Minutes of the Centerville **City Council** meeting held Tuesday, May 6, 2014 at 7:05 p.m. in the Centerville City Hall Council Chambers, 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	Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Randy Randall, Public Works Director Jacob Smith, Management Assistant Katie Rust, Recording Secretary
STAFF ABSENT	Steve Thacker, City Manager
VISITORS	Interested citizens (see attached sign-in sheet)
PLEDGE OF ALLEGIANCE	BSA Troop 1290
PRAYER OR THOUGHT	Mayor Paul A. Cutler

OPEN SESSION

Patricia Hendrick – Ms. Hendrick expressed the concern that continuing in a partnership between UTOPIA and Macquarie would be stepping into more trouble because of the proposed utility fee. She has a service provider already and would not want to be forced to change service and pay the utility fee. She stated she is not sure it is legal to charge a utility fee without providing something in return. Ms. Hendrick expressed she feels continued partnership would become a burden on the City, and is concerned that there would be no market. She said she feels it is outsourcing to go to Australia to provide service. Ms. Hendrick stated she is concerned with the idea of the city granting exceptions and citizens having to help pay fees for others who cannot pay. She suggested the matter be put up for a vote, and suggested the City find a way to pay for UTOPIA without adding a utility fee.

Mayor Cutler thanked Ms. Hendrick for her comments and expressed the Council's desire to make as much information as possible available to the public. He asked Lisa Romney, City Attorney, to respond to the suggestion of a public vote. Ms. Romney stated that State law prohibits "straw" votes, or using votes as a method of polling, and added that she will look into the matter further.

Dale McIntyre – Mr. McIntyre asked the overall cost and Centerville's portion of the cost of Milestone One with Macquarie, as well as the costs for Milestone Two. He also asked if the names and email addresses of the eleven-member citizen committee are available on the website so they can be contacted by citizens.

Mayor Cutler responded that the cost of Milestone One is not to exceed $480,000. Centerville's portion is less than 4% of that, which would only be paid if Centerville decides not to proceed to Milestone Two. Mayor Cutler stated that names and email addresses of the citizen committee are not on the website for their privacy, but he would be happy to share the names individually. The purpose of the citizen committee is to take a non-political look at the matter. The Mayor recommended that citizens lobby Council members, since the Council is the body that will make the final decision.

William Ince – Mr. Ince said he attended the citizen advisory committee meeting and the recent Macquarie presentation, and noticed a lack of discussion of law suits likely to be filed by service providers. He is concerned by the lack of discussion, and would like to know what the impact of those potential lawsuits would be.

Mayor Cutler responded that Macquarie has verbally responded to questions regarding potential lawsuits that they would take responsibility for any law suits. He added that this is a real concern for lawmakers throughout the country. Councilman Averett asked if incumbent providers sued Google or Provo. The Mayor responded that they did not.

Lisa Sommer – Referring to the Centennial Book currently in the preparation stage, Ms. Sommer stated that the Whitaker Museum has provided hours of research as well as photos and documents, without fee, for the Book Committee. As liaison for the Whitaker Museum Board, Ms. Sommer stated that the Museum Board is not willing to release copyrights for the photos and documents, and requests recognition for the materials. She proposed that the Museum Board have the opportunity to consider taking it over if the Council chooses not to hold the copyright.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the April 15, 2014 City Council meeting were reviewed. Councilman Higginson made a **motion** to approve the minutes. Councilman Wright seconded the motion, which passed by unanimous vote (4-0). Councilman Averett was absent from the April 15th meeting and abstained from voting.

SUMMARY ACTION CALENDAR

a. Accept public utility easement for the Douglas Coons lot located at approximately 82 West Walton Lane.
b. Consider Assignment Agreement with Oakwood Homes of Utah, LLC for Woods Park PDO.
c. Consider Infrastructure Improvements Agreement (Prior to Recording Plat) with Oakwood Homes of Utah, LLC for Woods Park PDO.

Councilman Wright made a **motion** to approve all three items on the Summary Action Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

INTERLOCAL AGREEMENT WITH BOUNTIFUL CITY FOR 400 EAST STREET RECONSTRUCTION PROJECT – RESOLUTION NO. 2014-13

Randy Randall, Public Works Director, reported that the low bid for the 400 East Street Reconstruction Project was lower than expected. Centerville's share will be approximately $53,975. Councilwoman Ivie asked Mr. Randall if he feels concrete is the best option for that portion of 400 East. Mr. Randall responded that, since the water line was replaced 5-10 years

ago, he feels it is a good option. He added that it will look better for concrete to continue from Bountiful to the Pages Lane intersection. There are not a lot of utilities beneath that portion of the road, and the expense was included in the budget.

Councilman Averett made a **motion** to approve Resolution No. 2014-13 approving an Interlocal Cooperation Agreement between Centerville City and Bountiful City for the 400 East Reconstruction Project. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

CENTENNIAL BOOK DISCUSSION

Ms. Romney explained that the Centennial Book Committee began when a few citizens approached the City with the idea of putting a book together and asked for help with the funding. A Centennial Book Committee was formed as a subcommittee to the Centennial Committee, and at this time the City Council has agreed to provide $20,000 for preparation and production costs, $10,000 of which has already been appropriated. The City has not agreed to take on the copyright.

