeting.

106 ~~[(e) Written]~~ (h) Approved minutes of an open meeting are the official record of
107 ~~[action taken at]~~ the meeting.

108 ~~[(f) A recording of an open meeting shall be available to the public for listening within~~
109 ~~three business days after the end of the meeting.]~~

110 (5) All or any part of an open meeting may be independently recorded by any person in
111 attendance if the recording does not interfere with the conduct of the meeting.

112 (6) The written minutes or recording of an open meeting that are required to be
113 retained permanently shall be maintained in or converted to a format that meets long-term

114 records storage requirements.

115 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

116 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
117 by the public body; or

118 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
119 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
120 Special Service District Act, if the district's annual budgeted expenditures for all funds,
121 excluding capital expenditures and debt service, are \$50,000 or less.

122 Section 2. Section **63F-1-701** is amended to read:

123 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

124 (1) As used in this part:

125 (a) "Division" means the Division of Archives and Records Service of the Department
126 of Administrative Services.

127 (b) "Public body" has the same meaning as provided under Section 52-4-103.

128 (c) "Public information" means a public body's public notices, minutes, audio
129 recordings, and other materials that are required to be posted to the website under Title 52,
130 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

131 ~~[(c)]~~ (d) "Website" means the Utah Public Notice Website created under this section.

132 (2) There is created the Utah Public Notice Website to be administered by the Division
133 of Archives and Records Service.

134 (3) The website shall consist of an Internet website provided to assist the public to find
135 posted public ~~[notices of a public body of the state and its political subdivisions as required~~
136 ~~under Title 52, Chapter 4, Open and Public Meetings Act, and under other state statutes or state~~
137 ~~agency rules]~~ information.

138 (4) The division, with the technical assistance of the Department of Technology
139 Services, shall create the website which shall:

140 (a) allow a public body, or other certified entity, to easily post any public ~~[notice]~~
141 information ~~[that the public body or other entity is required to post under statute];~~

(b) allow the public to search the public ~~[notices]~~ information by:

- (i) public body name;
- (ii) date of posting of the notice;
- (iii) date of any meeting or deadline included as part of the public ~~[notice]~~ information;

and

- (iv) any other criteria approved by the division;

(c) allow the public to search and view past, archived public ~~[notices]~~ information;

(d) allow a person to subscribe to receive updates and notices associated with a public body or a particular type of ~~[notice]~~ public information;

- (e) be easily accessible by the public from the State of Utah home page;
- (f) have a unique and simplified website address;
- (g) be directly accessible via a link from the main page of the official state website; and
- (h) include other links, features, or functionality that will assist the public in obtaining and reviewing public information ~~[in relation to public notices]~~ posted on the website, as may be approved by the division.

(5) The division shall be responsible for:

- (a) establishing and maintaining the website, including the provision of equipment, resources, and personnel as is necessary;
- (b) providing a mechanism for public bodies or other certified entities to have access to the website for the purpose of posting and modifying ~~[notices]~~ public information; and
- (c) maintaining an archive of all ~~[notices]~~ public information posted to the website.

(6) The timing for posting and the content of the public ~~[notices]~~ information posted to the website shall be the responsibility of the public body or other entity posting the ~~[notice]~~ public information.

~~[(7) Until December 31, 2012 and notwithstanding any other provision of statute requiring the publishing or posting of a notice to the website, a public body of a municipality under Title 10, Utah Municipal Code, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,~~

Enrolled Copy

S.B. 77

- 170 ~~Special Service District Act, with an annual budget of less than \$1,000,000 is encouraged but~~
171 ~~not required to publish or post a notice to the website.]~~



CENTERVILLE CITY

250 North Main • Centerville, Utah 84014 • (801) 295-3477

PURCHASE ORDER

No. 15748

Date 1/10/14

Fiscal Year 12-13 (13-14)

Gov Connection
Dell

SHIP TO
Dept.: GLS
☐ If Emergency Purchase, state reason below.
Previous P.O.# (if any)

QUANTITY	UNIT	STOCK NUMBER / DESCRIPTION	PRICE	UNIT	TOTAL
1		BTO MacPro 3.7GHz Xeon / 32GB / 1TB Flash / 2x Fire Pro D300			4024 ¹²
1		Apple care protection 3 year			181 ⁹¹
1		Windows 8.1 32/64 Bit OS			111 ⁴⁵
1		Parallels 9.0			67 ⁰¹
1		Dell dual Monitors/stand 24" UltraSharp 30 USB DP/HDMI / 3 year warranty			599 ⁴⁹

CHANGES TO ORIGINAL ORDER: APPROVAL DATE

Miscellaneous / Comments: This was adopted in the 12-13 budget, however after hearing about the new comp processors release date in 2014, I asked Blaine if I could wait until they were available.

ACCOUNT NO.	%	\$	ACCOUNT NO.	%	\$
10-4470-740		4984 ³⁶			
Item 1					

DEPARTMENT BUDGETARY APPROVAL
FINANCE APPROVAL
CITY ADMINISTRATOR APPROVAL

Important--our order number must appear on invoices, packages and correspondence. Acknowledge if unable to deliver by date required.

MAIL ALL INVOICES
IN DUPLICATE TO:

Centerville City Corporation
Accounts Payable
250 North Main
Centerville, Utah 84014

STATE OF UTAH SALES OR USE TAX EXEMPTION

I hereby certify that the material in this order will be used in an essential governmental function and is exempt under Sec. 6 from the Tax imposed by the Emergency Act of 1933 and Sec. 4 Par. F of Use Tax of 1937.

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/18/2014

Item No. 3.

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

Initiated By: City Attorney

Scheduled Time: 7:15

SUBJECT

(This item was tabled from the February 4 meeting)
Consider 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 March 4, 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
- ☐ Public Notice PowerPoint Presentation

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 ~~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

58 10-9a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy
59 notice to each owner of private real property whose property is located entirely or partially
60 within the proposed map at least 10 days prior to the scheduled day of the public hearing.

61 (b) The notice shall:

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

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

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

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

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

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

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

75 (viii) state the location, date, and time of the public hearing described in Section
76 10-9a-502.

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

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

82 **10-9a-502. Preparation and adoption of land use ordinance or zoning map.**

83 (1) The planning commission shall:

84 (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable,
85 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

114 the public hearing; and

115 (B) on the Utah Public Notice Website created in Section 63F-1-701, at least 10

116 calendar days before the public hearing; or

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

118 (A) each property owner whose land is directly affected by the land use ordinance

119 change; and

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

121 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

122 before the hearing and shall be posted:

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

124 (b) on the county's official website.

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

126 17-27a-502 to adopt a zoning map or map amendment, the municipality shall send a courtesy

127 notice to each owner of private real property whose property is located entirely or partially

128 within the proposed map at least 10 days prior to the scheduled day of the public hearing.

129 (b) The notice shall:

130 (i) identify with specificity each owner of record of real property that will be affected

131 by the proposed zoning map or map amendments;

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

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

134 (iv) provide information regarding or a reference to the proposed regulations,

135 prohibitions, and permitted uses that the property will be subject to if the zoning map or map

136 amendment is adopted;

137 (v) state that the owner of real property may no later than 10 days after the day of the

138 first public hearing file a written objection to the inclusion of the owner's property in the

139 proposed zoning map or map amendment;

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

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

provided to the municipal legislative body; and

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

(c) If a county 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 4. Section **17-27a-502** is amended to read:

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

(1) The planning commission shall:

(a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-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 17-27a-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 unincorporated area of the county~~[-]; and~~

