

1 Minutes of the Centerville City Council meeting held Tuesday, January 6, 2015 at 7:00 p.m. in
2 the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler

7
8 Council Members Ken S. Averett
9 Tamilyn Fillmore
10 John T. Higginson
11 Stephanie Ivie
12 Lawrence Wright

13
14 **STAFF PRESENT**

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

21 **VISITORS**

Interested citizens (see attached sign-in sheet)

22
23 **PLEDGE OF ALLEGIANCE**

24
25 **PRAYER OR THOUGHT**

Councilman Ken Averett

26
27 **PRESENTATION FROM CENTERPOINT LEGACY THEATRE**

28
29 Jansen Davis, Executive Director of CenterPoint Legacy Theatre (CPT), reported on the
30 success of the Theatre Company's fourth season. He presented a check to the Council
31 representing the final payment of CPT's portion of the construction obligation for the Davis
32 Center for the Performing Arts. Ron Russell, Chair of the CPT Board, thanked the City Council
33 for its continued support and partnership.

34
35 **OPEN SESSION**

36
37 Dale McIntyre – Mr. McIntyre expressed gratitude for the members of the Police
38 Department who serve the City, and added that he feels they should be commended and
39 supported by the City Council.

40
41 **MINUTES REVIEW AND ACCEPTANCE**

42
43 The minutes of the December 16, 2014 work session and regular Council meeting were
44 reviewed. Council members Fillmore and Wright requested additions to the work session
45 minutes. Councilman Averett made a motion to approve the December 16, 2014 regular
46 Council meeting minutes and the December 16, 2014 work session minutes as amended.
47 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

**PUBLIC HEARING – WOODS PARK PDO FINAL AMENDED SUBDIVISION PLAN
AMENDMENTS**

Cory Snyder, Community Development Director, explained the request of the Woods Park subdivision developer to add additional home designs for homes located within the subdivision, and added that the Planning Commission and staff recommend approval of the proposed Subdivision Plan Amendments.

Leslie Mascaro with Oakwood Homes confirmed the desire to offer additional diversity to the neighborhood. She stated they expect to be selling homes in the subdivision within the next three to four weeks. Mr. Thacker reported that the City is close to finalizing the actual cost of the drain pipe under the railroad tracks, on which Woods Park is a partner, and he suspects the actual cost will be less than originally anticipated.

At 7:22 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to comment. Councilman Averett made a **motion** to approve the Woods Park PDO Final Subdivision Plan Amendments, including new home designs, subject to Conditions 1–3 and based on Findings a–e. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

Conditions

1. This amendment shall include the addition of home designs offered to homebuyers for the Woods Park Subdivision only. All other previous designs approved by the Planning Commission and City Council shall still be allowable within the subdivision.
2. Oakwood Homes shall still be obligated to adhere to all previous conditions of approval for the Woods Park Subdivision as found within the final subdivision approval, Development Agreement, and all General Notes as indicated on the final subdivision approval.
3. All building permits shall be reviewed by City staff to ensure all required design guidelines have been properly addressed.

Findings

- a. A completed application for a final amended subdivision plan has been submitted [Section 15-4-101].
- b. The proposed subdivision meets all applicable standards found in the Subdivision Ordinance for an approval of the preliminary and final applications [Chapters 15-3, 15-4].
- c. All applicable standards found in the Centerville City Zoning Ordinance concerning development within the Residential-Low Zone have been satisfied [Section 12-32-1].
- d. The proposed additional home designs are in harmony with what has already been approved on site.
- e. The proposed designs follow the required design criteria as indicated within the General Notes of the approved plat.

