

1 Minutes of the Centerville **City Council** meeting held Tuesday, August 18, 2015 at 7:00 p.m. at  
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler

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8 Council Members Ken S. Averett  
9 Tamilyn Fillmore  
10 John T. Higginson  
11 Stephanie Ivie  
12 Lawrence Wright

13  
14 **STAFF PRESENT**

15 Steve Thacker, City Manager  
16 Lisa Romney, City Attorney  
17 Jacob Smith, Management Assistant  
18 Marsha Morrow, City Recorder  
19 Paul Child, Centerville Police Chief  
20 Bruce Cox, Parks and Recreation Director  
21 Katie Rust, Recording Secretary

22 **STAFF ABSENT**

23 Blaine Lutz, Finance Director/Assistant City Manager

24 **VISITORS**

25 Interested citizens (see attached sign-in sheet)

26 **PLEDGE OF ALLEGIANCE**

27  
28 **PRAYER OR THOUGHT**

29 Steve Thacker, City Manager

30 **POLICE DEPARTMENT RECOGNITIONS**

31  
32 Police Chief Child recognized Lieutenant Von Steenblik and Sergeant Jake Alexander  
33 for promotions within the Police Department, and Detective William Barnes for his new  
34 assignment. He introduced two new officers, Colton Robinson and Marquelle Peters, who were  
35 sworn in by City Recorder Marsha Morrow. The officers were welcomed and congratulated by  
36 the Council, and Chief Child thanked the Council and Mayor for the trust placed in the Police  
37 Department.

38  
39 **OPEN SESSION**

40  
41 Mayor Cutler submitted to the record a letter (attached) signed by owners of properties  
42 between 100 South and 400 South on Main Street requesting that the zoning in their area of  
43 Main Street allow medium density residential.

44  
45 Dale McIntyre – Mr. McIntyre pointed out that the Council meeting was begun with the  
46 Pledge of Allegiance and prayer. He mentioned that the words “under God” were added to the  
47 Pledge of Allegiance in 1954, and “In God We Trust” was adopted as the motto of the United  
48 States of America in 1956. He quoted from the Book of Mormon, and expressed a desire to see  
49 the national motto proudly displayed in the City Council chambers.

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51 **CANVASS OF AUGUST 11, 2015 PRIMARY ELECTION**

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53 Marsha Morrow, City Recorder, distributed the canvass report of the August 11, 2015  
54 Primary Election to the Council members, and the canvass was reviewed. Councilwoman

1 Fillmore stated it would be interesting to calculate and compare the cost of providing an early  
2 voting period with the cost of the vote-by-mail option.

3  
4 Councilman Wright made a **motion** to accept the canvass report of the August 11, 2015  
5 Primary Election. Councilman Higginson seconded the motion, which passed by unanimous  
6 vote (5-0). Councilman Wright expressed appreciation for Ms. Morrow's work as the City's  
7 Election Official.

8  
9 **MINUTES REVIEW AND ACCEPTANCE**

10  
11 The minutes of the July 8, 2015 joint City Council/Planning Commission meeting, and  
12 the August 4, 2015 joint City Council/Planning Commission work session and regular Council  
13 meeting were reviewed. Councilwoman Fillmore requested two additions to the July 8 joint  
14 meeting. Councilman Wright requested an addition to the August 4 Council meeting minutes.  
15 Councilwoman Ivie requested the recording secretary double-check a statement made by the  
16 Community Development Director during the August 4 joint work session. Councilman Averett  
17 made a **motion** to accept the July 8, 2015 joint City Council/Planning Commission meeting  
18 minutes as amended and the August 4, 2014 regular Council meeting minutes as amended, and  
19 table approval of the August 4, 2015 joint City Council/Planning Commission work session  
20 minutes, directing the recording secretary to listen to Mr. Snyder's comments. Councilman  
21 Wright seconded the motion, which passed by unanimous vote (5-0).

22  
23 **SUMMARY ACTION CALENDAR**

- 24  
25 a. Award Annual Drainage Maintenance Project contract to Twin D Environmental  
26 Services in the estimated total amount of \$96,710  
27 b. Planning Commission Per Diem for Training – Consider Resolution No. 2015-15

28  
29 Councilman Wright made a **motion** to approve both items on the Summary Action  
30 Calendar, including Resolution No. 2015-15. Councilwoman Ivie seconded the motion, which  
31 passed by unanimous vote (5-0).

