

1 Minutes of the Centerville **City Council** meeting held Tuesday, August 6, 2013 at 7:00 p.m. in  
2 the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

3  
4 **MEMBERS PRESENT**

5 Council Members Ronald G. Russell, Mayor  
6 Justin Y. Allen  
7 Ken S. Averett  
8 Sherri Lyn Lindstrom  
9 Lawrence Wright

10  
11  
12 **MEMBER ABSENT**

John T. Higginson

13  
14 **STAFF PRESENT**

15 Steve Thacker, City Manager  
16 Blaine Lutz, Finance Director/Assistant City Manager  
17 Lisa Romney, City Attorney  
18 Randy Randall, Public Works Director  
19 Cory Snyder, Community Development Director  
20 Jacob Smith, Management Assistant  
21 Katie Rust, Recording Secretary

22 **VISITORS**

23 Cami Hamilton, Lewis Young Robertson Burningham  
24 Interested citizens (see attached sign-in sheet)

25 **PLEDGE OF ALLEGIANCE**

26  
27 **PRAYER OR THOUGHT**

Loren Pankratz, The Bridge Community

28  
29 **OPEN SESSION**

30  
31 Gayle Davis – Ms. Davis is a resident of the Riviera Townhomes. She thanked the  
32 Council for their efforts to secure the CDBG Grant. She stated they are thrilled to have enough  
33 to complete the entire project.

34  
35 **MINUTES REVIEW AND APPROVAL**

36  
37 The minutes of the Tuesday, July 16, 2013 work session and July 16, 2013 Council  
38 meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve both sets of  
39 minutes. The motion was seconded by Councilman Wright and passed with unanimous vote (3-  
40 0). Councilman Averett abstained from voting.

41  
42 **SUMMARY ACTION CALENDAR**

- 43  
44 a. Approve CDBG Grant Contracts for Riviera Townhomes Street and Drainage  
45 Improvements  
46 b. Award bid for CDBG Project (Riviera Townhomes street and drainage  
47 improvements) to Kilgore Contracting in the amount of \$133,673.60  
48 c. Award bid to Cate for the purchase of a portable light tower in the amount of \$12,930  
49 d. Renew Drainage Maintenance Contract with Twin "D" in the estimated amount of  
50 \$103,410 for 2013-2014  
51 e. Renew Street Sweeping Contract with Jacketta in the estimated amount of \$42,840  
52 for 2013-2014

1 Councilman Allen made a **motion** to approve all items on the Summary Action Calendar.  
2 Councilwoman Lindstrom seconded the motion. Councilman Wright asked if the portable light  
3 tower in item (c) was approved in the budget. Mr. Thacker confirmed that it was included in the  
4 budget. Referring to item (e) on the Summary Action Calendar, Councilman Wright asked if the  
5 street sweeping contract was put up for bid to ensure the lowest available rate. Mr. Thacker  
6 responded that the City solicited and received two bids in 2012. The lowest bid was accepted  
7 and an option included in the contract to renew at the same rate for two consecutive years.  
8 Staff feels the ability to renew at the 2012 rate is beneficial, and they do not have reason to  
9 believe a better price is available. The motion to approve passed by unanimous vote (4-0).

10  
11 **PUBLIC HEARING – CULINARY WATER IMPACT FEE**  
12

13 Cami Hamilton of Lewis Young Robertson Burningham explained that the purpose of  
14 collecting impact fees from new development is to mitigate the impact of the growth on public  
15 infrastructure. The existing culinary water capacity and the cost to keep up with growth were  
16 analyzed as part of the impact fee study. The proposed fee is \$2,027 per ERC. Mr. Thacker  
17 added that the existing water impact fee of \$1,200 was adopted in the 1990s. The City Council  
18 spent considerable time discussing the analysis and proposed increase at a previous meeting.  
19

20 At 7:19 p.m. Mayor Russell opened a public hearing. Seeing that no one wished to  
21 comment the Mayor closed the public hearing.  
22

