

1 Minutes of the Centerville City Council meeting held Tuesday, June 5, 2018 at 7:00 p.m. at
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Council Members Tamilyn Fillmore
7 William Ince
8 Stephanie Ivie, Mayor Pro Tem
9 George McEwan
10 Robyn Mecham

11
12 **MEMBER ABSENT** Clark Wilkinson, Mayor

13
14 **STAFF PRESENT** Steve Thacker, City Manager
15 Lisa Romney, City Attorney
16 Jacob Smith, Management Services Director
17 Paul Child, Centerville Police Chief
18 Cory Snyder, Community Development Director
19 Randy Randall, Public Works Director
20 Bruce Cox, Parks and Recreation Director
21 Katie Rust, Recording Secretary

22
23 **VISITORS** Jeff Bassett, South Davis Metro Fire Chief
24 Interested Citizens (see attached sign-in sheet)

25
26 **PRAYER OR THOUGHT** Rajan Zed

27
28 **PLEDGE OF ALLEGIANCE**

29
30 **INTRODUCTION OF NEW EMPLOYEES**

31
32 Jacob Smith, Management Services Director, introduced new employee Narae
33 Simmons. Ms. Simmons will be working at the City Hall front desk. Chief Paul Child introduced
34 new Officers Troy Cash and Holly Coombs. The swearing-in of the new Officers was conducted
35 by Mackenzie Wood, City Recorder. Chief Child presented Sgt. Zan Robison and Officer Mike
36 Dingman for promotion to the positions of Lieutenant and Sergeant, respectively.

37
38 **OPEN SESSION**

39
40 No one wished to comment.

41
42 **MINUTES REVIEW AND ACCEPTANCE**

43
44 The minutes of the May 8, 2018 work session; May 15, 2018 City Council meeting and
45 work session; May 22, 2018 joint City Council and Planning Commission work session; and May
46 29, 2018 work session were reviewed. Councilwoman Fillmore made a **motion** to accept all
47 five sets of minutes. Councilman Ince seconded the motion, which passed by unanimous vote
48 (5-0).

INTERLOCAL AGREEMENT WITH BOUNTIFUL CITY FOR POLICE DISPATCH SERVICES

Davis County has been providing dispatch services for the City for many years. The City has appreciated this relationship with the County and the quality dispatch services the County has provided. Over the past few months, the Police Chief has analyzed the City's needs regarding dispatch services, including issues related to having the City's calls dispatched from two different call centers with fire and emergency medical calls dispatched from Bountiful and police calls dispatched from Davis County. Based on this analysis, and other practical considerations, the Chief recommends the City contract with Bountiful City for police dispatch services. The current contract with Davis County expires on June 30, 2018. The City has previously provided notice to Davis County of this proposed transition.

Mr. Thacker informed the Council and City Attorney of a change requested by Bountiful City regarding agreement renewal and fee adjustments, allowing the Centerville and Bountiful City Managers to agree on annual fee adjustments subject to budget approval by the City Council. Ms. Romney requested the Council allow staff to adjust the language to accommodate this change. Councilwoman Fillmore made a **motion** accept Resolution No. 2018-17 regarding Interlocal Agreement with Bountiful City for Police Dispatch Services, and give staff the ability to change language as discussed. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

CONSIDER APPOINTMENT OF QUALIFIED JUDGES AS TEMPORARY JUSTICE COURT JUDGES

The City Council is authorized by State law to appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as temporary justice court judge for the Justice Court when necessary. The City Council has previously appointed specific judges to act as temporary justice court judges for the City. The Justice Court Judge has requested the City Council adopt a broader policy allowing the appointment of any senior justice court judge or current justice court judge within the judicial district that meets the statutory qualifications to act as temporary justice court judge. The Justice Court Judge will thereafter adopt a standing order specifying eligible judges to act as temporary justice court judges.

