Minutes of the Centerville **City Council** meeting held Tuesday, January 15, 2013 at 7:03 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Ronald G. Russell
Council Members	Justin Y. Allen (excused at 9:40 p.m.) Ken S. Averett John T. Higginson Sherri Lyn Lindstrom Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Jacob Smith, Management Assistant Katie Rust, Recording Secretary
VISITORS	Paul Cutler, City UIA Representative Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Mayor Ronald Russell

OPEN SESSION

Ben Horsley – Mr. Horsley, representing the Jennie P. Stewart Elementary School Community Council, brought the school's SNAP plan, regarding safe walking routes, to the Council's attention. The Community Council has a number of concerns, mainly pertaining to the intersection of Chase Lane and 400 West. He referred to a traffic study done in January of 2010 which indicated that the intersection did not have a lot of pedestrian traffic. Mr. Horsley suggested that January is the wrong time to conduct such a study with the cold weather. The Community Council requests the City study the issue again to ensure the safety of children walking to and from school. Mr. Horsley requested a formal response from the Council. He stated that approximately 100 children use the intersection on a regular school day. The Community Council is interested in continuing discussions with the City to resolve the safety concerns. Councilman Wright thanked Mr. Horsley for bringing the matter to the Council's attention. He feels the Council should put the matter on a future agenda. Mr. Horsley stated he recognizes the cost burden to the City, but feels there are many possible solutions, many of which would be fairly simple. Pauline Bowen, also a member of the Stewart Community Council, feels that promises were made at a previous meeting that were not followed-through. Mayor Russell expressed the City would be willing to look at the issue again. Steve Thacker, City Manager, stated he would be willing to meet with them and report back to the Council.

Neil Lish – Mr. Lish thanked Steve Thacker and Cory Snyder for the time they have spent meeting with him. A neighbor has complained to the City about a fence on his property. Before installing the fence Mr. Lish called the Community Development Office to learn the ordinance requirements regarding residential property fences. He complied with the information he was given when he installed his six-foot fence. Due to insufficient communication between Mr. Lish and staff, Mr. Lish did not realize the last panel of the fence should not be more than four feet tall. Mr. Lish feels his neighbor's complaint is frivolous. He feels good government does not enforce by complaint – it requires universal compliance or changes the ordinance. He has noticed many other properties with fences in violation of the regulations and does not think it is fair to single-out one property owner because of a complaint. He asked why he should comply when others are not required to comply. He feels if he is going to be fined he cannot turn a blind eye to others not in compliance. Mr. Lish asked the Council to send the ordinance to the Planning Commission for review. He does not think it would be appropriate to require him to pay a $250 fee to have the ordinance reviewed when it is a city-wide problem. He asked the Council to be proactive and fair. Councilman Wright feels the case involves multiple issues, and stated he is an advocate of more stringent code enforcement than is currently in place. Mr. Thacker reported he has met with Mr. Lish and explained his options. Mr. Lish would not have gone to the expense of buying as much fencing as he did if he had known about the 25-foot setback requirement. Mr. Lish said he would leave the matter with the Council to review and see if there is a better option than cutting the last panel of his fence down to four feet.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the December 18, 2012 Council meeting were reviewed. Councilman Wright made a **motion** to approve the minutes. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

a. Commence warranty period for Abe Millet site plan located at 2138 North Frontage Road
b. Amendment to City Fee Schedule re: Sex Offender Registry Fees – Consider Resolution No. 2013-01
c. Accept proposal from Lewis Young Robertson Burningham for preparation of:
   1) Culinary Water System Impact Fee Facilities Plan/Impact Fee Analysis
   2) Storm Water Comprehensive Financial Sustainability Plan and Impact Fee Facilities Plan/Impact Fee Analysis

Councilman Wright requested the Council discuss item (b) on the Summary Action Calendar separately. Councilman Allen made a **motion** to approve items (a) and (c) on the Summary Action Calendar: (a) commence the warranty period for the Abe Millet site plan located at 2138 North Frontage Road; and (c) accept the proposal from Lewis Young Robertson Burningham for preparation of (1) Culinary Water System Impact Fee Facilities Plan/Impact Fee Analysis and (2) Storm Water Comprehensive Financial Sustainability Plan and Impact Fee Facilities Plan/Impact Fee Analysis. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

Referring to item (b) on the Summary Action Calendar, Councilman Wright asked how much the City pays to service the Sex Offender Registry per offender. Lisa Romney, City Attorney, explained the City does not conduct the testing, just collects the samples. The cost to the City is approximately one hour of police officer time. The City is allowed by the State to recoup up to $25. Councilman Wright made a **motion** to approve item (b) on the Summary Action Calendar and accept Resolution No. 2013-01, amending the Centerville City Fee

Schedule regarding Sex Offender Registry Fees. Councilman Averett seconded the motion, which passed by unanimous vote (5-0).