32  
33 **MUNICIPAL CODE AMENDMENTS – SECTION 7-02-022 – PROHIBITING FEEDING**  
34 **OR ATTRACTING WILD ANIMALS – CONSIDER ORDINANCE NO. 2015-17**

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36 As of August 1, 2015 the Division of Wildlife Resources (DWR) has authority to assist  
37 Utah cities with deer control problems, subject to regulatory requirements and guidelines. A city  
38 must develop an "Urban Deer Plan" and solicit public comment before the DWR will allow  
39 implementation of the plan. The initial requirements include the passage of an ordinance  
40 prohibiting the intentional feeding of deer, elk and moose prior to applying for a certificate of  
41 registration with the DWR. Steve Thacker, City Manager, explained the process involved in  
42 obtaining the help of the DWR, and suggested that the City receive public comments regarding  
43 the issue by email, at an open house, and at a public hearing. Councilwoman Ivie said she  
44 would prefer to hear from residents before passing an ordinance. Councilman Wright agreed,  
45 and commented that the first requirement listed for a municipality regarding urban deer control  
46 is to demonstrate that deer are causing significant damage or threatening public safety.  
47 Councilman Wright said he does not feel the City has shown evidence that deer are threatening  
48 public safety. He added that the ordinance has expanded the scope to include elk, moose, and  
49 turkeys. Lisa Romney, City Attorney, responded that elk and moose must be included in order  
50 to qualify for DWR help, but the Council could choose to eliminate turkeys from the ordinance,  
51 which was provided by the DWR.

52

1 Councilman Wright asked what constitutes intentionally feeding the animals, and stated  
2 that the Council needs to be careful with passing a law that gives government more power. The  
3 Council and Mayor discussed the language of the ordinance pertaining to the intent to feed.  
4 Councilwoman Ivie repeated her desire to hear from citizens before passing an ordinance. Mr.  
5 Thacker suggested the Council move forward with inviting public comment, and consider  
6 proposed edits to the ordinance in September. He emphasized that Council members would be  
7 welcome to attend the open house. Councilman Wright stated that public comment should  
8 validate that significant damage is occurring or that public safety is threatened. Mayor Cutler  
9 responded that the DWR has already stated the City meets the standard regarding significant  
10 damage.

11  
12 An article will be included in the next utility bill insert inviting email comments and  
13 attendance at an open house on September 8<sup>th</sup> [later moved to Sept. 9<sup>th</sup>], and the Council may  
14 consider an ordinance prohibiting the intentional feeding of the animals on September 15<sup>th</sup>  
15 following a public hearing. Councilman Averett stated it is his understanding that the only option  
16 available to the City is a kill plan, which he does not support. He commented that if there is not  
17 majority support of the Council for a kill plan, there is not a need to proceed. Councilman Wright  
18 responded that he also cannot support a kill plan. Councilwoman Ivie stated that, with the right  
19 balance, she could support it. She added that the food bank does not accept meat that has not  
20 been commercially packaged. Councilwoman Fillmore stated that two deer have died probably  
21 painful deaths in her neighborhood, and she would have an open mind and be open to receiving  
22 more information on all sides of the story. Council members Ivie, Fillmore, and Higginson  
23 expressed interest in moving forward with collecting public input.

#### 24 25 **RAP TAX DISCUSSION**

26  
27 Lisa Romney, City Attorney, stated that the deadline to submit a request to write an  
28 argument for or against the RAP Tax for publication in the Voter Information Packet is Monday,  
29 August 31<sup>st</sup> at 5:00 p.m., and arguments must be submitted to the City Recorder by September  
30 14<sup>th</sup>. The Council will designate who will write the formal arguments both for and against. The  
31 argument that will be placed on the State website must be submitted to the City Recorder by  
32 September 4<sup>th</sup>. The City cannot expend public funds to campaign for or against, but can provide  
33 factual information. Mayor Cutler suggested that websites separate from the City website could  
34 be set up by individuals for comments and information for or against the RAP Tax. Councilman  
35 Wright added that historical information regarding the RAP Tax would be helpful. Ms. Romney  
36 provided a training sheet regarding the Political Activities of Public Entities Act. Mayor Cutler  
37 reported that the County Commissioners have voted in favor of placing a Transportation Tax on  
38 the ballot.

