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

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Blaine Lutz, Finance Director/Assistant City Manager Randy Randall, Public Works Director Jacob Smith, Management Assistant Katie Rust, Recording Secretary
VISITORS	Steve Rush, Rocky Mountain Power Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Blaine Lutz, Finance Director/Assistant City Manager

OPEN SESSION

Rick Bingham – Mr. Bingham referred to the advertisement for CenterPoint Legacy Theatre (CPT) included as an insert in the latest utility mailer, and questioned whether supporting the non-profit organization is the proper role of government since it could open the City up to requests from other non-profit organizations. He asked if CPT paid for the insert. Mayor Cutler responded that the Council has historically agreed to include inserts in the mailers for non-profit organizations, including the Whitaker Museum and other groups with a connection to City, County, or State government. The Centerville RDA owns the facility, and tax-payers have an interest in ensuring it is well-run and supported. Mr. Bingham stated that he would like to take advantage of the advertising opportunity in the future to promote a historical reenactment that takes place in Bountiful. City Manager Thacker commented that the reenactment event is currently advertised on the east entrance to City Hall. Blaine Lutz, Finance Director/Assistant City Manager, stated that the black-and-white CPT insert was included at no additional cost to the City. [This statement was corrected in a later email to the City Council.] Councilman Wright stated he feels there needs to be a separation between 501(c)3 entities and the City. Councilwoman Ivie stated she thinks the Council should be a little more careful about the information included in City mailers. Council members Wright and Ivie requested that the matter be placed on a future agenda, and requested a legal opinion from the City Attorney. Mr. Thacker added that CPT events have been advertised in City mailers for several years, with Council review prior to newsletter printing.

Robyn Mecham – Ms. Mecham said she was impressed with Councilman Averett in the last Council meeting when he pointed out that a study would not be necessary regarding the deer problem if a majority of the Council would not be willing to vote for the kill option. She appreciated his point that City money should not be wasted on unnecessary studies. Ms. Mecham suggested that the request from the Council for staff to look into putting Main Street electrical wires underground is similar. It is obvious that it would cost hundreds of thousands of

dollars, and she questioned whether there would really be three Council members willing to vote in favor of putting utility lines underground considering the City cannot even afford to finish its parks. She cautioned against valuable City employee time and resources being wasted on unnecessary studies.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the August 4, 2015 City Council and Planning Commission Joint Work Session; and the August 18, 2015 Council and Planning Commission Joint Work Session, regular Council meeting, and Council, Parks & Recreation Committee, and Trails Committee Work Session were reviewed. Mayor Cutler requested a change to the minutes of the August 18 Joint Work Session with the Planning Commission, and Mr. Thacker pointed out a spelling error on the August 18 Council meeting minutes.

Councilman Averett made a **motion** to approve the August 4, 2015 Joint Work Session minutes, the August 18, 2015 Council and Planning Commission Joint Work Session and regular meeting minutes as amended, and the August 18, 2015 Council, Parks & Recreation Committee, and Trails Committee Joint Work Session minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – PROPOSED VACATION OF A PORTION OF 500 EAST PUBLIC RIGHT-OF-WAY – ORDINANCE NO. 2015-18 AND ORDINANCE NO. 2015-19

The City has received petitions to vacate a portion of 500 East public right-of-way located within the Panorama Subdivision. These petitions were filed in response to a City enforcement action regarding the reconstruction of a retaining wall at 1514 North 500 East ("Johnson Property"). This matter was previously discussed with the City Council on March 17, 2015. Given the construction of the house and driveway so close to the right-of-way on the Johnson Property, staff concluded that it would be very difficult and impractical for the Johnsons to move and reconstruct the retaining wall outside of the public right-of-way. Staff is concerned about the safety and liability issues regarding the retaining walls within the public right-of-way. Staff recommended the property owners file a petition to vacate a portion of the 500 East public right-of-way to allow the private retaining walls to be located on private property, conditioned upon the property owners bearing the costs associated with such vacation and providing corrected legal descriptions.

