

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE REDEVELOPMENT AGENCY OF CENTERVILLE CITY WILL HOLD A SPECIAL PUBLIC MEETING AT 7:00 P.M. ON THURSDAY, AUGUST 7, 2014 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL CHAMBERS, 250 NORTH MAIN, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the Centerville Redevelopment Agency Board may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

Tentative
Time:

7:00 **A. ROLL CALL**

B. NEW BUSINESS

 1. **MINUTES REVIEW AND ACCEPTANCE**

 July 15, 2014 meeting

 2. Consider use of RDA funds for enhancements to pedestrian bridge over I-15

C. ADJOURNMENT

 (Items of Interest (i.e., newspaper articles, not items on agenda))

Steve H. Thacker
Executive Director

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REDEVELOPMENT AGENCY OF CENTERVILLE MEETING AT 7:00 PM ON August 7, 2014 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting . Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business , or may read this memo on the City's website: <http://centervillepublic.novusagenda.com/> .

Tentative - The times shown below are tentative and are subject to change during the meeting.
Time:

A. NEW BUSINESS

1. Minutes Review and Acceptance
July 15, 2014 RDA meeting
2. Consider use of RDA funds for enhancements to pedestrian bridge over I-15

B. ADJOURNMENT

Items of Interest (i.e., newspaper articles, not items on agenda)

Steve H. Thacker
Executive Director

CENTERVILLE CITY COUNCIL

Staff Backup Report 8/7/2014

Item No. 1

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time:

SUBJECT

July 15, 2014 RDA meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

□ July 15, 2014 RDA meeting minutes

PRELIMINARY DRAFT

Minutes of the **Redevelopment Agency of Centerville** meeting held Tuesday, July 15, 2014 at 10:16 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

DIRECTORS PRESENT

Paul A. Cutler, Chair
Ken S. Averett
Tamilyn Fillmore
John T. Higginson, Vice Chair
Stephanie Ivie
Lawrence Wright

STAFF PRESENT

Steve Thacker, RDA Executive Director
Blaine Lutz, Finance Director
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

MINUTES REVIEW AND ACCEPTANCE

The minutes of the June 17, 2014 RDA meeting were reviewed. Director Ivie made a **motion** to approve the minutes. Director Wright seconded the motion, which passed by unanimous vote (6-0).

CONSIDER USE OF RDA FUNDS

The RDA Board considered use of RDA funds for relocation of soil from the Community Park Expansion site. The soil originated from the Davis Center for the Performing Arts construction site, an RDA project. Director Wright made a **motion** to approve the use of up to \$100,000 of RDA funds for relocation of the soil from the Community Park Expansion site. Director Ivie seconded the motion, which passed by unanimous vote (6-0).

ADJOURNMENT

At 10:17 p.m. Director Wright made a **motion** to return to regular Council meeting. Vice Chair Higginson seconded the motion, which passed by unanimous vote (6-0).

Steve Thacker, RDA Executive Director

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report 8/7/2014

Item No. 2.

Short Title: Consider use of RDA funds for enhancements to pedestrian bridge over I-15

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

The Council should keep in mind that the City is fortunate to have this bridge constructed by UDOT as proposed. It took considerable effort by the previous Council and Mayor Cutler behind the scenes up to the level of State Senators to get UDOT to agree to put this bridge as an alternate to the I-15 project. UDOT's cost for the basic structure is approximately \$500,000. UDOT staff has worked with the City and the contractor to include it in the overall project to address the functional safety issue. Below are the basic issues and then expanded:

Number 1 – Can the RDA participate in the project? – Yes.

Number 2 – The decision for tomorrow evening. Approval to proceed with design of base structure.

Number 3 – Major change from base design. Staff concerns.

Number 4 – Consider importance of roof structure. What benefit is the roof structure for maintenance and aesthetics.

1) Both the CDA project areas created on the west side included improvements to the overpass in the Project Areas Plans (see attached sections of plans). The funding structure would be a loan from the Parrish Lane Project Area to the CDA's that would be paid back overtime. When considering the Parrish and Main improvements this spring, we estimated \$100,000 for this project.

2) The only decision that must be made tomorrow evening is the approval for UDOT to proceed with the final design and order the girders for the basic structure. This would mean the the basic proposed structure which is a 10', 2 girder structure could proceed. Time is of the essence to get the girders ordered. Aesthetics and additional costs of a potential roof and fencing do not need to be decided tomorrow.

3) It is staff's and UDOT's opinion that a major change in the basic structure is not recommended. It is almost certain that the the structure will be torn down when the overpass is reconstructed. Timing of that is uncertain,

could be 5 it could or 20 years. A major change would be extremely costly, that would be the responsibility of the City. A representative from WW Clyde will be available at the first of the meeting to respond to general questions.

4) A significant cost of the improvements is the basic roofing structure. Windloads in Centerville does add cost. It seems that the main benefit from a roof is some reduced snow maintenance for the few days a year of significant snowfall. Paths leading to the bridge are not covered or kept routinely snow free and private sections. Bruce has discussed the maintenance issue with Farmington city, which has both roofed and not roofed structures. Winter maintenance is less on the roofed structure. However the path will be 10' which provides enough room for a plowed pathway somewhat less than the 10' and push the snow to the side. This can be done with a tractor or a "V" plow on a pickup, both of which the City owns. The roof structure would have to be maintained by the City. Public works have expressed concerns about the maintenance. Attached are pictures of an un-roofed structure at 1300 West and 10300 South in Salt Lake County and and the structures in Farmington. I have done a quick Photoshop image of what the fenced structure may look like coming southbound on I-15 and on the overpass. Colors could be changed on a roofing or other changes at City cost. Not having a roof structure would be a relatively significant savings that the City could apply to other improvements to the fencing, logos, etc.