Councilman Ince made a **motion** to approve Resolution No. 2018-16 appointing qualified judges to serve as temporary justice court judges for the Centerville City Justice Court. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – TENTATIVE FY 2019 BUDGET

City Manager Thacker presented the Tentative FY 2019 Budget, and explained proposed changes to compensation for appointed officials, including Justice Court Judge, and proposed revisions to the Tentative Budget (attached). Jacob Smith, Management Services Director, explained proposed rate adjustments for curbside solid waste collection.

Mayor Pro Tem Ivie opened a public hearing at 8:16 p.m.

Rick Bingham – Mr. Bingham congratulated the Council on approving funding for sidewalk repair. He asked if the Council has considered setting aside matching funds to cost share with property owners for sidewalk repair. The Council indicated they are considering a

1 cost-share arrangement. Mr. Bingham asked if the amount allocated in the Tentative Budget for
2 UTOPIA includes an operational assessment, or only debt service. Councilman McEwan
3 explained that the amount in the Tentative Budget does not include an operational assessment.
4 Mr. Bingham suggested it would be helpful for citizens to receive a regular update in the form of
5 a summary page regarding both UTOPIA and the Performing Arts Center. Mr. Thacker
6 explained debt service for the Performing Arts Center. Mr. Bingham suggested the City take
7 advantage of the State provision to set up an Emergency Reserve Fund.
8

9 Jim Higbee – Mr. Higbee said he appreciates the transparency the City has provided
10 with the budget. He stated he believes the use of \$5,800 for an LTAP study is a good use of
11 funds. He said he knows a lot of money can be saved through good maintenance and smart
12 construction, and volunteered his professional skills to review the study and provide
13 recommendations to the City Manager.
14

15 Norris Brown – Mr. Brown said he applauds the park improvements and planned work
16 on the Frontage Road. He commented that the west side of the Frontage Road in Centerville is
17 an eye sore, and asked if the planned work will include beautification of the west side of the
18 road. Mr. Thacker explained the reason for the debris and equipment that has been temporarily
19 stored on the west side of the road. The planned work does not include vegetation on the west
20 side of the road, but Councilman McEwan said he has requested the project include running
21 irrigation sleeves to the west side of the road for future beautification. Regarding the City hiring
22 a consultant to conduct an employee salary survey, Mr. Brown stated it is not too complex to
23 look at cities of similar size in the area and compare. He suggested the City use the money that
24 would be spend on a survey to increase salaries. He agreed the City needs to be competitive
25 with salaries.
26

27 Rick Bingham – Mr. Bingham agreed there must be many people who see the debris on
28 the Frontage Road and wonder when it will be cleaned up. He suggested the City communicate
29 Mr. Thacker's explanation to the citizens.
30

31 The public hearing was closed at 8:42 p.m.
32

33 RDA MEETING 34

35 At 8:43 p.m., Councilman McEwan made a **motion** to move to a meeting of the
36 Centerville Redevelopment Agency in Council Chambers. Councilman Ince seconded the
37 motion, which passed by unanimous vote (5-0). In attendance were: Stephanie Ivie, Vice-Chair;
38 Directors Fillmore, Ince, McEwan, and Mecham; Steve Thacker, RDA Executive Director; Lisa
39 Romney, City Attorney; Jacob Smith, Management Services Director; and Katie Rust,
40 Recording Secretary.
41

42 The Council returned to regular meeting at 8:49 p.m.
43

44 PUBLIC HEARING – ZONING CODE AMENDMENTS TO CZC 12.55.110 45 REGARDING FENCING HEIGHTS 46

47 On May 9, 2018, the Planning Commission reviewed and considered proposed
48 amendments to the Zoning Code regarding fencing heights. After holding a public hearing, the
49 Planning Commission voted to recommend denial of such amendments. Cory Snyder,
50 Community Development Director, stated staff recommends the City Council deny proposed
51 Zoning Code amendments regarding fencing heights.