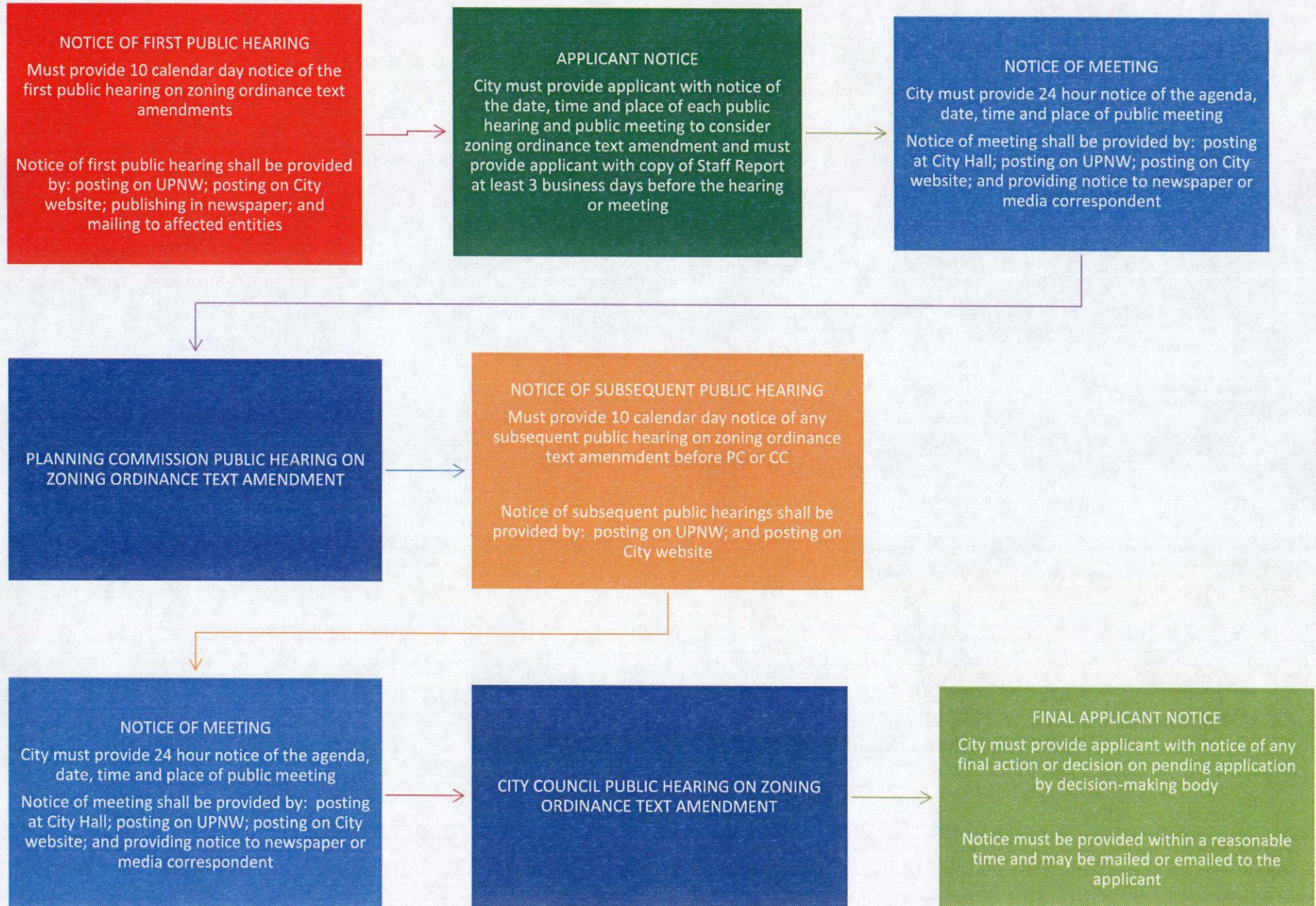
(ii) forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).

(2) The county 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 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed ordinance or map either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.

General Plan Amendments



Zoning Ordinance Text Amendments



Zoning Map Amendments



PROPOSED CENTERVILLE CITY ZONING ORDINANCE TEXT AMENDMENTS

Noticing and Public Hearing
Requirements for Zoning Ordinance
Amendments and Applications

February 18, 2014

Initiated in Response to HB 88

- HB 88 passed in 2013 General Session
- Requires cities to provide additional courtesy notice to property owners of real property whose property is subject to a zoning map amendment (rezone)
- Also conducted a more comprehensive review of notice and public hearing requirements
- Recommend additional amendments to address electronic noticing as required and/or encouraged by State law

Intent of Proposed Revisions

- To bring ordinances into compliance with State law requirements
- To provide more effective notice
- To clarify first public hearing requirements
- To retain broad opportunities for public input over and above State law requirements

Recommended Procedure

- Staff presentation of proposed amendments
- Public hearing on proposed amendments
- City Council discussion or questions
- Table matter for further discussion

Annual Notice of Meeting Schedule

- Required to post and provide notice of annual meeting schedule in accordance with Utah Open and Public Meetings Act
- Recommend: Add posting and notice requirements for annual meeting schedule per State law

24 Hour Notice of Meeting

- Required to post and provide 24 hour notice of each meeting in accordance with Utah Open and Public Meetings Act
- Required Amendment: Add posting on UPNW per State law
- Recommend: Add posting on City Website; eliminate posting in 3 public places (leave posting at City Hall)

Applicant Notice

- Required to notify applicants of date, time and place of each public hearing and public meeting to consider application
- Required to provide applicants with copy of each Staff Report at least 3 business days before hearing or meeting
- Required to notify applicants of final action
- Recommend: Add provision that applicant notice will be by email or mail to address provided by applicant

First Public Hearing

- Clarify what is “first public hearing” for any given application
- Notice for “first public hearing” shall follow State law
- Requires at a minimum, publishing notice on UPNW and posting on City Website; eliminate posting in 3 public places
- For General Plan, Zoning Ordinance or Map amendments, also requires published notice in newspaper and mailed notice to affected entities
- For Zoning Map amendments, also required to give courtesy notice per HB 88

Subsequent Public Hearings

- Clarify what is “subsequent public hearing” on any given application
- No State law requirement for subsequent public hearing notice (other than applicant notice and meeting notice)
- Recommend: Provide notice by publishing on UPNW and posting on City Website

On-Site Notice

- City Ordinances provide courtesy on-site notice of first public hearing regarding zoning map amendment, conditional use permit, or conceptual site plan
- On-site notice is posted on property that is representative of proposed project area
- Not required by State law
- No changes are proposed to on-site noticing

General Plan Amendments

- Required to provide notice of intent to prepare amendments to General Plan
- Required to provide notice of each public meeting regarding General Plan amendments
- Required to provide notice of first public hearing regarding General Plan amendments
- Required Amendments: Add posting to UPNW; eliminate State Planning Coordinator for NOI
- Recommend: Eliminate 3 public places; add posting on City Website
- Recommend: Clarify public hearing before PC is the first public hearing and public hearing before CC is subsequent public hearing

Zoning Ordinance Amendments

- Required to provide notice of each public meeting regarding Zoning Ordinance amendments
- Required to provide notice of first public hearing regarding Zoning Ordinance amendments
- Required Amendments: Add posting to UPNW
- Recommend: Eliminate 3 public places; add posting on City Website
- Recommend: Clarify public hearing before PC is the first public hearing and public hearing before CC is subsequent public hearing

Zoning Map Amendments (Rezone)

- Required to provide notice of each public meeting regarding Zoning Map amendments
- Required to provide notice of first public hearing regarding Zoning Map amendments
- Required to provide courtesy notice to property owners whose property is proposed for rezone
- Required Amendments: Add posting to UPNW; add courtesy notice for owner and consideration of objections
- Recommend: Eliminate 3 public places; add posting on City Website
- Recommend: Clarify public hearing before PC is the first public hearing and public hearing before CC is subsequent public hearing

Keep the Public Involved with Effective Public Notice and Public Hearings



CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No. 4.

Short Title: Temporary Zoning Regulations for West Centerville Neighborhood Plan

Initiated By:

Scheduled Time: 7:35

SUBJECT

Discuss temporary zoning regulations for a portion of the West Centerville Neighborhood (west of I-15) - Consider Ordinance No. 2014-04

RECOMMENDATION

No recommendation from staff.

BACKGROUND

See Cory Snyder's attached report on this matter.

ATTACHMENTS:

Description

- ☐ Staff Report re TZRO from Cory Snyder
- ☐ Ordinance No. 2014-04
- ☐ UCA 10-9a-504

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

STAFF TRANSMITTAL REPORT

DATE: FEBRUARY 14, 2014

TO: STEVE THACKER, CITY MANAGER

FROM: CORVIN M. SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TEMPORARY ZONING RESTRICTION ORDINANCE (TZRO)

BACKGROUND

At the request of the City Council, staff has prepared a "temporary zoning restriction ordinance" (TZRO) regarding the West Centerville Neighborhood Plan Update. Such an ordinance allows the legislative body to "restrict" applications for rezone, subdivision, and site development while considering changes to future land use expectations within a specific area.

ANALYSIS

In the opinion of planning staff enacting a TZRO is an aggressive action that is used when eminent development is occurring or about to occur that would have a substantial negative impact to desired future land uses. With the introduction of residential uses in the Parrish-Legacy Gateway District of the West Centerville Neighborhood and the desire to consider the possibility of a Frontrunner Station stop in Centerville, there are significant potential conflicts with continuing to allow the Centerville [Industrial] Business Park (i.e. south segment) and the South Industrial District to develop as currently planned and zoned. Thus, the TZRO establishes a "moratorium" for the area beginning at 200 North (south side of Legacy Apartments) and terminating at the south City Limits Boundary.

At this time, the Community Development Department has not received and we are not anticipating development type applications for this area. However with spring time approaching, there is a potential possibility. Additionally, the City Council should keep in mind that the private land owners will also be the stake holders in our public outreach effort to help assist with defining the future land use pattern for the area. Therefore, the TZRO could be seen as a negative action that could create animosity towards the west side update planning process. Nonetheless, a singular unwanted new industrial development plan could thwart the outcome of making a significant change to that may be desired in the future.

RECOMMENDATION

A TZRO is a Legislative Action and the planning staff desires to leave it up to the City Council to weight the merits of whether to adopt the proposed ordinance.