ATTACHMENTS:

Description

- ☐ [Roofed Farmington overpass](#)
- ☐ [Farmington fenced overpass](#)
- ☐ [Farmington roofed freeway](#)
- ☐ [Farmington Fenced freeway](#)
- ☐ [103 South 1300 west fenced](#)
- ☐ [10300 South 1300 west #2](#)
- ☐ [Freeway Parrish fenced image](#)
- ☐ [Fenced top of overpass](#)

395 State St



Exit Street View



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40°58'49.54" N 111°53'51.86" W elev 4270 ft eye alt 4279 ft



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209 925 5



Exit Street View



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Report a problem

40°57'54.98" N 111°53'29.25" W elev 4249 ft eye alt 4259 ft

Veterans' Memorial Hwy



Exit Street View

N



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[Report a problem](#)

40°58'51.14" N 111°53'49.36" W elev 4298 ft eye alt 4273 ft

Veterans' Memorial Hwy



Exit Street View

N

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Google earth

40°57'53.35" N 111°53'27.64" W elev 4276 ft eye alt 4262 ft

1299 W 10400 S



Exit Street View

2



© SPOT IMAGE
© 2014 Europa Technologies
© 2014 Google

Google earth

40°33'43.43" N 111°55'48.98" W elev 4468 ft eye alt 4453 ft

1299 W 10400 S



Exit Street View



© SPOT IMAGE
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Google earth

40°33'43.43" N 111°55'48.98" W elev 4468 ft eye alt 4453 ft

Veterans' Memorial Hwy



Exit Street View

N

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[Report a problem](#)

40°55'16.22" N 111°53'27.19" W elev 4260 ft eye alt 4245 ft

635 W 400 N



Exit Street View

N



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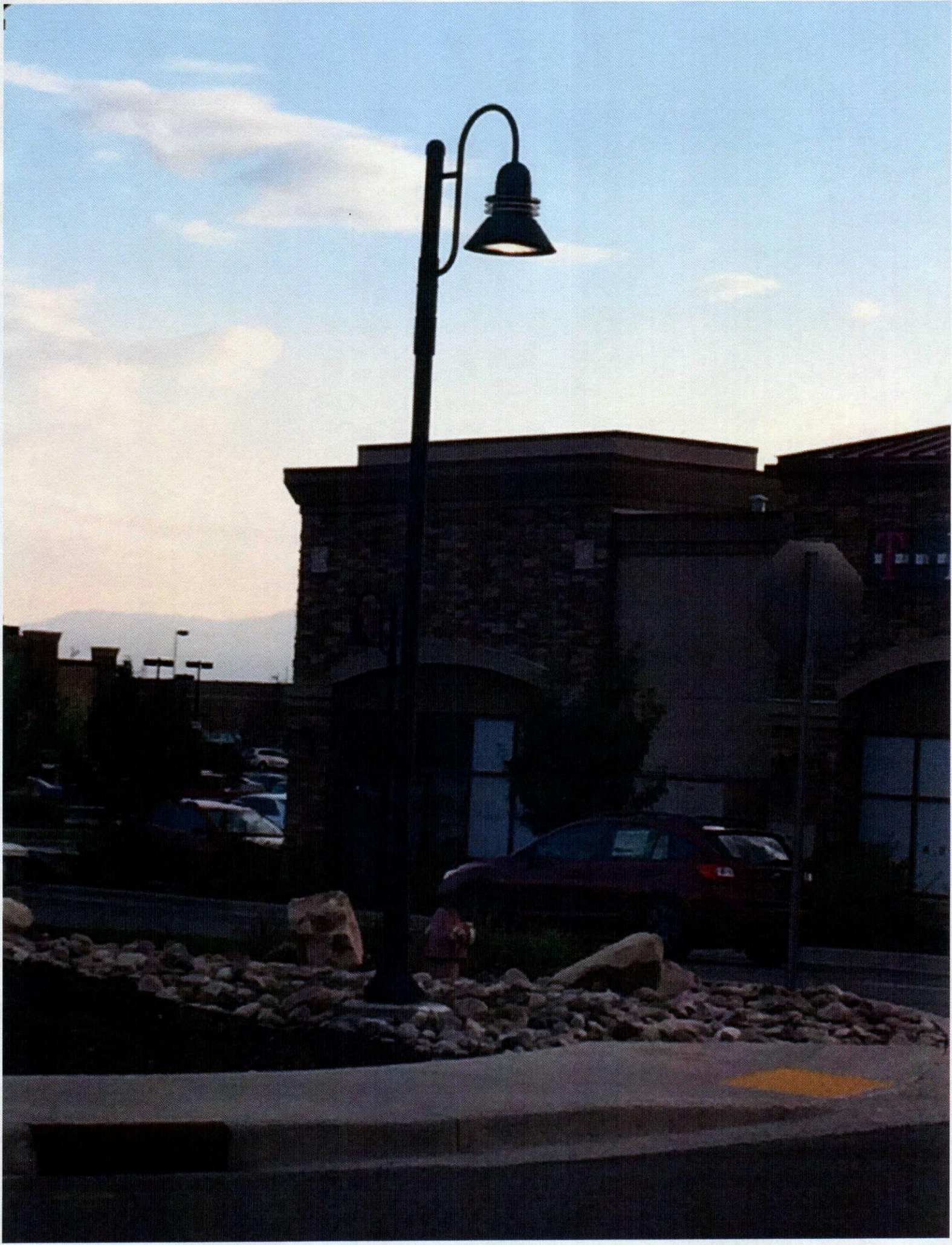
© 2014 Google

Google earth

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40°55'20.69" N 111°53'33.81" W elev 4254 ft eye alt 4243 ft





Marsha Morrow

From: Blaine Lutz
Sent: Wednesday, August 06, 2014 8:13 PM
To: Paul C; John Higginson; K Averett; L Wright; S Ivie; Tamilyn Fillmore (tamilyngf@yahoo.com)
Cc: Steve Thacker
Subject: RDA meeting information

All,

I have attached this information to Novus. The pictures are on Novus. The sizes were getting too big to email. We will have additional information tomorrow evening.

To facilitate the discussion tomorrow evening on the pedestrian bridge I have included some additional information that was not available, or staff did not have time to provide.

The Council should keep in mind that the City is fortunate to have this bridge constructed by UDOT as proposed. It took considerable effort by the previous Council and Mayor Cutler behind the scenes up to the level of State Senators to get UDOT to agree to put this bridge as an alternate to the I-15 project. UDOT's cost for the basic structure is approximately \$500,000. UDOT staff has worked with the City and the contractor to include it in the overall project to address the functional safety issue. Below are the basic issues and then expanded:

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Marsha Morrow

From: Nathan Peterson <natepeterson@utah.gov>
Sent: Thursday, August 07, 2014 7:53 AM
To: Paul C
Cc: kevin campbell; Leah Jaramillo; Amalia Deslis; Blaine Lutz; Randy Randall; Alan Preston; Bruce Cox; Steve Thacker
Subject: Re: Request re Pedestrian Bridge in Centerville

Mayor,

Thank you for the email. We had a very productive meeting yesterday with your staff. I believe that Kevin has the information that is needed to make a decision and Alan with the design build contractor will also be present at the beginning of the meeting to answer questions. My only concern is that the Design Builder needs to get started on the bridge design as the procurement of the steel beams has been as long as 20 plus weeks. If its just fence I think we have some time, if the City wants it covered than we need to know as soon as possible, and to be honest the sky is the limit on what you can do it just comes down to dollars and what the City feels justified in spending. My only worry and I'm sure its yours is that I don't know the future of the Interchange and if it changes will it impact this ped bridge. I believe it will as this is a very complicated Interchange and long term solutions are limited to projects that could have large impacts.

