



**CITY COUNCIL MEETING
OF THE CITY OF CEDAR HILLS
Wednesday, June 26, 2019 7:00 p.m.**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Wednesday, June 26, 2019, beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

COUNCIL MEETING

1. Call to Order Pledge led by C. Miller and Invocation given by C. Bailey
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

CONSENT AGENDA (Consent items are only those which require no further discussion or are routine in nature. All items on the Consent Agenda are adopted by a single motion)

4. Minutes from the April 16, 2019, the May 7, 2019, and the May 21, 2019 Work Session & City Council Meetings

CITY REPORTS AND BUSINESS

5. City Manager
6. Mayor and Council

SCHEDULED ITEMS & PUBLIC HEARINGS

7. Review/Action and Public Hearing on Amendments to City Code Title 10, Chapter 3 Regarding Removing the Open Space and Non-buildable Lot Provisions Identified on the Canyon Heights Plat Map, Plat G Lot 14 (parcel located at approximately 9390 Timpanogos Cove)
8. Review/Action and Public Hearing on a Resolution Adopting Fiscal Year 2019 Budget Amendments
9. Review/Action and Public Hearing on a Resolution Adopting the Fiscal Year 2020 Budget (July 1, 2019 to June 30, 2020)
10. Review/Action on a Resolution Certifying the Calculated 2019-2020 Real and Personal Property Tax Levy
11. Review/Action on release of Durability Bond for Amsource/Cedar Hills Retail Center Commercial Subdivision
12. Review/Action on Directing Staff to prepare a Request for Qualifications (RFQ) for Professional Legal Services
13. Discussion on the Appeal Process and the Board of Adjustment

ADJOURNMENT

14. Adjourn

Posted this 21st day of June, 2019

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the city's website at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	June 26, 2019

City Council Agenda Item

SUBJECT:	Review/Action on Removing the Open Space/Non-Buildable Designation from Canyon Heights Plat G, Lot 14
APPLICANT PRESENTATION:	Nate Miller, Property Owner
STAFF PRESENTATION:	Chandler Goodwin, City Manager

BACKGROUND AND FINDINGS:

Canyon Heights Plat G, Lot 14 is identified as Open Space, Non-Buildable on the recorded plat map. In 2015 this parcel was sold to a private individual when it was discovered that some improvements were inadvertently made on Lot 14. The purchase of the lot did not change the open space or non-buildable designations as identified on the plat. However, State Law prohibits the ownership of open space by private individuals, the City was not aware of this restriction at the time of sale. Nate Miller, the property owner, wishes to combine the two lots; doing so would not remove any recorded easement or guarantee associated with the land. The land is currently zoned as H-1, that zoning would remain intact; only the designation of open space and non-buildable would be removed from the lot, allowing Mr. Miller to record both parcels as one. The open space dedication for the overall subdivision was met prior to the dedication of this parcel. Staff and Planning Commission have requested a surveyor to map out the slope failure zone to show a structure limit line. The intent of this request was to protect the easements and the drainage swale from encroachment by future building development. Additionally, any new plat will have to identify the storm drain system as an easement in favor of the City of Cedar Hills.

Submitted documents show both items requested by the planning commission as well as staff.

Submissions show a new easement recognizing the City's storm drain infrastructure, as well as the contours of the hillside and the building limit line.

PREVIOUS LEGISLATIVE ACTION:

Planning Commission gave a recommendation for approval on May 28, 2019

FISCAL IMPACT:

None

SUPPORTING DOCUMENTS:

Lot plans showing grading, building locations, and easements

RECOMMENDATION:

To review the proposal, making any necessary amendments to consider the protection of the easements and sensitive hillside areas.

MOTION:

To approve/not approve the alteration of the underlying zoning provision of Canyon Heights Plat G, Lot 14, by removing the open space and non-buildable lot designations identified on the plat map, and allowing for the properties to be joined in one parcel, subject to the following conditions: {LIST ANY NECESSARY CONDITIONS}



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	6/26/2019

City Council Agenda Item

SUBJECT:	Review/Action on FY 2018-2019 Budget Amendments
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Charl Louw, Finance Director
BACKGROUND AND FINDINGS:	
<p>The City is required to keep expenditures within budget. As the Council is aware, accurately forecasting all the expenditures and needs of the community is difficult; therefore, budget amendments may be necessary to comply with State requirements.</p>	
PREVIOUS LEGISLATIVE ACTION:	
FISCAL IMPACT:	
<p>Adjustment for spring building activity, \$30,000 increase in building permits, \$15,000 increase in plan check fees, \$20,000 increase in related engineering services</p> <p>Move \$200 in Street light operations to the Class C Roads fund</p> <p>\$20,000 in recreation program revenue growth will offset the increases of \$10,000 in recreation programs.</p> <p>\$10,000 increase in Family Festival revenues and expenditures.</p> <p>\$200,000 in general fund balance is being transferred to the Capital Projects fund.</p>	
SUPPORTING DOCUMENTS:	
Budget adjustments by fund. See attached.	
RECOMMENDATION:	
To approve the resolution.	
MOTION:	
Adopt Resolution No. _____ A RESOLUTION ADOPTING THE AMENDED 2018-2019 FISCAL YEAR BUDGET FOR THE CITY OF CEDAR HILLS, UTAH.	

Attachment A

BUDGET AMENDMENTS - FY 2019

June 18, 2019

General Fund

Professional Services Adjustment Based High Volume of Spring Projects

10-32-200	Building Permits	\$	(30,000.00)	Increase in Revenues
10-32-210	Plan Check Fees	\$	(15,000.00)	Increase in Revenues
10-61-310	Engineering Services	\$	20,000.00	Increase in Expenditures

Reclass remaining Street Light Operation

10-62-410	Street Light Operation	\$	(200.00)	Decrease in Expenditures
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Recreation and Family Festival Growth

10-35-110	Recreation Programs	\$	(20,000.00)	Increase in Revenues
10-65-400	Recreation Programs	\$	10,000.00	Increase in Expenditures
10-35-100	Family Festival	\$	(6,000.00)	Increase in Revenues
10-65-600	Family Festival	\$	6,000.00	Increase in Expenditures

Harvey Park Phasing

10-69-910	Transfers Out to Capital Projects Fund	\$	200,000.00	Increase in Transfers Out
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Class C Roads Fund

Reclass remaining Street Light Operation

21-62-410	Street Light Operation	\$	200.00	Increase in Expenditures
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Capital Projects Fund

Harvey Park Phasing

40-30-801	Transfer In from General Fund	\$	(200,000.00)	Increase in Transfers In
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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH,
ADOPTING THE AMENDED 2019 FISCAL YEAR BUDGET FOR THE CITY OF
CEDAR HILLS, UTAH.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS,
UTAH:**

Pursuant to §10-6-118, Utah Code, the Amended 2018-2019 Fiscal Year Budget for the General Fund, Class C Roads Fund and the Capital Projects Fund for the City of Cedar Hills, Utah, is hereby adopted. A copy of said budget amendments is attached hereto (Attachment A), and by this reference made part of this Resolution.

PASSED APPROVED AND ADOPTED THIS 26TH DAY OF JUNE, 2019.

APPROVED:

Jenney Rees, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	6/26/2019

City Council Agenda Item

SUBJECT:	Fiscal Year 2020 Budget (July 1, 2019 to June 30, 2020)
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Charl Louw, Finance Director
BACKGROUND AND FINDINGS:	Presentation of the proposed fiscal year 2019-2020 budget.
PREVIOUS LEGISLATIVE ACTION:	
FISCAL IMPACT:	Presentation of the proposed fiscal year 2019-2020 budget.
SUPPORTING DOCUMENTS:	See attached budget and presentation.
RECOMMENDATION:	Staff recommends the City Council review the submitted resolution and supporting documentation with the intent of a motion.
MOTION:	To approve/no approve Resolution No. _____, a resolution adopting the 2019-2020 fiscal year budget for the City of Cedar Hills, Utah.

**FISCAL YEAR 2019-2020
BUDGET PRESENTATION**

2019-2020 Emphasized Budget Priorities

- Technology and code updates
 - Office software upgrade
 - IT policies and processes for managing and backing up documents
 - Land use, code review, tiny homes, single room occupancy, disaster plan
- Planning and capital improvements
 - Water rights study and water model
 - Pressured irrigation meters preliminary funding plan
 - Pressure reducing valve project
 - Pleasant Grove Irrigation ditch piping to feed Pond 10 and Heritage park's creek
 - Elevator addition with Mountainland Association Grant
- Harvey park phasing and other city outdoor improvements
 - Value engineering restrooms, lighting, pavilions, landscaping
 - Updated tree inventory and tree management plan by Arborist that enhances access to Forestry grant funding
 - Driving range, golf path and bridge repairs/improvements
 - St. Andrew's updated plan
 - New event signage, new holiday banners
 - Updated business plans for community services
- Staffing compensation review
 - Keeping salary ranges/pay relevant with Wasatch inflation/growth

Economic Trends

per Kern C. Gardner Policy Institute, May 2019 report

- Utah's unemployment rate 2.9% in April down from 3.1% a year ago
- 45,600 Utah jobs added in the last year
- Personal income grew 5.9% in the last year in Utah compared to 4.6% nationally
- House prices were up 9.8% in the 4th quarter
- Outlook predicts moderating—but still healthy—job and wage growth and low unemployment

Economic Trends

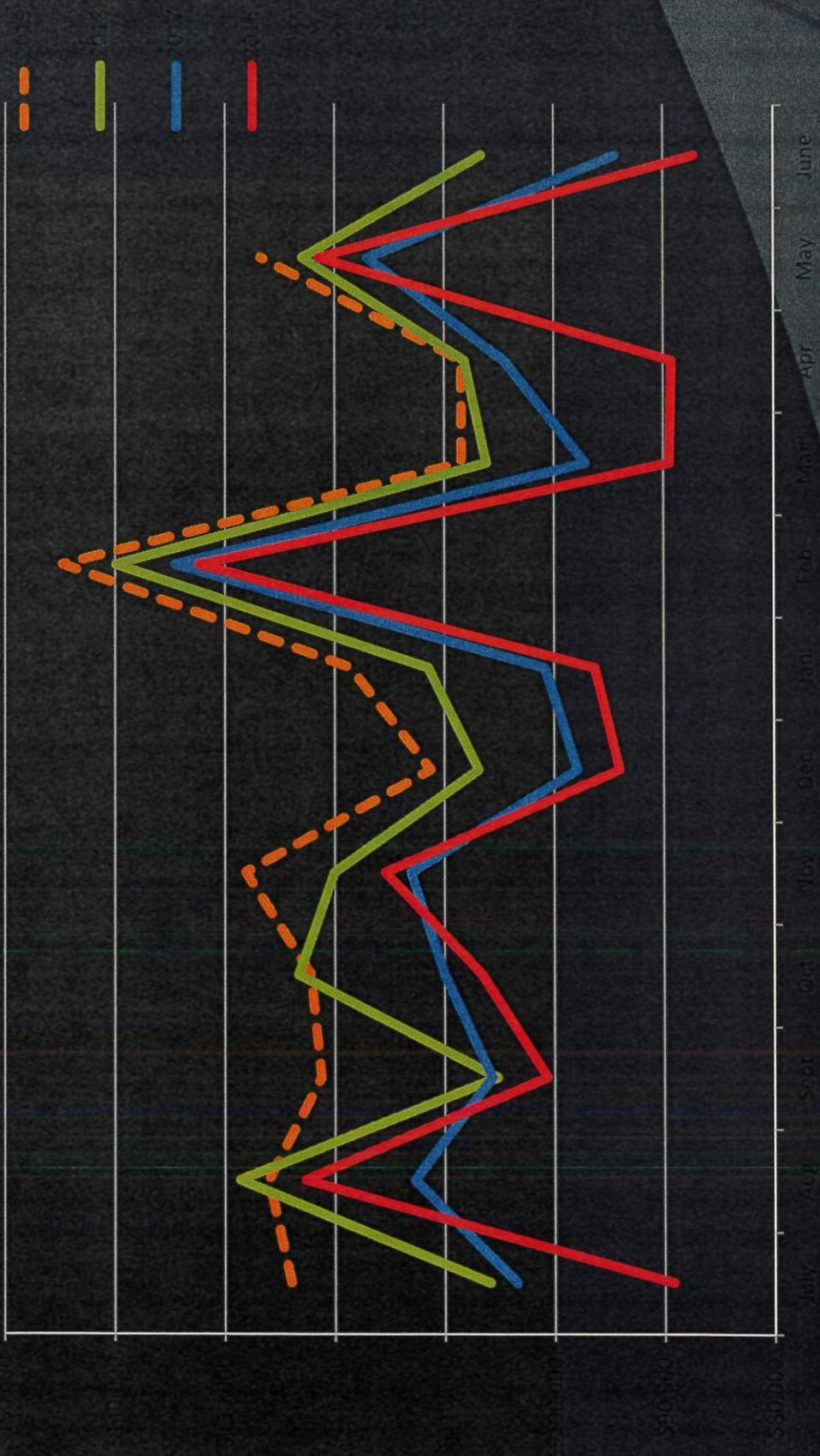
Treasury Yields 6-17-2019

- 3 month treasury yield 2.18%
- 10 year treasury yield 2.09%
- Inverted yield curve for first time in 10 years
- Mainly attributed to a trade war and slowing global growth, but most policy makers think the U.S. economy is in a good place
- Fed may cut rates later this year, but not expected for June