ORDINANCE NO. 2014-04

**AN ORDINANCE OF THE CENTERVILLE CITY COUNCIL
ESTABLISHING TEMPORARY REGULATIONS PERTAINING TO
LAND USE, ZONING, SUBDIVISION AND DEVELOPMENT OF REAL
PROPERTY LOCATED GENERALLY WEST OF INTERSTATE 15 AND
SOUTH OF 200 NORTH STREET WITHIN CENTERVILLE CITY,
UTAH, DESIGNATED AS A PORTION OF THE WEST CENTERVILLE
NEIGHBORHOOD IN THE CENTERVILLE CITY GENERAL PLAN**

WHEREAS, the City of Centerville has experienced recent growth and development within portions of the City located west of Interstate 15 and south of Parrish Lane, including development of the Legacy Crossing Planned Development Project which introduced for the first time residential uses on the west side of Interstate 15 within Centerville City; and

WHEREAS, the City of Centerville anticipates a further growth and development within those portions of the City located west of Interstate 15 and south of Parrish Lane; and

WHEREAS, such recent and anticipated growth and development in portions of the City located west of Interstate 15 and south of Parrish Lane has created the need for additional planning and analysis regarding the City's West Neighborhood Plan as part of the General Plan and other relevant ordinances of the City to ensure appropriate land use and development, to provide for adequate and safe traffic and pedestrian circulation, and to address possible future needs or the relationship of the mixed uses that now exist in such area, including the recent introduction of residential uses West of Interstate 15; and

WHEREAS, the City Council finds that it is necessary and essential to protect the public health, safety and welfare to undertake a thorough review and update of the City's West Centerville Neighborhood Plan and/or the City's ordinances relating to land use regulations, traffic and development requirements for the area of the City more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference, hereinafter referred to as the "Study Area"; and

WHEREAS, the City staff needs time to appropriately review and study the current West Centerville Neighborhood Plan and City ordinances affecting the Study Area and to recommend any appropriate amendments to the existing West Centerville Neighborhood Plan and/or the City's ordinances; and

WHEREAS, the City is authorized by law to enact ordinances establishing temporary zoning regulations for any part or all of the City prohibiting, restricting or regulating subdivision or other development approvals, or the issuance of building permits pursuant to Utah Code Ann. § 10-9a-504, as amended; and

WHEREAS, the City Council finds that there are compelling reasons which make it necessary to enact temporary regulations for the Study Area as more particularly set forth herein.

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

Section 1. Enactment. The following Ordinance is hereby enacted and adopted to read in its entirety as follows:

Title. This Ordinance shall take effect without codification and may be cited as the "2014 West Centerville Neighborhood Temporary Zoning Regulations Ordinance" of Centerville City.

Findings. The Centerville City Council hereby finds that the health, safety, welfare, convenience and countervailing interest of the public and the residents of Centerville City will be promoted and enhanced by adopting this Ordinance imposing temporary regulations governing land use, zoning, subdivision, development and construction within the Study Area. The City Council hereby finds that such restrictions are necessary and desirable to promote proper land use and development within the Study Area and to allow for adequate and necessary study to address the needs created by the recent mixed use and residential development on the west side of the City and to review and analyze other relevant development, planning, design, transportation and economic impacts occurring within the boundaries of the Study Area with regard to the following:

- a. Review of existing General Plan, zoning ordinances, subdivision regulations and building regulations.
- b. Evaluating the effectiveness of those elements of the City Ordinances and General Plan in relation to current growth patterns, mixed use development, traffic and pedestrian circulation, relationship of uses, potential opportunities for mass transit development, and the needs of the City within the Study Area.
- c. Considering and adopting appropriate ordinances and regulations to provide for the orderly growth and planning of the Study Area and to ensure appropriate uses and development within the Study Area.

In order to accomplish the foregoing objectives and matters related thereto, it is essential and mandatory that adequate time be provided to complete study, evaluation, planning and review with regard to the General Plan, zoning ordinances, subdivision ordinances, building regulations and other development regulations and procedures of the City for the Study Area.

Temporary Regulations.

a. **Restriction on General Plan and Zoning Amendments.** No new applications for General Plan and/or Zoning Map amendments to any property or area within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

b. **Restriction on Subdivision Approvals.** No new applications for subdivision approval or amendments for any property or area within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

c. **Restriction on Site Plan and Conditional Use Permit Approvals.** No new applications for site plan or conditional use permit approval for any property within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

d. **Restriction on Building Permits.** No new applications for building permits for any property within the Study Area shall be accepted, considered or acted upon by the City during the term of this Ordinance.

e. **Completed Applications.** Any completed application for General Plan amendment, rezone, subdivision, site plan, conditional use permit, building permit or development approval for any property within the Study Area which has been submitted, received and deemed complete by the City as of the date of this Ordinance shall be excluded from the effects of this Ordinance.

f. **Term.** This Ordinance shall remain in effect for six (6) months from its effective date unless sooner terminated by action of the City Council.

Section 2. Conflict. In the event of any conflict between this Ordinance and any other Centerville City ordinances, resolutions or regulations, the provisions of this Ordinance shall be controlling. This Ordinance is not intended to amend or repeal any other Centerville City ordinances, resolutions or regulations.

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

Section 4. Effective Date. This Ordinance shall take effect immediately upon publication or posting.

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:

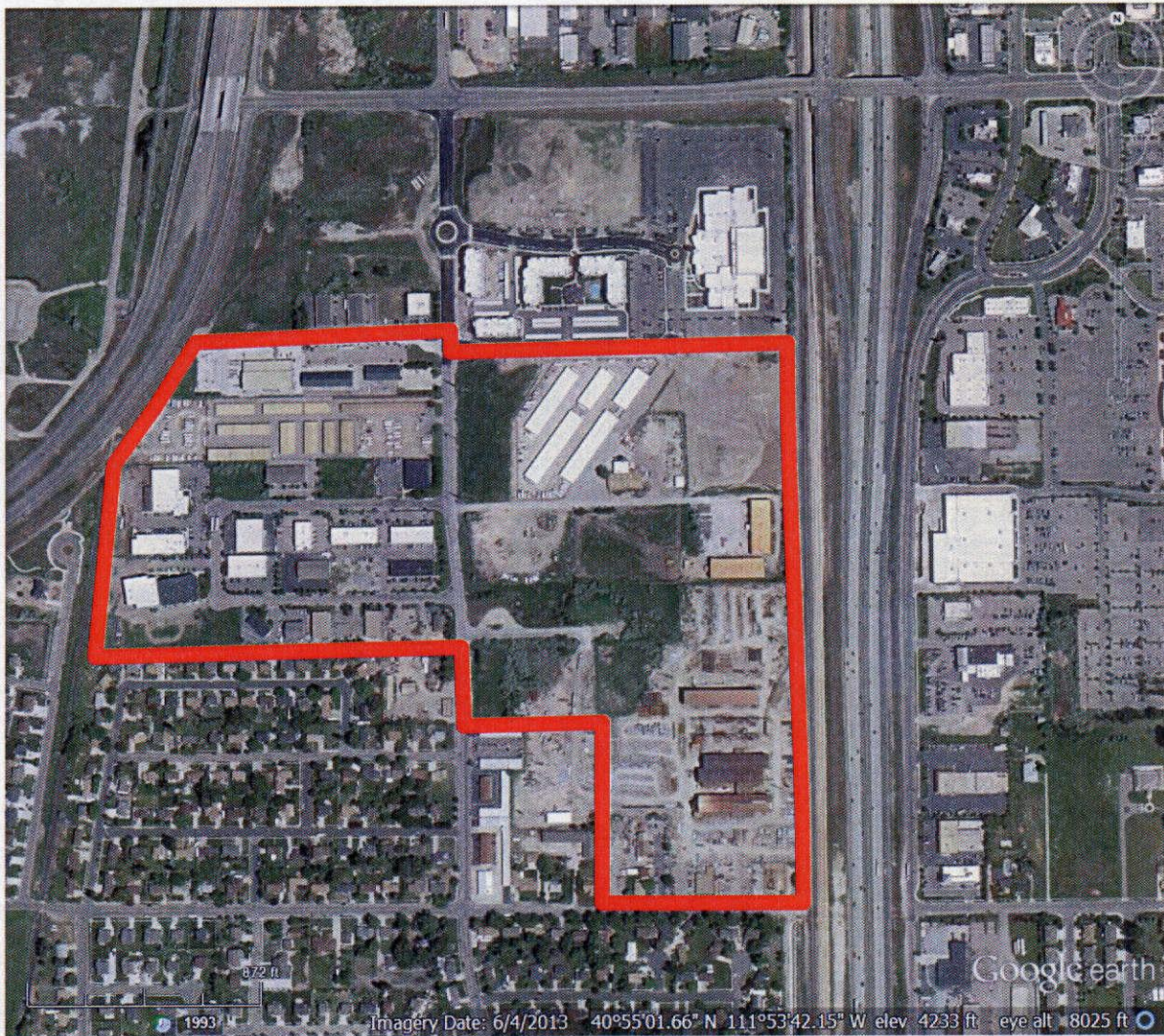
Marsha L. Morrow, City Recorder

Voting by the City Council:

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

EXHIBIT A

BOUNDARIES OF WEST CENTERVILLE TEMPORARY ZONING REGULATIONS



§ 10-9a-504. Temporary land use regulations, UT ST § 10-9a-504

West's Utah Code Annotated
Title 10. Utah Municipal Code
Chapter 9A. Municipal Land Use, Development, and Management (Refs & Annos)
Part 5. Land Use Ordinances

U.C.A. 1953 § 10-9a-504

§ 10-9a-504. Temporary land use regulations

Currentness

(1)(a) A municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

(i) the legislative body makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed six months.