ZONE MAP AMENDMENT ON PROPERTY LOCATED AT THE FRONTAGE ROAD AND LUND LANE FROM A-L TO R-L – WOOD PARK SUBDIVISION (TABLED FROM DECEMBER 4 MEETING)

Mayor Russell stated that a public hearing regarding the Zone Map Amendment occurred on November 20, 2012. Cory Snyder, Community Development Director, explained that the General Plan is not the only guide when considering a rezone, but it should be given weighty consideration. In Centerville, the General Plan is adopted by ordinance. A General Plan can be adopted by resolution or by ordinance. In Mr. Snyder's opinion, a resolution specifies the City's desires and wants as a type of "wish-list." Decisions adopted by ordinance are taken a little more serious, and compliance is expected. The General Plan should heavily weigh in the Council's decision. The majority of the Planning Commission voted that the application for Zone Map Amendment is in accordance with the intent of the General Plan. The property located at the Frontage Road and Lund Lane is currently zoned Agricultural-Low (A-L). The application would rezone it to Residential-Low (R-L). R-L to A-L is an appropriate jump from one zone to another, consistent with the land-use hierarchy in the General Plan. According to the General Plan property is considered rural if it is five acres or more. The idea that a half acre plot is still rural is not consistent with the General Plan. The neighborhood land use plan states that the base density of the neighborhood is four units per acre. The density of an R-L Zone is four units per acre, so the rezone request remains consistent with the General Plan. Staff feels a planned PDO should be considered in conjunction with a rezone request. The Planning Commission sent only the rezone request to the Council for consideration.

Mr. Snyder reported how the proposed development would blend in with the surrounding areas. Farmington has already moved toward low-density single-family housing on the other side of Lund Lane. The property in question is not geographically far from other developed neighborhoods. It is considered a transition area, not a preservation area. New development is transitional in nature. The property is not currently in good shape. It is low-grade pasture land, and is not ideal for agriculture. Staff does not feel changing the zone would change the character of the area.

Addressing the question of the adequacy of facilities, Mr. Snyder stated that utilities are available, and roads in the area can handle development (in fact, the development would finish out its share of the Frontage Road and Lund Lane). There are missing links to the sidewalk system in the area, with the least amount missing on the Frontage Road. Randy Randall, Public Works Director, has indicated that temporary sidewalks could be added if necessary. The distance to the elementary school is three quarters of a mile. In Mr. Snyder's opinion, at that distance most parents would drive their children to school. He does not feel the lack of sidewalk qualifies as inadequate facilities, since sidewalk is built one project at a time in the natural development process. Subsurface drainage is studied and resolved at the time of development. Surface water is a big issue on the property. There is a choke point under the Union Pacific/UTA corridor which creates back-up. Lone Pine Creek adds to the problem with spring run-off. According to the FEMA map, surface water does not flow from the property in question onto adjoining properties. A minimum 24-inch pipe would need to be installed under the railroad tracks to handle the high flows in the spring and make the property useable. A 36-inch pipe would be ideal and would greatly benefit the vicinity. Staff recommends that, if the project is approved, the developer pay for the 24-inch pipe and the City upgrade it to a 36-inch pipe. The

36-inch pipe would be a substantial cost, but Mr. Snyder feels that allowing a PDO and partnering with the developer would be beneficial. The City has a greater chance of influencing development with a PDO than with a simple rezone. The Council could deny the request to rezone based on insufficient facilities, but the drainage problem exists whether the property develops in ½ acre lots under A-L or at a higher density under R-L. Staff recommends the Council remand the issue back to the Planning Commission with the request that the PDO be considered with the rezone request, to enable or incentivize a better project.

Councilman Higginson suggested Centerville ask Farmington to share in the cost of the larger culvert since the nearby Farmington area would benefit from reducing the flood plain. There is a portion of the property in question that is not in the FEMA flood plain. Mayor Russell agreed with the staff recommendation to remand the matter back to the Planning Commission. Councilman Wright made a **motion** to remand this matter back to the Planning Commission to have them forward a recommendation regarding the R-L/PDO Rezone and Plan that has been tabled at their level of review, before making any decision regarding rezoning the property, and directing the developer and staff to review, prepare, and provide the suggested concepts found in the staff report to address the lack of adequate drainage infrastructure, before making any decision regarding rezoning the property. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

To prevent any misunderstanding, Mr. Snyder informed the Council and those present of activity that will soon happen on the property that is not dependent on the proposed development. The developer has requested a grading permit from the City and the owner has agreed to allow an amount of fill to be stored on the Woods property, not within the FEMA flood plain. The fill will be placed in a pattern that will continue to allow water to flow on the property.