Mayor Cutler opened a public hearing at 7:19 p.m.

Mike Kelley – Mr. Kelley is the owner of the property located at 1530 North 500 East. He explained that when the subdivision was platted the road was planned to be 50 feet wide, but was only constructed to be 42 feet wide, resulting in retaining walls being located on City property. He said he believes it is in everyone's best interest for the City to vacate the property. Signatures of other property owners on 500 East have been obtained. Mr. Kelley expressed willingness to pay any associated fees or costs, and explained that, of all the properties on 500 East, only the two properties in question have retaining walls of significant height.

The Mayor closed the public hearing at 7:25 p.m.

Councilman Averett made a **motion** to approve Ordinance No. 2015-18 and Ordinance No. 2015-19 vacating a portion of 500 East public right-of-way and conveying such portion of the public right-of-way to adjoining property owners Michael J. Kelley and Richard and Elizabeth Johnson, subject to the applicants submitting new legal descriptions for the property to be vacated in accordance with the City Engineer's requested corrections and paying all fees

associated with the Petition to Vacate. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

DISCUSSION AND ROUGH ESTIMATES FOR BURYING POWER AND UTILITY LINES WITHIN A PORTION OF MAIN STREET

Steve Rush, Community Relations Manager for Rocky Mountain Power (RMP), responded to the Council's request for estimates for putting the 5300 feet of utility lines on Main Street between Parrish Lane and Pages Lane underground. He stated that the estimated cost to put the RMP lines underground would be roughly $1.3 million. To get a more reliable cost estimate, the City could need to pay a $30,000 engineering fee. The poles currently hold three other utilities, which would also need to go underground. Mr. Rush stated that everything within the dig area would have to be removed, and additional right-of-way would be necessary. The $1.3 million estimate does not include trenching, conduit, etc. to accommodate RMP's work, the cost of converting individual service lines to underground, nor the cost of burying the other overhead utilities (Comcast, CenturyLink, UTOPIA), increasing the staff's total rough estimate to $4-5 million.

Councilman Averett asked if RMP would be interested in cost-sharing. Mr. Rush responded that RMP is not interested in, and would not benefit from, putting the lines underground. Both underground and overhead lines have reliability issues. Councilman Higginson stated that one of his concerns is the fact that not all of the poles are completely straight at ninety degrees, and Centerville has heavy windstorms. He asked how often RMP does maintenance checks. Mr. Rush responded that they have an operations group that regularly checks the poles, and added that he drove the corridor recently and did not see anything of concern. Councilman Averett stated that another concern centers around emergency management and the impact downed power lines would have on the ability of emergency vehicles to traverse the city. Mr. Rush responded that there may be hazards in the short-term, but underground lines take longer to fix than above-ground lines, and the situation would be ugly for a while either way.

Councilman Wright stated that he is concerned about the emergency management component, and to a lesser extent the aesthetic component. He is worried about the ability of vehicles to traverse Main Street during an emergency. He asked how long it would take RMP to fix downed lines after a major earthquake. Mr. Rush responded that RMP will not burry lines for risk management. He repeated that underground failures take longer to repair than overhead lines, and it is hard to predict where future damage will occur. Randy Randall, Public Works Director, added that the Frontage Road has been identified as the best route for emergency vehicles during a disaster. Main Street has many trees and other hazards in addition to the power lines. Mr. Randall stated that several staff members recently attended emergency management training in Williamsburg, and representatives from California reported that underground power lines took much longer to repair after an earthquake.

Councilman Wright recently suggested the City look into taking over maintenance of Main Street from UDOT. Mayor Cutler asked Mr. Randall to share what was learned approximately ten years ago when staff last looked into the possibility. Mr. Randall reported that at that time UDOT was investing approximately five times more money into Main Street than the City would receive as additional Class B and C road funds, and the City would be required to take over responsibility for the traffic signals and storm drain system as well. He pointed out that Main Street will need to be completely ripped up and rebuilt sometime in the future – a very expensive undertaking.