Lloyd Carr, representing the Centennial Book Committee, expressed gratitude for the Council's support and commitment regarding the book. He explained that the copyright in question is the right to republish the book. The Book Committee would like a single source to appeal to for right to republish the book if demand exists. The right to republish is usually held by the author of a book, but the book has many authors, and the Committee will not remain a committee after the City's Centennial. Obtaining permission from many authors or their descendants can be problematic. The Book Committee is asking for copyright to be granted to an entity. The Committee is not asking for copyright to photos or information from the Museum or any other source. All photos, documents, and information will be properly identified and individual copyrights will be clearly stated in the book. Mayor Cutler explained that the Council and staff are concerned that if the City holds the copyright, production would be held to the same bid requirements as the City. The City also does not want to be financially responsible. Mr. Carr stated the Book Committee is only asking for the $20,000 toward preparation and publication agreed to by Mayor Russell and the previous Council. Mr. Carr said it is his understanding that sales of the book would be subject to sales tax whether sold by the City or by Carr Printing. He agreed that the Whitaker Museum would be a key location for sales. It is the Book Committee's intention to pay the City back if revenues exceed expenses. Mr. Carr stated that the book could be sold by individuals or groups as a fundraiser. Councilman Wright recommended staff include both the Book Committee and the Museum Board together in discussions, and emphasized that communication is important.

Lisa Sommer, Whitaker Museum Director, stated that she feels the book is going to become more valuable as time goes by. Her earlier offer on behalf of the Museum Board to consider taking over the copyright was in an effort to keep future revenue in the city if staff did not want to take on that responsibility. Mayor Cutler suggested the Museum Board invite a representative of the Committee to attend a Board meeting to discuss the possibilities. Ms. Romney commented that copyright laws are complicated, and staff recommends a printing company who understands the requirements hold the copyright.

Councilwoman Fillmore made a **motion** to allow Carr Printing to own the copyright of the Centennial Book. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

FY 2015 BUDGET PRESENTATION

Blaine Lutz, Finance Director, presented the City Manager's Proposed Budget for Fiscal Year 2015 and answered questions from the Council. Councilman Wright made a **motion** to adopt the Proposed Budget as the FY 2015 Tentative Budget and set a public hearing for June 3rd. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

MAYOR'S REPORT

- Mayor Cutler listed a few options for providing information to the public regarding the Macquarie proposal and asked for Council input. Councilwoman Ivie stated she likes the pro/con approach. The Mayor also asked for Council input regarding questions to forward to Macquarie. Mayor Cutler stated that the report provided by Macquarie created more questions than answers. There was agreement among the mayors that there is confidence in Macquarie regarding build-out and operation. The remaining questions relate to the model for up-selling and distribution of additional revenue. He said that Milestone Two is projected to cost at least double the cost of Milestone One, and explained that the cities are considering adding another phase between Milestones One and Two that would cost less. It is expected that costs would be locked down during Milestone Two. Councilman Wright stated he feels the impact of utility fees on the citizens has not been discussed enough. He also expressed concern that the proposal puts the City in the role of collector. Mayor Cutler recommended the City send information on the proposal to the community and hold a public hearing in early June. Councilman Averett suggested the Council hold a work session with the citizen committee, and a second work session for Council discussion. Councilman Wright said he feels it would be valuable to meet with the citizen committee before the public hearing. Councilwoman Ivie suggested someone present the pros and the cons of the Macquarie proposal. Councilman Higginson recommended members of the citizen committee present the pros and cons. Councilwoman Fillmore recommended the committee present their opinions to the Council as soon as possible.
- The Mayor reported that Fire Agency discussions have taken place and will continue to take place regarding disparities in paramedic funding.

MISCELLANEOUS BUSINESS

Councilwoman Fillmore described a citizen's request for permission to place signs designating idle-free zones on City property at schools throughout the city. There would be no cost to the city, and no staff time would be involved. Council members Averett, Fillmore, and Higginson indicated a desire to discuss the request further at a future meeting. Mayor Cutler stated he is in favor of inviting the citizen to make a presentation to the Council.

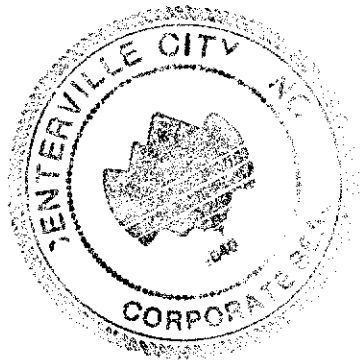
ADJOURNMENT

At 8:39 p.m. Councilman Wright made a **motion** to adjourn the meeting and move to a meeting of the RDA. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

5-15-2014
Date Approved

Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, May 6, 2014
7:00 p.m.

NAME (PLEASE PRINT)	ADDRESS**
PATRICIA HEDRIC	253 West 1375 North Centerville UT 84014
Dale McIntyre	258 E 2005
Nathan Getz	2128 Park Hills
Robert Curtis	69 East 2050 North, Centerville
William Ince	1148 N 300 East Ctrvl
Lisa Sommer	2212 No. Main
Marilyn Hoyle	65 E 1975 N
Mary Ellen Smart	1176 N. 700 W Cent
Dennis Knoles	1248 N. NOCA CR.
Lloyd Carr	547 E 200 N, BTFL

** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the City Council meeting.