Thanks

Nathan

On Wed, Aug 6, 2014 at 10:00 AM, Paul Cutler <paulcutler@gmail.com> wrote:
Kevin, Leah & team,

I won't be able to attend the meeting with you at 10:30 this morning. However in addition to the questions that Steve Thacker listed below, anything you can provide by Thursday to help the City Council visualize and understand the current planned design and the upgrade options would be very helpful in making decisions.

For example, a rough drawing to show if the current design of the pedestrian bridge is at grade with the rest of the interchange (will there be standard crosswalks at the NB onramp and SB offramp or is this a flyover design)?

Is there any scenario in which the upgraded pedestrian bridge would not be demolished and incorporated into the new interchange as part of an interchange rebuild?

My sense is that the council (RDA) is very willing to invest to ensure the pedestrian bridge is as safe as possible, easy to maintain, and aesthetically attractive — despite the fact that we anticipate the interchange area being rebuilt in the next 5-15 years.

Thank you for your efforts to help us gather accurate information in order to make an informed decision. The City is appreciative of the pedestrian bridge being included in the I-15 project, and we all believe this will be a great addition to our city.

Regards,

--

Paul Cutler
Centerville City Mayor
801-390-3444
mayor@centervilleut.com

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Date: Monday, August 4, 2014 at 5:09 PM
To: Leah Jaramillo <ljaramillo@utah.gov>
Cc: <adeslis@utah.gov>, Blaine Lutz <blainel@centervilleut.com>, Randy Randall <rrandall@centervilleut.com>, Paul Cutler <paulcutler@gmail.com>, <apreston@wwclyde.net>, Nathan Peterson <natepeterson@utah.gov>, Bruce Cox <bcox@centervilleut.com>, Steve THACKER <stevet@centervilleut.com>
Subject: RE: Request re Pedestrian Bridge in Centerville

Leah -

Let's plan on Wed at 10:30 at Centerville City Hall.

Thank you,

Kevin

Kevin Campbell, P.E.

Centerville City Engineer

Kevin Campbell, P.E.

ESI Engineering, Inc

3500 S. Main St.

SLC, Ut 84115

801.263.1752

From: Leah Jaramillo [<mailto:ljaramillo@utah.gov>]

Sent: Monday, August 04, 2014 11:50 AM

To: kevin campbell

Cc: adeslis@utah.gov; Blaine Lutz; Randy Randall; Paul C; Alan Preston (apreston@wwclyde.net); Nathan Peterson; Bruce Cox; Steve Thacker

Subject: Re: Request re Pedestrian Bridge in Centerville

Kevin,

It looks like Alan and Nathan are available this Wednesday between 10-2pm. Can you let me know if you are available Wednesday and a time that will work for you? In the meantime, we will be working on this list of questions.

thanks

Leah

On Mon, Aug 4, 2014 at 11:08 AM, Steve Thacker <stevet@centervilleut.com> wrote:

Hello Amalia and Leah:

I did not know who to contact, so I have left a phone message for each of you this morning, and this email is for the same purpose (thanks, Leah, for your call back while I was writing this email). My City Council is meeting this Thursday evening to consider funding for the betterments relating to the pedestrian bridge at Parrish Lane. They may need a second meeting next week to make a final decision, depending on how much information staff can provide to them at this Thursday's meeting. So I would like to preserve the right for my City Council to give UDOT a final answer as late as Wednesday morning, August 13, as agreed to in an earlier email. **I am on the job this morning, but gone the rest of the week on vacation out of town.** Several City staff and our Mayor Cutler are copied above so they will have the benefit of what I have requested via this email.

I have some preliminary feedback from a couple of council members which indicates they are not satisfied with the limited options and cost information provided to date by UDOT to City staff. I anticipate they will want to know other ways to enhance the pedestrian structure rather than accepting either an uncovered bridge or the Farmington State Street covered bridge option—which is not an aesthetically pleasing option. Therefore, in order to expedite the generation of some other ideas and get adequate cost estimates for those ideas, **I am requesting if there is someone on the contractor's team or among UDOT's resources who could meet with my City Engineer, Kevin Campbell, in the next couple of days to explore fencing and roof options.** I realize this is asking for some priority attention from a very busy team, but keep in mind that Centerville City did not receive any cost information at all until last Thursday, July 31—limited to one roofing option--and that we have been asked to make a decision no later than August 12.

I have met with my staff this morning—including the City Engineer—and brainstormed a list of questions that I anticipate the City Council will want to have answers to before they make a decision. These questions are listed below. Some of these I expect will have to be answered by UDOT employees, and others by the contractor. While answers are being sought for these questions, I would like my City Engineer to meet with someone about the design options pertaining to fencing and roofing. Some of the questions below may seem odd to you in relation to the pedestrian bridge, but I am trying to be as comprehensive as possible in gathering the information that my City Council may want as they consider whether to invest a substantial amount in this bridge. Here are the questions:

- What is the width of the pathway on the ped bridge—whether covered or uncovered? This may affect snow-clearing options.
- What would the fencing options cost—i.e. a smaller chain link opening or the square wire grid like that used on the Bangerter Highway ped bridge?
- If the roof is similar to the Farmington State Street ped bridge, could it be colored? If so, is that a maintenance issue or is there a permanent colored option?
- In an earlier email, we have been told to expect a roof like the one on the Bangerter Hwy ped bridge to cost *at least* \$50,000 more in addition to the extra \$72,000 already mentioned for a roof like the Farmington State Street bridge. Is this based on the assumption that the superstructure holding the roof would look like the one on the Bangerter structure? Could our City Engineer, Kevin Campbell, explore some other possible roof design options with the contractor?
- Who will be responsible for maintaining/repairing/replacing the fencing and/or roof on the ped bridge if the City chooses to fund a fencing upgrade or fund a roof? We are assuming UDOT will be responsible long-term for the soundness/condition of the ped bridge structure. If we go with standard chain link fencing, we also assume UDOT will be responsible for its condition long-term, correct?
- What restrictions apply to the clearing of snow from the ped bridge, whether covered or uncovered? Can the snow be blown through the fencing and allowed to fall onto the freeway below? If the chain link openings were smaller, would this make a difference in whether UDOT would allow the snow to be blown through the fencing?
- What weight limitations will apply to the ped bridge? Can a pickup be driven on it for maintenance purposes?
- Can UDOT share any experience with us about snow clearing that they are currently responsible for on other uncovered ped bridges in their highway system?
- As our City Council weighs whether to invest in betterments for this ped bridge, they may take into account how long this ped bridge is expected to be in service before it is replaced as part of an interchange replacement project. What is UDOT's best judgment as to when the Parrish interchange will be replaced—10 years? 15 years?
- The \$16,000 "fence credit and UDOT contribution" mentioned in the May 20 meeting applicable to the Parrish ped bridge—is that all available to be applied to the fencing upgrade and/or roofing, or is part of this for the standard chain link fence? In other words, how much of this is available for betterments?

Kevin Campbell, City Engineer, is expecting to be contacted about an appointment to discuss design options. He can be contacted at kevin.campbell@esieng.com or by calling 801-263-1752 (ESI Engineering office) or his cell phone, 801-953-4812.

Thanks for your cooperation in answering our questions. We are very appreciative of the fact that UDOT has included a ped bridge in the current I-15 project. Since I will be gone the rest of the week, you may receive contact in my absence from either Kevin Campbell or the Assistant City Manager, Blaine Lutz.

Steve Thacker

Centerville City Manager

--

Leah Jaramillo

Public Involvement Coordinator

801-556-7455

ljaramillo@utah.gov

--

Nathan Peterson
UDOT Region One
Project Manager
801-620-1684

CENTERVILLE CITY COUNCIL

Staff Backup Report 8/7/2014

Item No.

Short Title: Items of Interest (i.e., newspaper articles, not items on agenda)

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ Newspaper article - Standard - Our View - Stay Out of UTOPIA, Congress
- ☐ Newspaper article - Des News - Davis County cities propose property tax increases
- ☐ Newspaper article - Clipper - Whitaker Museum market to open Aug 5
- ☐ Newspaper article - Clipper - Utah's newest Sonic opens to crowds in Centerville
- ☐ Newspaper article - Standard UTOPIA proposal will go to voters
- ☐ Newspaper article - UTOPIA mayors call for public vote on controversial utility fee proposal
- ☐ Newspaper article - SL Trib - Six Utah Cities plan to put UTOPIA question to voters
- ☐ Newspaper article - SL Trib - Reluctant Murray pays \$141,666 UTOPIA tab
- ☐ Newspaper article - Des News - Appeals Court affirms news coverage of former UTOPIA employee not defamatory
- ☐ Newspaper article - SL Trib - Appeals Court: "Burwash" article was not defamatory

[print](#)

Utah's newest Sonic opens to crowds in Centerville

by LOUISE R. SHAW

07.31.14 - 05:00 pm

CENTERVILLE — For fans of Sonic, America's Drive-In, the newly opened fast-food restaurant in Centerville will have a few surprises.

As is traditional, made-to-order food will be delivered to cars by car-hops on in-line skates or roller skates.

But the newest Utah Sonic, just north of Walmart, at 250 W. Parrish Lane, will also feature indoor seating with sports screens, and patio seating.

It's the first in Utah and the third in the nation to have these amenities, according to Rick Timmons, one of four partners in the venture.

In addition, digital menus will be available for drive-up customers, allowing them to "interact with the menu," said Timmons.

Whether you want cranberries in your drink or jalapenos in your ice cream, you can drag and drop menu offerings on the digital screen and request any combination, said Timmons.

Timmons and his brothers Ryan and Rob, together with Sean Robertson, own the local Sonic franchises, which now include 21 restaurants in Utah and three in Idaho.

For Robertson and his wife, Debra, opening the Centerville store has been especially exciting.

"I have about 100 in-laws in Centerville and Bountiful," said Robertson. "We love this area."

He said Sonics are invested in their communities and work to provide scholarships to students and support school needs. The new Centerville store has hired 80 people, 99 percent of them from Centerville and Bountiful, he said.

Debra Peterson, a graduate of Viewmont High who once wore the crown of Miss Utah, is excited to bring the family-oriented business to her hometown area.

She loved the enthusiastic reception they got at the Fourth of July parade, she said, adding that a store in Centerville had been "a long time coming."

Mayor Paul Cutler welcomed the new business and said it would be a "great addition" to the community.

"Sonic brings a fun atmosphere and great food that should complement the things

in this area," he told the Clipper. "We expect the sale of rollerblades and roller skates to increase as soon as Sonic opens," he said with a smile.

The new Sonic is located at the site that once housed Ray's Muffler of Centerville. It officially opened for business on July 26.

Hours are 6 a.m. to 6 p.m. At "Happy Hour," from 2 to 4 p.m. each day, there are half-price drinks. Shakes are half-price after 8 p.m., according to Rick Timmons.

Other favorites are "supersonic" bacon cheeseburgers and chicken club toaster sandwiches.

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Deseret News

Davis County cities propose property tax increases

Deseret News

Published: Friday, Aug. 1 2014 2:54 p.m. MDT



Three cities and a mosquito abatement district in Davis County have proposed property tax increases. Each entity will host a public hearing for residents. (Shutterstock)

FARMINGTON — Three cities and a mosquito abatement district in Davis County have proposed property tax increases. Each entity will host a public hearing for residents.

The proposed increases, for residential and commercial properties, are based on the countywide average value of \$239,000.

Clinton has proposed increases from \$236.21 to \$328.23 for residential properties, and \$429.48 to

\$598.78 for commercial properties. A public hearing will be held at 7 p.m. Tuesday, Aug. 12, at 2267 N. 1500 West. Call 801-614-0700 for more information.

Kaysville's proposed increases rise from \$120.27 to \$240.02 for residential properties and from \$218.68 to \$436.41 for commercial. A public hearing will be held at 6 p.m. Tuesday, Aug. 12, at 23 N. Center. Call 801-546-1235 for more information.