(3)(a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed six months in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

§ 10-9a-504. Temporary land use regulations, UT ST § 10-9a-504

Credits

Laws 2005, c. 254, § 33, eff. May 2, 2005.

U.C.A. 1953 § 10-9a-504, UT ST § 10-9a-504

Current through 2013 Second Special Session.

End of Document

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CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No. 5.

Short Title: Financial Report for period ending January 31, 2014

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

Scheduled Time: 7:55

SUBJECT

RECOMMENDATION

Review interim financial report for the seven-month period ending January 31, 2014.

BACKGROUND

The sales tax distributed to Centerville City in January was collected during November 2013. The next report--for the period ending Feb. 28, 2014--will include sales taxes collected during December and distributed in February, which is expected to be the largest monthly distribution of sales tax. However, the January distribution was comparatively strong--up 6.62% from the same time last year. This was due to the strong local sales. The overall state revenues were actually slightly less than last year.

ATTACHMENTS:

Description

D January 2014 interim financial report

General Fund Unaudited Summary January 2014 (59% of year)
--

	This Month	Year to Date	FY 14 Budget	% Budget
Revenues				
Property Tax	\$12,401	\$926,946	\$992,913	93.36%
Fee in Lieu	\$7,032	\$62,770	\$90,000	69.74%
Sales & UseTax	\$263,330	\$1,923,061	\$3,455,070	55.66%
Franchise Taxes	\$102,680	\$605,678	\$1,330,000	45.54%
Licenses & Permits	\$37,765	\$188,062	\$356,350	52.77%
Intergovernmental	\$113,866	\$372,074	\$602,390	61.77%
Charges for Services	\$71,814	\$504,289	\$835,475	60.36%
Fines	\$37,697	\$277,902	\$485,000	57.30%
Miscellaneous	\$4,167	\$9,093	\$53,250	17.08%
Transfers/Contributions	\$0	\$49,701	\$182,500	27.23%
Total	\$650,752	\$4,919,576	\$8,382,948	58.69%

Expenditures

City Council	\$2,986	\$36,085	\$110,408	32.68%
Judicial	\$15,260	\$124,224	\$221,273	56.14%
Executive	\$30,895	\$218,498	\$393,017	55.60%
Attorney	\$10,362	\$76,911	\$148,375	51.84%
Finance	\$33,052	\$301,431	\$501,272	60.13%
Attorney Services	\$4,225	\$11,937	\$33,000	36.17%
Emergency Management	\$351	\$3,776	\$12,900	29.27%
Fire	\$205,585	\$608,019	\$794,172	76.56%
Elections	\$0	\$11,682	\$19,600	59.60%
Youth Council	\$1,000	\$1,500	\$7,000	21.43%
Police	\$163,862	\$1,222,487	\$2,220,247	55.06%
Liquor Law	\$0	\$1,352	\$18,350	7.37%
School Xing	\$3,666	\$27,961	\$52,199	53.57%
DARE	\$6,897	\$51,975	\$102,873	50.52%
K-9	\$154	\$6,398	\$2,250	284.36%
Animal Control	\$2,145	\$10,725	\$24,000	44.69%
PW Admin	\$22,620	\$162,701	\$284,565	57.18%
Streets	\$54,920	\$385,678	\$706,076	54.62%
Projects	\$0	\$423,226	\$804,000	52.64%
GIS	\$5,942	\$45,442	\$88,069	51.60%
Engineering	\$1,312	\$69,402	\$86,500	80.23%
Parks	\$39,856	\$406,141	\$813,615	49.92%
Community Events	\$78	\$617	\$23,650	2.61%
Parks & Rec Facility	\$1,439	\$10,499	\$10,790	97.30%
Maint Facility	\$3,749	\$34,390	\$53,640	64.11%
Maint Facility Storage	\$1,152	\$2,676	\$6,210	43.09%
City Hall	\$14,684	\$87,278	\$128,405	67.97%
Community Dev.	\$20,566	\$151,266	\$290,702	52.03%
Building Inspection	\$5,088	\$30,337	\$120,200	25.24%
Transfers - Non Dep.	\$0	\$62,360	\$65,589	95.08%
UTOPIA - Pledges	\$36,354	\$218,125	\$273,001	79.90%
UIA Assessment	\$0	\$44,004	\$163,400	26.93%
Total	\$688,200	\$4,849,103	\$8,579,348	56.52%

Use/Contribution to Fund balance	\$70,473	\$ (196,400)
(Revenues Over/Under Expenditures)		

Fund Balance at Beginning of Year (est.)	\$1,556,947
Fund Balance estimate 1/31/2014	\$1,627,420
Projected Fund Balance %	21.42%

Capital Project Funds (Unaudited) January 31, 2014

This Month	Year to Date	FY 14 Budget	% Budget
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Capital Improvement

Storm Drain

Revenues:

Fund Balance			\$47,060	
Impact Fees	\$860	\$29,108	\$10,000	291.08%
Grants	\$0	\$0	\$0	0.00%
Other	\$74	\$6,635	\$150,075	4.42%
Total Revenues	\$934	\$35,743	\$207,135	17.26%

Expenditures	\$0	\$0	\$207,135	0.00%
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Fund Balance at Beginning of Year (est.) \$45,209

Fund Balance estimate 1/31/2014 \$80,952

Park

Revenues:

Fund Balance			\$335,683	
Impact Fees	\$2,057	\$53,482	\$75,000	71.31%
Transfer	\$0	\$0	\$0	0.00%
Grants	\$0	\$0	\$0	0.00%
Other	\$0	\$0	\$400	0.00%
Total Revenues	\$2,057	\$53,482	\$411,083	70.93%

Expenditures	\$2,512	\$3,090	\$403,074	0.77%
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Fund Balance at Beginning of Year (est.) \$336,436

Fund Balance estimate 1/31/2014 \$386,828

Capital Projects Fund

Revenues:

Fund Balance				
Transfers - General	\$36,354	\$218,125	\$273,001	79.90%
RDA additional increment	\$0	\$0	\$163,000	0.00%
Other	\$0	\$0	\$250	0.00%
Total Revenues	\$36,354	\$218,125	\$436,251	50.00%

Expenditures

UTOPIA Pledge	\$36,354	\$254,478	\$436,251	58.33%
Projects	\$0	\$0	\$0	0.00%
Total Expenditures	\$36,354	\$254,478	\$436,251	58.33%

Balance at Beginning of Year \$42,296

Fund Balance estimate 1/31/2014 \$5,943

**RDA/Other Funds
(Unaudited)
January 31, 2014**

	This Month	Year to Date	FY 14 Budget	% Budget
<u>RDA</u>				
Revenues	\$35,341	\$438,265	\$1,847,000	23.73%
Expenditures	\$350	\$31,369	\$1,847,000	1.70%

Fund Balance at Beginning of Year (est.)	\$244,971
Fund Balance estimate 1/31/2014	\$651,867

Recreation

<u>Revenues</u>				
Recreation	\$733	\$12,699	\$87,000	14.60%
Youth Baseball	\$5,715	\$11,765	\$31,000	37.95%
Concession Sales	\$0	\$0	\$23,635	0.00%
Other	\$0	\$39,000	\$39,000	100.00%
Total Revenues	\$6,448	\$63,464	\$180,635	35.13%

<u>Expenditures</u>				
Recreation	\$2,470	\$48,600	\$126,670	38.37%
Concessions	\$0	\$0	\$23,635	0.00%
Youth Baseball/Softball	\$0	\$296	\$28,425	1.04%
Total Expenditures	\$2,470	\$48,896	\$178,730	27.36%

Revenue Over/Under Expend	\$	3,978	\$	14,568	\$	1,905
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Balance at Beginning of Year (est.)	\$22,088
Fund Balance estimate 1/31/2014	\$36,656

Sales Tax Debt Service (DCAC)

Revenues	\$0	\$127,370	\$1,517,488	8.39%
Expenditures	\$0	\$127,370	\$1,517,488	8.39%

Reserved Fund Balance	\$0
Fund Balance estimate 1/31/2014	\$0

Whitaker Trust

Beginning fund balance			\$14,850	
Revenues	\$450	\$24,245	\$71,860	33.74%
Expenditures	\$1,737	\$6,172	\$71,860	8.59%

Fund Balance at Beginning of Year	\$14,854
Fund Balance estimate 1/31/2014	\$32,927

**Enterprise Funds
(Unaudited)
January 31, 2014**

	This Month	Year to Date	FY 14 Budget	% Budget
Water				
Revenues:				
Impact/construction Fees	\$5,023	\$171,549	\$230,500	74.42%
Water Sales	\$150,910	\$1,125,600	\$1,811,250	62.14%
Bond Revenue	\$0	\$51,820	\$450,000	11.52%
Other	\$366	\$14,532	\$36,000	40.37%
Total Revenues	\$156,299	\$1,363,501	\$2,527,750	53.94%
Expenditures				
Operating/Dep/Debt	\$77,828	\$913,172	\$1,865,552	48.95%
Capital Improvement	\$33,351	\$384,578	\$706,850	54.41%
Total Expenditures	\$111,179	\$1,297,750	\$2,572,402	50.45%
Unrestricted Cash Beginning of Year (est.)		\$1,098,940		
Fund Balance estimate 1/31/2014		\$1,164,691		