General Fund Budget overall

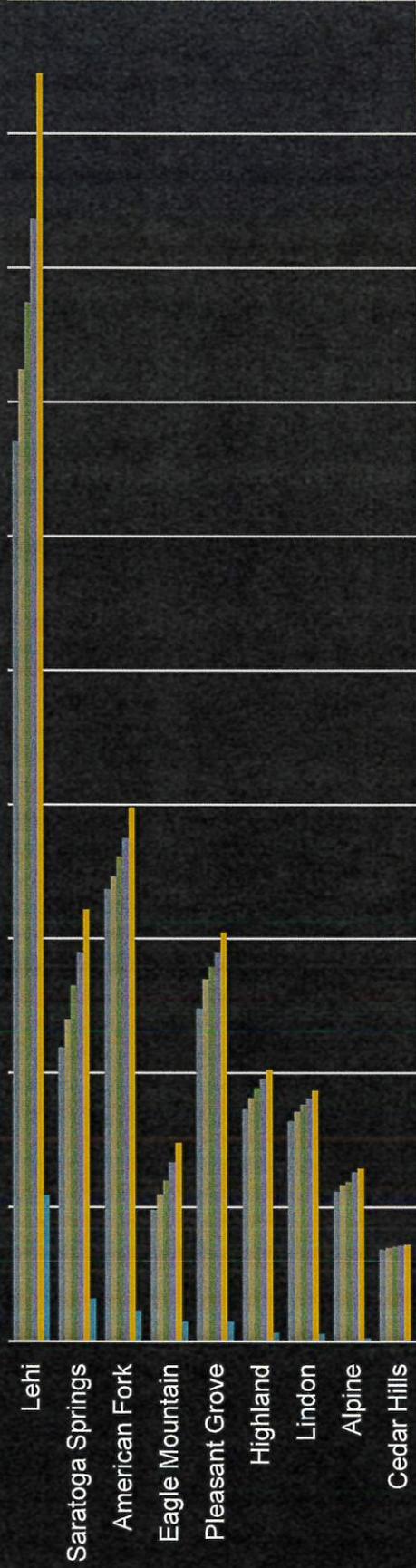
- Fund revenue growth attributed to mostly sales tax revenues approximately \$85K
- Long-term public safety contract with American Fork police & fire/EMS services
 - Stabilize service levels and costs
 - Rental income is absorbed into contract
 - Utilities is added related to public safety building
- Public works adds full-time employee \$6K to General fund allocation for partial year
- \$445K Street related revenues and expenditures are now in Class C Roads fund
- Garbage and recycling revenues and expenditures were updated to reflect the increases from Waste Management
- Park expenditures include new staff and motor pool costs
- Proposed 4% increase for city staff and governing body

Monthly Sales Tax Revenue



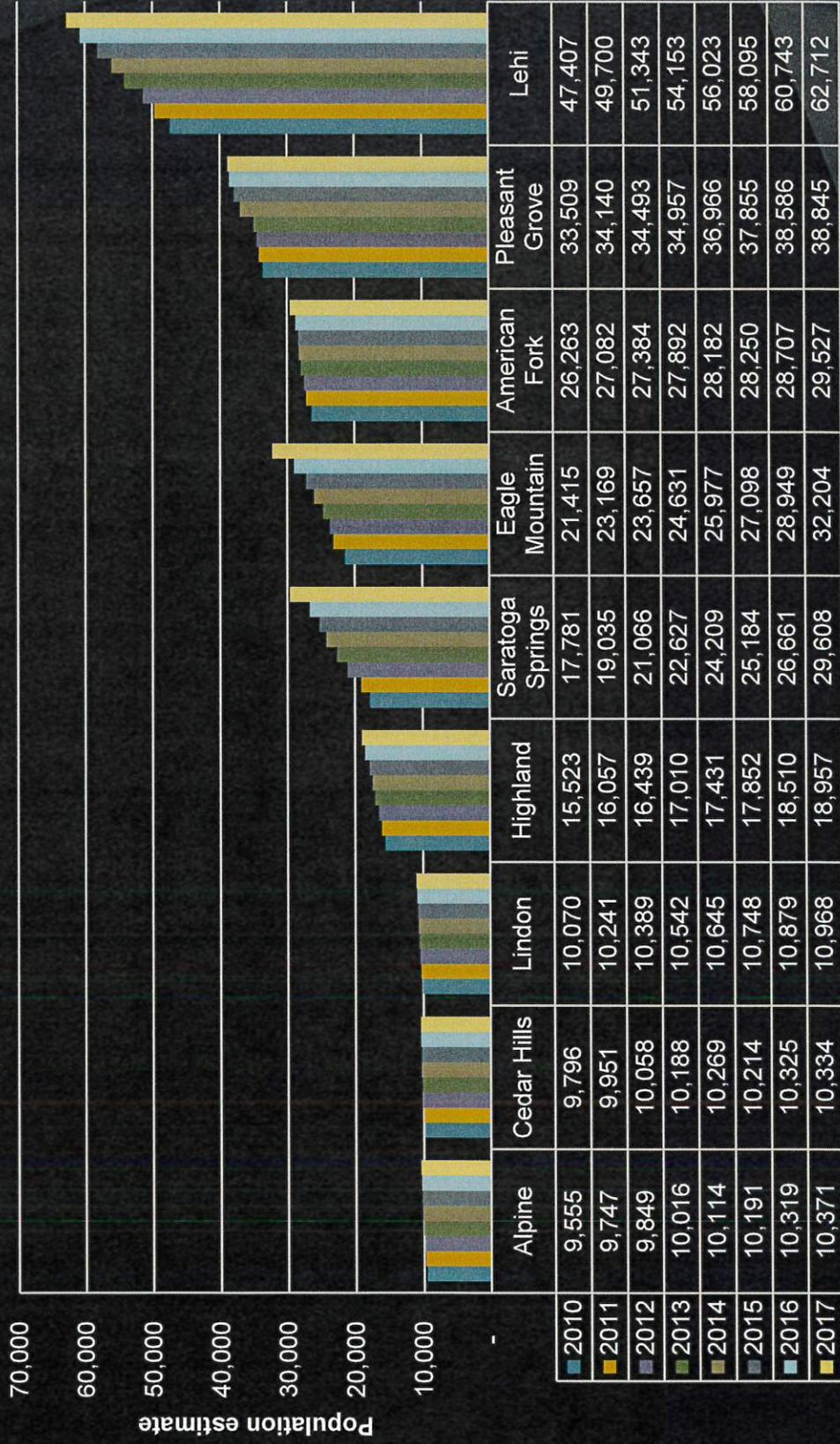
Operations Property Tax New Growth for Northern Utah County

Certified Property Tax Amount for Operations



	Cedar Hills	Alpine	Lindon	Highland	Pleasant Grove	Eagle Mountain	American Fork	Saratoga Springs	Lehi
2015	685,065	1,116,081	1,638,935	1,728,453	2,479,060	978,496	3,366,806	2,187,081	6,705,299
2016	695,654	1,163,463	1,711,327	1,811,726	2,694,085	1,096,156	3,461,464	2,396,502	7,244,868
2017	704,818	1,188,327	1,762,282	1,888,291	2,786,301	1,199,441	3,611,975	2,648,789	7,745,521
2018	711,924	1,259,956	1,809,607	1,955,913	2,897,798	1,332,173	3,749,281	2,897,153	8,363,814
2019	720,255	1,285,764	1,867,569	2,022,251	3,043,434	1,478,903	3,979,175	3,213,403	9,448,986
Increase	8,331	25,808	57,962	66,338	145,636	146,730	229,894	316,250	1,085,172

Estimated Census Numbers 2010-2017



Review of General Fund Budget updates

- Operating property tax amount decreased from the estimated \$732,000 to the revised certified rate amount \$720,255
- Election costs were reduced in half without a primary election to \$8,500
- Public works added an FTE for parks irrigation for the last quarter of the year
- Garbage and recycling was updated to reflect the increases from Waste Management
- Health insurance staff coverage statuses were updated
- Olympus insurance liability coverage was updated

Waste Market Update

- Waste Management cost increases above growth
 - Recycling approximately \$19,000
 - Garbage approximately \$6,300
- Proposed offsetting revenues
 - Raise recycling and garbage approximately \$21,800
 - Recycling overhead \$1.88 per toter
 - Garbage overhead \$2.45 per toter
- Recycling proposed price increases
 - Current price 1 toter \$6.90, each additional toter \$5.00
 - Proposed price 1 toter \$ 9.25, each additional \$7.70
- Garbage proposed price increases
 - Current price 1 toter \$10.99, each additional toter \$10.99
 - Proposed price 1 toter \$11.00, each additional toter \$9.30

Golf and Golf Debt Service Fund

Highlights

- Golf operating budgeted subsidy is reduced from \$142,000 to \$135,000 with park staff allocations
- \$20,000 of fund balance is earmarked for pending bridge and path repairs
- Golf debt levy is reduced from \$309,770 to \$306,000

Capital Projects Fund Highlights

- Harvey Park phasing progress delayed in spring due to rain
 - Harvey Blvd widening \$400,000
 - Park development approximately \$3,000,000
 - What is funded for fiscal year 2019-2020?
 - Parking & related lighting, bathrooms, splash pad, baseball field, fencing, playground with shade, landscaping—grass, trees, plants, concrete flat work, all sport courts, all large pavilions, benches, picnic tables, pickleball sound barrier, flag pole, pavers, seating walls
 - Next priorities, if funding allows fiscal year 2019-2020
 - Pickleball/tennis/basketball lighting improvements, park signage, shade for pickleball benches
 - What probably isn't funded yet?
 - Trash cans
 - Concessions room improvements
 - Bleachers and shade for baseball/softball field
 - Trail pavilions
 - Maintenance building
 - Baseball and multi-sports field lighting
- \$50,000 PARC tax funding
 - \$41,000 set aside for Harvey park pending items
 - \$9,000 set aside for Arts in General fund

Water & Sewer Fund Revenue & Expense Highlights

- Bowen Collins adjustments are necessary for the following reasons:
 - Pay as you go for necessary capital maintenance and improvements
 - Offset very low impact fees
 - Cover higher debt service than most municipalities in the area
- 51-37-110 Water fee 6.4% increase
- 51-37-113,114 PI usage and base rate 0.0% rate increase
- 51-35-110 Storm drain 6.5% increase
- 51-38-110 Sewer 0.0% increase due to completion of Canyon road sewer project and no other pending planned projects
- Public works employee added allocation approximately \$12K to Water & Sewer fund
- Capital improvements planned
 - Harvey park storm drain and site work improvements \$300,000
 - PRV Project \$80,000

Motor Pool fund highlights

- Vehicle purchases & replacements
 - Parks/Golf truck
 - Parks large rotary mower
 - Parks zero turn mower
 - 3 Public works trucks
 - Public works backhoe
- \$8,571 increase for charges to the General fund
- \$2,420 decrease for charges Water & Sewer fund
- \$9,357 decrease in Golf fund charges

GENERAL FUND REVENUES

TAX REVENUE		FY2017	FY2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-31-100	Property Tax	\$699,593	\$741,515	\$711,924	\$720,255	\$8,331
10-31-150	Motor Vehicle Tax	\$77,671	\$80,947	\$76,000	\$77,000	\$1,000
10-31-200	Delinquent Tax	\$26,885	\$32,861	\$20,000	\$20,000	\$0
10-31-250	Penalty & Interest	\$915	\$1,304	\$300	\$300	\$0
10-31-275	Fees in Lieu of Taxes	\$6,620	\$2,912	\$5,000	\$5,000	\$0
10-31-300	Sales & Use Tax	\$1,309,420	\$1,400,723	\$1,300,893	\$1,381,955	\$81,063
10-31-400	Franchise Tax	\$399,090	\$397,192	\$399,000	\$395,000	(\$4,000)
10-31-500	Telecom Tax	\$72,325	\$64,367	\$55,000	\$55,000	\$0
		\$2,592,519	\$2,721,821	\$2,568,117	\$2,654,510	\$86,394

LICENSES & PERMITS		FY2017	FY2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-32-190	Business License	\$28,122	\$10,655	\$10,000	\$10,000	\$0
10-32-200	Building Permits	\$84,787	\$64,632	\$50,000	\$52,000	\$2,000
10-32-210	Plan Check Fees	\$65,672	\$33,625	\$20,000	\$25,000	\$5,000
10-32-260	Miscellaneous Inspection Fees	\$17,434	\$10,455	\$12,000	\$11,000	(\$1,000)
		\$196,014	\$119,367	\$92,000	\$98,000	\$6,000