Mr. Thacker asked Mr. Rush the nature of the power line on Main Street. Mr. Rush responded that it is a big, critical, 12,000 volt line that connects to the substation, with other lines branching off of it. He clarified that RMP is indifferent regarding whether it is above ground or below. He added that RMP operates both above and below ground systems well with complete confidence. Mr. Randall commented that RMP trims the trees along the length of the power lines. He suggested the City look into removing some of the trees to reduce potential hazards.

Councilwoman Ivie asked if RMP has a way to remotely shut down the electricity in case of a natural disaster to make travel easier and safer for emergency vehicles. Mr. Rush responded that when a power line is downed, the circuit breaker is tripped and RMP is notified. There are approximately 3,000 customers on a circuit, and safety is paramount. In an emergency situation, RMP cooperates with the first responders. Councilman Wright asked if the City Emergency Management Plan includes provisions for working with RMP to establish safe access along Main Street, and said he feels such a plan will be critical in providing emergency services. Mr. Randall mentioned that he feels a lot of synergy was created at the training in Williamsburg. Councilman Averett commented that during a mock disaster several years ago it was shocking how quickly the City and County ran out of resources and had to appeal to the State. The resources are limited, and the real help will come from neighbor helping neighbor until the first responders can arrive.

Mayor Cutler thanked Mr. Rush and Mr. Randall. Councilman Wright said he feels it is valuable to look at putting the power lines underground, and said that long-term he would like to see it happen using the Complete Streets Plan. Councilwoman Fillmore asked if the cost estimate was figured on a per linear foot basis and if the project could be accomplished in segments. Mr. Rush stated that it could be broken into segments. Ms. Romney clarified that the City could not require developers to put power lines underground in a redevelopment scenario at their expense. There would need to be some type of cost-sharing arrangement. Mr. Thacker added that with new development the lines can be required to be underground, such as new residential subdivisions.

FISCAL YEAR 2015 FINANCIAL REPORT

Blaine Lutz, Finance Director/Assistant City Manager, presented the financial report for FY 2015, which ended June 30, 2015, and answered questions from the Council. Mr. Lutz explained the use of the Capital Projects Fund for street projects, and expressed optimism regarding the overall General Fund balance. The Council discussed the financial agreements between the RDA and CenterPoint Legacy Theatre.

PARKS CAPITAL IMPROVEMENT PLAN

City Manager Thacker presented an updated Parks Capital Improvement Plan, and pointed out changes made since the August 18th joint work session between the Council, the Parks & Recreation Committee, and the Trails Committee. Councilwoman Fillmore stated that the need for parks capital improvement funding speaks to the need for RAP Tax renewal. Mr. Thacker commented that the Parks Capital Improvement Plan does not represent all potential uses of RAP Tax funds. Councilman Wright suggested that a three-year plan would be helpful. Mayor Cutler pointed out that impact fee revenue fluctuates and cannot be predicted, which makes planning with specific dates difficult. Councilwoman Fillmore pointed out that the Parks Capital Improvements Plan has been prioritized by the Parks & Recreation Committee. Councilman Wright suggested staff could take the Plan one step farther and put the list into a three-year plan to give it the same level of planning as other plans linked to the General Plan. Mr. Thacker pointed out that completion of the Community Park Expansion project is the Parks

& Recreation Committee's top priority, and stated that he could make assumptions to put a three-year plan together. Mayor Cutler asked if at least three Council members feel a three-year plan is necessary. Councilman Averett responded that in his opinion it is already prioritized. Councilman Higginson said he would not want staff to do the work until after the RAP Tax vote. Councilwoman Fillmore agreed with Councilman Higginson, and added that it would be a helpful argument in favor of the RAP Tax to point out to citizens that with RAP Tax renewal more things on the list could be accomplished than without. Mr. Thacker explained that an inter-fund loan could be set up between the RAP Tax fund and the Impact Fee Fund.