SIGN ORDINANCE ISSUES RELATING TO ELECTIONS

Mayor Cutler expressed interest, and asked if the Council would be interested, in revisiting amendments to the Sign Ordinance relating to elections. Councilwoman Ivie said she feels it would definitely be worth looking at to have something enforceable and fair that gives residents the ability to express their right of free speech. Councilman Wright added that the

1 current Sign Ordinance is difficult to apply to an election. He said he does not think the Council
2 should undo the existing Sign Ordinance, but should look at what is done in Bountiful during
3 elections and eliminate as much friction from enforcement as possible. Councilman Wright
4 continued that he would be in favor of allowing freedom of expression with basic size restrictions
5 for campaign signs, including allowing signs in park strips as is done in Farmington and
6 Bountiful.

7
8 Councilman Averett responded he does not think campaigns should be given special
9 treatment or consideration. He stated he feels excessive election signs constitute pollution, and
10 would be difficult for staff from an enforcement standpoint. Councilman Averett said he is in
11 favor of regulation so that campaign signage is orderly, limited, and appropriate. Councilwoman
12 Fillmore said there may be some small acceptable changes to the Ordinance that would assist
13 during elections, but the most important thing to remember is that free speech through use of
14 signs is constitutionally protected. Cities have a right to have ordinances to control how signs
15 are placed, but cannot selectively choose what type of signs to enforce. Mayor Cutler
16 mentioned that other cities have ordinances that seem to treat election signs different than other
17 signs. Lisa Romney, City Attorney, stated that the City's Sign Ordinance is currently content
18 neutral. She continued that specifying a type of sign for different treatment would be
19 unconstitutional. Councilman Wright stated he feels the City needs to level the playing field and
20 make exceptions for elections. Councilman Higginson said he would be happy to revisit the
21 Sign Ordinance, and that all candidates should feel they are treated equally. Councilman
22 Higginson said a checklist of guidelines for candidates would be helpful.

23
24 Cory Snyder, Community Development Director, suggested the Council hold a work
25 session to receive briefing on the current Ordinance, and current legal requirements and risks.
26 Councilwoman Fillmore requested the Council focus on Section 12-54-080, Signs Permitted in
27 All Zones. Mayor Cutler recommended changes recommended by staff be limited to Sections
28 12-54-080 and 12-23, regarding enforcement. Staff was directed to gather information on how
29 neighboring cities handle this issue.

30 31 **PROPOSAL TO PURCHASE SPEED DETECTION SIGN**

32
33 Mayor Cutler expressed a desire to balance the funds spent on City streets with efforts
34 to improve pedestrian safety. He proposed purchasing two movable speed detection signs that
35 could be attached to existing speed limit signs to utilize technology rather than more man
36 power. In addition to reflecting vehicle speeds, the signs could collect data regarding vehicle
37 volume and speeds for City use. His intention would be to initially place the signs on 400 West.
38 Councilwoman Fillmore expressed appreciation for the Mayor's initiative and stated her support.
39 Councilwoman Ivie said the signs would be nice to have, but she would not be willing to take
40 money out of the Streets Budget for the purchase. Mayor Cutler suggested using a small
41 portion of the Streets Budget with the remaining funds coming from the Council Contingency
42 Budget.

43
44 Councilman Averett asked if the trailer used by the Police Department is not sufficient.
45 The Mayor responded that the trailer is good, but he would like to move to the next step to take
46 advantage of technology available. Councilman Averett said he would want to hear staff's
47 opinion before spending the money. He added that he does not personally like the suggested
48 speed detection signs, especially if they are permanent. Mr. Thacker responded that the Police
49 Chief does not favor permanent signs because he feels they lose effectiveness, but is in favor
50 of trying the movable signs as an experiment to gauge results. He added that Randy Randall,
51 Public Works Director, would rather preserve the Streets Budget for street maintenance, but
52 understands the Council may want to apply some of the Budget for this purpose. Mr. Thacker

1 pointed out savings that have occurred in the Police Department Budget due to the delay in
2 hiring an additional officer, and suggested the savings could be applied to the purchase of the
3 signs.