INTERGOVERNMENTAL REVENUE		FY2017	FY2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-33-400	LPPSD Rent & Grant Assistance	\$58,252	\$60,252	\$58,000	\$0	(\$58,000)
10-33-450	Emergency Management Grant	\$7,500	\$7,516	\$7,500	\$7,500	\$0
10-33-500	Class C Roads Fund	\$335,700	\$0	\$0	\$0	\$0
10-33-600	State Liquor Tax Allotment	\$5,643	\$5,975	\$5,600	\$5,600	\$0
		\$407,095	\$73,743	\$71,100	\$13,100	(\$58,000)

CHARGES FOR SERVICES		FY2017	FY2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-34-110	Garbage Fees	\$407,448	\$411,296	\$410,000	\$402,000	(\$8,000)
10-34-120	Recycling Fees	\$67,540	\$72,355	\$99,000	\$139,000	\$40,000
10-34-300	Processing, Printing & Postage Fees	\$22,013	\$23,128	\$20,000	\$20,000	\$0
10-34-325	Passport Fees	\$61,864	\$100,112	\$72,000	\$85,000	\$13,000
10-34-350	Zoning Violation Fees	\$1,910	\$575	\$0	\$0	\$0
10-34-360	Weed Abatement Fees	\$0	\$0	\$300	\$300	\$0
10-34-450	Fire/Paramedic Fees	\$186,590	\$187,190	\$217,000	\$218,000	\$1,000
		\$747,364	\$794,655	\$818,300	\$864,300	\$46,000

RECREATION & CULTURE REVENUE		FY2017	FY2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-35-100	Family Festival Income	\$36,787	\$34,809	\$30,000	\$30,000	\$0
10-35-105	Youth City Council Fundraisers	\$175	\$426	\$0	\$0	\$0
10-35-106	Community Arts	\$1,964	\$0	\$0	\$0	\$0
10-35-110	Recreation Programs	\$155,149	\$154,652	\$130,000	\$145,000	\$15,000
10-35-111	Recreation & Cultural Classes	\$11,082	\$26,281	\$19,000	\$23,000	\$4,000
10-35-112	Event Center Rentals	\$238,261	\$238,172	\$235,000	\$229,000	(\$6,000)
10-35-120	Event Center Concessions	\$3,166	\$5,400	\$10,000	\$5,500	(\$4,500)
10-35-130	Park Reservations	\$6,832	\$5,068	\$6,000	\$4,500	(\$1,500)
		\$453,415	\$464,806	\$430,000	\$437,000	\$7,000

MISCELLANEOUS REVENUE		FY2017	FY2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-36-100	Interest Income	\$16,501	\$14,633	\$16,000	\$16,000	\$0
10-36-200	Penalty Fees	\$1,598	\$1,223	\$500	\$500	\$0
10-36-500	Construction Bond Forfeiture	\$6,000	\$13,000	\$0	\$0	\$0
10-36-700	Sale of Capital Assets	\$0	\$0	\$0	\$0	\$0
10-36-900	Other Income	\$33,729	\$28,913	\$30,000	\$28,000	(\$2,000)
10-36-902	Transfer in from Water & Sewer	\$8,500	\$0	\$0	\$0	\$0
10-36-903	Transfer in from Capital Projects	\$6,000	\$0	\$9,000	\$9,000	\$0
		\$72,328	\$57,769	\$55,500	\$53,500	(\$2,000)

GRAND TOTALS		\$4,468,735	\$4,232,161	\$4,035,017	\$4,120,410	\$85,394
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GENERAL FUND EXPENDITURES

GENERAL GOVERNMENT EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
10-40-200	Materials & Supplies	\$11,723	\$12,817	\$12,000	\$12,000	\$0
10-40-210	Dues & Subscriptions	\$9,954	\$10,522	\$10,000	\$12,000	\$2,000
10-40-211	Education & Training	\$3,451	\$3,581	\$3,500	\$3,500	\$0
10-40-220	Newsletter/Utility Billing	\$13,283	\$13,052	\$14,000	\$13,000	(\$1,000)
10-40-221	Legal Advertising	\$2,288	\$2,297	\$4,000	\$3,000	(\$1,000)
10-40-240	Computer/IT Expenses	\$18,578	\$14,442	\$22,500	\$23,000	\$500
10-40-250	Repairs & Maintenance	\$9,760	\$14,416	\$12,000	\$15,000	\$3,000
10-40-260	Office Equipment	\$3,750	\$4,863	\$7,000	\$7,000	\$0
10-40-275	Motor Pool Charges	\$17,982	\$8,855	\$8,982	\$8,500	(\$482)
10-40-280	Utilities	\$13,594	\$13,539	\$14,000	\$14,500	\$500
10-40-281	Postage	\$6,405	\$9,645	\$7,000	\$9,000	\$2,000
10-40-290	Communications/Telephone	\$7,983	\$7,809	\$9,500	\$9,000	(\$500)
10-40-305	Legal Services	\$201,885	\$191,515	\$150,000	\$125,000	(\$25,000)
10-40-315	Auditing Services	\$14,500	\$14,500	\$16,000	\$16,000	\$0
10-40-330	Professional/Technical	\$19,612	\$24,691	\$23,000	\$22,000	(\$1,000)
10-40-335	Branding	\$0	\$0	\$1,000	\$1,000	\$0
10-40-350	Other Events	\$2,928	\$3,066	\$3,000	\$3,000	\$0
10-40-510	Insurance	\$23,014	\$24,215	\$25,000	\$30,000	\$5,000
10-40-975	Bad Debt	\$7,113	\$2,665	\$1,000	\$1,000	\$0
		\$373,580	\$376,492	\$343,482	\$327,500	(\$15,982)

MAYOR/COUNCIL EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
10-41-110	Salary & Wages (FT)	\$49,200	\$50,676	\$50,676	\$52,703	\$2,027
10-41-115	Planning Commission	\$400	\$2,500	\$3,600	\$3,600	\$0
10-41-150	Employee Benefits	\$8,179	\$6,439	\$7,293	\$7,497	\$204
10-41-200	Materials & Supplies	\$142	\$823	\$1,100	\$1,100	\$0
10-41-211	Education & Training	\$2,633	\$4,328	\$5,700	\$6,000	\$300
10-41-290	Communications/Telephone	\$6,300	\$6,300	\$6,300	\$6,300	\$0
		\$66,855	\$71,066	\$74,669	\$77,200	\$2,531

ADMINISTRATIVE SERVICES EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
10-44-110	Salary & Wages (FT)	\$157,294	\$117,020	\$124,433	\$121,888	(\$2,545)
10-44-111	Overtime	\$280	\$0	\$749	\$779	\$30
10-44-120	Salary & Wages (PT)	\$17,167	\$24,702	\$28,906	\$29,687	\$781
10-44-150	Employee Benefits	\$68,518	\$59,077	\$67,411	\$66,041	(\$1,370)
10-44-200	Materials & Supplies	\$508	\$270	\$1,000	\$1,000	\$0
10-44-210	Dues & Subscriptions	\$100	\$0	\$1,000	\$1,000	\$0
10-44-211	Education & Training	\$2,336	\$2,560	\$3,000	\$3,000	\$0
10-44-290	Communications/Telephone	\$684	\$480	\$1,000	\$1,000	\$0
		\$246,888	\$204,110	\$227,499	\$224,395	(\$3,104)

ADMINISTRATIVE SERVICES - RECORDER		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
10-45-110	Salary & Wages (FT)	\$37,973	\$38,749	\$40,530	\$42,145	\$1,615
10-45-111	Overtime	\$22	\$0	\$692	\$719	\$27
10-45-150	Employee Benefits	\$15,551	\$16,243	\$17,365	\$25,928	\$8,563
10-45-200	Materials & Supplies	\$71	\$549	\$500	\$500	\$0
10-45-210	Dues & Subscriptions	\$520	\$520	\$600	\$600	\$0
10-45-211	Education & Training	\$1,950	\$2,244	\$2,200	\$2,200	\$0

10-45-215	Contract Labor	\$3,405	\$4,070	\$3,000	\$4,500	\$1,500
10-45-250	City Code	\$2,526	\$3,299	\$2,500	\$2,500	\$0
10-45-300	Document Imaging	\$0	\$0	\$1,050	\$1,050	\$0
10-45-400	Election Expenses	\$969	\$8,396	\$0	\$8,500	\$8,500
		\$62,988	\$74,070	\$68,437	\$88,643	\$20,206

FINANCE DEPARTMENT EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-50-110	Salary & Wages (FT)	\$102,774	\$93,072	\$94,881	\$102,168	\$7,287
10-50-111	Overtime	\$0	\$0	\$574	\$669	\$95
10-50-120	Salary & Wages (PT)	\$0	\$1,653	\$2,888	\$3,170	\$282
10-50-150	Employee Benefits	\$59,893	\$52,242	\$61,253	\$62,732	\$1,479
10-50-200	Materials & Supplies	\$262	\$891	\$1,000	\$1,000	\$0
10-50-210	Dues & Subscriptions	\$538	\$485	\$600	\$600	\$0
10-50-211	Education & Training	\$2,556	\$2,808	\$2,750	\$5,000	\$2,250
10-50-290	Communications/Telephone	\$862	\$745	\$800	\$800	\$0
		\$166,884	\$151,896	\$164,746	\$176,140	\$11,394

PUBLIC SAFETY EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-55-280	Utilities	\$0	\$0	\$0	\$10,000	\$10,000
10-55-300	Fire Services	\$693,985	\$680,496	\$783,361	\$689,700	(\$93,661)
10-55-400	Police Services	\$405,894	\$423,259	\$459,195	\$542,958	\$83,763
10-55-450	Dispatch Fees	\$35,541	\$36,057	\$32,817	\$34,067	\$1,250
10-55-500	Crossing Guard Expenses	\$16,350	\$16,031	\$19,468	\$20,239	\$771
10-55-600	Animal Control	\$7,112	\$7,074	\$7,500	\$7,500	\$0
10-55-975	Bad Debt - Paramedic Fee	\$88	\$158	\$500	\$500	\$0
		\$1,158,970	\$1,163,075	\$1,302,841	\$1,304,964	\$2,123

BUILDING & ZONING EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-60-110	Salary & Wages (FT)	\$27,737	\$23,794	\$25,092	\$26,092	\$1,000
10-60-111	Overtime	\$0	\$0	\$0	\$0	\$0
10-60-120	Salary & Wages (PT)	\$30,736	\$40,394	\$47,284	\$53,878	\$6,594
10-60-150	Employee Benefits	\$19,250	\$16,032	\$46,759	\$54,855	\$8,096
10-60-200	Materials & Supplies	\$393	\$718	\$600	\$600	\$0
10-60-210	Dues & Subscriptions	\$330	\$558	\$500	\$500	\$0
10-60-211	Education & Training	\$2,985	\$2,206	\$4,350	\$4,350	\$0
10-60-215	Contract Labor	\$47,636	\$40,028	\$40,000	\$40,000	\$0
10-60-265	Tools & Equipment	\$308	\$117	\$300	\$300	\$0
10-60-275	Motor Pool Charges	\$6,555	\$6,767	\$6,317	\$7,218	\$901
10-60-290	Communications/Telephone	\$357	\$280	\$600	\$600	\$0
		\$136,288	\$130,894	\$171,802	\$188,393	\$16,591

PUBLIC WORKS EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-61-110	Salary & Wages (FT)	\$110,835	\$115,830	\$119,525	\$127,917	\$8,392
10-61-111	Overtime	\$783	\$497	\$3,235	\$3,489	\$254
10-61-120	Salary & Wages (PT)	\$4,400	\$3,186	\$4,751	\$3,394	(\$1,357)
10-61-150	Employee Benefits	\$81,070	\$81,145	\$91,127	\$98,562	\$7,435
10-61-200	Materials & Supplies	\$4,404	\$4,327	\$4,000	\$4,400	\$400
10-61-210	Dues & Subscriptions	\$250	\$0	\$500	\$500	\$0
10-61-211	Education & Training	\$1,558	\$840	\$2,900	\$2,900	\$0
10-61-265	Tools & Equipment	\$6,294	\$6,618	\$7,000	\$7,000	\$0

10-61-275	Motor Pool Charges	\$47,479	\$61,983	\$58,808	\$56,738	(\$2,070)
10-61-290	Communications/Telephone	\$1,097	\$2,044	\$1,500	\$1,500	\$0
10-61-310	Engineering Services	\$8,724	\$36,028	\$25,000	\$25,000	\$0
		\$266,893	\$312,499	\$318,346	\$331,399	\$13,053

STREETS EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-62-410	Street Light Operation	\$36,366	\$35,646	\$38,200	\$0	(\$38,200)
10-62-415	Street Light Maintenance	\$5,076	\$2,153	\$10,000	\$0	(\$10,000)
10-62-420	Signs	\$7,813	\$7,559	\$10,000	\$0	(\$10,000)
10-62-430	Weed Control	\$2,355	\$2,245	\$4,000	\$0	(\$4,000)
10-62-440	Streets Expense	\$243,182	\$0	\$0	\$0	\$0
10-62-450	Snow Removal	\$8,851	\$6,175	\$15,000	\$0	(\$15,000)
10-62-470	Sidewalk Maintenance	\$25,006	\$0	\$0	\$0	\$0
		\$328,649	\$53,778	\$77,200	\$0	(\$77,200)