23 Councilman Averett asked for the opinion of the Public Works Director. Randy Randall,  
24 Public Works Director, responded that he feels the proposed fee is in line with the actual cost to  
25 provide service to new residents moving into the City. The new well on Chase Lane has been  
26 drilled to serve growth and development. Councilman Averett asked Mr. Randall how current  
27 water capacity in Centerville compares to demand now and in the future. Mr. Randall stated  
28 Centerville has managed its resources well, and planned for growth rather than waiting until  
29 after the growth has occurred. With the drilling of the Chase Lane well, and with Weber Basin to  
30 draw from, he feels Centerville is well off. City Manager Thacker commended Mr. Randall for  
31 his success in saving energy and money with a pump schedule that avoids the peak hours of  
32 the day. Mr. Randall also stated that in an emergency situation, the City would be able to  
33 provide one gallon of water per citizen per day with the solar power available at the Church  
34 Well. Councilwoman Lindstrom asked how long it will be before another well is needed. Mr.  
35 Randall responded that current supplies should be sufficient for at least ten years. Councilman  
36 Allen asked if the impact on multi-family developments was adequately considered and covered  
37 in the study and analysis. Mr. Randall responded that the fee is determined based on meter  
38 size, which results in fair fee assessment.  
39

40 Lisa Romney, City Attorney, requested the addition of a footnote to the fee schedule on  
41 page 7 of Ordinance No. 2013-10. The addition clarifies that the City uses a 5/8" x 3/4" meter  
42 for 3/4" connections. This clarification does not change the study or analysis. Councilman  
43 Averett made a **motion** to approve Ordinance No. 2013-10 adopting an amended and updated  
44 Culinary Water Impact Fee Facilities Plan and a Culinary Water Impact Fee Analysis; adopting  
45 amended and updated Culinary Water Impact Fees; adopting certain policies related to Culinary  
46 Water Impact Fees; and establishing a service area for purposes of the Culinary Water Impact  
47 Fees, including the changes noted by the City Attorney. Councilwoman Lindstrom seconded  
48 the motion, which passed by unanimous vote (4-0).

1                   **PUBLIC HEARING – WOODS PARK SUBDIVISION – FINAL PLAT**  
2

3                   Cory Snyder, Community Development Director, explained the final plans for the Woods  
4 Park Subdivision located at 690 West 2400 North. One of the major components in originally  
5 considering the property for rezone was the need for improved infrastructure for drainage. In  
6 addition to applying a Planned Development Overlay Zone, a Development Agreement is  
7 associated with the project to deal with drainage infrastructure. Staff feels the final plan is at a  
8 point eligible for approval as per the Planning Commission's recommendation.  
9

10                  Mr. Snyder advised the Council of a joint project between the developer and the City  
11 regarding drainage as part of the Development Agreement. A condition of the Development  
12 Agreement allows the developer to proceed with obtaining approvals, but prevents the  
13 developer from obtaining a building permit for any of the units until permits approving a pipe  
14 underneath the UTA Frontrunner and Union Pacific Rail Road tracks are received by the City.  
15 Once approval for the pipe is obtained, the developer can proceed with requesting building  
16 permits, but none of the units can be occupied until the pipe/drainage project is completed. In  
17 addition, four of the proposed units are currently in the FEMA floodplain, and until the FEMA  
18 map has been altered those units are not eligible for permits. Mr. Snyder requested the addition  
19 of a condition (#13) to the conditions of approval, which should state that the developer shall  
20 remain responsible for payment of all outstanding professional service fees related to the review  
21 of the subdivision plans and plat.  
22

23                  Randy Randall, Public Works Director, explained that at the time the project was initiated  
24 the City applied with Union Pacific to be able to put the pipe under the railroad. Union Pacific  
25 has responded and denied the permit. Since the City submitted the request, Union Pacific has  
26 changed the rules and now requires an outer casing or sleeve for the pipe. This requirement,  
27 combined with a requirement for 5 ½ feet of cover between the casing and the rails, would force  
28 the City to install two smaller pipes instead of one larger pipe, which could increase the project  
29 cost 1 ½ to 2 times. Staff have met with Union Pacific representatives and requested a  
30 variance. Mr. Thacker asked if Mr. Randall is optimistic. Mr. Randall responded that after  
31 visiting with the local representatives he is optimistic. He does not question whether a permit  
32 will be granted. He questions whether or not they will require two pipes instead of one, and  
33 whether the cost of the project will substantially increase.  
34

35                  At 7:43 p.m. Mayor Russell opened a public hearing.  
36

37                  Paul Cutler – Mr. Cutler stated he was not originally in favor of the proposed density, but  
38 he has reviewed the current proposed plans and feels improvements have been made. He has  
39 concerns regarding the Home Owners Association (HOA), stating he knows HOAs do not  
40 always continue to function adequately over time.  
41