39  
40 Councilman Higginson stated that, if approved by the voters, RAP Tax revenues need to  
41 benefit all aspects of recreation, arts, and parks. The CenterPoint Legacy Theatre (CPT)  
42 benefited from the previous RAP Tax, and he feels CPT should not plan for or rely on the RAP  
43 Tax in the future.

#### 44 45 **CITY COUNCIL LIAISON REPORT**

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47 Councilman Wright suggested postponing his liaison report on the Whitaker Museum  
48 until a meeting in September.

#### 49 50 **JOINT WORK SESSION WITH PARKS & RECREATION AND TRAILS COMMITTEES**

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52 At 8:20 p.m. Councilman Wright made a **motion** to adjourn to a joint work session with  
53 members of the Parks & Recreation Committee and the Trails Committee. Councilwoman Ivie

1 seconded the motion, which passed by unanimous vote (5-0). The Council returned to regular  
2 meeting at 9:36 p.m. after a short recess.

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4 **MAYOR'S REPORT**

- 5  
6 • Mayor Cutler thanked Jacob Smith, Management Assistant, for his work on the  
7 quarterly Operational Metrics Report. The Council discussed how the metrics will be  
8 utilized. Councilman Wright expressed a desire to receive more detailed information  
9 regarding code enforcement.  
10 • The Mayor reported on the initial success of the staffing changes implemented by the  
11 Fire Agency in July.

12  
13 **PERSONNEL POLICIES AND PROCEDURES – AMENDMENTS – LONG-TERM SICK**  
14 **LEAVE AND ALL-PURPOSE LEAVE, CONSIDER RESOLUTION NO. 2015-16**

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16 City Manager Thacker reported that the employee committee recommends preserving  
17 the separation between long-term sick leave and all-purpose leave, with a recommendation to  
18 establish a cap on the accumulation of long-term sick leave at 800 hours. Cashing out the 800  
19 hours of long-term sick leave when employment ends would require formal retirement or at least  
20 20 years of employment with the City. Councilman Wright pointed out that the purpose of  
21 granting leave is to promote employee morale, and employees should be encouraged to use the  
22 leave given. Mr. Smith displayed the City's current financial liability from accrued employee sick  
23 leave, and Mr. Thacker explained staff's recommendation regarding buying down the accrued  
24 amounts. Responding to the question of whether the City is obligated to buy-down the accrued  
25 amounts in excess of 800 hours, Ms. Romney stated that it is more of an employee morale  
26 issue than a legal issue, and expressed willingness to research the issue further if directed by a  
27 majority of the Council.

28  
29 Mayor Cutler stated three questions that need to be considered and answered by the  
30 Council:

- 31 • Is 800 hours a good cap?  
32 • What should be done about accrued amounts over the cap?  
33 • Should the accrual rate be changed?  
34

35 Councilman Wright emphasized that the use of leave time needs to be well managed by  
36 department heads. Further discussion of the issue was tabled.

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38 **CITY MANAGER'S REPORT**

- 39  
40 • An I-15 Project Milestone Event will take place on Friday, August 21<sup>st</sup>.  
41 • Mr. Thacker updated the Council regarding the pedestrian bridge fencing, and  
42 reported that UDOT has suggested the City might receive lower bids for  
43 administering the sidewalk connection on the east side of the bridge. Councilwoman  
44 Fillmore suggested the City request that a percentage of the project cost include an  
45 amount for City administrative costs for oversight of the project.  
46 • The next utility bill insert will include an article regarding the proposal to create a Fire  
47 District, and will advertise the September 9<sup>th</sup> open house [corrected later to be Sept.  
48 8<sup>th</sup>] at the Centerville Station, and the open house at City Hall prior to the regular  
49 Council meeting on September 15<sup>th</sup>. Councilman Wright said he would like to see a  
50 breakdown of the City's property tax revenue between the General Fund and RDA.  
51

1                    **MISCELLANEOUS**  
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3                    Councilwoman Fillmore reported that the Recreation Center is willing to host a free  
4 admission day for Centerville citizens any day the City chooses. She said she would look into  
5 the possibility of selecting a Saturday in February, 2016.  
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7                    **ADJOURNMENT**  
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9                    At 10:24 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting.  
10 Councilman Wright seconded the motion, which passed by unanimous vote (5-0).  
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15 \_\_\_\_\_  
16 Marsha L. Morrow, City Recorder

\_\_\_\_\_ Date Approved

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21 \_\_\_\_\_  
22 Katie Rust, Recording Secretary