West Point residential taxes would go from \$130.92 to \$146.04, and commercial taxes would rise from \$238.04 to \$265.52. A public hearing will be held at 7 p.m. Tuesday, Aug. 19, at 3200 W. 300 North. Call 801-776-0970 for more information.

The Davis Mosquito Abatement District would hike taxes from \$12.61 to \$16.29 for residential properties and from \$22.94 to \$29.63 for commercial properties. A public hearing will be held at 7 p.m. Thursday, Aug. 14, at 85 N. 600 West. Call 801-544-3736 for more information.

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[print](#)

Whitaker Museum market to open Aug. 5

by JENNIFFER WARDELL

08.03.14 - 10:00 am

CENTERVILLE — Whitaker Museum is working to preserve more than just the history contained within its walls.

Handcrafted creations will be the focus of the Whitaker Heritage Market, starting Aug. 5 and running every Tuesday from 3-8 p.m. through October. The market only allows artisan, handmade items, honoring the same techniques that pioneers used more than a century ago.

“The whole point of the museum is to keep history alive,” said Whitaker Museum Director Lisa Sommer.

Several artists and craftspeople have already signed up to take part in this year’s market, selling items such as homemade soaps, jewelry made out of antique silverware, honey, handmade walking sticks and more. Vintage clothing will also be for sale, and a baker will be on hand with various dessert items.

To ensure the quality of the merchandise, everything sold at the market has been approved to be there by the Whitaker Museum Board.

“These are high-quality, handmade items,” she said. “They’re original gifts that aren’t just run-of-the-mill.”

Sommer and other organizers welcome applications from other artists and crafters looking to participate in this year’s market, but advises that those who are interested should get in touch as soon as possible.

“There are no fees this year, but because we’re holding it in the yard there is limited space,” she said.

In addition to promoting history, organizers also hope the market will help promote local independent artists and small businesses.

“If we don’t have a venue for them, they may not be around,” Sommer said.

Those attending the market can also visit Whitaker Museum, which is open Tuesdays from 10 a.m. to 6 p.m. The museum, which re-opened last spring after an extensive remodel that restored more of its historic look, focuses on area history through the prism of the Whitaker family.

Like their regular storytelling sessions and holiday activities, the market is another way the museum is trying to involve the community in what they do.

“We had a farmers’ market in the park last year, and it did pretty good,” said

Sommer.

For more information about participating in the Whitaker Heritage Market, call Sommer at 801-915-7693 or send an e-mail to whitaker@centerville.ut.

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Date: Jul 30, 2014; Section: Opinion; Page: 11A

Stay out of UTOPIA, Congress

An effort in the U.S. Congress to disallow federal regulators from supporting cities' selling high-speed broadband directly to consumers should be stopped.

The recently passed legislation, attached to a high-priority funding bill, would stop the feds from assisting cities in battles with states over allowing municipalities to sell broadband service.

This "boring-but-important" legislation is important because across the nation, many states have tried to restrict municipalities from offering their own Internet services. In response to these efforts, the Federal Communications Commission has announced that its congressional charter, the Telecommunications Act of 1996, has precedence over any state restrictions. Also, a federal court agreed earlier this year, opining that bans were a "barrier to infrastructure investment."

Hence the congressional amendment, which is couched as a "states right" proposal but is in reality anticities and anti-entrepreneurial. Appropriately, the Utah League of Cities and Towns opposes the congressional action, arguing it imposes on rights of cities.

A key reason to oppose this bill is that it could be a death knell for the struggling UTOPIA effort, a municipal effort to establish fiber-optic broadband cable in Utah. As readers of this opinion page well know, we have been very critical of the UTOPIA effort, which so far has seen far more failures than successes. Currently, UTOPIA is seeking a financial rescue from an Australian telecommunications giant.

Despite UTOPIA's problems, it is not the business of Congress to pass legislation which affects its operations. The amendment, pushed by Rep. Marsha Blackburn, R-Tenn., attempts to follow a 2001 Supreme Court decision that bound municipalities to state regulations. But that is a static interpretation of information technology, and should not be used to kill a multi-municipal effort to have potentially inexpensive, easily accessible broadband service for consumers.

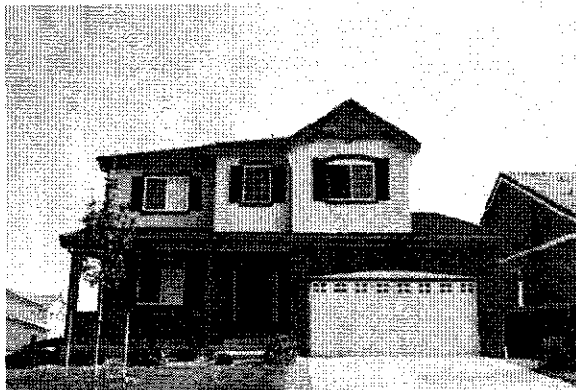
Whatever happens to UTOPIA, it should not be short-circuited by congressional action.

Deseret News

Davis County cities propose property tax increases

Deseret News

Published: Friday, Aug. 1 2014 2:54 p.m. MDT



Three cities and a mosquito abatement district in Davis County have proposed property tax increases. Each entity will host a public hearing for residents. (Shutterstock)

FARMINGTON — Three cities and a mosquito abatement district in Davis County have proposed property tax increases. Each entity will host a public hearing for residents.

The proposed increases, for residential and commercial properties, are based on the countywide average value of \$239,000.

Clinton has proposed increases from \$236.21 to \$328.23 for residential properties, and \$429.48 to

\$598.78 for commercial properties. A public hearing will be held at 7 p.m. Tuesday, Aug. 12, at 2267 N. 1500 West. Call 801-614-0700 for more information.

Kaysville's proposed increases rise from \$120.27 to \$240.02 for residential properties and from \$218.68 to \$436.41 for commercial. A public hearing will be held at 6 p.m. Tuesday, Aug. 12, at 23 N. Center. Call 801-546-1235 for more information.

West Point residential taxes would go from \$130.92 to \$146.04, and commercial taxes would rise from \$238.04 to \$265.52. A public hearing will be held at 7 p.m. Tuesday, Aug. 19, at 3200 W. 300 North. Call 801-776-0970 for more information.

The Davis Mosquito Abatement District would hike taxes from \$12.61 to \$16.29 for residential properties and from \$22.94 to \$29.63 for commercial properties. A public hearing will be held at 7 p.m. Thursday, Aug. 14, at 85 N. 600 West. Call 801-544-3736 for more information.