42                  Alan Prince – Mr. Prince represents the property owners and developer. He responded  
43 to Mr. Cutler that the State has adopted more stringent regulations governing registration and  
44 operation of HOAs. Mr. Prince stated that Henry Walker Homes is an experienced home builder  
45 and HOA manager. The City Attorney has reviewed the HOA documents, and Mr. Prince does  
46 not feel they could have been more carefully crafted. Referring to the pipe project, Mr. Prince  
47 stated that before agreeing to the \$150,000 contribution to the project, his firm approached a  
48 firm that puts pipes under the railways regularly to have an understanding of the cost involved.  
49 As the developer, they agreed to bear the cost of a 24-inch pipe going under the tracks. The  
50 City wanted to take the opportunity to upgrade the pipe to 36 inches. Mid-project the  
51 requirements have changed, and now a sleeve big enough to house the pipe is required, and  
52 the bedding is required to be deeper. Mr. Prince stated that switching from one 36-inch pipe to

1 two 24-inch pipes would not double the cost. He is confident the permit will be granted by Union  
2 Pacific, it is just a matter of what format it will take. The Agreement provides for the sharing of  
3 additional costs.

4  
5 Steve Thacker, City Manager, stated there are differences between this HOA situation  
6 and the other situations Mr. Cutler may have been referring to. The Woods Park Subdivision  
7 has improvements and amenities that will create incentive for the HOA to continue functioning.

8  
9 Mayor Russell closed the public hearing at 7:56 p.m.

10  
11 Councilman Allen commended the developer for willingness to participate in  
12 infrastructure improvements. Councilwoman Lindstrom commended staff for their diligent  
13 efforts to improve drainage issues throughout Centerville. She believes the project will benefit  
14 the community, and she commended Mr. Prince for being as thorough as he has been.

15  
16 Councilman Averett made a **motion** to approve the final subdivision plat and plans for  
17 the Woods Park Development at 690 West 2400 North with the conditions and findings listed in  
18 the staff report and with the addition of condition #13 as recommended by staff. Councilwoman  
19 Lindstrom seconded the motion, which passed by unanimous vote (4-0).

20  
21 **Conditions**

- 22 1. The proposed plat notes should be revised and resubmitted (in redline form) to  
23 address the following:
- 24 a) Add to the first part of Note #1: "Unless otherwise noted,"
  - 25 b) Add "(P.U.E.)" after the first use of the term Public Utility Easements in Note  
26 #2.
  - 27 c) Delete "and the City Engineer" from the end of Note #3.
  - 28 d) Revise Note #4 to reflect that the Developer shall install and the HOA shall be  
29 responsible to maintain, irrigate, provide irrigation water, and mow the  
30 Detention Basin Areas and Drainage Ways as shown on the plat.
  - 31 e) Have City Engineer or Public Works Director check the City responsibility  
32 provisions at the end of Note #4 regarding silt removal.
  - 33 f) Add to the end of Note #6: ", the Woods Park Development Agreement, and  
34 terms and conditions of PDO Zoning Approval granted by Centerville City.  
35 Any and all development and construction within the subdivision shall comply  
36 with such recorded documents and approvals."
  - 37 g) Compare Note #4 and Note #7 and make sure they are consistent.
  - 38 h) Add to the first part of Note #8: "Unless otherwise noted,"
  - 39 i) Have City Engineer check the provisions regarding finished floor elevations in  
40 Note #9. Compare with language in Section 12 of the Development  
41 Agreement which provides "The finished base floor elevation for any dwelling  
42 within the subdivision, including basements, whether finished or unfinished,  
43 shall be one foot (1') above the projected 100-year flood event for the  
44 Property."
  - 45 j) Add to Note #9 the Development Agreement requirement as follows:  
46 "Builders shall be required to provide an engineer's certificate of all base floor  
47 elevations prior to pouring the footings for any structure."
  - 48 k) Eliminate the word "statue" as used in Note #10.
  - 49 l) Add to the end of Note #11: "and all terms and conditions of PDO Zoning  
50 Approval and final plat approval by Centerville City.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