SOLID WASTE EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-63-300	Solid Waste Services	\$296,521	\$305,913	\$304,000	\$310,000	\$6,000
10-63-400	Recycling	\$57,574	\$64,832	\$83,000	\$110,000	\$27,000
10-63-975	Bad Debt	\$225	\$408	\$1,000	\$1,000	\$0
		\$354,319	\$371,154	\$388,000	\$421,000	\$33,000

PARKS EXPENDITURES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-64-110	Salary & Wages (FT)	\$0	\$0	\$0	\$24,886	\$24,886
10-64-120	Salary & Wages (PT)	\$0	\$377	\$4,704	\$23,520	\$18,816
10-64-150	Employee Benefits	\$0	\$29	\$601	\$21,882	\$21,281
10-64-230	Tree pruning, supplies, planning	\$0	\$0	\$0	\$25,000	\$25,000
10-64-240	Park Supplies & Maintenance	\$153,141	\$186,446	\$193,000	\$98,000	(\$95,000)
10-64-245	Parks & Trails, Beautification Com	\$10,227	\$8,459	\$8,525	\$8,525	\$0
10-64-250	Utilities	\$12,888	\$12,765	\$12,500	\$15,000	\$2,500
10-64-265	Tools & Equipment	\$0	\$0	\$0	\$25,000	\$25,000
10-64-275	Motor Pool	\$0	\$0	\$0	\$9,157	\$9,157
		\$176,256	\$208,076	\$219,330	\$226,084	\$6,754

COMMUNITY SERVICES		FY 2017	FY 2018	FY 2019	FY 2020	CHANGE
		ACTUAL	ACTUAL	BUDGET	BUDGET	
10-65-110	Salary & Wages (FT)	\$54,815	\$56,659	\$58,742	\$57,266	(\$1,476)
10-65-120	Salary & Wages (PT)	\$97,636	\$98,010	\$125,414	\$119,704	(\$5,710)
10-65-150	Employee Benefits	\$39,481	\$40,598	\$52,123	\$51,241	(\$882)
10-65-200	Materials & Supplies	\$20,348	\$17,280	\$21,000	\$20,000	(\$1,000)
10-65-210	Dues & Subscriptions	\$122	\$235	\$250	\$250	\$0
10-65-211	Education & Training	\$152	\$571	\$1,500	\$1,500	\$0
10-65-250	Utilities	\$21,082	\$22,954	\$23,000	\$23,000	\$0
10-65-275	Motor Pool Charges	\$5,211	\$4,661	\$4,702	\$5,768	\$1,066
10-65-290	Communications/Telephone	\$1,998	\$1,671	\$2,500	\$2,500	\$0
10-65-300	Recreation & Cultural Classes	\$12,074	\$25,002	\$13,000	\$22,000	\$9,000
10-65-400	Recreation Programs	\$52,843	\$51,266	\$48,000	\$54,000	\$6,000
10-65-401	Recreation Equipment	\$2,027	\$2,245	\$3,000	\$2,500	(\$500)
10-65-500	Library Expenses	\$12,245	\$11,585	\$17,000	\$17,000	\$0
10-65-550	Credit Card Fees	\$6,821	\$6,867	\$7,000	\$8,000	\$1,000
10-65-600	Family Festival Celebration	\$51,776	\$58,335	\$55,000	\$55,000	\$0
10-65-601	Cultural Events	\$5,467	\$9,543	\$9,000	\$9,000	\$0
10-65-602	Easter Egg Hunt	\$1,401	\$1,556	\$2,000	\$2,000	\$0

10-65-605	Youth City Council	\$2,004	\$1,543	\$2,500	\$2,500	\$0
10-65-610	Advertising	\$5,000	\$2,327	\$4,500	\$4,500	\$0
10-65-615	Insurance	\$1,289	\$1,356	\$1,500	\$1,500	\$0
10-65-620	Building Maintenance	\$29,932	\$23,700	\$28,700	\$28,700	\$0
		\$423,724	\$437,964	\$480,431	\$487,929	\$7,498

TRANSFERS OUT		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
10-69-910	Transfer to Capital Projects Fund	\$434,000	\$715,000	\$200,000	\$50,000	(\$150,000)
10-69-913	Transfer to Golf Fund	\$116,000	\$142,000	\$142,000	\$135,000	(\$7,000)
10-69-914	Transfer to Excise Debt Service Fund	\$78,113	\$76,233	\$0	\$0	\$0
10-69-915	Transfer to Water & Sewer	\$0	\$0	\$76,233	\$77,046	\$813
10-69-916	Transfer to Golf Debt Service fund	\$50,000	\$0	\$0	\$0	\$0
10-69-917	Transfer to Class C Roads fund	\$0	\$0	\$10,000	\$0	(\$10,000)
		\$678,113	\$933,233	\$428,233	\$262,046	(\$166,187)

GRAND TOTALS		\$4,440,407	\$4,488,304	\$4,265,017	\$4,115,692	\$149,324
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NET TOTALS		\$28,329	\$256,143	\$230,001	\$4,718	
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ESTIMATED FUND BALANCE		FY 2020 BUDGET
	Beginning Fund Bal	\$850,000
	Projected Revenue over Expenditures	\$200,000
	Potential Drawdowns from One-Time Capital Project Expenditures	\$0
	Remaining Unrestricted Fund Balance	\$1,050,000

GOLF FUND REVENUES

GOLF REVENUE		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
20-30-100	Green Fees	\$561,636	\$557,530	\$566,000	\$569,000	\$3,000
20-30-300	Practice Range	\$26,152	\$24,434	\$28,000	\$25,000	(\$3,000)
20-30-400	Pro Shop Revenue	\$84,065	\$80,118	\$79,700	\$78,700	(\$1,000)
20-30-500	Snack Shack & Concessions	\$7,585	\$4,572	\$2,000	\$4,000	\$2,000
20-30-600	Season Passes	\$75,552	\$70,312	\$39,000	\$39,000	\$0
20-30-800	Other Income	\$21,523	\$12,500	\$10,000	\$0	(\$10,000)
20-30-900	Interest Income	\$1,733	\$1,507	\$0	\$0	\$0
20-35-300	Transfer from Other Funds	\$147,000	\$142,000	\$142,000	\$135,000	(\$7,000)
GRAND TOTAL		\$925,246	\$892,972	\$866,700	\$850,700	\$16,000

GOLF EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
20-43-110	Salary & Wages (FT)	\$184,875	\$175,020	\$198,011	\$190,700	(\$7,311)
20-43-111	Overtime	\$0	\$94	\$101	\$115	\$14
20-43-120	Salary & Wages (PT)**	\$102,793	\$97,659	\$120,165	\$110,762	(\$9,403)
20-43-150	Employee Benefits	\$126,412	\$125,263	\$142,503	\$135,046	(\$7,457)
20-43-290	Communications/Telephone	\$2,536	\$2,070	\$3,100	\$3,100	\$0
20-50-100	Supplies	\$12,158	\$10,384	\$10,000	\$10,000	\$0
20-50-200	Utilities	\$56,124	\$57,462	\$60,000	\$59,000	(\$1,000)
20-50-330	Professional/Technical	\$1,200	\$1,236	\$1,300	\$1,300	\$0
20-50-500	Snack Shack & Concessions	\$5,884	\$2,714	\$1,500	\$2,500	\$1,000
20-50-600	Credit Card Expenses	\$17,239	\$18,526	\$17,500	\$21,500	\$4,000
20-50-700	Pro Shop	\$60,523	\$58,503	\$60,500	\$59,500	(\$1,000)
20-50-800	Building Maintenance	\$2,612	\$5,953	\$3,000	\$3,000	\$0
20-60-100	Repairs & Maintenance - Course	\$50,726	\$68,941	\$35,000	\$35,000	\$0
20-60-200	Fertilizer & Chemicals	\$25,607	\$28,323	\$29,000	\$29,000	\$0
20-60-300	Water & Pumping Costs	\$18,290	\$14,988	\$16,500	\$15,500	(\$1,000)
20-60-500	Petroleum & Oil	\$7,516	\$9,753	\$9,000	\$9,800	\$800
20-60-600	Equipment Repair & Replacement	\$26,057	\$17,387	\$28,000	\$23,000	(\$5,000)
20-60-700	Equipment Rental	\$2,126	\$1,097	\$1,000	\$1,000	\$0
20-60-750	Insurance	\$1,381	\$1,453	\$1,500	\$2,000	\$500
20-60-900	Cart Repair & Replacement	\$5,133	\$6,781	\$3,000	\$3,500	\$500
20-70-100	Dues & Subscriptions	\$615	\$620	\$1,250	\$1,250	\$0
20-70-300	Education & Training	\$831	\$765	\$2,500	\$2,500	\$0
20-70-400	Licenses & Fees	\$0	\$0	\$200	\$200	\$0
20-70-500	Computers/Phones	\$4,219	\$3,760	\$5,000	\$5,000	\$0
20-70-600	Advertising	\$33,090	\$37,635	\$20,500	\$20,500	\$0
20-80-250	Golf Cart Rental	\$77,285	\$79,590	\$81,000	\$81,000	\$0
20-80-275	Motor Pool Charges	\$16,020	\$15,920	\$15,570	\$24,927	\$9,357
20-95-202	Capital Outlay	\$96,509	\$109,986	\$70,000	\$20,000	(\$50,000)
GRAND TOTAL		\$937,761	\$951,883	\$936,700	\$870,700	\$66,000

NET TOTAL	\$12,516	\$58,911	\$70,000	\$20,000	\$50,000
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ESTIMATED FUND BALANCE

	FY 2020 BUDGET
Beginning Unrestricted Fund Bal	\$0
Projected change	
Capital Outlay--	
Remaining Unrestricted Fund Balance	\$0

CLASS C ROADS FUND REVENUES

	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
21-30-100 Class C Roads	\$0	\$334,997	\$335,000	\$445,000	\$110,000
21-30-400 Grant Income	\$0	\$0	\$90,000	\$0	(\$90,000)
21-30-600 Interest Income	\$0	\$5,181	\$0	\$0	\$0
21-30-801 Transfers in from General Fund	\$0	\$0	\$10,000	\$0	(\$10,000)
	\$0	\$340,179	\$435,000	\$445,000	\$10,000

CLASS C ROADS FUND EXPENDITURES

	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
21-62-440 Street Maintenance	\$0	\$28,809	\$580,000	\$320,000	(\$260,000)
21-62-470 Sidewalk Maintenance	\$0	\$28,563	\$115,000	\$25,000	(\$90,000)
21-62-410 Street Light Operation	\$0	\$0	\$0	\$38,000	\$38,000
21-62-415 Street Light Maintenance	\$0	\$0	\$0	\$9,000	\$9,000
21-62-420 Street Signs	\$0	\$0	\$0	\$10,000	\$10,000
21-62-450 Snow Removal	\$0	\$0	\$0	\$15,000	\$15,000
	\$0	\$0	\$0	\$0	(\$278,000)

NET TOTALS	\$0	\$340,179	\$435,000	\$445,000	\$288,000
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ESTIMATED FUND BALANCE	FY 2020 BUDGET
Beginning Fund Bal	\$0
Change in Fund Balance	\$0
Remaining Fund Balance	\$445,000

GOLF DEBT SERVICE FUND

DEBT SERVICE REVENUE		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
30-31-102	2012 GO Bond - Property Tax	\$311,855	\$325,929	\$309,770	\$306,000	(\$3,770)
30-31-103	Motor Vehicle Tax	\$34,623	\$35,580	\$33,000	\$33,000	\$0
30-31-104	Delinquent Tax	\$13,405	\$14,444	\$12,000	\$12,000	\$0
30-31-105	Penalty & Interest	\$408	\$573	\$300	\$300	\$0
30-36-100	Interest Income	\$43	\$747	\$0	\$0	\$0
GRAND TOTAL		\$360,249	\$377,272	\$355,070	\$351,300	(\$3,770)

DEBT SERVICE EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
30-98-102	2012 GO Bond Principal	\$230,000	\$230,000	\$240,000	\$240,000	\$0
30-98-202	2012 GO Bond Interest	\$132,720	\$128,120	\$123,520	\$118,720	(\$4,800)
30-98-795	Trustee Fees	\$350	\$350	\$350	\$350	\$0
GRAND TOTAL		\$363,070	\$358,470	\$363,870	\$359,070	\$4,800

NET TOTAL	\$2,821	\$18,802	\$8,800	\$7,770	\$1,030
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ESTIMATED FUND BALANCE		FY 2020 BUDGET
Beginning Fund Bal		\$72,000
Change of Unrestricted Fund Balance		\$7,770
Remaining Fund Balance		\$64,230