1 Councilman McEwan asked Mr. Snyder his recommendation for addressing the current
2 conflict between large animals on agricultural property and Residential-Low (R-L). Mr. Snyder
3 responded there will always be conflict between animals on agricultural land and R-L. The
4 Council needs to evaluate if agricultural property is something they want to preserve and
5 encourage into the future. He stated that, for the maximum amount of harmony, he
6 recommends the Council not change the maximum fence height. Councilwoman Mecham
7 commented that approval of the proposed amendments would probably not result in many taller
8 fences in the city. Mr. Snyder responded that the taller fences would have to be designed to
9 withstand specified wind loads. The Council would be trading the existing conflict for different
10 conflicts.

11
12 Mayor Pro Tem Ivie opened a public hearing at 9:04 p.m.

13
14 Andrea Richman – Ms. Richman stated she has lived in Centerville for 25 years, and in
15 that time there has not been a horse on the agricultural property adjacent to her property. There
16 is now a horse on the property, able to put its head over her fence into her backyard. Three
17 people in her home have severe asthma reactions to horses. She said she respects her
18 neighbors' right to have a horse on agricultural property, but she feels she has a right to be in
19 her home and her yard and not be adversely affected. Ms. Richman stated she would like to be
20 able to use her beautiful yard again, and she does not believe a taller fence would adversely
21 affect anyone.

22
23 The public hearing was closed at 9:07 p.m.

24
25 Councilwoman Mecham asked Mr. Snyder if the taller fence could be possible as a
26 conditional use or with Board of Adjustment approval for situations where agricultural property is
27 adjacent to R-L. Mr. Snyder responded it would not be a matter for the Board of Adjustment.
28 There are complications that would need to be addressed if approved as a conditional use. Mr.
29 Thacker said he presumes a higher fence would not stop the effect of the dander. Responding
30 to a question from Councilman McEwan, Ms. Romney stated this seems more of a private
31 matter than something the City needs to regulate. Councilman McEwan said he believes it is
32 reasonable for a property owner to expect some level of control within their property lines. He
33 said he does not know why the City would not want to help facilitate resolution of a private
34 conflict with a fence. Mr. Snyder pointed out additional shade from a taller fence can interfere
35 with gardening ability. Councilman McEwan suggested the amendments could be tightened up
36 to apply only in situations of animal encroachment, evaluated on a case-by-case basis. Mr.
37 Snyder listed several other possible encroachment issues, including trees, sprinklers, and
38 children and their toys and accessories. Councilwoman Fillmore questioned whether changing
39 the ordinance for this one situation would make the City better overall. Councilman Ince stated
40 he knows there are cases of conflict between commercial and residential as well.

41
42 Mr. Snyder clarified that the specific situation before the Council involves two properties
43 zoned agricultural. He showed on the City's Zoning Map that Ms. Richman's property is zoned
44 agricultural. Ms. Richman was surprised by this and responded that she purchased a
45 residential property in a residential subdivision. Years later, she purchased a sliver of property
46 (zoned agricultural) from a backyard neighbor to add to her residential property. Mr. Snyder
47 stated he is not familiar with the history of the specific transaction, but the property is officially
48 zoned agricultural at this time.

49
50 Councilwoman Fillmore made a motion to approve the denial recommended by the
51 Planning Commission. The motion died for lack of second. The Council discussed the

possibility of meeting with the Planning Commission in a work session for further discussion. Councilwoman Fillmore suggested it would be helpful to know what other cities have done. Councilman McEwan said he feels there should be a reasonable timeframe on this issue.

Councilman McEwan made a **motion** to remand the issue back to the Planning Commission, with direction to staff to add language to incorporate buffering between agricultural, residential, and commercial zones through physical barriers. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0). Mr. Thacker suggested Ms. Richman pursue a rezone of her property.