- m) In Note #14, replace the term "community" with "subdivision," delete the "a" before inclusion, and replace the term "items" with "architectural design elements"
  - n) Compare Note #15 to Note #18. Is Note #15 regarding individual fencing?
  - o) Consider eliminating "elevated" from Note #17 regarding decks in the setback area. Confirm with Community Development Director whether it is "any deck" or just "elevated decks" that are subject to the encroachment restriction. Compare plat note language to PC Condition #1(g). Change the "or" to "nor" in first sentence.
  - p) In Note #18, change the first "to be" to "shall be" and add "than" after the word "other" in second line.
2. Add the following plat notes:
- a) All coordinates shown are based on Davis County Surveyor's Office Datum.
  - b) No building permit for any lot within the subdivision shall be issued until and unless all wet utilities have been installed and completed and all streets are rough graded in accordance with applicable City ordinances, including the storm drain improvements along Lund Lane, and until the Detention Basin is installed, completed and functioning, as more particularly provided in Section 11 of the Development Agreement as recorded against the property.
  - c) No building permit for any lots within the subdivision shall be issued until and unless the City has obtained all required permits from UPRR and UTA for the construction of the Drainage Culvert and no certificate of occupancy shall be issued for any building within the subdivision until and unless the Drainage Culvert has been installed, completed and is functioning, as more particularly provided in Section 11 of the Development Agreement as recorded against the property.
  - d) No building permit for any lots within Flood Pain Zone A, shown as Lots 2-5, shall be issued until and unless the Detention Basin and the Drainage Culvert have been installed, completed and are functioning, and Developer has received LOMR approval and all conditions of the LOMR have been met, as more particularly provided in Section 11 of the Development Agreement as recorded against the property.
  - e) All property within the subdivision shall be developed in accordance with the City ordinances, PDO Rezone Approval, Final Plat Approval, and all subsequent applicable final plans and construction drawings for individual lots within the subdivision. All applicable City, State and Federal construction standards and specifications shall be met. All owners, users, lots and development within the subdivision shall be subject to all agreements, easements, and restrictions governing the property, including, but not limited to, the Woods Park PDO Development Agreement, as amended, and the Centerville City Planned Development Overlay Ordinances, as amended.
  - f) All designated common areas shall be owned and maintained by the HOA and shall be prohibited from future development.
3. Approval of the final plat for the Woods Park PDO is subject to and conditioned upon compliance with all terms and conditions of the Development Agreement dated April 4, 2013, as recorded against the property.
4. Final plat approval is conditioned upon and subject to Developer obtaining a Letter of Map Revision (LOMR) from FEMA pursuant to Section 10 of the Development Agreement as recorded against the property.
5. Prior to recording the final plat, Developer shall record and complete the boundary line adjustment acquiring the 50' strip of real property to be acquired from the Wrights and included within the subdivision.

- 1 6. Prior to recording the final plat, Developer shall ensure that all property within the  
2 subdivision is subject to the Development Agreement and PDO Zoning. If any  
3 boundary line adjustment has increased the size of the subdivision or added property  
4 thereto that is not subject to the Development Agreement, the Development  
5 Agreement shall be recorded against such additional property in a manner  
6 acceptable to the City Attorney. Any PDO Zoning issues shall be addressed in  
7 accordance with applicable City ordinances.
- 8 7. Applicant shall show all easements of record on the plat or submit a vacation of  
9 easement prior to recording the plat and subject to review by the City Engineer.
- 10 8. Prior to recording the final plat, applicant shall submit an updated title report (current  
11 within 30 days) for the entire subdivision for review and approval of encumbrances  
12 and ownership issues by the City Attorney and City Engineer.
- 13 9. Developer to designate on final plat Parcels A, B and C as "Common Area to be  
14 owned and maintained by HOA" with associated plat note regarding HOA  
15 maintenance requirements and CC&R's. Provide adequate guarantees to protect  
16 such common areas from future development as required by PDO Ordinance  
17 (Section 12-41-110).
- 18 10. Revise CC&R's to comply with requirements of PDO Ordinance (Section 12-41-110)  
19 and suggested revisions from City Attorney. CC&R's shall be recorded prior to or  
20 concurrently with final plat. See, CC&R Review dated July 30, 2013.
- 21 11. Show existing and proposed Flood Plain Zones on the plat in accordance with  
22 Section 10 of the Development Agreement.
- 23 12. Except as specifically agreed to by the City in the Development Agreement for off-  
24 site drainage culvert improvements under the UPRR, Developer shall be required to  
25 pay for and install all required on-site and off-site public improvements and  
26 infrastructure for the Property to the extent reasonably necessary and related to the  
27 impact of the development in accordance with City ordinances and engineering  
28 standards, including, but not limited to, streets, curbs, gutters, sidewalks, culinary  
29 waterlines and facilities, fire hydrants, street lights, sewer lines and facilities,  
30 secondary irrigation waterlines and facilities, storm drainage facilities, subdrain  
31 facilities, utilities, and detention facilities. All such improvements shall be bonded for  
32 and constructed and installed in accordance with applicable City ordinances and  
33 specifications as determined necessary by the City Engineer. All plans and  
34 construction for water, sewer, street and drainage improvements shall be reviewed  
35 and approved by the City Engineer.
- 36 13. The applicant or subsequent developer/owners of the project shall remain  
37 responsible for payment of all outstanding professional service fees related to the  
38 review of the subdivision plans and plat.

