

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

3  
4 **MEMBERS PRESENT**

5  
6 Mayor Paul A. Cutler

7  
8 Council Members Ken S. Averett  
9 Tamilyn Fillmore  
10 Stephanie Ivie  
11 Lawrence Wright

12  
13 **MEMBER ABSENT** John T. Higginson

14  
15 **STAFF PRESENT** Steve Thacker, City Manager  
16 Jacob Smith, Management Assistant  
17 Brandon Toponce, Assistant City Planner  
18 Neal Worsley, Centerville Police Chief  
19 Lisa Romney, City Attorney  
20 Katie Rust, Recording Secretary

21  
22 **STAFF ABSENT** Blaine Lutz, Finance Director/Assistant City Manager

23  
24 **VISITORS** Interested citizens (see attached sign-in sheet)

25  
26 **PLEDGE OF ALLEGIANCE**

27  
28 **PRAYER OR THOUGHT** Councilman Lawrence Wright

29  
30 **COMMENDATIONS**

31  
32 Mayor Cutler recognized Steven Markham for seven years of service on the Planning  
33 Commission and Tamilyn Fillmore for five years of service on the Planning Commission.

34  
35 **OPEN SESSION**

36  
37 George McEwan – Mr. McEwan referred to item 11 on the agenda regarding  
38 reappointment of the City Recorder. He expressed he does not feel it would be appropriate for  
39 the Council to reappoint the City Recorder at this time considering the open investigation into  
40 action taken during the recent election.

41  
42 Grant Peterson – Mr. Peterson mentioned that a resident of the apartments on the west  
43 side of the freeway recently expressed to him that pedestrian access between the east side and  
44 the west side would be nice. He urged the Council to consider pedestrian and bicycle access  
45 before continuing growth west of the freeway.

46  
47 Brandon Ivie – Mr. Ivie expressed that UTOPIA is an important issue to him. He stated  
48 that the possible public/private venture discussed in the papers recently sounds like it may be a  
49 good opportunity. He mentioned that the number of UTOPIA subscribers is lower than originally  
50 anticipated, and expressed a fear that UTOPIA is still operating with the original inflated  
51 numbers. He urged the Council to evaluate the business plan and the numbers being used.

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

4  
5 **MINUTES REVIEW AND APPROVAL**  
6

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

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

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

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

- 29 a. Approve Pipeline Crossing Agreement between the City and UTA for  
30 construction and operation of 36" pipeline under the UTA right-of-way adjacent to  
31 the Union Pacific railroad tracks at approximately Lund Lane conditioned upon:  
32 (1) receipt of \$150,000 from Woods Park developer (Henry Walker Homes) in  
33 accordance with requirements of the Woods Park PDO Development Agreement;  
34 and (2) approval of similar agreement by Union Pacific prior to execution of UTA  
35 Pipeline Crossing Agreement.
- 36 b. Approve Pipeline Crossing Agreement between the City and Union Pacific  
37 Railroad Company for construction and operation of 36" pipeline under the Union  
38 Pacific railroad tracks at approximately Lund Lane conditioned upon: (1) receipt  
39 of \$150,000 from Woods Park developer (Henry Walker Homes) in accordance  
40 with requirements of the Woods Park PDO Development Agreement; and (2)  
41 approval of similar agreement by UTA prior to execution of UPRR Pipeline  
42 Crossing Agreement.  
43

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

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

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

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

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

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

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

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

49

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

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

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

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

22  
23 Lisa Romney, City Attorney, explained that the developer of Lot 404 within the Lot 4  
24 Amended Subdivision of the Legacy Crossing Project desires to build an office building and  
25 related improvements. As part of the conceptual site plan review for the office building on Lot  
26 404, it was determined that certain amendments to the Development Agreement and  
27 Declaration of Parking and Cross-Access Easement would be necessary to permit the proposed  
28 development. Specifically, the developer has requested the following amendments to the  
29 Development Agreement: (1) eliminating some fencing along Legacy Boulevard immediately  
30 adjacent to the new Lots 403 and 404; (2) eliminating a drive access point along Legacy  
31 Boulevard and revising the parking layout; and (3) amending the Master Site Plan to allow the  
32 buildings to be brought closer to Legacy Boulevard and addressing the parking layout. The  
33 developer is also requesting an amendment to the Declaration of Parking and Cross-Access  
34 Easement to revise the on-site parking requirements for lots within Lot 4 Amended Subdivision.  
35 Staff recommends approval of the proposed amendments to the Legacy Crossing Development  
36 Agreement and Declaration of Parking and Cross-Access, with the condition that the final  
37 exhibits to the Development Agreement are found acceptable by staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 staff were getting ahead of the Council by commenting to the press on issues that had not  
2 received the appropriate level of discussion by the City Council.