Councilman Averett made a **motion** to approve the updated Parks Capital Improvements Plan, emphasizing that funding for the projects has not been determined. Councilwoman Fillmore seconded the motion. Councilman Wright suggested amending the motion to "accept" rather than "approve" the Plan. Council members Averett and Fillmore agreed to the amendment. Councilwoman Ivie stated that if the Parks Capital Improvement Plan is going to be used as a demonstration of potential uses for the RAP Tax, she would rather it were called a "wish list", and she would prefer it included the Whitaker Museum grounds, a dog park, and all the other possibilities that have been discussed. Mayor Cutler responded that the Parks Capital Improvement Plan is only part of the picture, along with recommendations made by other departments and committees. If the RAP Tax is renewed, the Council will consider all of the recommendations when determining how to use the funds.

At 8:40 p.m. Mayor Cutler agreed to allow public comment.

Nancy Smith – Ms. Smith stated that, considering the Whitaker Museum is identified as City open space in the General Plan, she does not understand why the Whitaker Museum is not included as part of the Parks Capital Improvements Plan. She said that since the Museum is used in the open space calculation, she feels the Museum should be included in the Parks Capital Improvement Plan.

The motion to accept the Parks Capital Improvement Plan passed unanimously (5-0).

SUBMITTAL OF ARGUMENTS FOR AND AGAINST RAP TAX

Only one citizen applied to write an argument in favor of RAP Tax renewal to be included in the Voter Information Pamphlet (Mayor Cutler), and one applied to write an argument against (Councilman Wright). The arguments are due September 14th. The argument to be posted by the City Council on the Statewide Voter Information website is due Friday, September 4th. Mayor Cutler referred to the sentence in his argument that states it is the intent of the City Council that a majority of the funds go to parks and trails improvement, and asked if the Council is unanimously in agreement with the statement. Councilman Wright asked the Mayor if he has publicly identified a specific percentage for parks and trails improvements. Mayor Cutler responded that he believes a majority should go to parks and trails improvements, but he has not made any commitments. He said he may have discussed possible allocations with individuals, but clarified that it is the Council that will make the allocation decision. Council members Higginson and Fillmore said they are comfortable with the statement that a majority would go to parks and trails.

Councilman Wright asked what CenterPoint Legacy Theatre (CPT) is specifically asking for, and expressed hesitation with government funding a 501(c)3. Ms. Romney clarified that the City is allowed to use the RAP Tax to finance ongoing operating expenses of cultural organizations within the city. Cultural organization is defined as a private non-profit organization having a primary purpose of theater, dance, cultural arts, etc. Councilman Wright stated he feels the money should go to other things that directly support the community. Councilwoman

Fillmore said she does not disagree with Councilman Wright, and said she wishes the language in the Mayor's statement were stronger, specifying that a strong majority of the funds would go toward parks and trails. Councilman Wright stated that this situation is different than the last RAP Tax vote because in 2008 the voters knew exactly what they were voting for. He said he would like to see CPT not receive any money if the RAP Tax is renewed. Councilman Averett responded that he thinks as a tenant of a City facility that adds cultural value to the community CPT should receive some funding from RAP Tax renewal. He added that Centerville should be a well-balanced community. Councilwoman Ivie agreed that there is interest in ensuring that a tenant of a City building does well, and stated that, as a tenant of a City building, the Council should bump the Whitaker Museum's share considerably. She stated she is not a fan of the RAP Tax because a lot of people in her neighborhood are on fixed incomes and are hit harder by taxes than those who receive salary increases. She added that the government is in debt on all levels, and the City would be better off to tighten its belt and not sign up for extra debt and long-term taxes for a wish list. Councilwoman Ivie pointed out that the RAP Tax will not be the only tax included on the ballot this year. Councilman Wright agreed with Councilwoman Ivie, stating that all the different tax components added together are difficult for those on fixed incomes. He admitted that the capital improvements would be nice, but he would like to stop the drain on citizen pocket books.