39  
40 **Findings**

- 41 a) The City Council finds that the final subdivision plat and plan is to comply with the  
42 terms and conditions of Wood Park PDO Zone Map Amendment and associated  
43 conceptual plan acceptance that was approved in April of 2013.
- 44 b) The City Council finds that the Conditions of the final plat and plan recommendation,  
45 subject to terms and conditions of the PDO, are consistent with Woods Park PDO  
46 Zone Map Amendment.
- 47 c) The City Council finds that the terms and conditions of the final plat and plan  
48 recommendation are consistent with preliminary subdivision approval by the  
49 Planning Commission, dated June 12, 2013.

1                    **WOODS PARK ASSIGNMENT AND ASSUMPTION AGREEMENT**

2  
3                    Ms. Romney explained that the current developer of the Woods Park Subdivision project  
4 desires to transfer development of the property to Henry Walker Homes. Since the property is  
5 subject to a Development Agreement, Henry Walker Homes is required to enter into an  
6 Assignment and Assumption Agreement, agreeing to take on the obligations in the  
7 Development Agreement as well as obtain the rights. Staff recommends the Council approve  
8 the Assignment and Assumption Agreement between the City and various parties, specifically  
9 Henry Walker Land of Northern Utah, LLC. Councilwoman Lindstrom asked if there was  
10 anything Henry Walker Homes took issue with. Mr. Prince read excerpts from the purchase  
11 agreement with Henry Walker, stating that they have been completely apprised of all issues:  
12

13                    “The Development Agreement attached hereto as Exhibit D shall be in full force and  
14 effect, and the Purchaser acknowledges and agrees that: (a) it has reviewed the  
15 Development Agreement; (b) it understands the conditions and obligations imposed  
16 thereunder on the Developer; and (c) shall assume full responsibility for the performance  
17 and satisfaction of all obligations of the Developer under the Development Agreement.”  
18

19                    “This cost-sharing provision regarding the drainage lines shall survive the closing.”  
20

21                    Councilman Allen made a **motion** to approve the Assignment and Assumption  
22 Agreement for the Development Agreement between Centerville City, Val D. Wood Trust,  
23 William J. and Suzanne B. Wright and David L. Ellis for the Woods Park Planned Development  
24 (PDO) to Henry Walker Land of Northern Utah, LLC. Councilwoman Lindstrom seconded the  
25 motion, which passed by unanimous vote (4-0).  
26

27                    **PUBLIC HEARING – ZONING CODE TEXT AMENDMENT**

28  
29                    Lisa Romney, City Attorney, explained that earlier this year, the City conducted a  
30 comprehensive review of civil code enforcement procedures and penalties. In response to such  
31 review and analysis, the City Council adopted various amendments to Title 1, Chapter 6 of the  
32 Centerville Municipal Code regarding civil code enforcement. Staff has prepared similar  
33 revisions and proposed amendments to Title 12, Chapter 23 of the Zoning Code regarding  
34 enforcement procedures and penalties for Zoning Code Violations. The edits to Title 12,  
35 Chapter 23 are intended to mirror those amendments that were made earlier in the year to Title  
36 1, Chapter 6.  
37

38                    At 8:06 p.m. Mayor Russell opened a public hearing regarding the Zoning Code Text  
39 Amendment, and closed the public hearing seeing that no one wished to comment.  
40

41                    Councilwoman Lindstrom made a **motion** to approve Ordinance No. 2013-11 amending  
42 Chapter 12-23 of the Centerville City Zoning Ordinance regarding remedies, penalties and  
43 procedures for enforcement. Councilman Allen seconded the motion, which passed by  
44 unanimous vote (4-0).  
45

46                    **FEE SCHEDULE AMENDMENTS – CIVIL PENALTIES**

47  
48                    Ms. Romney explained that, in response to the review of procedures and penalties  
49 conducted earlier this year, the Council adopted amendments to the Centerville City Fee  
50 Schedule to add a graduated civil penalty provision for Municipal Code violations and  
51 subsequent or recurring violations within a 12-month period. Staff has prepared similar  
52 revisions and proposed amendments to the Fee Schedule regarding civil penalties for Zoning

1 Code violations. The edits to the Fee Schedule regarding civil penalties for Zoning Code  
2 violations are intended to mirror those amendments and civil penalties for Municipal Code  
3 violations.