CAPITAL PROJECTS FUND REVENUES

	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
40-30-100 Impact Fees - Park Development	\$27,072	\$22,560	\$6,769	\$6,769	\$0
40-30-130 Impact Fees - Public Safety	\$5,942	\$4,951	\$2,908	\$2,908	\$0
40-30-140 Impact Fees - Streets	\$7,499	\$6,249	\$8,124	\$8,124	\$0
40-30-145 Commercial Street Improvement Fee	\$10,706	\$0	\$10,750	\$10,750	\$0
40-30-550 PARC Sales Tax Revenues	\$34,151	\$13,601	\$43,000	\$50,000	\$7,000
40-30-600 Interest Income	\$35,522	\$15,600	\$2,000	\$2,000	\$0
40-30-700 Grant Income	\$10,962	\$5,304	\$5,300	\$5,300	\$0
40-30-902 Proceeds From Sale of Capital Assets	\$641,108	\$2,428,233	\$0	\$0	\$0
40-30-801 Transfers in from General Fund	\$434,000	\$715,000	\$200,000	\$50,000	(\$150,000)
	\$1,206,960	\$3,211,499	\$278,850	\$135,850	(\$143,000)

CAPITAL PROJECTS FUND EXPENDITURES

STREET PROJECTS		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
40-78-781	Harvey Blvd Widening	\$0	\$0	\$600,000	\$400,000	(\$200,000)
		\$0	\$0	\$600,000	\$400,000	(\$200,000)

PARK PROJECTS		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
40-80-802	Deerfield Park - Land Purchase	\$0	\$2,466,969	\$0	\$0	\$0
40-80-803	Harvey Park - Development	\$0	\$27,594	\$2,600,000	\$3,000,000	\$400,000
40-80-817	Bayhill Trailhead Park	\$208,693	\$196,969	\$0	\$0	\$0
40-80-822	Park & Rec Master Plan	\$9,249	\$12,153	\$10,000	\$0	(\$10,000)
40-80-823	Heritage Park Renewal	\$0	\$0	\$100,000	\$0	(\$100,000)
		\$217,942	\$2,703,685	\$2,710,000	\$3,000,000	\$290,000

MISCELLANEOUS PROJECTS		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
40-95-103	Cottonwood Electric, Gas, Excavation	\$1,155	\$0	\$0	\$0	\$0
40-95-126	Heritage Park Amphitheater Improvements	\$0	\$8,337	\$50,000	\$0	(\$50,000)
40-95-127	Fencing for Public Works Building	\$8,080	\$0	\$0	\$0	\$0
40-95-128	Practice Range Fencing	\$37,825	\$0	\$0	\$0	\$0
40-95-135	Golf Maint. Equipment Facility & Site	\$189,064	\$65,637	\$0	\$0	\$0
		\$236,124	\$73,975	\$50,000	\$0	(\$50,000)

OTHER USES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
40-96-100	Transfer to the Gen Fund	\$6,000	\$6,000	\$0	\$9,000	\$9,000
		\$0	\$0	\$0	\$9,000	\$9,000

GRAND TOTALS	\$ 454,066	\$2,777,660	\$ 3,360,000	\$ 3,409,000	\$ 49,000
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NET TOTALS	\$752,895	\$433,839	\$3,081,150	\$3,273,150	\$192,000
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ESTIMATED FUND BALANCE

Beginning Fund Bal				FY 2020 BUDGET
Change in Restricted/Nonspendable Fund Bal				\$3,700,000
Net change of Unrestricted Fund Balance				\$3,273,150
Remaining Fund Balance				\$0
				\$426,850

WATER, SEWER, & STORM DRAIN REVENUES

WATER REVENUE		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-37-110	Water Fees - Residents	\$587,952	\$616,813	\$625,581	\$656,289	\$30,708
51-37-111	Water Fees - American Fork	\$4,566	\$0	\$10,000	\$10,000	\$0
51-37-112	Water Fees - Contractor	\$862	\$2,870	\$1,000	\$1,000	\$0
51-37-113	PI Fees - Usage	\$516,564	\$518,667	\$517,000	\$517,000	\$0
51-37-114	PI Fees - Base Rate	\$505,353	\$504,594	\$505,000	\$505,000	\$0
51-37-115	CUP	\$148,557	\$149,128	\$149,000	\$149,000	\$0
51-37-116	Water Fees from City departments	\$37,750	\$37,750	\$37,750	\$37,750	\$0
51-37-160	Water Lateral Inspections	\$900	\$675	\$1,000	\$1,000	\$0
51-37-190	Water Meters	\$7,406	\$5,750	\$5,175	\$5,175	\$0
51-37-350	Water Impact Fees	\$17,304	\$16,154	\$13,700	\$13,700	\$0
		\$1,827,214	\$1,852,401	\$1,865,206	\$1,895,914	\$30,708

STORM DRAIN REVENUE		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-35-110	Storm Drain - Residents	\$307,444	\$327,512	\$327,428	\$348,800	\$21,372
		\$307,444	\$327,512	\$327,428	\$348,800	\$21,372

SEWER REVENUE		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-38-110	Sewer Fees - Residents	\$1,059,366	\$1,091,435	\$1,091,147	\$1,091,435	\$288
51-38-111	Sewer Fees from City departments	\$1,750	\$1,750	\$1,750	\$1,750	\$0
51-38-115	Sewer Fees - Nonresidents	\$36,030	\$35,844	\$41,637	\$41,637	\$0
51-38-160	Sewer Lateral Inspections	\$1,050	\$825	\$1,100	\$1,100	\$0
51-38-665	Sewer Impact Fees	\$12,074	\$9,288	\$9,400	\$9,400	\$0
		\$1,110,271	\$1,139,142	\$1,145,034	\$1,145,322	\$288

MISCELLANEOUS REVENUE		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-39-100	Contribution from Developer	\$125,569	\$95,522	\$0	\$0	\$0
51-39-200	Penalty Fees	\$44,815	\$41,852	\$45,000	\$45,000	\$0
51-39-400	Transfer In General Fund	\$0	\$76,233	\$76,233	\$77,046	\$813
51-39-410	Interest Income	\$31,020	\$40,521	\$19,000	\$19,000	\$0
51-39-600	Utility Setup Fees	\$12,800	\$11,500	\$12,000	\$12,000	\$0
51-39-900	Other Income	\$50	\$220	\$750	\$750	\$0
51-39-950	Contribution Income	\$0	\$0	\$5,000	\$5,000	\$0
		\$214,254	\$265,848	\$157,983	\$158,796	\$813

GRAND TOTALS		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
		\$3,459,183	\$3,584,903	\$3,495,651	\$3,548,832	\$53,181

WATER, SEWER, & STORM DRAIN EXPENDITURES

WATER EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-73-110	Salary & Wages (FT)	\$209,172	\$211,980	\$214,490	\$237,159	\$22,669
51-73-111	Overtime	\$847	\$497	\$3,849	\$4,582	\$733
51-73-120	Salary & Wages (PT)	\$3,759	\$8,107	\$11,876	\$11,615	(\$261)
51-73-150	Employee Benefits	\$129,566	\$128,151	\$148,493	\$167,452	\$18,959
51-73-160	GASB 68 Pension Expense	\$10,372	\$3,937	\$0	\$0	\$0
51-73-200	Water Supplies	\$1,135	\$802	\$5,000	\$5,000	\$0
51-73-210	Dues & Subscriptions	\$300	\$1,620	\$2,200	\$2,200	\$0
51-73-211	Education & Training	\$1,605	\$3,985	\$6,000	\$9,500	\$3,500
51-73-240	Computer Expenses	\$2,790	\$1,760	\$3,500	\$3,500	\$0
51-73-260	Office Equipment	\$0	\$0	\$1,000	\$1,000	\$0
51-73-265	Tools & Equipment	\$608	\$3,947	\$13,500	\$10,000	(\$3,500)
51-73-275	Motor Pool Charges	\$62,656	\$67,483	\$64,158	\$61,738	(\$2,420)
51-73-280	Utilities	\$331,300	\$287,610	\$335,000	\$335,000	\$0
51-73-282	Blue Stakes	\$583	\$1,153	\$1,200	\$1,200	\$0
51-73-290	Communications/Telephone	\$1,597	\$2,349	\$2,000	\$2,000	\$0
51-73-310	Engineering Services	\$2,629	\$9,751	\$35,000	\$35,000	\$0
51-73-330	Professional/Technical	\$8,047	\$9,727	\$13,850	\$13,850	\$0
51-73-360	Meter Installation & Maintenance	\$47,844	\$34,152	\$60,000	\$65,000	\$5,000
51-73-470	Water Purchases - AF	\$23,661	\$23,909	\$20,000	\$10,000	(\$10,000)
51-73-471	Water Purchases - PG	\$22,490	\$22,340	\$23,000	\$25,000	\$2,000
51-73-472	Water Testing	\$6,405	\$4,561	\$6,500	\$6,500	\$0
51-73-510	Insurance	\$14,518	\$15,275	\$15,770	\$16,000	\$230
51-73-751	Water Construction Projects/Repair	\$41,314	\$49,757	\$65,000	\$55,000	(\$10,000)
51-73-800	Supplementary Water	\$120,227	\$124,313	\$138,000	\$138,000	\$0
51-73-801	PI Expenses	\$67,947	\$26,478	\$70,000	\$45,000	(\$25,000)
51-73-900	Credit Card Fees	\$17,492	\$23,593	\$25,000	\$25,000	\$0
51-73-950	Trustee Fees	\$4,950	\$6,450	\$6,600	\$6,600	\$0
51-73-955	Bond Interest	\$176,212	\$215,374	\$185,269	\$170,451	(\$14,819)
51-73-960	Depreciation - Water	\$437,201	\$484,965	\$440,000	\$485,000	\$45,000
51-73-965	Deferred Amortization Costs	\$29,782	\$37,256	\$25,589	\$25,589	\$0
51-73-975	Bad Debt	\$4,577	\$1,526	\$6,000	\$6,000	\$0
51-73-980	Resident Claims	\$43,246	\$135,400	\$5,000	\$5,000	\$0
		\$1,824,830	\$1,940,335	\$1,952,844	\$1,984,935	\$32,091

STORM DRAIN EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-72-110	Salary & Wages (FT)	\$126,983	\$132,834	\$134,349	\$140,378	\$6,029
51-72-111	Overtime	\$543	\$335	\$2,643	\$2,808	\$165
51-72-120	Salary & Wages (PT)	\$1,689	\$4,725	\$8,551	\$8,283	(\$268)
51-72-150	Employee Benefits	\$78,950	\$81,153	\$104,495	\$108,389	\$3,894
51-72-160	GASB 68 Pension Expense	\$6,556	\$2,345	\$0	\$0	\$0
51-72-200	Storm Drain Supplies	\$426	\$137	\$3,000	\$3,000	\$0
51-72-210	Dues & Subscriptions	\$1,991	\$2,431	\$2,400	\$2,400	\$0
51-72-211	Education & Training	\$659	\$620	\$1,250	\$1,250	\$0
51-72-240	Computer Expenses	\$1,199	\$935	\$1,600	\$1,600	\$0
51-72-265	Tools & Equipment	\$842	\$2,032	\$2,000	\$2,000	\$0
51-72-290	Communications/Telephone	\$1,051	\$1,603	\$1,500	\$1,500	\$0
51-72-310	Engineering Services	\$5,180	\$0	\$10,000	\$10,000	\$0
51-72-330	Professional/Technical	\$1,170	\$3,306	\$1,550	\$1,550	\$0
51-72-470	Testing	\$0	\$0	\$200	\$0	(\$200)
51-72-510	Insurance	\$5,809	\$6,112	\$6,310	\$7,000	\$690
51-72-751	Storm Drain Maintenance	\$32,037	\$35,636	\$30,000	\$30,000	\$0
51-72-960	Depreciation - Storm Drain	\$65,115	\$73,955	\$70,000	\$70,000	\$0
51-72-975	Bad Debt	\$145	\$276	\$750	\$750	\$0
		\$330,345	\$343,747	\$380,598	\$390,909	\$10,311

SEWER EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-74-110	Salary & Wages (FT)	\$150,504	\$146,818	\$149,346	\$151,612	\$2,267
51-74-111	Overtime	\$565	\$335	\$2,746	\$2,793	\$47
51-74-120	Salary & Wages (PT)	\$2,537	\$6,068	\$8,992	\$8,727	(\$265)

51-74-150	Employee Benefits	\$90,702	\$87,447	\$104,496	\$108,389	\$3,893
51-74-160	GASB 68 Pension Expense	\$7,599	\$2,729	\$0	\$0	\$0
51-74-200	Sewer Supplies	\$1,835	\$0	\$2,000	\$2,000	\$0
51-74-211	Education & Training	\$386	\$510	\$1,050	\$1,050	\$0
51-74-240	Computer Expenses	\$1,548	\$935	\$2,100	\$2,100	\$0
51-74-265	Tools & Equipment	\$624	\$1,125	\$1,000	\$1,000	\$0
51-74-280	Utilities	\$133	\$131	\$200	\$200	\$0
51-74-281	Postage	\$485	\$1,200	\$750	\$750	\$0
51-74-290	Communications/Telephone	\$1,162	\$1,600	\$1,500	\$1,500	\$0
51-74-310	Engineering Services	\$2,836	\$13,542	\$5,000	\$5,000	\$0
51-74-330	Professional/Technical	\$1,755	\$1,755	\$2,500	\$2,500	\$0
51-74-470	TSSD Billing	\$496,396	\$473,392	\$555,000	\$555,000	\$0
51-74-472	Sewer Television Expenses	\$0	\$0	\$2,000	\$2,000	\$0
51-74-473	Sewer Fee - AF	\$0	\$0	\$1,000	\$1,000	\$0
51-74-510	Insurance	\$8,745	\$9,202	\$9,500	\$10,000	\$500
51-74-751	Sewer Maintenance	\$917	\$1,134	\$2,000	\$2,000	\$0
51-74-752	Sewer Construction Projects	\$2,670	\$0	\$3,000	\$3,000	\$0
51-74-960	Depreciation - Sewer	\$138,471	\$138,831	\$140,000	\$140,000	\$0
51-74-975	Bad Debt	\$501	\$921	\$2,500	\$2,500	\$0
		\$910,372	\$882,215	\$996,679	\$1,003,121	\$6,442