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Date: Aug 7, 2014; Section: Obituaries; Page: 8A

UTOPIA proposal will go to voters

By TIM GURRISTER

Standard-Examiner staff

UTOPIA

WEST VALLEY CITY — The six UTOPIA cities still on board with a \$300 million proposal from a global investor to save it on Wednesday announced they will put the controversial proposal on the November general election ballot.

The announcement came at an afternoon press conference in West Valley City featuring officials from Brigham City, Perry, Tremonton, Layton, Midvale and West Valley City.

The six cities voted in June to buy into phase 2 of Australian investment giant Macquarie Capital's build-out plan for the struggling fiber-optics network.

The five other UTOPIA cities — Orem, Murray, Centerville, Payson and Lindon — all voted no on Macquarie, opting to go it

alone to pay off their years of UTOPIA bonds with tax revenue instead of hoped-for subscriber fees.

"The (six) mayors have been meeting regularly since the June votes, as recently as a few days ago," said Sam Johnson, West Valley City's communication director.

"That's the plan," he said. "There still are a lot of moving parts right now, such as the exact wording of the ballot question."

Controversial has been Macquarie's demand that all residents of UTOPIA cities, whether subscribing to UTOPIA or not, be

charged a \$18 to \$20 monthly fee beginning in roughly three years upon Macquarie's completion of the planned buildout of UTOPIA statewide.

Fewer than 20,000 subscribers are hooked up to a system projected at 153,000. The project has been delayed for decades.

Macquarie's phase 2 revolves around developing a third entity, separate from Macquarie and UTOPIA, called simply the "wholesaler" so far, which would interact with Internet service providers, and develop marketing, officials explain.

The last two phases, or milestones, as Macquarie calls them, cover the final details of the contracts among all the entities involved. The long-anticipated 30-month buildout would begin after Milestone Four is surpassed, likely the spring of 2015.

Deseret News

UTOPIA mayors call for public vote on controversial utility fee proposal

By Benjamin Wood, Deseret News

Published: Wednesday, Aug. 6 2014 6:17 p.m. MDT



The mayors of Layton, West Valley City, Tremonton, Perry, Brigham City and Midvale have asked their respective city councils to authorize a ballot question on the issue of charging residents a monthly fee for Internet service. (Scott G. Winterton, Deseret News)

WEST VALLEY CITY — Residents in six cities considering a controversial proposal to charge a utility fee for high-speed Internet will likely be asked to vote on the issue this November.

On Wednesday, the mayors of Layton, West Valley City, Tremonton, Perry, Brigham City and Midvale announced that they intend to ask their respective city councils to authorize a ballot question on whether to charge a \$18 to \$20 monthly fee for the completion and

continued operation of the UTOPIA fiber-optic network.

"We want our residents' input as we move forward," Layton Mayor Bob Stevenson said. "We are working with our city councils to place this question on the November ballot, which will give our residents the chance to have their voices heard."

More than a decade ago, 11 Utah cities joined together to create the Utah Telecommunications Open Infrastructure Agency, which was envisioned to link every residence and business in participating cities to a high-speed fiber-optic network.

But operating deficits, stalled construction and low sign-up rates have left the network incomplete, serving a small base of customers and languishing in debt.

Australia-based Macquarie Capital Group recently approached UTOPIA with an offer to take over management and finish construction of the network — realizing the initial goal of ubiquitous access — in exchange for a monthly fee levied against all residents.

The proposal split the 11 UTOPIA cities in June, with the city councils in Layton, West Valley City, Tremonton, Perry, Brigham City and Midvale voting to move forward to the second of several Macquarie milestones, while elected officials in Centerville, Lindon, Murray, Orem and Payson rejected the proposal.

Stevenson said it is not yet known whether the public vote will be binding or whether the initial

estimate of an \$18 to \$20 fee remains viable with the loss of almost half the member cities.

He said city leaders must first authorize a ballot question to comply with county deadlines and will work to have all the necessary information for voters between now and November.

"As far as the fee goes, (Macquarie) still has to get back to us, and that will be something that hopefully in the coming weeks we will have an exact fee amount," Stevenson said. "What we're hoping is that we can get all those types of answers in the coming months."

Questions about the legality of the utility fee model have been raised, particularly by the Utah Taxpayers Association, which launched a petition and website at uNOpia.org aimed at educating residents about "one of the worst boondoggles in Utah history."

Royce Van Tassell, vice president of the Utah Taxpayers Association, said his organization will continue to work through the legal questions and inform voters about the potential consequences of accepting a mandatory monthly fee for Internet service.

"The taxpayers association has hoped for more than a decade that the public, the taxpayers, would have an opportunity like this," Van Tassell said. "It's thrilling to hear that these cities have decided to listen to the taxpaying public."

Wayne Pyle, West Valley city manager and chairman of the UTOPIA board, said a public vote provides an opportunity to inform voters of the issues and arrive at a consensus.

"The advantage of it, we feel, is so overwhelming, so compelling if you understand the information and you're able to get that information before you," Pyle said of the Macquarie proposal. "Hopefully, this kind of measure will put the impetus in making that communication actually take place."

If more cities were to withdraw from the Macquarie plan, it could potentially threaten the viability of the proposal, Pyle said. But he added that the six cities that agreed to move ahead represent almost two-thirds of the total UTOPIA customer base, and their municipal leaders have already voted in support of the utility fee model.

Whether voters accept or reject the plan, it will provide finality on the issue to either move forward or pursue other options for improving the embattled network, Pyle said.

"It's a pretty clear question after that," he said. "If the people speak and the ballot proposition doesn't pass, then OK, then we know, and we have to move on to some other way of figuring out how to take care of this."

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The Salt Lake Tribune

Six Utah cities plan to put UTOPIA question to voters

Mayors for West Valley City, Layton, Midvale, Tremonton, Brigham City and Perry say they want residents to decide.

BY TONY SEMERAD

THE SALT LAKE TRIBUNE

PUBLISHED: AUGUST 7, 2014 07:41AM

UPDATED: AUGUST 7, 2014 07:40AM

West Valley City • Voters in six Wasatch Front cities may get their say this fall on whether UTOPIA's high-speed municipal network should be run by a private company in exchange for a monthly utility fee.

In a joint appearance Wednesday, mayors for West Valley City, Layton, Midvale, Tremonton, Brigham City and Perry announced plans to put some version of that question on November's ballot, pending the go-ahead from their respective city councils.

