

# City Council Staff Report

July 20, 2016

**Applicant:** Mapleton City  
**Prepared by:** Cory Branch,  
City Administrator  
**Public Hearing:** Yes  
**Attachment:**

1. Amendments to the public services ordinance

## REQUEST

Consideration of an ordinance amending Mapleton City Code, Title 13, in order to establish the standards and procedures regarding a Utility Road Fund for road repairs and maintenance.

## BACKGROUND AND PROJECT DESCRIPTION

Mapleton City Code (MCC) Title 13 is the City's public utility services ordinance. The ordinance outlines the procedures and standards for public utility services.

On May 4, 2016 the City Council discussed the proposed Utility Road Fund program. The Council directed staff to hold a public open house which was completed on June 15, 2016 and draft an ordinance establishing the standards and procedures for the program.

The proposed ordinance addresses the following issues:

- 1) The intent of the Utility Road Fund program is to provide funds for the maintenance of Mapleton City streets.
- 2) The funds will be reported as a capital improvement to be paid by the users of Mapleton City utilities. The amount of the fee charged shall be adopted in the Mapleton City Consolidated Fee Schedule.
- 3) The fee shall be billed and collected with and as part of the monthly consolidated utility bill. The City's finance officers shall place all such fees into the fund to be deposited and separately kept to be used only for road utility purposes.
- 4) Each year during the annual budget process, the Council will receive a report detailing the income and expenditures of the fund.

## STAFF RECOMMENDATION

Recommend approval of the attached amendments to the public services ordinance.

**ORDINANCE NO. 2016 -**

**CONSIDERATION OF AN ORDINANCE AMENDING MAPLETON CITY CODE, TITLE 13, IN ORDER TO ESTABLISH THE STANDARDS AND PROCEDURES REGARDING A UTILITY ROAD FUND FOR ROAD REPAIRS AND MAINTENANCE**

**WHEREAS**, Title 13 of the Mapleton City Code contains the City's public services ordinance; and

**WHEREAS**, the intent of Chapter 13.32 is to establish standards and procedures for a Utility Road Fund program for the purpose of repairing and maintaining Mapleton City's existing streets; and

**WHEREAS**, the fee charged shall be adopted in the Mapleton City Consolidated Utility Fee Schedule.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Mapleton, Utah, to amend Mapleton City Code Title 13 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 20th Day of July, 2016.

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Brian Wall  
Mayor

ATTEST:

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Camille Brown  
City Recorder  
**Publication Date:**  
**Effective Date:**

## Exhibit "A"

### Chapter 13.32 Utility Road Fund

<u>13.32.010</u>	Intent in Creating a Road Utility Fund
<u>13.32.020</u>	Definitions
<u>13.32.030</u>	Establishment of Utility Road Fund
<u>13.32.040</u>	Billing and Collection
<u>13.32.050</u>	Enforcement
<u>13.32.060</u>	Dedication of Funds
<u>13.32.070</u>	Annual Report and Gas Tax Revenues

#### **13.32.010: Intent in Creating a Road Utility Fund**

The City Council hereby finds, determines, and declares that the public necessity of providing maintenance, upkeep, improvement, and repair of the City's streets and related facilities within the right-of-way requires the establishment of a comprehensive road utility with the purpose and power of undertaking such maintenance and improvement of City streets and related facilities as may be necessary and proper, with such mandate to include, without limitation, the following activities: patching, crack sealing, seal coating, over-laying and other activities as are necessary in order that local streets may be properly maintained to safeguard the health, safety and welfare of the City and its inhabitants. As part of the establishment of this utility, a utility road fund ("fund") is hereby created for the purpose of providing funds for the maintenance of Mapleton City streets. Insofar as possible to do so with funds available, and in accordance with policies adopted by the City Council, the City intends to maintain only Mapleton public streets and rights-of-way and shall not use funds for the maintenance of private streets, rights-of-way, or easements.

#### **13.32.020: Definitions**

**"Commercial"** means a nonpublic use, nonresidential land use including, but not limited to, industrial, office, retail, for-profit education, for-profit medical facilities, or professional services establishments.

**"Public use"** means a land use for a tax-exempt property, including, but not limited to, government property, school district property, education or religious property, or tax-exempt medical facilities.

**"Residential"** means a one-family detached, semi-detached (twin home), attached (town home - side by side under separate ownership), or apartment dwelling unit arranged, designed for, and occupied by one (1) family living independently of each other.

**"Street"** means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement shoulders, gutter, parking areas, and other areas within the right-of-way. For the purposes of this section, sidewalks are not considered as part of streets.

### **13.32.030: Establishment of Utility Road Fund**

There is hereby created a utility road fund, to be reported as a capital improvement, to be funded by a fee ("fee") to be paid by the users of Mapleton City utilities within the corporate limits of Mapleton City. Such fee shall be established by resolution of the City Council in such amounts as deemed necessary to provide funds to properly maintain City streets. The amount of the fee shall be adopted in the Consolidated Utility Fee Schedule, which may be amended as needed by resolution of the City Council. The amount of the fee charged shall be based upon the following land use categories:

- (1) Residential
- (2) Commercial/Public use

### **13.32.040: Billing and Collection**

The utility road fee shall be billed and collected with and as part of the monthly consolidated utility bill. The person(s) responsible for payment of the fee shall be the same person(s) responsible for payment of other City utilities. All such bills shall be rendered monthly by the City and shall become due and payable in accordance with the rules and regulations adopted by the City pertaining to the collection of utility fees, and the City's finance officers shall place all such fees so collected into the fund to be deposited and separately kept to be used only for the road utility purposes provided herein.

### **13.32.050: Enforcement**

Any charge due hereunder which is not paid when due may be recovered in an action at law or equity by the City. In addition to any other remedies or penalties provided by this Chapter or any other ordinance of the City, failure of any person responsible for the payment of City utilities to timely pay the charges when due shall subject such person to discontinuance of utility services provided by the City, consistent with City policies regarding termination of utility services.

### **13.32.060: Dedication of Funds**

All funds collected by the City from this fee shall annually be paid into the utility road fund, which is hereby created as an established capital improvement fund in the City budget. Such revenues shall be used for the purposes of the operation, improvement, and maintenance of existing Mapleton City streets. It shall not be required that the operations, improvement, and maintenance expenditures from the fund specifically relate to any particular property from which the fees were collected.

### **13.32.070: Annual Report and Gas Tax Revenues**

(1) Each year during the annual budget process, the City Council shall receive an annual report detailing the income and expenditures of the fund. This report shall be in writing and shall be presented at a meeting of the City Council by representatives of the Public Works Department or the Finance Department.

(2) In the event that any State or County legislation is enacted that either changes the rate of a tax or enacts a new tax, the purpose of which tax is to provide funds for the operation, improvement, or maintenance of municipal streets, and that results in the City receiving increased revenues dedicated to that purpose, the City Council shall also hold a public hearing not more than twelve (12) months following the effective date of such legislation, to allow sufficient time to gather necessary and relevant data, to specifically consider the question of whether the fee should be reduced to offset,

either entirely or partially, those increased revenues. Such hearing may be held as a part of the public hearing held on the City budget, so long as this question is specifically addressed.