Sanitation

Revenues:				
Collection Fees	\$57,093	\$400,248	\$681,600	58.72%
Recycling fees	\$14,102	\$98,445	\$165,700	59.41%
Green Waste fees	\$6,759	\$47,307	\$78,675	60.13%
Other	\$490	\$3,220	\$6,200	51.94%
Total Revenues	\$78,444	\$549,220	\$932,175	58.92%
Expenditures:				
Disposal	\$28,099	\$168,401	\$293,000	57.47%
Collection	\$23,723	\$143,231	\$258,000	55.52%
Recycling	\$14,056	\$84,222	\$165,250	50.97%
Green Waste	\$2,900	\$17,507	\$30,000	58.36%
Other	\$7,616	\$63,249	\$186,200	33.97%
Total Expenditures	\$76,394	\$476,610	\$932,450	51.11%
Unrestricted Cash Beginning of Year		\$18,920		
Fund Balance estimate 1/31/2014		\$91,530		

Drainage

Revenues	\$48,179	\$334,702	\$566,500	59.08%
Operating Expenditures	\$23,022	\$231,521	\$528,722	43.79%
Capital Expenditures	\$0	\$38,152	\$72,750	52.44%
Total Expenditures	\$23,022	\$269,673	\$601,472	44.84%
Unrestricted Cash Beginning of Year		\$84,745		
Fund Balance estimate 1/31/2014		\$149,774		

Telecommunications

Revenues:				
Connection Fees	\$46,453	\$178,472	\$276,000	64.66%
Transfers - GF	\$0	\$44,004	\$163,400	26.93%
Total Revenues	\$46,453	\$222,476	\$439,400	50.63%
Expenditures:				
Utility Service charges	\$45,533	\$172,032	\$262,200	65.61%
U/A operating assessment	\$0	\$44,004	\$163,400	26.93%
Operating service charge	\$920	\$5,520	\$13,800	40.00%
Total Expenditures	\$46,453	\$221,556	\$439,400	50.42%
Unrestricted Cash Beginning of Year		\$14,850		
Fund Balance estimate 1/31/2014		\$15,770		

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/18/2014

Item No. 6.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 8:05

SUBJECT

a. July 4th Celebration

RECOMMENDATION

BACKGROUND

Mayor Cutler will report on his efforts to secure volunteers for the July 4th Celebration. In the meantime, staff have been proceeding with some arrangements that are time sensitive--such as locking in the fireworks company and securing commitments from bands to be in the parade. Kevin Peay is also seeking a band for the July 3rd evening concert.

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/18/2014

Item No. 7.

Short Title: City Manager's Report

Initiated By: Steve Thacker, City Manager

Scheduled Time: 8:15

SUBJECT

- a. Letter to Wasatch Front Regional Council re: future growth maps for Centerville
- b. Bus stops on Main Street
- c. Tesoro Pipeline
- d. Proposed topics for work sessions
- e. Staff efforts to improve public information

RECOMMENDATION

BACKGROUND

- a. At the Feb. 4 council meeting, the issue was raised as to whether the City Council wants the Main Street corridor (south of Parrish Lane) designated as a "Boulevard Community" or a "Main Street Community". The minutes of that meeting (enclosed in the current meeting packet) reflect this discussion. However, staff did not perceive clear direction as to whether they should write a letter requesting a change from "Boulevard Community" to "Main Street Community". In addition, at the Feb. 3rd small group meeting for south Davis cities pertaining to the Draft Regional Transportation Plan, there was some discussion among Centerville City officials as to whether the area west of I-15 and south of Parrish Lane should be characterized differently than is showing on the future growth map displayed at that session. The City Manager will discuss these issues with the Community Development Director before Tuesday night in preparation for this discussion with the City Council.
- b. During the Feb. 4 council meeting, the City Council expressed interest in the possibility of enhancing the two bus stops on Main Street near Parrish Lane in conjunction with the Parrish & Main Intersection Project. Since then the City Manager has spoken at some length with Bart Dean, a UTA bus system rep, about this topic, and has reviewed shelter footprint drawings of options that UTA would accept. Unfortunately, the ROW acquired for this project is not of sufficient width to accomodate bus shelters. Additional ROW would have to be purchased from adjacent property owners to allow shelters to be placed behind the sidewalk, because the shelters cannot go in a parkstrip of only 3 or 4 feet wide (see the attachment regarding bus shelter footprints and dimensions). UDOT's policy is that the City and/or UTA would have to purchase the additional ROW and pay for the bus stop enhancements beyond what is currently in place (bench and garbage can). UDOT has said that if the City can acquire the additional ROW and arrange funding for the bus stop enhancements in a timely manner, then they will support a change order for the intersection project contractor to do this work. The City Manager intends to contact two

property owners to find out if they are willing to sell additional ROW to the City for bus stop pads behind the sidewalk.

c. The City Manager recently met with the city managers of other south Davis cities to learn about a Tesoro oil pipeline proposed to be constructed over the mountain, under 400 North in Bountiful and into West Bountiful, Woods Cross and NSL west of I-15, to supply the refineries. He will report on this matter.

d. The City Manager proposes a work session for the City Council to review and discuss the Drainage Utility Comprehensive Financial Sustainability Plan which has been prepared by the City's financial advisor, Lewis Young Robertson Burningham (LYRB). In 2013 the City Council authorized this study, which includes a storm drain impact fee facilities analysis and plan and recommendations regarding the monthly drainage utility fees (both storm drain and subdrain fees). This study is more complicated than the other impact fee studies for parks and water, which were updated in the past year or so. Therefore, the City Manager recommends the City Council meet in a work session for their initial briefing and discussion of this study and its recommendations.

e. The impetus for the last topic under City Manager's Report was a recent code enforcement action by City staff. It involved the installation of a fence after the resident spoke with City staff about fence regulations, setbacks, etc. Because a permit is not normally required for the installation of a fence, there was no formal review and approval by staff of what the resident wanted to do, and the fence is now in violation of the City's setback requirements. The property owner made the judgment as to where the right-of-way line is, which now appears to be incorrect. Staff are working with the property owner to get compliance, offering several options the owner can pursue.