NON-OPERATING EXPENDITURES		FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
51-75-815	Transfer to General Fund	\$8,500	\$0	\$0	\$0	\$0
51-75-820	Transfer to Capital Projects	\$0	\$0	\$0	\$0	\$0
51-75-900	Transfer to Excise Tax Debt Service	\$78,113	\$0	\$0	\$0	\$0
51-75-910	Transfer to Golf Fund	\$31,000	\$0	\$0	\$0	\$0
		\$117,613	\$0	\$0	\$0	\$0

GRAND TOTALS		\$3,183,160	\$3,166,297	\$3,330,121	\$3,378,965	\$48,844
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NET TOTALS		\$276,023	\$418,605	\$165,530	\$169,867	\$4,337
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Water, Sewer, & Storm Drain Fund Cash Flow Analysis

NET TOTALS BEFORE CASH ADJUSTMENTS		\$169,867
Less Debt Service		
2007 Well Bond Principal		(\$107,000)
2009 PI2 Bond Principal		(\$62,000)
2014 PI Bond Principal		(\$275,000)
2015 Public Works Building Excise Tax Bonds		(\$125,000)
Less Capital Improvements		
PRV project		(\$80,000)
Storm drain/Grading improvements--Harvey Park		(\$300,000)
Water Stock		(\$5,000)
Plus Non-Cash Items		
Depreciation - Storm Drain		\$70,000
Depreciation - Water		\$485,000
Depreciation - Sewer		\$140,000
Amortization - Bond Costs		\$25,589
Accrued Interest Adjustment		(\$4,000)
TOTAL CASH INFLOW		(\$67,544)

ESTIMATED NET POSITION		FY 2020 BUDGET
Beginning Unrestricted Net Position		\$1,400,000
Change of Unrestricted Position		\$67,544
Remaining Unrestricted Net Position		\$1,332,456

MOTOR POOL REVENUES

	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
60-30-100 Charges to General Fund	\$77,227	\$82,266	\$78,810	\$87,381	\$8,571
60-30-200 Charges to Water & Sewer Fund	\$62,656	\$67,483	\$64,198	\$61,738	(\$2,420)
60-30-300 Charges to Golf Fund	\$16,020	\$15,920	\$15,570	\$24,927	\$9,357
60-70-205 Gain on Sale of Assets	\$37,372	\$19,435	\$8,000	\$23,000	\$15,000
	<u>\$193,275</u>	<u>\$185,104</u>	<u>\$166,538</u>	<u>\$197,046</u>	<u>\$30,508</u>

MOTOR POOL EXPENDITURES

VEHICLE EXPENDITURES	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
60-40-100 Gas & Oil - Admin/Gen/Rec	\$2,387	\$924	\$3,250	\$2,000	(\$1,250)
60-40-200 Vehicle Maintenance - Admin/Gen/Rec	\$91	\$119	\$600	\$500	(\$100)
60-40-300 Insurance - Admin/Gen/Rec	\$1,488	\$1,415	\$1,500	\$2,500	\$1,000
60-40-400 Gas & Oil - Bldg/Zoning	\$352	\$326	\$750	\$750	\$0
60-40-500 Vehicle Maintenance - Bldg/Zoning	\$116	\$0	\$300	\$300	\$0
60-40-600 Insurance - Bldg/Zoning	\$496	\$472	\$600	\$900	\$300
60-40-700 Gas & Oil - PW	\$14,086	\$15,894	\$25,000	\$24,000	(\$1,000)
60-40-800 Vehicle Maintenance - PW	\$14,874	\$7,976	\$15,000	\$15,000	\$0
60-40-900 Insurance - PW	\$7,438	\$7,077	\$7,750	\$12,500	\$4,750
60-40-930 Gas & Oil - Golf/Parks	\$619	\$792	\$1,000	\$2,000	\$1,000
60-40-940 Vehicle Maintenance - Golf/Parks	\$624	\$367	\$1,000	\$2,000	\$1,000
60-40-950 Insurance - Golf/Parks	\$496	\$472	\$550	\$1,500	\$950
	<u>\$43,066</u>	<u>\$35,836</u>	<u>\$57,300</u>	<u>\$63,950</u>	<u>\$6,650</u>

EQUIPMENT EXPENDITURES	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY 2020 BUDGET	CHANGE
60-60-400 Rent Expense	\$14,917	\$14,750	\$22,000	\$14,000	\$8,000
60-70-200 Depreciation	\$91,427	\$78,255	\$87,238	\$119,096	\$31,858
	<u>\$106,344</u>	<u>\$93,005</u>	<u>\$109,238</u>	<u>\$133,096</u>	<u>\$23,858</u>

GRAND TOTAL	\$149,410	\$128,841	\$166,538	\$197,046	\$30,508
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NET TOTALS	\$43,864	\$56,264	\$0	\$0	\$0
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ESTIMATED NET POSITION	FY 2020 BUDGET
Beginning Unrestricted Net Position	\$450,000
Change of Unrestricted Position	\$120,000
Remaining Unrestricted Net Position	<u>\$330,000</u>

CAPITAL OUTLAY

- 2020 Golf/Parks Double Cab Truck
- 2020 Parks Large Rotary Mower
- 2020 Parks Zero Turn mower
- 2020 Public Works Truck
- 2020 Public Works Truck
- 2020 Public Works Double Cab Truck
- 2020 Wheeler Backhoe

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE 2019-2020 FISCAL YEAR BUDGET FOR THE CITY OF CEDAR HILLS, UTAH.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:

Pursuant to §10-6-118, Utah Code, the 2019-2020 Fiscal Year Budget for the General Fund, Golf Fund, Capital Projects Fund, Sewer/Water/Storm Drain Fund, Motor Pool Fund, and Community Recreation Fund for the City of Cedar Hills, Utah, is hereby adopted. A copy of said budget is attached hereto (Attachment A), and by this reference made part of this Resolution.

PASSED THIS 26TH DAY OF JUNE, 2019.

APPROVED:

Jenney Rees, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	6/26/2019

City Council Agenda Item

SUBJECT:	Fiscal Year 2019-2020 Certified Property Tax Rate
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Charl Louw, Finance Director

BACKGROUND AND FINDINGS:

Statutes require that each year a certified property tax rate be calculated. The certified property tax rate is the rate which will provide the same amount of property tax revenue as was charged in the previous year excluding the revenue generated by new growth. Tax rates went down the last few years, which offset the rising property values.

New property growth from new residential/commercial activity was calculated by Utah County as a \$7,106 increase for the next fiscal year.

The County Auditor's certified tax rate for 2019 is .001737 and the total levy amount is \$1,026,255:
 General Operations: .001219 (\$720,255)
 Interest and Sinking Fund/Bond: .000518 (\$306,000) \$358,120 debt service due, requesting \$306,000
 New property growth from new residential/commercial activity was calculated by Utah County as an increase for the next fiscal year.

For example, a home with an assessed market value of \$400,000 has a taxable value of \$220,000, and \$382.14 would be due November 30th related to the city in property taxes.

The County Auditor's certified tax rate for 2018 was .001923
 General Operations: .001340 (\$711,924)
 Interest and Sinking Fund/Bond: .000583 (\$309,770)

The County Auditor's certified tax rate for 2017 was .002024
 General Operations: .001406 (\$704,818)
 Interest and Sinking Fund/Bond: .000618 (\$309,970)

The County Auditor's certified tax rate for 2016 was .002186
 General Operations: .001512 (\$695,654)
 Interest and Sinking Fund/Bond: .000674 (\$309,970)

PREVIOUS LEGISLATIVE ACTION:**FISCAL IMPACT:****SUPPORTING DOCUMENTS:**

2019 Tax Rate Summary Page

RECOMMENDATION:

Staff recommends the City Council review the submitted resolution with the intent of a motion.

MOTION:

To approve/no approve Resolution No. _____, a resolution setting the total Property Tax Levy assessed upon real and personal property for general governmental purposes for the 2019-2020 tax year for the City of Cedar Hills, Utah.

Preliminary Data

Proposed Tax Rate Value: \$ 590,857,152
 Budgeted Revenue / Proposed Tax Rate Value = Proposed Tax Rate

(1) Budget Code	(2) Budget Name	(3) Election Date	(4) Voted Rate Limit	(5) Utah Annotated Code	(6) Maximum By Law	(7) Calculated Certified Tax Rate	(8) Auditor's Certified Tax Rate	(9) Auditor's Certified Rate Revenue	(10) Proposed Tax Rate	(11) Budgeted Revenue	(12) Final Tax Rate	(13) Final Budgeted Revenue
10	General Operations			\$11-6-133	007	0.001219	0.001219	720,255	0.001219	720,255	0.001219	720,255
20	Interest and Sinking Fund/Bond			\$17-12-1	Sufficient	0.000518	0.000518	308,000	0.000518	308,000	0.000518	308,000
190	Discharge of Judgement			\$59-2-122 & 1330	Sufficient			0				
Total Tax Rate									0.001219	0.001219	0.000000	0.000000

NOTES:

RESOLUTION NO. _____

A RESOLUTION SETTING THE TOTAL PROPERTY TAX LEVY ASSESSED UPON REAL AND PERSONAL PROPERTY FOR GENERAL GOVERNMENTAL PURPOSES FOR THE 2019-2020 TAX YEAR FOR THE CITY OF CEDAR HILLS, UTAH.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:

Pursuant to the provisions of §10-6-133, Utah Code Annotated, as amended, the City Council of the City of Cedar Hills, Utah, does hereby set the amount of the total property tax levy to be assessed upon real and personal property for general governmental purposes for the 2019-2020 Fiscal Year, at .001219 and the General Obligation Bond levy at .000518 for a total levy of at .001737.

PASSED THIS 26TH DAY OF JUNE, 2019.

APPROVED:

Jenney Rees, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Jeff Maag, Public Works Director
DATE:	6/26/2019

City Council Agenda Item

SUBJECT:	Cedar Hills Retail – Durability Retainer
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Jeff Maag
BACKGROUND AND FINDINGS: Amsource has requested the release of the Durability retainer related to the Cedar Hills Retail Center. Staff has reviewed and inspected the project and finds that the construction meets City requirements.	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: N/A	
RECOMMENDATION: Staff recommends that council accept the public improvements construction and approve the release of the durability retainer in the amount of \$25,710.86 plus any accrued interest.	
MOTION: To approve/not approve acceptance of the public improvements construction related to the “Cedar Hills Retail Center” (Amsource) development and release the associated durability retainer.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	June 26, 2019

City Council Agenda Item

SUBJECT:	Review/Action on Directing Staff to Prepare a Request for Qualifications (RFQ) for Professional Legal Services
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS: Cedar Hills last went out to bid on legal services in March of 2015. In that meeting, the City Council selected Kirton McConkie to serve the City's legal needs. The City has been well served by Kirton McConkie over the years; however, a recent request to adjust the monthly retainer for legal services has brought up the question of how much the City should pay for legal services. The Mayor and City Council must decide what level of service they are willing to budget related to legal services falling within the monthly retainer; under any contract litigation is billed outside the monthly retainer. An RFQ will be prepared and sent to the City Council and Mayor for review. We anticipate that there would need to be a period to accept proposals, and have them reviewed by staff and the Council. Staff will establish a timeline for proposals to be submitted, and for a decision to be made.	
PREVIOUS LEGISLATIVE ACTION: City Council selected Kirton McConkie as the City's legal services provider in March 2015.	
FISCAL IMPACT: Unknown at this time.	
SUPPORTING DOCUMENTS: None	
RECOMMENDATION: N/A	
MOTION: To direct/not direct staff to prepare and issue a Request for Qualifications for legal services.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Chandler Goodwin, City Manager
DATE:	June 26, 2019

City Council Agenda Item

SUBJECT:	Discussion Amending Cedar Hills City Code Related to the Board of Adjustment and the Appeal of Land Use Decisions
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin, City Manager
BACKGROUND AND FINDINGS: Cedar Hills Municipal Code 9-1 Section C establishes a Board of Adjustment to hear appeals related to land use decisions and variances. Utah State Code 10-9a-701 requires a municipality to establish an appeal authority to hear applications related to the administration of land use decisions and variances to municipal code.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: Unknown at this time. Contracting out the appeal authority process will raise legal fees. Much of this may be a pass along cost to the applicant.	
SUPPORTING DOCUMENTS: Code from Alpine, Highland, and Pleasant Grove	
RECOMMENDATION: To review the proposal and determine the best course of action as it relates to the Board of Adjustment and the appeal process in Cedar Hills. Direct staff on what future action to take, and if new code should be brought to the City Council for adoption.	
MOTION: No motion necessary, discussion item only.	