4  
5 Councilwoman Lindstrom made a **motion** to adopt Resolution No. 2013-19 amending  
6 Section XII of the Centerville City Fee Schedule regarding civil penalties for Zoning Code  
7 violations. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

8  
9 **10-WHEEL DUMP TRUCK FOR PUBLIC WORKS**

10  
11 The FY 2014 Public Works Budget includes the purchase of a 10-Wheel dump truck with  
12 front plow and wing plow, under a 5-year Lease Purchase Agreement. Randy Randall, Public  
13 Works Director, explained the purpose of acquiring the 10-Wheel truck in a work session earlier  
14 this year. The City Manager met with both the Public Works Director and Parks Director in an  
15 earlier budget session to review their requests for trucks and the current fleet status. As a  
16 result, they agreed to share one new one-ton dump truck instead of each department  
17 purchasing one. The Parks Director also expressed support for the purchase of a 10-Wheel  
18 dump truck for Public Works, noting it could be used by his department as well. The 10-Wheel  
19 truck will reduce the cost of hauling materials for both departments. The 10-Wheel truck will do  
20 the snow-plow work of two bobtail snowplows clearing the City's arterial roads, reducing the  
21 man-hours and fuel expense required. Mr. Thacker explained that the 5-year Lease Purchase  
22 Agreement was deemed prudent to allow other equipment to also be replaced with the funds  
23 available in the budget. Blaine Lutz, Finance Director/Assistant City Manager, explained that  
24 because of the amount of steel required for a 10-Wheel dump truck, the cost of these vehicles  
25 increases every six months.

26  
27 Councilman Wright asked if the lease purchase agreement places limitations on the  
28 equipment during the lease period. Mr. Lutz responded the City will be required to keep the  
29 vehicle in good repair, similar to a regular commercial car loan. All equipment needed with the  
30 truck is included in the lease. Councilman Wright stated it seems like a great way to extend the  
31 budget. Councilman Averett stated he feels it makes sense from a financial standpoint.

32  
33 Steve Thacker, City Manager, pointed out a minor change necessary on one of the  
34 exhibits. Councilwoman Lindstrom made a **motion** to approve Resolution No. 2013-20,  
35 approving the 5-year Lease Purchase Agreement with Zions First National Bank for the  
36 financing of equipment in the amount of \$215,813; and approving the purchase of cab and  
37 chassis and equipment from Rush Truck Center and Legacy Equipment in the amount of  
38 \$215,813, including the change pointed out by Mr. Thacker. Councilman Allen seconded the  
39 motion, which passed by unanimous vote (4-0). Councilwoman Lindstrom expressed  
40 appreciation for staff's efforts to reduce expenses and be more efficient.

41  
42 **PARK PAVILION RESERVATION POLICIES AND APPLICATION FORMS**

43  
44 The Council increased Park Pavilion Reservation Fees in 2012, and expressed at that  
45 time a desire to revise and simplify the related policies and application forms. Jake Smith,  
46 Management Assistant, explained the proposed policy changes and revised Park Pavilion  
47 Reservation form and Addendum. Under the new policy, limited sales are allowed in City parks  
48 at the discretion of the Parks and Recreation Director. Mr. Thacker stated it is not the intention  
49 of staff to allow purely commercial sales in the parks. Mr. Smith explained restrictions involved  
50 with using inflatable toys at the parks.

1 Councilman Wright asked if staff has looked at Title 8 and correlated it with these  
2 changes. Lisa Romney, City Attorney, responded that adopting a pavilion reservation policy is  
3 consistent with Title 8. The desire was to have the reservation policy and forms in place as  
4 soon as possible. Staff intends to conduct a more comprehensive review of Title 8. Paul Cutler  
5 stated from the audience that he would like to see the ability to reserve a pavilion online.  
6