"This will give our residents a chance for their voices to be heard," Layton Mayor Bob Stevenson said at a hastily scheduled presentation at West Valley City Hall.

"Looking at a public-private partnership ... is about the only way we can get out of the weeds and start providing appropriate service to everyone who wants it," Midvale Mayor JoAnn Seghini said. "But if it's something our residents want, they're going to have to vote for it."

Exact wording of the referendum, Stevenson said, will be worked out in the coming days. Deadlines for getting any measure on this fall's ballots, meanwhile, are only a few weeks away, said a spokeswoman at the Salt Lake County clerk's office.

The six cities all have agreed to let an Australian investment company, Macquarie Capital, continue to develop its proposal for taking over completion, operation and upgrading of UTOPIA's fiber-optic network under a 30-year contract.

The Macquarie plan also calls for charging all households within participating cities a monthly utility fee of up to \$20.

The global company's next report to the Utah cities on various financial, technical and legal aspects of the deal is expected by year's end.

A top Macquarie official said Wednesday the company "fully supports informing the residents of each partner city and seeking consensus agreement on the best path forward."

Nick Hahn, senior managing director for Macquarie Capital, said the Sydney-based company's own research shows "city residents overwhelmingly favor this proposed project and understand why the fee is justified. They also believe strongly in a private-sector solution for construction and operations."

Five other UTOPIA cities — Murray, Centerville, Orem, Lindon and Payson — have rejected Macquarie's proposal. Leaders in those cities are debating their next moves, while UTOPIA struggles to turn a profit and start relieving member cities of their obligation to pay off nearly \$500 million in bond debt.

The business-backed Utah Taxpayers Association, which opposes UTOPIA, has pressed for giving taxpayers a chance to weigh in.

"It's thrilling to hear that these cities are now looking for that opportunity," association Vice President Royce Van Tassell said Wednesday.

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Rick Egan | The Salt Lake Tribune Mayors for six of the 11 Utah cities involved in UTOPIA, announce a November citizens ballot on what to do with the high-speed network at West Valley City Hall Wednesday, August 6, 2014. Mayors from left to right, JoAnn Seghini, Midvale, Roger Fridal, Tremonton, Bob Stevenson, Layton, Karen Cronin, Perry, Tyler Vincent, Brigham City, and Ron Bigelow, West Valley City.

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The Salt Lake Tribune

Reluctant Murray pays \$141,666 UTOPIA tab, but is hardly sold

Internet • City leaders make no secret of their dissatisfaction with high-paid network managers' work.

BY TONY SEMERAD
THE SALT LAKE TRIBUNE
PUBLISHED: AUGUST 6, 2014 03:25PM
UPDATED: AUGUST 6, 2014 10:30PM

Murray • Mayor Ted Eyre has persuaded the City Council to buy him more time and bolster his credibility with a \$141,666 payment to UTOPIA, the troubled high-speed Internet consortium that Murray backs along with 10 other Wasatch Front cities.

Unlike other cities, Murray refused for two years to chip in on UTOPIA's day-to-day operating expenses. The city has kept up with its \$1.65 million yearly share of bond debt for the public fiber-optic grid, but its leaders make no secret of their dissatisfaction with high-paid UTOPIA managers' handling of the network.

"Continuing to pay them is like supplying drugs to an addict," Murray City Councilwoman Diane Turner said. "It is totally irresponsible."

Murray was also among five Utah cities to reject a proposal from Australian investment group Macquarie Capital to secure financing for UTOPIA, finish building the network and then run it for the cities for 30 years, while charging households a utility fee of up to \$20 per month. The midvalley community has even talked informally about taking over aspects of its part of the UTOPIA network, including about 2,000 business and residential customers who live within Murray's boundaries.

But city leaders voted 3-2 late Tuesday to pay into UTOPIA's ongoing expenses through Dec. 31, largely on the newly elected mayor's insistence that the next few months will be key to finding a long-term solution to UTOPIA's problems.

Acknowledging it as a frustrating and emotional issue for elected officials, city staff and the public, Eyre said UTOPIA had become more transparent since January. He praised the council's June vote against participating in Macquarie's plan, saying it had saved Murray residents "millions of dollars" by sparing them from the prospect of paying its controversial monthly charge.

But new information on UTOPIA and a recent debate over Macquarie's plan, he said, had convinced him that "we've now arrived at a critical point in our decision making."

"I feel very determined that the right answer is just around the corner," Eyre told the council. "I have faith that we can come up with the best option, but we need time."

The chairman of UTOPIA's governing board, meanwhile, said Wednesday he appreciated the payment.

"We, as the member cities, see their action as positive in bringing the board together toward making UTOPIA work, whatever the solution is," said Wayne Pyle, who is also city manager in West Valley City.

As Murray's representative on UTOPIA's board, Eyre said he would devote as much time as possible to the issue through December, while trusting department heads to oversee city operations in the short term.

The retired commercial airline pilot said Murray needed "to be deeply involved" in the ongoing debate, including the possibility of joining forces with other UTOPIA cities that opposed the Macquarie deal: Centerville, Lindon, Orem and Payson.

"No one wants to use public funds to reward poor management, failed marketing or a flawed business plan," Eyre said. But paying \$141,666 toward UTOPIA's day-to-day budget until the end of 2014, he said, "will help to give me the credibility I need in a good-faith offering and a cooperative effort toward these cities."

With great reluctance, council members Dave Nicponski, D. Blair Camp and Jim Brass backed the mayor's request. "I don't support UTOPIA," Nicponski said, "but I do support our mayor." Even Turner and fellow council member Brett Hales, in voting against it, said they backed the mayor's efforts.

"He's phenomenal," Hales said. "But it would be wrong for me to vote for this if everything is telling me not to."

The mayor warned of "serious consequences if we don't do this and the [UTOPIA] system goes dark."



Steve Griffin | Tribune file photo A UTOPIA crew prepares to lay conduit to house fiber optic cables near 2000 N. Main St. in Centerville in this Aug. 22, 2011 photo. Centerville is among 11 UTOPIA member cities that must decide whether to approve the takeover of the municipal broadband network by Macquarie Capital, an Australian investment firm.

Key players in Murray rely on UTOPIA's high-speed access, Eyre said, including medical workers at the Heart and Lung Institute of Utah, the city's own electric utility, other businesses, libraries and schools, and hundreds of residential users.

"They've paid for it," he said, "and I think they expect us to keep it operational."