2.03 Appeal Authorities

2.03.010 Appeal Authority

2.03.020 Hearing Officer

2.02.030 Variances

2.02.040 Appeals From Land Use Decisions

2.02.050 District Court Review Of Appeal Authority Decisions

2.03.010 Appeal Authority

There is hereby created Appeal Authorities, consisting of an appointed Hearing Officer, which shall act in a quasi-judicial manner to hear appeals regarding the interpretation or application of Alpine City land use ordinances.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

2.03.020 Hearing Officer

1. **Establishment and Appointment of Hearing Officer.** There is hereby created the officer of Land Use Hearing Officer. The Alpine City Hearing Officers shall be appointed by the Mayor with the advice and consent of the City Council. The individual appointed as a Hearing Officer shall be a person who is trained in or familiar with the disciplines of planning or law.
2. **Term of Office.** The Hearing Officer shall serve at the pleasure of the City for an indefinite term. The Land Use Hearing Officer may be dismissed from office by the Mayor, with the advice and consent of the City Council, with or without cause at anytime.
3. **Duties and Powers.** The Land Use Hearing Officer, as the Appeal Authority, shall
 - a. hear and decide appeals from decisions granting or denying reasonable accommodations for persons with disabilities from land use regulations; and
 - b. hear and decide appeals from land use decisions applying or interpreting the land use ordinances.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

2.02.030 Variances

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Hearing Officer shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and adjacent property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
4. The Hearing Officer may administer oaths and compel the attendance of witnesses.

5. The Hearing Officer shall cause minutes of his/her proceedings to be kept indicating such fact, and shall cause records or his/her examinations and other official actions; all of which shall be immediately filed at Alpine City Hall and shall be public record.
6. Decisions of the Hearing Officer regarding variances become effective at the meeting in which the decision is made, unless a different time is designated in the Hearing Officer's rules or at the time the decision is made.
7. The Hearing Officer may grant a variance only if:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - e. The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Part 7, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
9. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Part 7, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
10. In determining whether or not there are special circumstances attached to the property under Part 7, the Hearing Officer may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties granted in the same zone.
11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
12. Variances run with the land.
13. The Hearing Officer may not grant a use variance.
14. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful effects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

2.02.040 Appeals From Land Use Decisions

1. **Standards for Review of Appeals.** The Land Use Hearing Officer shall hear and decide appeals from land use decisions applying or interpreting the land use ordinances, and shall comply with the following standards:
 - a. The applicant, a board or officer of the City, or any person adversely affected by the Land Use Authority's decision administering or interpreting a land use ordinance may appeal that decision to the Land Use Hearing Officer by alleging that there is error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use ordinance.
 - b. The appeal must be filed within ten (10) days from the date of such decision by filing with the Zoning Administrator and with the Land Use Hearing Officer a written notice of appeal specifying the grounds thereof.
 - c. An appeal filed in accordance with this section stays all proceedings in the appeal action, unless the Zoning Administrator certifies to the Hearing Officer, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Hearing Officer or by the district court on application and notice and on due cause shown.
 - d. The Hearing Officer shall fix a reasonable time for the hearing of any appeal within forty (40) days of the date of filing such appeal with the Zoning Administrator.

- e. All appeals including appeals of conditional use decisions rendered by the Planning Commission shall follow the review procedure outlined below.
- i. Upon scheduling a hearing date, the Land Use Hearing Officer shall notify the City's Zoning Administrator at least two weeks prior to the hearing to allow preparation of the record of proceedings.
 - ii. The Zoning Administrator shall prepare a copy of the record of the proceedings, which shall be a complete record from the date of application to the date of the decision appealed from, and provide a copy to the Land Use Hearing Officer and to the person or entity filing the appeal at least one week before the date of the hearing.
 - iii. All appeals on decisions applying a land use regulation to a specific application or parcel of land shall be on the record only and not de novo. In appeals from decisions applying the terms of the land use regulation the Hearing Officer shall review the record, and may not accept or consider any evidence outside the record unless the Zoning Administrator fails to provide a record of proceeding.
 - iv. The Hearing Officer shall conduct a hearing on each appeal with respect for the due process rights of each of the participants. Notice shall be given of all hearing dates and times. Parties shall be given the right to be heard and present argument. Parties shall be allowed to offer written and oral argument as they desire, in conformance with reasonable rules for such procedure adopted by the Hearing Officer.
 - v. The Land Use Hearing Officer shall review the decision of the Land Use Authority that involves a determination of factual matters on the record, and not de novo, and determine whether the decision was arbitrary, capricious, or illegal. A decision is considered arbitrary or capricious only if the Hearing Officer determines that there was not substantial evidence, as that term has been defined by Utah courts, found in the record to support each essential finding of fact of the Land Use Authority.
 - vi. The Land Use Hearing Officer shall interpret and apply the plain meaning of the land use regulation; and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.
 - vii. After review of the record and written and oral argument on both sides, the Hearing Officer may affirm, reverse, or remand to the appropriate Land Use Authority for further review and consideration the action taken by the Land Use Authority.
- f. The appellant has the burden of proving that the Land Use Authority erred.
- g. The Hearing Officer shall presume that the decision of the Land Use Authority that is being appealed is correct, and shall only modify the decision if the appellant meets its burden of showing that the Land Use Authority erred in its application or interpretation of the land use ordinances.
- h. Only decisions applying and interpreting the adopted land use ordinances of the City or requesting reasonable accommodations for persons with disabilities may be appealed to the Hearing Officer. A person may not appeal, and the Hearing Officer, in his/her duties as an Appeal Authority, may not consider, any appeal of a legislative decision of the City Council, such as a decision to adopt or amend any land use (zoning or subdivision) ordinance of the City.

- i. Appeals may not be used to waive or modify the terms of requirements of the land use regulation or ordinance, except as specifically allowed by the land use regulation or ordinance.
- j. The Hearing Officer shall render his/her decision on the appeal within thirty (30) days from the date that the hearing is held. The Officer may affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Land Use Authority.
- k. A decision of the Hearing Officer takes effect on the date when the Officer issues a written decision, or as otherwise provided by ordinance. A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 10-9a-802(2)(a) or a final action under Subsection 10-9a-801(4) of the Utah State Code.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

2.02.050 District Court Review Of Appeal Authority Decisions

1. Any person adversely affected by any decision of the Land Use Hearing Officer or the Board of Adjustment may petition the district court for a review of the decision. However, no person may challenge in district court the City's land use decision until that person has exhausted the person's administrative remedies as provided in Utah State Code Title 10, Chapter 9a, Part 7, Appeal Authority and Variances, if applicable.
2. In the petition, the petitioner may only allege that the Land Use Hearing Officer's or the Board of Adjustment's decision was arbitrary, capricious, or illegal.
3.
 - a. The petition is barred unless it is filed within 30 days after the Land Use Hearing Officer's or the Board of Adjustment's decision is final.
 - b.
 - i. The time under Part 3,a to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 13-43-204 until 30 days after:
 - (1) the arbitrator issues a final award; or
 - (2) the private property ombudsman issues a written statement under Utah Code Annotated 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
 - ii. A tolling under Part 3,b,i operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.
 - iii. A request for arbitration filed with the private property ombudsman after the time under Part 3,a to file a petition has expired does not affect the time to file a petition.
4.
 - a. The Land Use Hearing Officer or the Board of Adjustment shall transmit to the district court the record of its proceedings including its minutes, findings, orders, and if available, a true and correct transcript of its proceedings.
 - b. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this Part.

5.
 - a.
 - i. If there is a record, the district court's review is limited to the record provided by the Land Use Hearing Officer or the Board of Adjustment.
 - ii. The court may not accept or consider any evidence outside the Land Use Hearing Officer or the Board of Adjustment record unless that evidence was offered to the Hearing Officer or the Board and the court determines that it was improperly excluded by the Hearing Officer or the Board.
 - b. If there is no record, the court may call witnesses and take evidence.
6. The court shall affirm the decision of the Land Use Hearing Officer or the Board of Adjustment if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
7.
 - a. The filing of a petition does not stay the decision of the Land Use Hearing Officer or the Board of Adjustment.
 - b.
 - i. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 13-43-204, the aggrieved party may petition the Land Use Hearing Officer or the Board of Adjustment to stay its decision.
 - ii. Upon receipt of a petition to stay, the Land Use Hearing Officer or the Board of Adjustment may order its decision stayed pending district court review if the Land Use Hearing Officer or the Board of Adjustment finds it to be in the best interest of the City.
 - iii. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 13-43-204, the petitioner may seek an injunction from the district court staying the Land Use Hearing Officer's or the Board of Adjustment's decision.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

Article 3 Appeal Authority

2-301 Establishment Of Appeal Authority

2-302 Term Of Office

2-303 Organization And Procedure

2-304 Duties And Powers

2-305 Appeals To The Appeal Authority

2-306 Variances

2-307 Interpretation Of Land Use Ordinance

2-308 District Court Review Of Appeal Authority Decisions

2-309 Definitions

2-301 Establishment Of Appeal Authority

There is hereby created an Appeal Authority to be appointed by the Mayor with the advice and consent of the City Council. It is the intent of this establishment to appoint a person or person(s) who will not personally benefit from decisions associated with the interpretation of the ordinances of Highland City. In establishing an Appeal Authority, the City Council may:

1. Designate a separate appeal authority to hear requests for variances than the appeal authority it designates to hear appeals;
2. Designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions.

(Amended: 5/16/06)

2-302 Term Of Office

The Appeal Authority shall serve for a term of two (2) years. The term of office shall commence the first day of February in the year in which the Appeal Authority is appointed. Any vacancy occurring of an Appeal Authority by reason of death, resignation, removal or disqualification shall be filled in the same manner as an original appointment for the unexpired term. The Mayor may remove an Appeal Authority for cause if written charges against the member are filed with the Mayor and after public hearing, if such hearing is requested by the member.

(Amended: 5/16/06)

2-303 Organization And Procedure

1. The Appeal Authority shall adopt rules consistent with this Code for its own organization and for the transaction of business.
2. Meetings of the Appeal Authority shall be held within 10 days after an application has been filed.
3. All meetings shall be open to the public.
4. A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, within a reasonable time period thereafter, or as otherwise provided. A final decision shall be made within 60 days after an application has been filed.

(Amended: 5/16/06)

2-304 Duties And Powers

1. The Appeal Authority shall have the following powers and duties:

- a. To act in a quasi-judicial manner; and
 - b. To serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
2. The Appeal Authority shall hear and decide on the following:
 - a. Requests for variances from the terms of the land use ordinances; and
 - b. Appeals from decisions applying the land use ordinances.
 3. The authority may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(Amended: 5/16/06)

2-305 Appeals To The Appeal Authority

1. As a condition precedent to judicial review, the applicant, a board or officer of the municipality, or any person adversely affected by the land use authority's decision administering or interpreting a land use ordinance may, within twenty one (21) calendar days, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
2. The appeal authority shall determine the correctness of a decision of the land use authority in its interpretation and application of a land use ordinance.
3. Only those decisions in which a land use authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to an appeal authority.
4. For every appeal, the applicant shall present to an appeal authority every theory of relief that it can raise in district court.
5. The City may not require an adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies.
6. The Appeal authority shall conduct each appeal and variance request as described by this ordinance.
7. The appeal authority shall respect the due process rights of each of the participants.
8. Land use decisions specified by the City Council may be appealed directly to the district court.

(Amended: 5/16/06; 4/3/07)

2-306 Variances

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
 - a. The appeal authority may grant a variance only if:
 - i. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

- ii. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - iii. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - iv. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - v. The spirit of the land use ordinance is observed and substantial justice done.
2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
4. In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
 - a. Relate to the hardship complained of; and
 - b. Deprive the property of privileges granted to other properties in the same zone.
5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
6. Variances run with the land.
7. The appeal authority may not grant a use variance.
8. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - a. Mitigate any harmful affects of the variance; or
 - b. Serve the purpose of the standard or requirement that is waived or modified.

(Amended: 5/16/06)

2-307 Interpretation Of Land Use Ordinance

1. Any person alleging there was an error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance may request an interpretation and decision from the Appeal Authority in accordance with 2-303.

2. The Appeal Authority grant a waiver to the decisions of the Land Use Authority procedural only as follows:
 - a. If the decision or requirement by the Land Use Authority conflicts with the intent or literal interpretation of the land use ordinances; or
 - b. If the decision or requirement by the Land Use Authority conflicts with state or local laws.
3. In some instances, the Appeal Authority may not fully understand the intent of an ordinance or requirement placed upon any person(s) by the Land Use Authority. Under these circumstances the Appeal Authority may obtain a decision from the City Council prior to making a final decision (if applicable).
 - a. If the appeal authority requires an interpretation from the City Council, the appeal authority shall make a final decision within 10 days after that interpretation is given.