7 Councilwoman Lindstrom made a **motion** to approve Resolution No. 2013-11 adopting  
8 Park Pavilion Reservation Policies and Application forms. Councilman Allen seconded the  
9 motion, which passed by unanimous vote (4-0). Councilman Allen complimented Mr. Smith on  
10 his work. Mr. Smith stated that adding electronic submission of the reservation form to the  
11 website is possible, for an additional cost to the City. Mayor Russell requested that Mr. Smith  
12 look into the cost and methods of implementing electronic submission. Mr. Lutz commented  
13 that many of the citizens utilizing the reservation option are older and may not respond well to  
14 an electronic reservation format. He suggested keeping the first few days of reservations in-  
15 person at the City offices.  
16

### 17 RECONSIDERATION OF APPROVAL OF UTA TRAIL LICENSE AGREEMENT

18

19 On July 16, 2013, the City Council approved a Trail License Agreement between the City  
20 and UTA for the use and maintenance of a pedestrian pathway and trail system within the  
21 DRGW Corridor, conditioned upon and subject to review and approval of the City's insurance  
22 company regarding the environmental liability clauses and coverage. Staff contacted URMMA,  
23 the City's insurance company, and asked whether the City would be insured for the Trail  
24 License Agreement's environmental liability clauses that allocate liability and responsibility to  
25 the City. URMMA indicated that the City would most likely not be insured for personal injury  
26 claims to trail users arising from or due to exposure to preexisting environmental contamination.  
27 Coverage would be dependent upon type of injury and claim. Given URMMA's response  
28 regarding insurance coverage for such risks, staff contacted UTA representatives to see if they  
29 would reconsider eliminating the environmental liability clauses. UTA again reiterated that these  
30 provisions are mandatory and that such provisions are in most of the trail license agreements  
31 that they have entered into more recently. Earlier contracts, however, such as the one entered  
32 into with Farmington, did not have these clauses. It is up to the Council to determine whether to  
33 approve the contract with these mandatory provisions or not. Given the public benefit of the rail  
34 corridor trail and the low risk of environmental liability exposure, it is staff's recommendation the  
35 Council approve the Trail License Agreement. Ms. Romney reported that she did some  
36 research to see if there had been any environmental liability claims associated with the national  
37 Rails-to-Trails program. She found a Federal National Trails System Act which talks about the  
38 local agencies assuming all liability, which supports the position UTA is taking. Mr. Thacker  
39 stated he intends to ask UTA officials at a higher level about the possibility of making the  
40 agreement with Centerville more like the agreement with Farmington. Approval of the  
41 agreement is time sensitive since UTA would like to begin work on the Centerville portion of the  
42 trail in September.  
43

44 Councilwoman Lindstrom made a **motion** to approve the UTA Trail License Agreement  
45 between the City and UTA for the use and maintenance of a pedestrian pathway and trail  
46 system within the DRGW Corridor (without condition of approval regarding environmental  
47 liability coverage), directing staff to talk to UTA officials regarding the possibility of leaving out  
48 the indemnity clause as in the agreement with Farmington. Councilman Wright seconded the  
49 motion, which passed by unanimous vote (4-0).

**CITY MANAGER'S REPORT**

- 1  
2  
3 • City Manager Thacker updated the Council regarding the Parrish/Main Intersection  
4 Project. Rocky Mountain Power has resolved the Buy America steel issue. The  
5 right-of-way acquisition process has not gone smoothly. Five residential parcels  
6 north of Parrish and two properties south of Parrish, one commercial and one  
7 residential, have not been purchased. Four of the residential property owners north  
8 of Parrish requested the involvement of the Ombudsman, who ordered appraisals for  
9 those four properties. The appraisals returned with higher property values than had  
10 been obtained a few years ago at the beginning of the process. The right-of-way  
11 agent is in the process of making offers to the property owners based on the new  
12 appraisals.  
13

14 As part of the recent attempt to complete the remaining purchases, the right-of way  
15 agent has given some feedback to Mr. Thacker regarding comments made to him.  
16 The right-of-way agent was informed that one of the property owners was told by  
17 other property owners not to sign anything because the upcoming election may  
18 change the City Council, and therefore result in killing the project. The project was  
19 approved by majority vote of the Council last year, and Mr. Thacker has been told by  
20 UDOT that if the project were cancelled the City would be responsible to repay the  
21 funds that have been spent thus far for design and right-of-way activities – over  
22 \$300,000. City Manager Thacker has tried, but been unable, to trace the comment  
23 to its source. He is greatly concerned by the comment. He feels canceling the  
24 project would cause damage beyond the financial obligation. It would harm a  
25 partnership with UDOT that would have ramifications in other areas, referring to the  
26 next item on the City Manager's Report. Ms. Romney added that the City is  
27 contractually bound with the Federal Government on the grant.  
28