Short for the Utah Telecommunication Open Infrastructure Agency, UTOPIA was conceived 12 years ago to connect businesses and homes in member cities with lightning-fast Internet access, primarily as a spur to economic development. Its upload and download rates have been up to 200 times faster than services available privately, although companies such as Google and CenturyLink are now active in the market for delivering gigabit speeds along the Wasatch Front.

Through the years, UTOPIA has been saddled with a mix of mismanagement, massive debt, opposition from private-sector telecommunication companies and problems with network construction that have left its grid partially finished. It has a relatively small customer base.

UTOPIA's finances have improved of late, but the consortium's member cities continue to offset its budget losses, while paying millions a year in city sales and business tax revenue to cover its huge bond obligations.

While other cities have balked temporarily at contributing to UTOPIA's operating expenses, only Murray has withheld them entirely — until now.

Taxpayers in all 11 UTOPIA cities will remain on the hook for UTOPIA's debt even if the futuristic grid shuts down or is sold.

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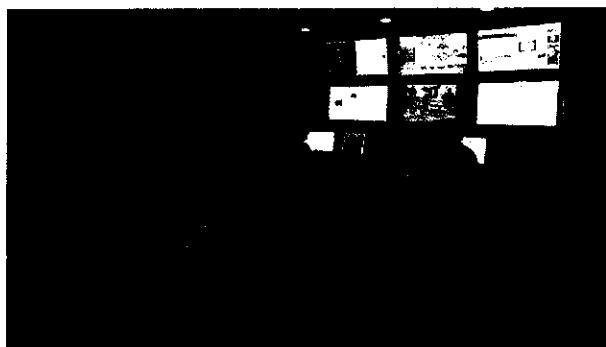
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Deseret News

Appeals court affirms news coverage of former UTOPIA employee not defamatory

By McKenzie Romero, Deseret News

Published: Wednesday, Aug. 6 2014 10:15 p.m. MDT



A 10th Circuit appeals court upheld a lower court's ruling Tuesday that an article written about a former UTOPIA employee were not defamatory. (Michael Brandy, Deseret News)

SALT LAKE CITY —

The 10th Circuit Court of Appeals upheld a lower court's ruling Tuesday that a news report written about a former UTOPIA employee was not defamatory.

Chris Hogan, a former employee of the Utah Telecommunication Open Infrastructure Agency, attempted to sue the company, West Valley City, former Mayor Mike Winder and Deseret Digital Media in

2011 after an article about his contentious dismissal was published on KSL.com.

The article was written by Winder, then-mayor of West Valley City, who used the alias Richard Burwash on a number of freelance submissions via the Deseret Connect community contributor system.

Hogan served as vice president of marketing, sales and business development of the UTOPIA fiber-optic network until March 2011. In the lawsuit, he called the article a conspiracy and claimed it was defamatory, deprived him of Constitutional rights, invaded his privacy and intentionally inflicted emotional distress.

A district court ruled in 2012 and the federal appeals court affirmed Tuesday that the Burwash article about Hogan did not constitute defamation because there is sufficient context to explain critical statements.

In its decision, the court asserted Hogan cannot take his claims further.

— McKenzie Romero

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The Salt Lake Tribune

Appeals court: 'Burwash' article was not defamatory

Libel suit • Former UTOPIA contractor loses appeal to federal circuit court.

BY ROBERT GEHRKE

THE SALT LAKE TRIBUNE

PUBLISHED: AUGUST 6, 2014 05:04PM

UPDATED: AUGUST 7, 2014 09:15AM

A federal appeals court has ruled that an article penned under a false name by then-West Valley Mayor Mike Winder about alleged threats of extortion and blackmail by an ousted consultant for a government-run Internet company was not defamatory.

The 10th U.S. Circuit Court of Appeals affirmed a lower-court ruling dismissing the lawsuit filed by Chris Hogan, a former contractor with UTOPIA, targeting one of several articles Winder wrote for KSL and the Deseret News under the fake name of "Richard Burwash."

Hogan claimed he was fired in 2011 because he raised concerns that UTOPIA's then-executive director had steered a bid to a company where the director's brother worked. Hogan was fired and threatened to sue unless UTOPIA axed the executive director and paid Hogan \$219,000 in damages.

An attorney for UTOPIA called the suggestion from Hogan's attorney goes by "the names of 'blackmail' and 'extortion.'"

In May of that year, a published article supposedly written by Burwash focused on Hogan's firing and said he had been accused of blackmail and extortion and that Hogan had been terminated for "performance issues." It was six months later when Winder revealed to management at KSL that he wrote that article and others under the pseudonym Burwash.

Hogan sued, claiming the article was defamatory, but the district court dismissed the lawsuit and the 10th Circuit upheld the decision Tuesday.

"Although the term [extortion] has a derogatory meaning when used either way, we cannot assume that the term always refers to a crime or similarly heinous conduct. Like with other words, context matters," wrote Judge Timothy Tymkovich in the unanimous opinion. "In this case, no reasonable reader would interpret the articles' statement that Hogan was accused of extortion to mean that Hogan was being accused of a crime or even especially sharp behavior."

The KSL piece and a separate trade-journal article, the court held, accurately reported the statements or documents in the employment dispute and were "simply too vague and nonspecific to sustain a false impression that would be highly objectionable to a reasonable person."

The court also ruled that Hogan could not sue the city, since Winder wrote the article under a false name and it was not written as part of his official duties as mayor.

The court in May had dismissed a First Amendment claim filed by Hogan and affirmed a ruling in his favor for breach of contract. It sent a wrongful termination claim back to the district court for further consideration. UTOPIA has asked the judge in that case to dismiss that portion of the suit.

An attorney for Hogan could not be reached for comment.

Attorney Jeff Hunt, who represented Deseret Digital Media, the parent company of KSL and the Deseret News, said the opinion from the court made clear that "context is critical when determining whether statements are legally defamatory."

"From a broader perspective, all defamation claims are limited by the protection of the First Amendment and they all reside in the shadow of the First Amendment," Hunt said. "I think this opinion is significant because it helps define Constitutional protections that exist for news media reporting on controversial issues of public concern, like UTOPIA."

Hunt said Winder authoring the article under an assumed name was a complicating factor in the case and Winder has acknowledged it was improper, but in the end made no legal difference because the content of the article itself was not defamatory.

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Steve Griffin | The Salt Lake Tribune West Valley City Mayor Mike Winder

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