MUNICIPAL CODE AMENDMENTS – CMC 7.07 – FIREWORKS RESTRICTION AREA MAP

Ms. Romney explained the proposed amendments regarding the Fireworks Restriction Area Map. All retailers that sell fireworks are required by State law to display the map. Chief Bassett stated the restriction boundary will remain the same as last year; the dates allowed to use fireworks have been reduced. He said he is anticipating a heavy fire season this year. Councilman McEwan made a **motion** to approve Ordinance No. 2018-13 regarding the prohibited discharge of fireworks in restricted areas and adopting CMC 7.07.162 regarding the Fireworks Restriction Area Map. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0).

The Council took a break at 10:01 p.m., and returned at 10:07 p.m.

DRAINAGE PROJECTS AND ISSUES

Randy Randall, Public Works Director, updated the Council on drainage projects and issues within Centerville. Councilman McEwan made a **motion** to approve Change Order to contract with Crescent Excavation for the Miscellaneous Water Lateral Replacement Project in the amount of \$39,647.50, for construction of a drainage overflow by-pass at Community Park along the Frontage Road, and approve purchase of materials in the estimated amount of \$14,721.43 (including sales tax) from Mountainland Supply to be used by Crescent Excavation for this work, authorizing the Drainage Utility Fund to pay for both these expenditures. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

MUNICIPAL CODE AMENDMENTS AND FEE SCHEDULE AMENDMENTS – UPRIGHT HEADSTONE MONUMENTS

Bruce Cox, Parks and Recreation Director, recently reported to the Council regarding upright headstone monuments, which make it more difficult for staff and others to access burial sites, and require more long-term maintenance in and around the headstones. Mr. Cox explained the proposed Municipal Code Amendments and Fee Schedule Amendments.

Councilwoman Fillmore made a **motion** to approve Ordinance No. 2018-14 prohibiting the installation of upright headstone monuments for burial spaces sold on or after July 1, 2018. Councilman Ince seconded the motion, which passed by majority vote (3-2), with Council members McEwan and Mecham dissenting. Councilwoman Fillmore made a **motion** to approve Resolution No. 2018-18 increasing the fee for upright headstone monuments. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

PROPOSAL FOR NAMING NATURAL PARK ON 100 SOUTH

Councilwoman Fillmore made a **motion** to table this issue to the next Council meeting. The motion failed for lack of second. Councilman Ince said he believes the City has the natural park (debris basin) on 100 South substantially because of the efforts of Lee Skabelund. He suggested naming the property the Lee Skabelund Wildlands Park. Councilwoman Mecham said she agrees with the suggestion. Councilman McEwan made a **motion** to direct staff to draft a resolution naming the property the Lee Skabelund Wildlands Park, to be further discussed at the next meeting. Councilman Ince seconded the motion, which passed by unanimous vote (5-0). Mayor Pro Tem Ivie commented that a summary of Mr. Skabelund's involvement with the property would be helpful.

CITY MANAGER'S REPORT

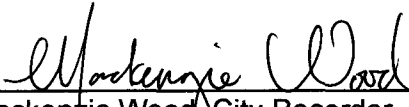
- The Local Technical Assistance Program at Utah State University provides road assessment and maintenance studies for Utah cities. Mr. Thacker presented a description of the work and cost, which would be \$5,824. Councilman Ince made a **motion** to approve expenditure of approximately \$5,800 from the Transportation Fund to support LTAP assistance, and authorize the City Manager to enter any agreement necessary with City Attorney approval. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).
- The Council scheduled a budget work session prior to the regular Council meeting on June 19th. Staff requested the Council submit questions prior to the work session if possible.

APPOINTMENT

Mayor Pro Tem Ivie informed the Council that Mayor Wilkinson recommends appointment of Thomas Hunt to the Parks and Recreation Committee. Councilman McEwan made a **motion** to support appointment of Thomas Hunt to the Parks and Recreation Committee. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0).

ADJOURNMENT

The meeting was adjourned at 10:47 p.m.