4
5 Councilman Higginson expressed support for the purchase, and said that several
6 citizens have approached him with concerns about vehicle speeds on 400 West. He agreed the
7 signs should be temporary and moved from location to location, and that it would make sense to
8 use a portion of the Police Budget, as the signs would allow officer resources to be allocated
9 elsewhere. Mr. Thacker stated he is confident at least half of the cost could come from the
10 Police Budget. Councilman Wright suggested the City could experiment with one sign rather
11 than two. Mayor Cutler responded that the Police Chief suggested collecting data in both
12 directions with the two signs.

13
14 Councilwoman Fillmore stated she sees the purchase as an investment, collecting data
15 on an area on which the City spends tremendous amounts of money. She said she feels the
16 signs would increase safety immediately in some areas, and provide valuable data for decision
17 making in the future. Mr. Thacker provided information regarding the current balance of the
18 Contingency Budget and possible future Contingency Budget expenses. Councilman Wright
19 said he feels it could be beneficial to have data on both directions from two signs, but he would
20 not support taking the funds from the Streets Budget. Councilwoman Fillmore responded that
21 the streets are built for everyone and affect everyone, and it is important to realize that the
22 safety of pedestrians is an appropriate use of the Streets Budget.

23
24 Councilman Averett said he would like to see the \$6,000 spent on striping and other
25 more permanent ways to quiet traffic on 400 West, or on a consultant to advise the City on how
26 to more permanently quiet the roadways. Councilwoman Fillmore agreed, and added that the
27 permanent methods are more expensive. The smaller investment of the signs would collect
28 data to help find the real problem areas where the bigger investment would be most worthwhile.
29 Councilman Wright made a **motion** to authorize staff and the Mayor to work with City
30 departments to determine how the signs would best be used, and to take money from the
31 savings in the Police Budget and the difference from the Contingency Budget for up to two
32 portable traffic signs. Councilman Higginson seconded the motion, which passed by majority
33 vote (4-1), with Councilwoman Ivie dissenting.

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35 At 8:14 p.m. the Council took a brief recess, returning at 8:26 p.m.

36
37 **WEST NEIGHBORHOOD GENERAL PLAN**

38
39 Continuing a discussion held during a work session earlier in the evening, the Council
40 discussed the desired process for receiving the Planning Commission's recommendations
41 regarding West Neighborhood General Plan amendments, and when to include West Bountiful
42 City officials in the process. Cory Snyder commented that West Bountiful is a stakeholder just
43 like UDOT and property/business owners on the west side, and suggested that West Bountiful
44 representatives and citizens be invited to participate within the public comment process rather
45 than outside the public process. He also commented that it is appropriate for the Council to
46 consider the Planning Commission recommendation without debating the merits of the Planning
47 Commission majority vote. The Mayor and staff were directed to put together a proposed
48 schedule for consideration of the West Neighborhood General Plan amendments to present to
49 the Council, beginning with a work session with the Planning Commission Chair to receive the
50 Planning Commission's recommendation, followed by a public education session.

1 **EMPLOYEE LEAVE BENEFITS**

2
3 During the FY 2015 Budget Adoption process, the City Manager expressed concern
4 about the increasing financial liability associated with the City's long-term sick leave benefit.
5 City Manager Thacker explained City employee leave benefits and how they compare to leave
6 benefits in other cities. In his opinion, Centerville City's paid leave benefits – considered
7 collectively – are competitive but not excessive when compared to the other cities considered.
8 He is still concerned, however, with the increasing financial liability associated with the City's
9 sick leave benefit. The City has a unique sick leave benefit in that this leave is earned in two
10 categories know as "All-Purpose Leave" (APL) and "Long-Term Sick Leave" (LTSL). In the case
11 of LTSL, there is currently no cap on the number of hours an employee can accumulate and
12 there is no annual cash-in provision. However, upon retirement or upon resignation with at least
13 20 years of employment with the City, an employee can cash-in those hours at a 4 to 1 ratio for
14 compensation at the employee's rate of pay at that time. Thus, the City's financial liability is
15 increasing over time. The City Manager said he believes the total liability associated with LTSL
16 will continue to increase over time, and there will be significant payouts required upon the
17 retirement of long-time employees.