Following some discussion, it was suggested the sentence in the Mayor's argument in favor of the RAP Tax begin with the phrase "If it passes, it is the intent of the City Council . . ." Ms. Romney advised the Council to remain general in stating the intended uses of potential revenues, since the City Council would annually determine what RAP Tax revenues should fund. Councilwoman Fillmore suggested the Council continue discussions regarding the exact wording of the argument for the State website via email. Mayor Cutler agreed to make a few revisions and send it to the Council via email.

COUNTY LOCAL OPTION TRANSPORTATION TAX – HB 362

Mayor Cutler explained that the City can choose to remain silent or to get involved regarding the County Local Option Transportation Tax. The Mayor said he intends to express his support for the quarter-cent Local Option Transportation Tax in his message included in the City newsletter, and added that the newsletter could also include factual information explaining the street maintenance plan and how transportation funds are allocated.

Councilman Averett stated he would prefer the City to remain neutral. Councilwoman Fillmore pointed out that both the RAP Tax and the Transportation Tax are sales taxes, allowing the burden to be shared by visitors from outside the community who come to shop and eat. The RAP Tax is one-tenth of one percent on non-food items. These financial needs exist and are not currently being covered adequately. This is why a tax is being asked for. If the needs are not covered by a sales tax with help from outside visitors who put pressures on our community, then we may need to consider a property tax increase to cover the needs, which is a more direct burden on our citizens with limited incomes. Or, alternatively, we continue to neglect these needs and transfer the burden to future generations, which is the same reason we hesitate to take on debt. Councilman Higginson said he thinks the tax is needed, but it would be difficult to take a stand as a Council. Councilman Wright stated that Councilwoman Fillmore makes a valid argument. Ms. Romney was not able to clarify whether or not the proposed tax has an end-date. Mayor Cutler said he believes there is not an end-date.

A majority of the Council indicated interest in asking Mr. Thacker to draft factual articles for the City newsletter regarding the Parks Capital Improvement Plan and the Streets Maintenance Plan. Councilwoman Fillmore made a **motion** directing Mr. Thacker to provide

articles regarding transportation needs and park facilities for Council review. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

MAYOR'S REPORT

- Mayor Cutler reported that Chief Child is trying out the idea of recruiting volunteers to help at the Parrish Lane/Main Street intersection to save the cost of an additional crossing guard. The City is also considering additional signage to keep children safe as they walk to school. Councilman Averett expressed approval of the new location of the electronic speed indicator on 400 West closer to the Chase Lane intersection. Councilman Wright said he feels the City should consider investing in more electronic speed signs. Mayor Cutler agreed they are effective, and said he would like to get more. Councilmen Higginson and Averett agreed that they are effective.

CITY MANAGER'S REPORT

- Mr. Thacker offered the suggestion to combine the traditional volunteer recognition dinner for City committee members with the recognition dinner for Centennial Committee members since all City committee members were involved in the Centennial Celebration. All household members of committee members would be invited to attend the outdoor, catered recognition dinner on September 21st. A majority of the Council indicated support.
- Following some discussion, it was agreed that December 2nd would be an acceptable date for the Employee Christmas Dinner. A majority of the Council requested that it take place at the Wight House Reception Center in Bountiful if possible.
- Mr. Thacker and Jacob Smith, Management Assistant, answered questions regarding asset and inventory management. Information regarding the original value of assets is included on the Capital Asset List.

MISCELLANEOUS

- Councilman Wright made a **motion** to accept waterline and public utility easement for the Porter Walton Townhomes project located at approximately 564 West Porter Lane conditioned upon correction of the legal description. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Councilwoman Fillmore agreed to schedule the free-admission day to the Recreation Center for Centerville Citizens on February 6th.
- Mayor Cutler announced that the Landmarks Commission has one open position, and the Whitaker Museum Board has two remaining positions that could be filled.

ADJOURNMENT

At 9:44 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

9-15-2015
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY INC. CORPORATE SEAL