Mackenzie Wood, City Recorder

6/19/2018
Date Approved


Katie Rust, Recording Secretary



Summary of Revisions to Tentative Budget—As of 6/4/18
(Subject to further revisions by City Council)

General Fund

- Sales tax revenue projection—reduced from \$4,201,866 to \$4,141,209 (p. 5)
- Administrative service charges—increased from total of \$944,305 to \$955,985 (p. 5)
(see updated spreadsheet as of 6/4/18)
- Established \$40,000 contingency under control of City Council (p. 8)
- Increased funding for equipment replacement by \$100,000 in Streets budget (p. 28)
- Added \$7500 to Parks budget for half of \$15,000 cost for parks master plan (p. 33) (other half to be paid by RAP Tax Fund)
- Increased transfer to Museum Fund (p. 46)
- Designated \$100,000 as a contribution to Fund Balance (p. 46)
- Designated \$80,000 as a “personnel contingency” to fund retirement and annual cash-outs, etc. (p. 46)
- Designated 5%, or \$69,880 of Transportation Fund revenue for sidewalk repair (p. 57)
- Updated all personnel sections to reflect distribution of \$140,377 to fund Pay Matrix, including 1% bonus pool
- Updated all employee health insurance line items by 7% to fund City’s share of cost increase
- Added \$75,000 to Police Dept. budget for additional pay raises and payroll-related benefits (p. 18)
- Designated use of \$234,582 of FY 2018 GF surplus to balance FY 2019 GF budget (p. 6)

RAP Tax Fund (p. 50)

- Revised RAP Tax revenue estimate downward, from \$423,000 to \$414,000, and corresponding reductions in the expenditure section for the 85/5/5/5 % distribution. The other half of the funding needed for the Parks Master Plan, or \$7500, will come from the TBD 5% (contingency).

Parks Capital Improvement Fund (p. 56)

- Revised estimate for park impact fees: assume 55 multi-family units and 10 homes, or 65 X \$2869 = \$186,485
- Reduced transfer from RAP Tax Fund from \$367,550 to \$359,900 (i.e. 85% of revised RAP Tax revenue estimate above + 100% of interest earned)
- Added \$306,262 in grant funds, assuming half of the funds flowing through to City (after deduction of State’s admin fee) are spent in FY 2019
- Assumed \$644,762 spent on IV Park Phase 1 during FY 2019 (\$306,262 in grant funds plus half of the City’s Phase 1 contribution, or \$338,500)
- Assume \$50,000 for pavilion (in Phase III) is spent in FY 2019
- Added \$158,785 to Capital Projects line to represent the difference between “total revenue” and budgeted expenditures identified above

Transportation Fund (p. 57)

- Designated 5% of total revenues, or \$69,880, for sidewalk repairs (also have \$25,000 in GF Streets budget for sidewalk grinding on p. 28)

Water Fund (p. 61/62) and Drainage Utility Fund (p. 64)

- Personnel lines adjusted per the Pay Matrix and 7% increase in health insurance
- GF Admin Service Charge amount increased per revised spreadsheet
- Capital projects “plug” number reduced to offset for increases above

Whitaker Museum Fund (p. 68)

- Transfer from GF increased from \$40,152 to \$43,765 to make up for earlier mistake in calculating the amount needed, plus to cover pay raise and related benefits
- Reduced 5% transfer from RAP Tax Fund from \$21,150 to \$20,700 to reflect reduction in RAP Tax revenue estimate
- Added brochures and laptop accessories to equipment/projects detail and amount (Tentative Budget already showed \$2400 in unrestricted fund balance to offset this—coming from FY 18 anticipated surplus and prior years surplus)

CC: ST



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 2, 2018

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

Mayor Clark Wilkinson
Centerville City
250 North Main
Centerville, UT 84014

Dear Mayor Wilkinson,

Each year, the Administrative Office of the Courts is required to provide a salary range for justice court judges to each local government with a justice court. Section 78A-7-206 of the Utah Code allows each city or county to set the salary of its full-time justice court judge(s) between 50% and 90% of the annual salary of a district court judge. Effective July 1, 2018, the annual salary of a district court judge is \$166,300. As such, statute requires the salary of a full-time justice court judge to be between \$83,150 and \$149,670.