18
19 Councilman Wright stated he feels employees should not be reimbursed for unused sick
20 leave, but he does not have a problem with reimbursement of unused vacation leave. A
21 majority of the Council agreed that the policy should be changed to reduce the City's liability
22 regarding sick leave benefits. Councilman Higginson commented that one reason for offering
23 reimbursement for sick leave is to incentivize employees to not use it, since there is a cost to
24 the City when sick leave is used. Councilwoman Fillmore expressed a desire to respect the
25 expectations of employees, and remain competitive but not excessive. She said she agrees the
26 policy should be greatly simplified, but disagreed philosophically with the idea of incentivizing
27 employees to not use sick leave. She stated she feels leave time should be provided, and
28 employees should be expected to use the leave time. Council members Fillmore, Ivie, and
29 Wright each expressed a preference for providing one category of sick leave or paid time off
30 (PTO). The City Manager will put together a committee of management and staff members to
31 draft a revised leave policy for Council consideration.

32
33 **MAYOR'S REPORT**

- 34
35 • The Council reviewed a list of topics for discussion with Legislators at the work
36 session on January 20th. Councilwoman Ivie requested that retirement benefits for
37 police officers be added to the list. Mr. Lutz suggested the Council also encourage
38 Legislators to work with ULCT regarding State requirements for use of police body
39 cameras.
40 • Mayor Cutler reported that UTOPIA received a settlement from the RUS lawsuit, and
41 updated the Council on other UTOPIA issues.

42
43 **CITY MANAGER'S REPORT**

- 44
45 • Several months ago Assistant Police Chief Paul Child provided "Active Shooter"
46 training to the City Council. At that time he suggested several modifications that
47 could be made at City Hall that he thought might enhance safety in an active shooter
48 situation. At that time the City Council directed staff to get cost estimates for these
49 modifications: change the direction of the door between the Council chambers and
50 the south conference room; armor the dais or bench where the Council members sit;
51 and raise the access door in the Business Office. Mr. Thacker provided cost

estimates for these modifications. The Council discussed the options, and Mr. Thacker agreed to obtain additional information.

- Mr. Thacker reported that the staff committee considering health insurance plans has received briefing from insurance brokers. There may be value in waiting and not changing plans this year. The Council agreed to allow the committee the flexibility to recommend whether or not to convert to a "High Deductible/Health Savings Account" plan this year. The committee will continue to meet and consider the options available.

MISCELLANEOUS BUSINESS

Council members need to inform the City Recorder by January 21st if they intend to attend Local Officials Day at the Legislature on January 28th.

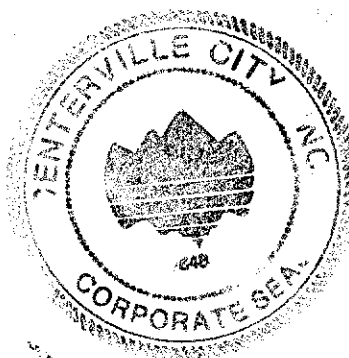
ADJOURNMENT

At 10:04 p.m. Councilman Wright made a **motion** to adjourn the Council meeting and move to a closed meeting for the purpose of discussing pending or reasonably imminent litigation. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).


Marsha L. Morrow, City Recorder

1-20-2015
Date Approved


Katie Rust, Recording Secretary



Tuesday,

7:00 p.m.

ADDRESS**

2585. 2005.

5/5 CENTERPOINT THEORIES

206 E Winchester Street

256 CHATEL VILLA LANE

330 Paradise Ln

2212 N. Main Catul

818 5 600

290 E Costa Loma Dr.

133 E ROCK MAJOR DR

** 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.