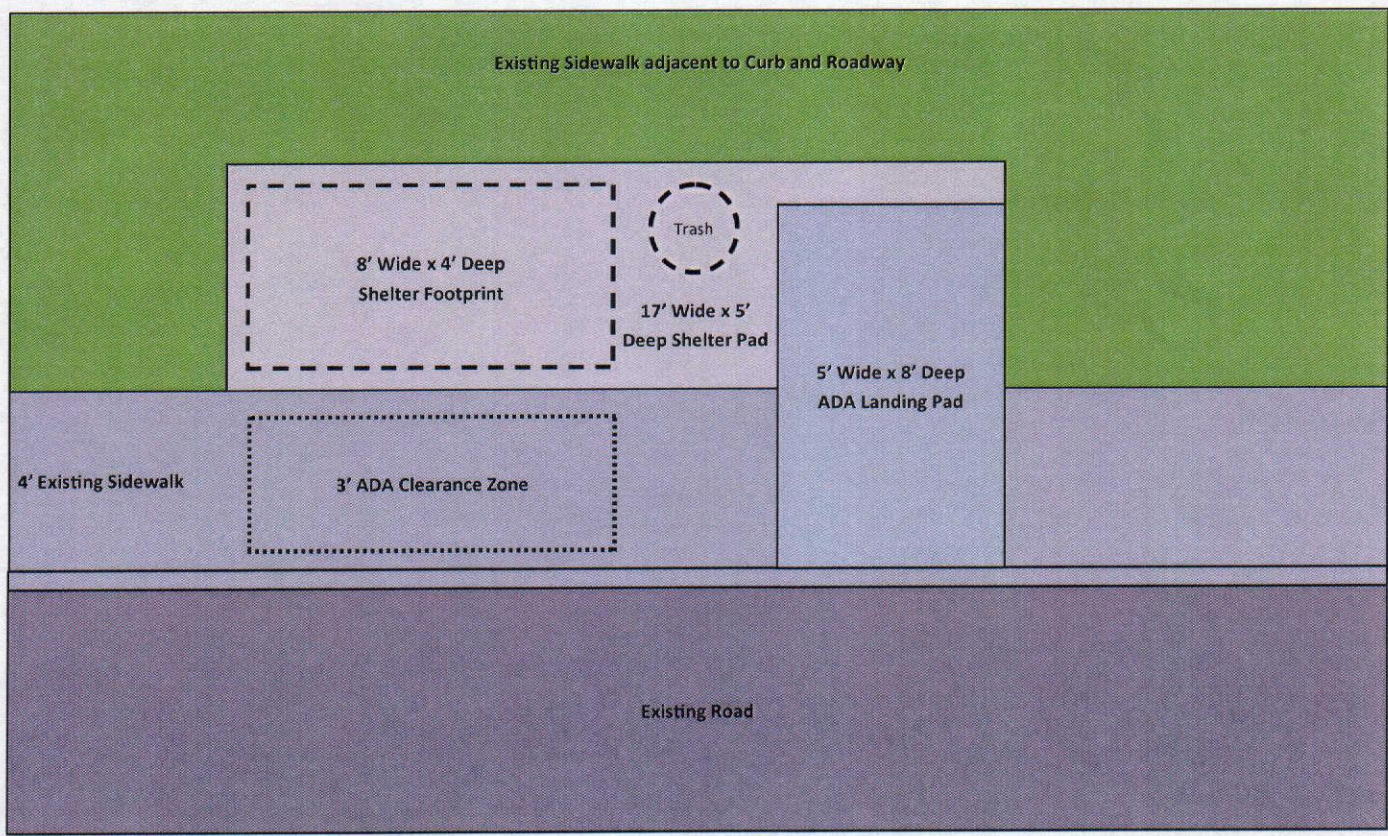
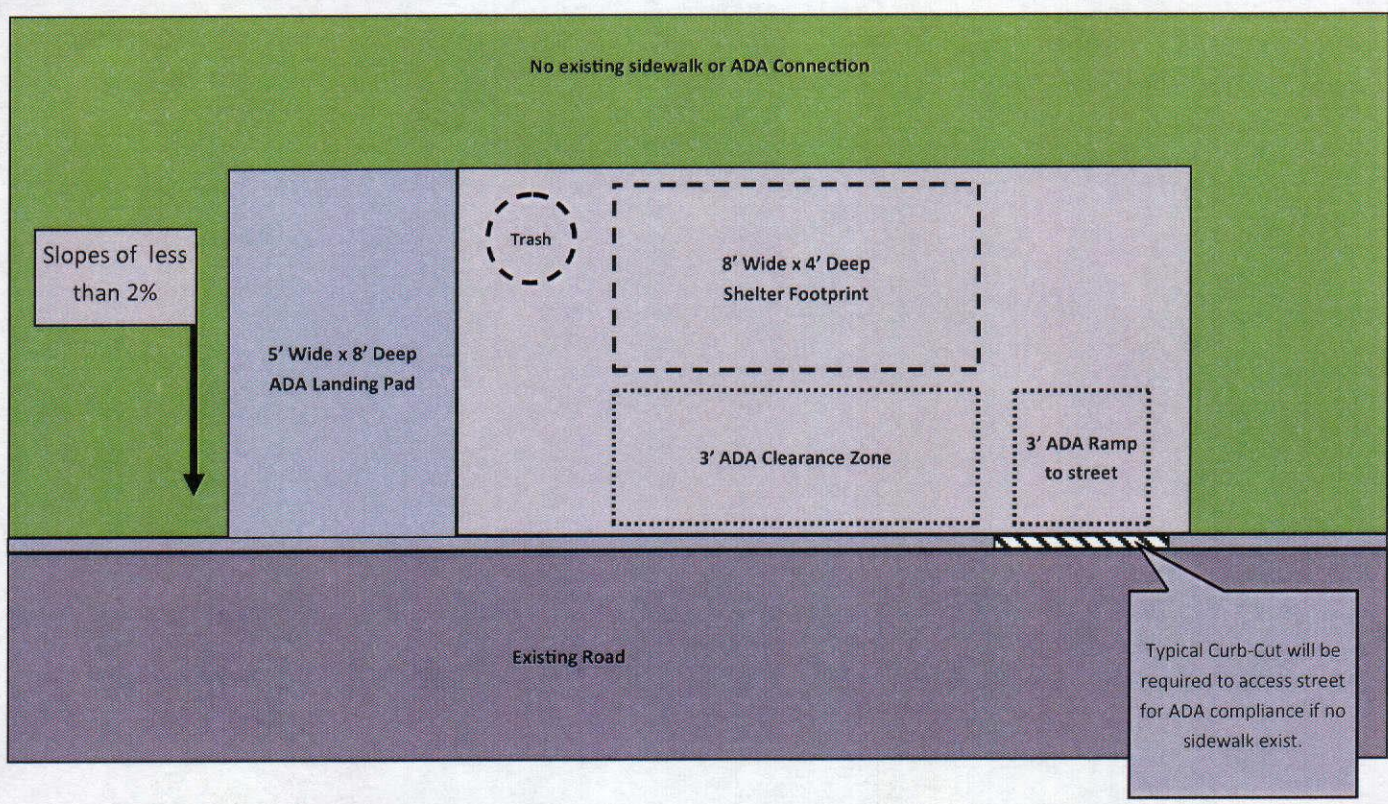
The purpose of this topic is not to discuss the enforcement matter specifically, but to respond to suggestions from a council member who is concerned about how staff might improve the communications process in an informal situation like this--i.e. when no permit is required but residents ask for regulatory information that might affect their actions. The City Manager has discussed this broader topic with the department heads and will report on that discussion at the Council meeting. Council members are welcome to offer their suggestions or comments during the discussion that may follow the City Manager's report.

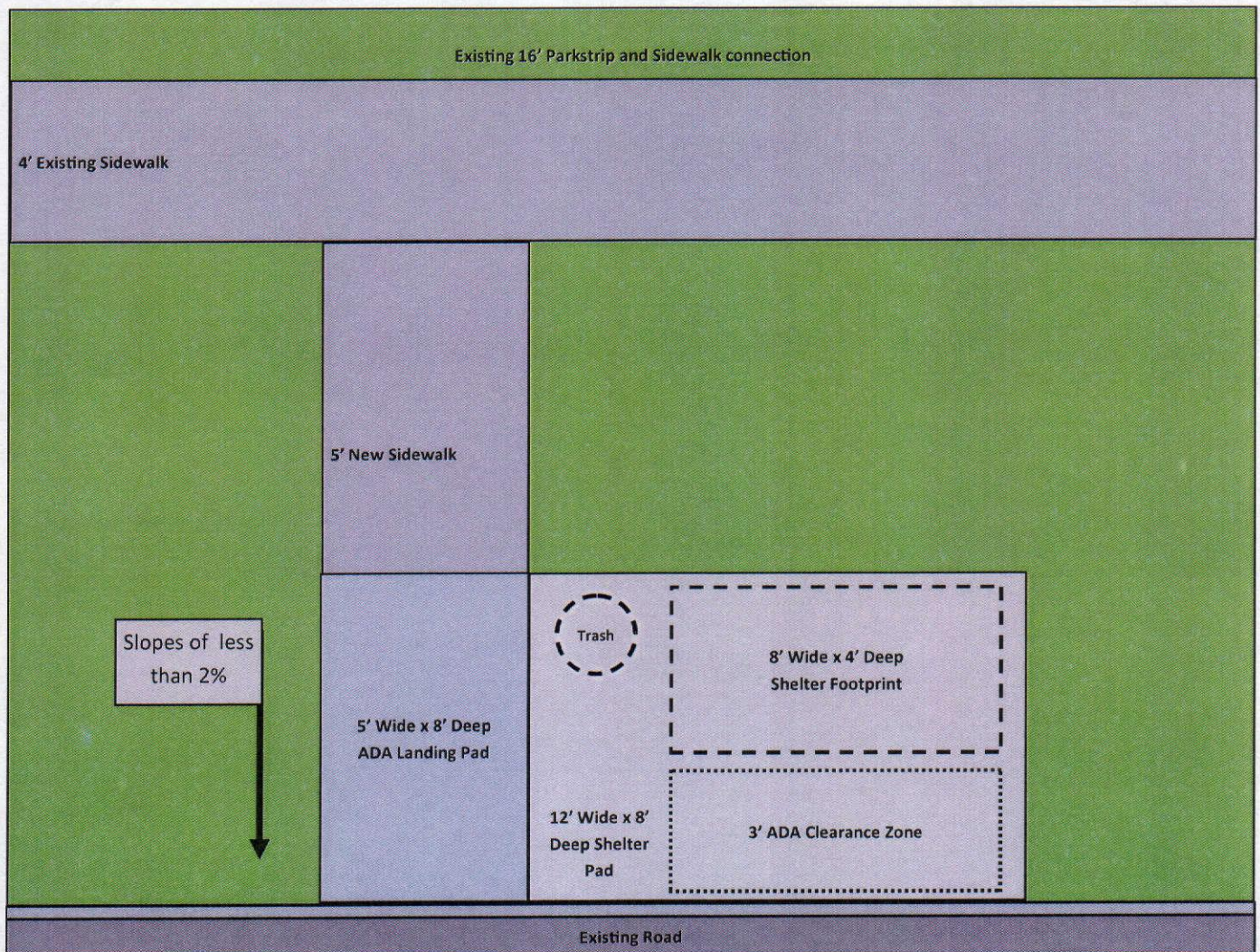
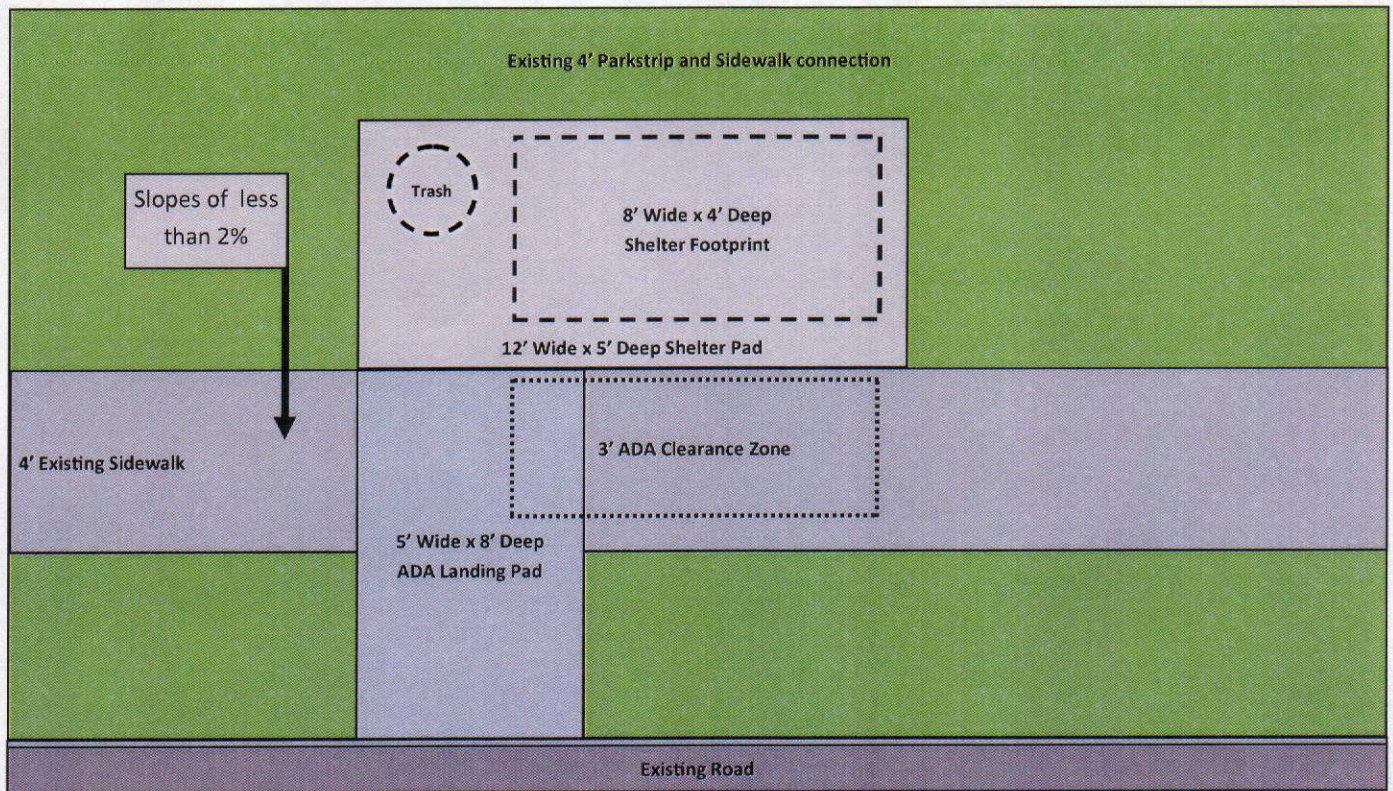
ATTACHMENTS:

Description

- D** Bus stop Footprints and Shelter Dimensions (Item 7b)

Basic Footprint and Shelter Dimensions





CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No. 8.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 8:45

SUBJECT

RECOMMENDATION

BACKGROUND

No topics are identified in advance under this heading. Council Members representing the City on various boards may want to use this time to briefly report or update the Council on matters being considered or decided by those boards.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No. 9.

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:

SUBJECT

RECOMMENDATION

Staff are not aware of a need for a closed meeting, but the agenda allows for that possibility.

BACKGROUND

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No. 10.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

Act on any recommendations from the Mayor for appointment to City boards/committees.

BACKGROUND

CENTERVILLE CITY COUNCIL

**Staff Backup Report
2/18/2014**

Item No.

Short Title: 8:45

Initiated By:

Scheduled Time: 9:10

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

Staff Backup Report 2/18/2014

Item No.

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

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Newspaper article - UTOPIA claims bill will hinder their debt repayment
- ☐ Newspaper article - It is high time to raise the Utah motor fuel tax
- ☐ Newspaper article - Bill eases voter registration deadlines to increase turnout
- ☐ Newspaper article - Bill re Voter Registration Lists
- ☐ Monthly Building Report for January 2014

The Salt Lake Tribune

UTOPIA claims bill would hinder debt repayment

Tech • HB 60 sponsor says it would protect Internet customers outside network's member cities.

BY VINCE HORIUCHI

THE SALT LAKE TRIBUNE

PUBLISHED: FEBRUARY 6, 2014 03:35PM

UPDATED: FEBRUARY 6, 2014 05:10PM

Lawmakers are considering a bill that would prohibit municipally owned Internet networks such as UTOPIA from operating outside their cities, a change some say would interfere with UTOPIA's ability to get out of debt.

HB 60, the Interlocal Entity Service Prohibition, would prevent a city or consortium of cities running any telecommunications service through a fiber-optic network from operating outside the boundaries of its member cities.

That means a network such as UTOPIA, a high-speed Internet network owned by 11 northern Utah cities, could not build into or operate in a new city unless that city became a member of the consortium.

Some businesses and government agencies such as the Utah Education Network, Utah Transit Authority and the Utah Department of Transportation now use UTOPIA but do not operate in any of the network's 11 member cities.

UTOPIA's member cities extend from Tremonton to Payson but do not include Salt Lake City, for example. Because UTOPIA is an open network, the Internet service providers who sign up customers can hook up any resident or business with access to the network, even if they aren't in a member city.

HB 60 is designed to stop that, and that would prevent UTOPIA from making money to help member cities pay off the hundreds of millions of dollars they are in debt for the network, said Gary Crane, Layton city attorney and a UTOPIA legislative policy adviser.

"The more [customers] UTOPIA has to its system, the closer we come to meeting operations costs and covering" the debt, he said.

To build and operate UTOPIA, member cities have accrued as much as \$500 million in debt, which they must repay through various sales and franchise taxes over the next three decades.

Rep. Curt Webb, R-Logan, said he is sponsoring the bill as a way to protect customers outside member cities if something goes wrong with the service or prices increase.

But Pete Ashdown, president of the ISP XMission, which signs up UTOPIA customers, believes HB 60 is designed to help UTOPIA competitors such as Comcast and CenturyLink.

"It's not serving any good purpose. It's restricting UTOPIA from possible profitable opportunities," he said.

On Thursday, HB 60 was awaiting discussion before a House committee. Webb said he would meet with UTOPIA to hear its concerns.

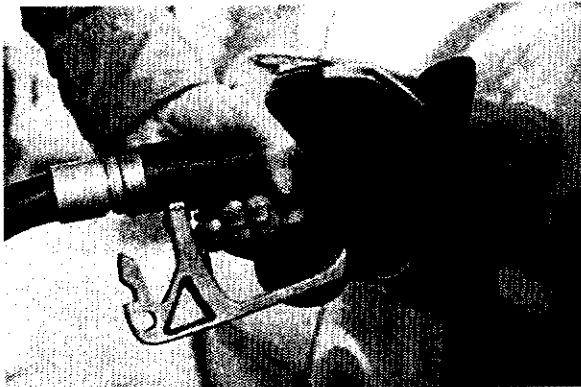
vince@sltrib.com

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Deseret News

Time to raise Utah's motor fuel tax

By Natalie Gochnour For the Deseret News
Published: Saturday, Feb. 8 2014 10:06 p.m. MST



The motor fuel tax is a user fee. Unlike most government services, transportation is metered at every pump. We can match supply with demand and realize all sorts of benefits in the process. (Shutterstock)

*Don't tax you,
don't tax me, tax that fellow behind
the tree.*

This quip, made by Louisiana Sen. Russell Long, captures Utah's approach to the motor fuel tax. We've been kicking the can down the road for 17 years. It's time for a serious and informed discussion about raising Utah's motor fuel tax to make up for lost purchasing power and improved fuel efficiency.

I'm not alone in this viewpoint. Several conservative

legislators, like Sen. John Valentine, R-Orem, Rep. Jim Nielson, R-Bountiful, and Rep. Johnny Anderson, R-Taylorsville, have proposed changes to Utah's gas tax this session. And with good reason. Unlike sales or income taxes, which increase with the price level, the motor fuel tax loses purchasing power over time because it is a per-gallon tax. In inflation-adjusted terms it's dropped from 24.5 cents per gallon in 1997 (the last time it was raised) to 16.9 cents per gallon today, a 45 percent loss in buying power.

Making matters worse, passenger cars are becoming more fuel-efficient — a good thing except when it comes to paying for the impacts. For every gallon consumed, more wear and tear is placed on the roads. The average fuel efficiency of U.S. passenger cars has increased from 28.7 miles per gallon in 1997 to 35.6 today.

Bottom line: You have to periodically raise the motor fuel tax just to stay even. Staying even is *not* a tax increase.