For courts with part-time judges, this range is reduced in proportion to the judge's workload. This year, the workload for the Centerville Justice Court was calculated by the Administrative Office of the Courts to be 0.45, or 45% of the workload of a full-time justice court judge. As such, the salary range for the Centerville Justice Court Judge is \$37,417.50 to \$67,351.50.

FY 2018 salary = \$45,737 (Res. No. 2017-12) + retirement contribution

In addition to the foregoing parameters, please consider the following when determining the actual salary of your judge.

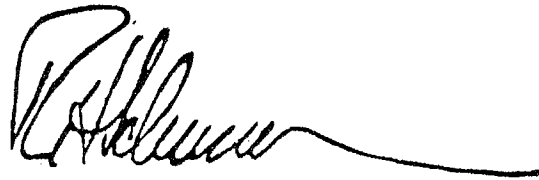
- The range merely provides baseline salary parameters for your judge. Salaries should reflect the experience, tenure as a judge and the vast array of services he or she provides to the community.
- Statute requires that each judge receive an annual salary adjustment at least equal to the average adjustment for all county or municipal employees in the jurisdiction served by that judge.
- Despite fluctuations in workload, the Utah State Constitution does not permit a judge's salary to be reduced during his or her terms in office.
- Those employed as a justice court judge by more than one jurisdiction may not receive a combined salary for services as a judge that exceeds \$166,300.

In addition to providing salary ranges each year for justice court judges, the Administrative Office of the Courts is required to review the annual compensation of each justice court judge. **Pursuant**

to Section 78A-7-207(3) of the Utah Code please provide documentation in the form of a resolution or correspondence on official letterhead which establishes the current salary of the judge in your justice court, together with the amount he or she will be making as of July 1, 2018. Please note that complying with this statute is a prerequisite for ongoing certification.

This salary information should be emailed to Melisse Stiglich at melisses@utcourts.gov no later than Friday, May 11, 2018. If you have any questions regarding the calculation of the judicial workload, the determination of the judge's salary or the annual review of salary data, please contact Ms. Stiglich at (801) 578-3844. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Schwermer', with a long horizontal flourish extending to the right.

Richard H. Schwermer
State Court Administrator

cc: Honorable Judge David Miller

Reference: UCA §78A-7-206
UCA §78A-7-207

Steve Thacker

From: Steve Thacker
Sent: Friday, June 16, 2017 1:17 PM
To: David Miller
Subject: Justice Court Judge Salary Recommendation

Hello Judge Miller:

Assuming the City Council approves next week my recommendation regarding the pay matrix percentages, Mayor Cutler and I will be recommending a 3% pay raise for you based on the guidelines of state law, which indicate you are to receive a pay raise that is at least equal to the pay raise for other employees. As I have explained in the past, I have interpreted this to mean equal to at least the *average* pay raise given to other employees. My recommended percentages in the pay matrix for employees deserving the upper end of the "merit" category fall between 4% for employees at the low end of their pay range and 2% at the upper end of their pay range. Therefore, I am using 3% as the average of the pay raises that employees in the merit category will receive. Thus the basis for recommending a 3% pay raise for you.

If the City Council does not accept my pay matrix recommendations, then this may affect the recommendation for you, so the recommendation above is tentative based on the Council's decision about the pay matrix. Based on their reaction to the pay matrix in the work session earlier this week, I anticipate they will be supportive, but I can't be sure until they actually approve the Salary Administration Guidelines for FY 2018.

Please let me know if you have concerns or questions about this recommendation.

Best Regards,
Steve Thacker
City Manager

Council: This was last year's recommendation.
Since the Pay Matrix percentages are the same
this year, I recommend 3% again for the Judge.

Steve Thacker
6/5/18

CENTERVILLE CITY COUNCIL MEETING

Tuesday, June 5, 2019
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Rick Bingham

Jim Higbee

NICK SMITH

Bruce Cox

** 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.