(Amended: 5/16/06)

2-308 District Court Review Of Appeal Authority Decisions

1. Any person or entity adversely affected by any decision of the Appeal Authority may petition the District Court for a review of the decision.
2. In the petition for review, the petitioner may only allege that there was an error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
3. The petition is barred unless it is filed within 30 days after the Appeal Authority's decision becomes effective.
4. The Appeal Authority shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings. If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.
5. Review of the Appeal Authority's decision shall be done by the court in the manner and upon the standards provided by law.
6. The appellant has the burden of proving that the land use authority erred.
7. No person may challenge in district court the land use decision made under this ordinance, until that person has exhausted the person's administrative remedies as provided in this ordinance.
8. Any person adversely affected by a final decision made in the exercise of or in violation of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local land use decision is final.

(Amended: 5/16/06)

2-309 Definitions

Appeal Authority: The person appointed by the Mayor with the advice and consent of Council to hear appeals from person(s) who have been affected by the implementation of the land use ordinances.

Land Use Authority: For the purpose of this ordinance the land use authority is anyone who has the authority to interpret or implement the city ordinances as defined by the Land Use Ordinance.

Land Use Code: The legislatively adopted document referred to as the Development Code.

Chapter 4

HEARINGS OFFICER

2-4-1: APPOINTMENT AND QUALIFICATIONS:

- A. The position of Hearings Officer is created pursuant to the enabling authority granted by the Municipal Land Use, Development, and Management Act, section 10-9a-701 of the Utah Code Annotated.
- B. The Mayor, with the consent of the City Council, shall appoint one or more Hearings Officers to hear appeals of certain administrative actions and decisions, as well as make judgement of requests for variances to this Code.
- C. The Hearings Officer shall have experience in land use law and shall possess such qualifications as the Mayor may determine necessary for the fair and thorough determination of facts and application of law.
- D. The Hearings Officer may not be an elected official or a City employee.
- E. The Mayor may revoke the appointment of a Hearings Officer with the consent of the City Council. (Ord. 2017-29, 5-16-2017)

2-4-2: POWERS AND DUTIES:

Consistent with Utah Code Annotated section 10-9a-703, as amended the Hearings Officer shall hear and decide:

- A. Appeals from administrative actions or decisions related to the interpretation, application, or enforcement of the City's land use ordinances; and
- B. Special exceptions to the terms of the City's land use ordinances; and
- C. Variances from the terms of the City's land use ordinances. (Ord. 2017-29, 5-16-2017)

2-4-3: APPEALS:

- A. Right Of Appeal By Persons For Entities: The applicant or any person or entity adversely affected by a decision administering or interpreting a provision of the City's land use ordinances may appeal that decision by alleging that there is error in any order, requirement, decision or determination made by an official in the administration or interpretation of such ordinances.

- B. Appeal By City Officer: Any officer, department, board or bureau of the City affected by the grant or refusal of a building permit or by any other decision made in the administration or interpretation of a provision of the City's land use ordinances may appeal any decision to the Hearings Officer.
- C. Conditional Use Permit Appeal: The Hearings Officer shall hear and decide appeals from Planning Commission decisions regarding conditional use permits.
- D. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.
- E. Limitation Of Appeals: Only decisions applying to the land use ordinances of the City may be appealed to the Hearings Officer.
- F. Amendments To Zoning Not Considered: A person may not appeal, and the Hearings Officer may not consider, any land use ordinance amendments to this Code.
- G. Waiver Or Modification Of Zoning Not Considered: Appeals may not be used to waive or modify the terms or requirements of a provision within the City's land use ordinances.
- H. Application Form; Time Limit: All appeals and applications made to the Hearings Officer shall be in writing, on forms prescribed by the Hearings Officer, and filed within ten (10) days of the action or decision appealed from. The appellant shall file the notice of appeal with the Community Development Office. The Community Development Office shall forthwith transmit to the Hearings Officer all papers constituting the record upon which the action appealed was taken. The appeal shall contain the name, address, and telephone number of the appellant, the date of the appeal, and the legal and factual grounds for the appeal, which grounds shall determine the scope of the administrative appeal hearing, hearing evidence, and judicial review of the Hearings Officer decision. The appeal shall include a copy of the written action decision, if applicable, that is the subject of the appeal.
- I. Content: Every appeal or application shall refer to the specific provisions of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- J. Schedule Determined: The Hearings Officer shall determine a schedule for the pre-hearing exchange of evidence, for the briefing of legal arguments, and for the hearing, and shall notify the parties of that schedule.
- K. Right To File Brief: The appellant may file a brief summarizing facts, evidence, and law applicable to the appeal, within the scope of the grounds stated in the appeal, and the City may file a responsive brief, both in accordance with the schedule established by the Hearings Officer.

- L. Evidence; Testimony: The Hearings Officer may accept any evidence he or she deems reliable. Evidence shall be submitted by proffer. The Hearings Officer may also allow witness testimony. The Hearings Officer shall not consider evidence or information not presented by the parties at the hearing or in pre-hearing briefs.
- M. Planning Commission Appeals: At least fourteen (14) days before the date of any hearing on an appeal of a Planning Commission decision to the Hearings Officer, the Hearings Officer shall transmit to the Planning Commission a copy of the notice of hearing and shall allow the Planning Commission an opportunity to submit to the Hearings Officer its response. Any written response from the Planning Commission shall be provided to the appellant by the Hearings Officer. The Planning Commission may send a representative to make a verbal presentation at the appeal hearing. The Hearings Officer may request advisory opinions from the Planning Commission on other matters scheduled for hearing at the Hearings Officer's discretion.
- N. Stay Of Proceedings: An appeal stays all proceedings which would further the action appealed from, unless the person from whom the appeal is taken certifies to the Hearings Officer after the notice of appeal has been filed with him/her that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order, which may be granted by the Hearings Officer or by the District Court upon application and notice and due cause shown.
- O. Notice And Hearing Required Prior To Action: No action of the Hearings Officer shall be taken on any case until after proper notice has been given and a hearing before the Hearings Officer has been held. At the hearing, any party may appear in person or by agent or by attorney.
- P. Appeal And Hearing: In the appeal and the hearing:
1. The City bears the burden of proving that substantial evidence exists to support the administrative action or decision being appealed.
 2. The parties may be represented by legal counsel in the hearing.
 3. Each party may cross-examine any witnesses called to testify by the other party.
 4. Each party must secure the attendance of their own witnesses.
 5. The Hearings Officer shall provide for the hearing to be recorded.
 6. The hearing shall be a public meeting.
 7. The Hearings Officer shall enforce principles of civility.
- Q. Decision:
1. The Hearings Officer shall prepare written findings of fact and a decision (collectively "decision") within a reasonable time after the hearing.
 2. The decision shall be final for purposes of issuance on the date it is signed by the Hearings Officer.

3. The decision shall be considered issued for purposes of appeal and enforcement on the date of transmittal to the appellant, either by mail, fax, email, or otherwise.
 4. The Hearings Officer shall cause the decision to be transmitted to the parties by any reasonable means, including personal delivery, mail, fax, or email.
 5. The decision shall be maintained in the Office of the Pleasant Grove City Recorder.
- R. Authority Of Hearings Officer: In exercising his/her powers, the Hearings Officer may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken.
- S. Public Hearing Notice Requirements: Notices of public hearings before the Hearings Officer required by this chapter shall be given at least fourteen (14) calendar days before the hearing by publication, at least once, in a newspaper of general circulation within the City. Such notice shall state the time and place of such hearing and shall include a general explanation of the matter to be considered and a general description of the area affected. Additional notice may be given as deemed necessary.
- T. Hearing Record:
1. The record of the hearing shall include all proffered evidence that is admitted by the Hearings Officer, all pre-hearing briefs submitted to the Hearings Officer, the audio recording of the hearing, and the decision.
 2. Any party may make an audio or video recording of the hearing, but only the recording prepared by the City shall be considered part of the record of the hearing. (Ord. 2017-29, 5-16-2017)

2-4-4: JUDICIAL APPEAL:

- A. Any person aggrieved by or affected by any decision of the Hearings Officer may have and maintain an appeal for relief from the District Court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the Office of the Community Development Department or with the City Recorder. Such petition may only allege that the Hearings Officer's decision was arbitrary, capricious or illegal, and shall be barred unless it is filed within thirty (30) days after the Hearings Officer's decision is final.
- B. The filing of a petition does not stay the decision of the Hearings Officer.
- C. Before filing the petition, the aggrieved party may petition the Hearings Officer to stay its decision.
- D. Upon receipt of a petition to stay, the Hearings Officer may order its decision stayed pending District Court review if the Hearings Officer finds it to be in the best interest of the City.
- E. After the petition is filed, the petitioner may seek an injunction from the District Court staying the Hearings Officer's decision. (Ord. 2017-29, 5-16-2017)

2-4-5: VARIANCES:

- A. Authority: Any person or entity desiring a waiver or modification of the requirements of the City's land use ordinances as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Hearings Officer for a variance from the terms of such ordinances.
- B. Conditions: The Hearings Officer may grant a variance only if:
1. Literal enforcement of the City's land use ordinances would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of such ordinances;
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
 5. The spirit of the City's land use ordinances is observed and substantial justice done.
- C. Unreasonable Hardship:
1. In determining whether enforcement of the land use ordinances would cause unreasonable hardship under subsection B1 of this section, the Hearings Officer may not find an unreasonable hardship unless the alleged hardship:
 - a. Is located on or associated with the property for which the variance is sought; and
 - b. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 2. In determining whether enforcement of the City's land use ordinances would cause unreasonable hardship as outlined under subsection B1 of this section, the Hearings Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
- D. Special Circumstances: In determining whether there are special circumstances attached to the property under subsection B2 of this section, the Hearings Officer may find that special circumstances exist only if special circumstances:
1. Relate to the hardship complained of; and
 2. Deprive the property of privileges granted to other properties in the same district.
- E. Burden Of Proof: The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- F. Run With Land: Variances run with the land.

G. Use Variances Prohibited: The Hearings Officer may not grant use variances.

H. Additional Requirements: In granting a variance, the Hearings Officer may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or
2. Serve the purpose of the standard or requirement that is waived or modified. (Ord. 2017-29, 5-16-2017)

2-4-6: NONCONFORMING USES:

The Hearings Officer may make determinations regarding the existence, expansion or modification of nonconforming uses. (Ord. 2017-29, 5-16-2017)

2-4-7: SPECIAL EXCEPTIONS:

A. Disability Special Exception:

1. Although the Americans With Disabilities Act (ADA) applies only to: a) employment, b) public services, c) public accommodation, and d) telecommunications, and thus does not apply to private residences or private property there is often a circumstance where an individual may require some special adaptation to their home or personal surroundings to accommodate their disability. Such adaptation might not be provided for in the land use ordinance. In such a case the definition of "disabled" as contained in the ADA shall be applied to the individual by the Hearings Officer and if applicable the Hearings Officer may grant a variance under this special exception subsection. That definition is as follows and is to be considered a standard for applying this special exception: An individual is "disabled" if he or she meets at least any one of the following tests:
 - a. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
 - b. He or she has a record of such an impairment; or
 - c. He or she is regarded as having such an impairment.
2. The Hearings Officer may request that the medical hardship/disability be documented by a licensed physician; and depending upon this medical assessment the Hearings Officer may request a periodic review of this assessment.
3. Variances normally run with the land. In cases where the variance results from a granted medical hardship special exception, that variance can run with either or both land and the requesting individual(s) as determined by the Hearings Officer.
4. In cases where the medical hardship special exception variance will run with the individual and not the land, the variance cannot be transferred to another location without a reapplication for the special exception.

5. The Hearings Officer shall impose conditions as it deems necessary on the granted medical hardship special exception variance that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.

B. Historical Property Special Exceptions:

1. Historically, many parcels within the older sections of Pleasant Grove City were developed with deep, narrow parcels. An increasing number of the owners of those deep, narrow parcels elect to subdivide their parcels by defining one or more building lots (normally flag lots) behind their existing home. In many cases there is adequate area to build because of the depth of the parcel, but the deficiency in the width of the parcel or the location of the existing home does not allow for either the designated flag stem road width or the required setback from the existing home, or both.
2. A historical property special exceptions variance is hereby established and may be used at the discretion of the Hearings Officer for mitigating the zoning requirements of existing previously developed historical properties. The following standards shall apply:
 - a. A property is considered "historical" if it was established on the tax rolls, with a residential dwelling on a legally subdivided parcel, prior to August 20, 1985.
 - b. This historical property special exceptions variance may be granted if the requested variances do not change the requirement of the zone by more than twenty percent (20%). No reduction in lot size or property line setbacks are allowed.
 - c. In the event multiple variances are being requested to qualify a given lot for a building permit the Hearings Officer is authorized to apply this historical property special exceptions variance to no more than one of the requests. The other requests must qualify under the terms of Utah Code Annotated.
3. The Hearings Officer shall impose conditions as he/she deems necessary on the granted historical property special exceptions variance to mitigate any harmful effects of the variance or to serve the purpose of the standard or requirement that is waived or modified. (Ord. 2017-29, 5-16-2017)