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

13  
14 **FINANCIAL REPORT**

15  
16 City Manager Thacker presented a financial report for the six-month period ending  
17 December 31, 2013.

18  
19 **MAYOR'S REPORT**

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

37  
38 **CITY MANAGER'S REPORT**

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

1                    **MISCELLANEOUS**

- 2
- 3                    • Regarding Resolution No. 2014-06, Councilman Wright requested a closed meeting
- 4                    to discuss reappointment of the City Recorder. Mayor Cutler suggested postponing
- 5                    remaining miscellaneous business on the agenda until after the closed meeting.
- 6                    • Councilwoman Ivie asked if Council members are given an opportunity to review the
- 7                    recreation booklet provided to the community each year. Staff was surprised she
- 8                    had not received an email with the 2014 booklet attached. The email was sent on
- 9                    Friday, January 17<sup>th</sup>, and was apparently not received by Council members
- 10                   Higginson, Ivie, and Wright. The booklet has been sent to the printer, and
- 11                   Councilman Wright asked if printing could be stopped to provide an opportunity for
- 12                   review.
- 13                   • Mayor Cutler asked if a targeted request for volunteers for the 2014 4<sup>th</sup> of July
- 14                   Committee could be included in the upcoming utility bill insert. The insert will also
- 15                   advertise the February 4<sup>th</sup> Transportation Open House.

16

17                   **CLOSED MEETING**

18

19                   At 10:17 p.m. Councilman Wright made a **motion** to move to a closed meeting to

20                   discuss the sale and purchase of real property, and the character and competency of

21                   individuals. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

22                   In Attendance were: Paul Cutler, Mayor; Council members Averett, Fillmore, Ivie, and Wright;

23                   Steve Thacker, City Manager; Lisa Romney, City Attorney; and Katie Rust, Recording

24                   Secretary.

25

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

27

28                   **MISCELLANEOUS BUSINESS**

- 29
- 30                   • Councilwoman Fillmore made a **motion** to approve Resolution No. 2014-06
- 31                   reappointing the following officers of Centerville: (1) City Recorder, Marsha Morrow,
- 32                   and (2) City Treasurer, Jolene Jackson. The motion was seconded by Councilman
- 33                   Averett and passed by unanimous vote (4-0).
- 34                   • Mayor Cutler recommended appointing Steven Markham to the Board of
- 35                   Adjustments; Kyle Barney to the Parks and Recreation Committee; Monte Roberts to
- 36                   the Landmarks Commission; and Jack Dellastatious to the Community Foundation.
- 37                   Councilman Averett made a **motion** to appoint Steven Markham to the Board of
- 38                   Adjustments; Kyle Barney to the Parks and Recreation Committee; Monte Roberts to
- 39                   the Landmarks Commission; and Jack Dellastatious to the Community Foundation.
- 40                   The motion was seconded by Councilwoman Fillmore and passed by unanimous
- 41                   vote (4-0).
- 42                   • Councilman Averett made a **motion** to approve sale of property on Main Street with
- 43                   the following conditions: the City can move forward in selling the south portion of
- 44                   property to UDOT without delay, but offer the north portion of the property to the
- 45                   property owners, respectively, for the same price per square foot the City is receiving
- 46                   from the State. If all three property owners do not accept the City's offer to sell the
- 47                   property, the City is authorized to sell the property to UDOT without any further
- 48                   approval from the Council. The motion did not receive a second.

49

50                   Councilwoman Fillmore made a **motion** to approve sale of the southern most portion

51                   of the property to UDOT, authorize an administrative lot-split if allowable, and offer

52                   sale of the remaining property to the property owners at the square-foot sale price

1 without the additional charge for improvements to the property. If the three property  
2 owners are not all interested in purchasing the property, the City will retain the  
3 property. The motion was seconded by Councilwoman Ivie and passed by majority  
4 vote (3-1), with Councilman Averett dissenting.  
5

6 **ADJOURNMENT**  
7

8 At 11:19 p.m. Councilwoman Fillmore made a **motion** to adjourn. Councilwoman Ivie  
9 seconded the motion, which passed by unanimous vote (4-0).  
10

11  
12  
13   
14 \_\_\_\_\_  
15 Marsha L. Morrow, City Recorder  
16

2-4-2014  
\_\_\_\_\_  
Date Approved

17  
18  
19   
20 \_\_\_\_\_  
21 Katie Rust, Recording Secretary