And let's be honest. We have to do a lot more than stay even. Utah's population grows by approximately 50,000 people each year. Ninety-one percent of Utahns live in urban settings. We have urban problems like traffic congestion and air pollution. If we don't take care of our road maintenance needs we increase our costs in the future. We must make mighty investments in transportation to support commerce and maintain our life quality.

The Utah Legislature understands this. They've invested substantially in Legacy Parkway, I-15 in Davis, Salt Lake and Utah Counties and other projects throughout the state.

But it's come at a cost.

We've borrowed huge sums of money increasing our net general obligation debt per capita from \$434 just five years

ago to \$1,161 today. Today our debt ratio is second highest among Moody's AAA-rated states. This year in the Transportation Investment Fund we will spend more money on debt service than on projects. We can't borrow more and remain fiscally responsible.

We've also earmarked record amounts of sales tax to transportation projects. In 1997, the state earmarked less than \$10 million of sales tax revenue. Today, we earmark over \$450 million. We can't earmark any more and adequately fund other needs.

That leaves us with four options: do without (not a good choice for the economy), take from other government services like education (ill-advised when investment is already low), raise general taxes (poor choice in an uncertain economy) or adjust the motor fuel tax to recover lost purchasing power.

Raising the motor fuel tax is by far the best option.

The motor fuel tax is a user fee. Unlike most government services, transportation is metered at every pump. If you drive more, you pay more. That's fair. If you pay more, you are incentivized to use less — a good thing for congestion and air quality. Such is the magic of a user fee. It brings the power of market forces to the provision of government services.

Some will say the motor fuel tax is a dying revenue. I disagree. It's only dying if the Legislature refuses to act. Some will say motor fuel taxes hurt low-income families. Let's find other ways to help them. Some will say it's an election year and the Legislature won't entertain a tax increase. Maybe so, but when you kick the can down the road the pile gets bigger and bigger.

The Utah economy benefits from transportation infrastructure. We need to have the foresight to have users pay for it.

Natalie Gochnour
is an associate dean in the David Eccles School of Business at the University of Utah and chief economist for the Salt Lake Chamber.

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Bill eases Utah voter registration deadlines to increase turnout

Antone Clark, Standard-Examiner correspondent

Feb 10 2014 - 10:02am

SALT LAKE CITY - A bill easing some of Utah's voter registration deadlines has cleared a key review process.

A Senate committee gave a favorable recommendation Monday to legislation, SB 135, shortening the registration for eligible voters in Utah to seven days if they vote on the day of the election and 15 days, if they vote early. The state currently has a 30-day registration requirement. The measure now moves to the Senate for further review.

Bill sponsor Sen. Scott Jenkins, R-Plain City, said the bill isn't same-day registration, but is as close as some county officials think they can come in the current environment. Jenkins was the co-sponsor of a bill pushing same-day registration in 2013 that died on the final day of the session. Some county clerks warned they were not set up to implement the change.

Jenkins' bill was crafted in conjunction with the state clerks association and is viewed by many as a means of addressing the state's low voter turnout.

"We need to open this process up, so more people can register to vote," Arie Van Der Graff, legislative analyst for the Utah Association Counties said.

Jenn Gonnolly, co-president of the League of Women Voters in Utah, said the closer the state can move its deadlines to same-day registration, the better. Others shared the same sentiment.

"It's not a cure all, but I think it's a step in the right direction," Maryann Martindale, of Alliance for a Better Utah, said of the bill.

There are some technical issues in the registration requirements that raised concerns. Groups like the LWVU conduct voter registration campaigns and lawmakers worry how someone who believes they have registered through that process, might be able to prove their eligibility if those registration lists are submitted late. The bill requires the potential voter to establish a preponderance of evidence---some sort of receipt---which they have registered before the filing deadline.

Sen. Kevin Van Tassell, R-Vernal, said the only way he could see a voter prove their eligibility is if they have a dated receipt.

He was not alone in his concern.

"We are concerned about what proof we would offer if called to task on voter registration," Connelly said.

Bill to make voter registration lists private raises concerns about GRAMA

Antone Clark, Standard-Examiner correspondent
Feb 13 2014 - 8:24am

SALT LAKE CITY - Pressed to make a choice, a victim of domestic violence said she will opt to protect her identity and that of her children, rather than register to vote and make herself potentially vulnerable.

Crystal (her name has been protected) joined with Rep. Becky Edwards, R-North Salt Lake, and Davis County Attorney Troy Rawlins Wednesday at a press conference to make a push for greater security of voter registration information.

Edwards and Rep. Lee Perry, R-Perry, are the sponsors of legislation that would allow people to keep their personal information protected from inclusion on voter information lists, which the state currently sells for \$1,050. There are 1.5 million Utah voters included on that list. The bill, HB 302, will also give people the option to keep some information public, but not allow access to birth date information.

A New Hampshire man purchased a voter registration list from the state in 2013 year and published it on his website for free. That move caught Crystal off guard. She said she had become an expert in staying hidden from her ex-husband.

"My first reaction was to start crying hysterically, and then I was just sick. I started checking with other family members to see if people I knew were all available (on the list). With this information out there anyone is able to find me and my new husband," she said.

In presenting the bill in committee on Wednesday, Perry and Edwards handed out lists with the names, dates, addresses and phone numbers of committee members and their families to make a point. The committee gave the bill a favorable recommendation, forwarding it to the House for further review with just one negative vote.

The debate did ignite some concerns about the Government Records Access Management Act (GRAMA) and limiting the right for access to records, which could expose voter fraud.

Frank Pignanelli, a representative from the Utah Media Coalition, said there are other ways to address the privacy concerns.

"We're really advising you to take caution," Pignanelli said.

Perry claims much of the privacy firestorm was created by GRAMA. He said the state is required, under GRAMA requirements, to make the public records accessible upon request.

Rawlins argues no one should be confronted with the privacy debate.

"Should an individual have to trade their rights to protect their privacy for the right to vote? You shouldn't have to give up privacy in order to vote," Rawlins said.

The House bill is tougher than a similar measure being run in the Senate. Sen. Karen Mayne, D-West Valley, put the brakes on advancing a voter privacy bill, SB 36, this week when some lawmakers said her attempt to protect voter information didn't go far enough.

If enacted as written, Rawlins vowed to prosecute anyone publishing protected information online when people have taken steps to make that information private.



Steve Thacker,
Bui City Manager

655 North 200 West, Centerville, Utah 84014

Monthly Building Report for January 2014

Construction Type	# of Permits		YTD Structures		Average Home Cost		Construction Valuation	
	Month	YTD	# Units	# Bldgs	Month	YTD	Month	YTD
Single Dwellings	1	1	1	1	308,938.00	-	308,938.00	308,938.00
Duplexes / Town Homes	0	0	0	0			-	-
Apartments	0	0	0	0			-	-
Addition/Alteration/Repair	3	3					56,500.00	56,500.00
Power/Mech	10	10					-	-
Signage	4	4					21,812.00	21,812.00
Commercial/Tenant Finish	4	4					566,020.00	566,020.00
Detached Structure/Gar	2	2					22,000.00	22,000.00
Demolition	1	1					-	-
Pool	0	0					-	-
Miscellaneous	1	1					9,000.00	9,000.00
Total Permits Issued:	26	26			Total Permitted Valuation:		984,270.00	984,270.00

Building Permit Related Revenues	Monthly		YTD Comparison	
	January 2014	YTD 2014	January 2013	YTD 2013
BUILDING	10,561.98	10,561.98	11,320.72	11,320.72
PLAN CHECK	4,702.68	4,702.68	2,979.87	2,979.87
ELECTRICAL	66.00	66.00	66.00	66.00
PLUMBING	-	-	-	-
MECHANICAL	594.00	594.00	198.00	198.00
GRADING	-	-	-	-
STATE SURCHARGE	112.22	112.22	115.85	115.85
WATER DEV.	2,026.00	2,026.00	7,200.00	7,200.00
WATER CONNECTION	2,997.81	2,997.81	-	-
WATER METER	195.00	195.00	1,170.00	1,170.00
STORM DRAIN	700.00	700.00	-	-
FIRE IMPACT	471.00	471.00	2,826.00	2,826.00
PARK IMPACT	2,057.00	2,057.00	7,200.00	7,200.00
DRIVE APPROACH	35.00	35.00	210.00	210.00
BOND	1,000.00	1,000.00	1,000.00	1,000.00
SPECIAL RECORDING	-	-	12.00	12.00
ENGINEERING	500.00	500.00	-	-
TV INSPECT DRAINS	-	-	-	-
LANDSCAPING BOND	-	-	-	-
Total Permits Related Revenue:	\$26,018.69	\$26,018.69	\$34,298.44	\$34,298.44

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REDEVELOPMENT AGENCY OF CENTERVILLE MEETING AT 8:45 PM ON February 18, 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:

A. NEW BUSINESS

1. Minutes Review and Acceptance
January 28, 2014
2. Appoint two representatives to the Administrative Control Board of the Davis Center for Performing Arts
3. Discuss proposed content for tax increment participation agreement relating to the Salmon Pasture Development within the Barnard Creek CDA

B. ADJOURNMENT

Steve H. Thacker
Executive Director