- 29 • The I-15 express lane project is scheduled for next year, and will add an express  
30 lane northbound through Centerville, and possibly southbound depending on funds  
31 available. The project will also involve replacement of several of the interchange  
32 bridges in Davis County south of Centerville. Several months ago Mr. Thacker,  
33 Justin Allen, and the Mayor met with UDOT representatives and State Senator Stuart  
34 Adams to ask how Centerville can get a pedestrian pathway. At that time it was  
35 suggested that UDOT consider including a pedestrian pathway with the express lane  
36 project. A few weeks ago Mr. Thacker was contacted by engineers under contract  
37 with UDOT to prepare the design/build specifications, to discuss the pedestrian  
38 pathway idea. Councilman Allen and Mr. Thacker met with the engineers and  
39 identified four things that would be desirable to accomplish for the benefit of  
40 Centerville:

- 41     o Replace the whole interchange, which would take more money than currently  
42     available. Councilman Allen has agreed to contact Legislators about the  
43     possibility of adding enough money to the project in the next Legislative  
44     Session to rebuild the Parrish Lane bridge along with all of the other bridges  
45     included in the project.  
46     o Pedestrian Pathway – either a separate structure, an attachment to the  
47     existing bridge, or part of a new bridge.  
48     o Landscape the interchange.  
49     o Enlarge a number of culverts under I-15 that are now undersized compared  
50     to culverts on both sides.

51 At the conclusion of the meeting the engineers recommended staff meet with UDOT  
52 Region One to discuss these desires with the Project Manager. Mr. Thacker and

1 other members of staff met with the Project Manager on August 1<sup>st</sup>, having added a  
2 fifth item that would be desirable:

- 3 ○ Extension of the sound wall.

4 The Project Manager stressed the cost involved in an interchange replacement and  
5 stated that more money would be needed from the Legislature. The pedestrian  
6 crossing has been included as a potential enhancement – not a part of the minimum  
7 bid requirement, but as a desired enhancement. The Project Manager sees it most  
8 feasible as an attachment to the north side of the existing bridge structure. UDOT  
9 will not pay for landscaping enhancements for any of the interchanges in the project.  
10 Regarding drainage, staff has identified 17 culverts under the freeway that need to  
11 be replaced or enlarged. UDOT asked staff to identify two or three that would be  
12 most desirable to add to the express lane project. Mr. Thacker feels there is a good  
13 chance that two or three will be included in the project. Based on a sound analysis  
14 done by UDOT, standards will not be met for extending the sound wall.

15  
16 City Manager Thacker stated he believes if the City does not move forward with the  
17 Parrish/Main Intersection Project, the City's credibility is at stake in the partnership,  
18 and it may affect UDOT's willingness to work with the City on the other projects he  
19 has mentioned.

20  
21 Councilman Allen reported that he has had follow-up conversations with Senator  
22 Adams, who represents half of Centerville and is influential regarding transportation  
23 issues in the Legislature. If there is additional funding for transportation, Councilman  
24 Allen feels there is a good argument in favor of replacing the Parrish Lane bridge.  
25 Regarding the pedestrian crossing, Councilman Allen feels it would be beneficial for  
26 the bid to include a standalone walkway as well as a new interchange with  
27 pedestrian walkway.

- 28  
29 • Steve Thacker reported that for the 14<sup>th</sup> year in a row the City has been awarded a  
30 Certificate for Excellence in Financial Reporting (for Fiscal Year 2012).

31  
32 The Council took a brief recess at 9:19 p.m. and returned at 9:25 p.m.

### 33 MISCELLANEOUS BUSINESS

34  
35  
36 The Council discussed the possibility of sending a letter to Utah's congressional  
37 delegation expressing support for the Market Place Fairness Act legislation pending in the U.S.  
38 House of Representatives. The bill would not impose a new tax, but would enable the collection  
39 of existing tax that online retailers are not currently collecting and remitting. Councilman Allen  
40 stated he does not feel strongly that Centerville needs to send a letter. Mayor Russell stated he  
41 agrees with the concept of the bill, but does not feel he understands the issue well enough to  
42 argue one way or the other.

### 43 ADJOURNMENT

44  
45  
46 At 9:30 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman  
47 Lindstrom seconded the motion, which passed by unanimous vote (4-0).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

*Marsha L. Morrow*

Marsha L. Morrow, City Recorder

*8/20/13*

Date Approved

*Katie Rust*

Katie Rust, Recording Secretary