The Council took a short recess at 8:02 p.m. and reconvened again at 8:10 p.m.

PUBLIC HEARING RE: ADOPTING PARK IMPACT FEE FACILITIES PLAN, PARK IMPACT FEE ANALYSIS AND REVISED PARK IMPACT FEE – CONSIDERATION OF ORDINANCE NO. 2013-01

Mayor Russell opened a public hearing for the purpose of public comment regarding the Park Impact Fee Facilities Plan, Park Impact Fee Analysis and proposed Ordinance No. 2013-01 at 8:11 p.m. Seeing no one who wished to comment the Mayor closed the public hearing.

City Manager Thacker suggested setting the Park Impact Fee at an even amount, rounding down to $2,057 from the maximum allowed amount of $2,057.61 stated in the Ordinance. Ms. Romney recommended the Council adopt the Ordinance with the maximum amount specified, and later approve a Resolution that will set the Fee at the even amount on the Fee Schedule. Councilwoman Lindstrom made **motion** to adopt Ordinance No. 2013-01 adopting a Park Impact Fee Facilities Plan and a written Park Impact Fee Analysis; amending and enacting Park Impact Fees; and establishing a service area for purposes of the Park Impact Fees. Councilman Wright seconded the motion. Councilman Allen applauded staff for an excellent job making sure the City is compliant with State law. The motion passed by unanimous vote (5-0).

REVIEW/APPROVE CONCEPT REPORT REQUESTING FUNDING TO WIDEN FRONTAGE ROAD TO ACCOMMODATE STANDARD BIKE LANES

Steve Thacker reported that his original cost estimate to widen the Frontage Road to accommodate standard bike lanes that was stated in the letter of intent falls short of the project cost estimated using the Federal Government's formula. Using the Federal Government's formula, the City's investment in the project as a match is estimated at $171,350. Considering the City's current need for street maintenance funds, Mr. Thacker does not recommend spending $171,000 to widen the Frontage Road for standard bike lanes. However, the application has already been prepared and Mr. Thacker recommends the City submit the application with the assumption that it would most likely not be selected. The City could then submit again at a later time, knowing that repeat applications may have a higher chance of being selected. Councilman Wright expressed hesitation to submit an application for a project that he could not support at this time. Mr. Thacker explained the City could back out if it is selected, but he does not expect it to be selected this year. Councilwoman Lindstrom supports submitting the application, and asked if the City could approach local biking associations to help fund the project. Steve Thacker confirmed that the local match could come from sources other than the City. Mayor Russell feels it would be beneficial to submit the application since the work is already done. If the application is approved at some point, the City would have the option to go to the community for help with the match. Councilwoman Lindstrom's support is based on the number of individuals who bike on the Frontage Road and a desire for the City to be multi-mobile. She feels there should be a spirit of cooperation with Farmington and the trails they have put in place. She feels it helps the City's property values to have these type of activities supported. Councilwoman Lindstrom made a **motion** directing staff to submit the application. Councilman Allen seconded the motion, which passed by majority vote (4-1), with Councilman Wright dissenting.

CELL PHONE POLICY – CONSIDERATION OF RESOLUTION NO. 2013-02

The City's personnel policies do not currently include guidance on the personal use of cell phones or on reimbursement for personal cell phones used for City business. Jacob Smith, Management Assistant, explained Resolution No. 2013-02, which specifies that personal cell phone use is to be kept to a minimum during City business hours, and establishes which employees are eligible for a City-owned cell phone or a reimbursement for a personal phone. The Resolution was drafted strictly following IRS cell phone policies and regulations, and will be included in the City Employee Handbook. Councilman Wright made a **motion** to adopt Resolution No. 2013-02 enacting Section 7.075 of Chapter 7 of the City's Policies and Procedures adopting a City Cell Phone Policy. Councilman Averett seconded the motion, which passed by unanimous vote (5-0). The actual amounts of reimbursement will be based on an administrative policy yet to be drafted by the City Manager.

DISCUSS USE OF TECHNOLOGY FOR COUNCIL MEETINGS AND CITY ATTORNEY GUIDELINES FOR DECISION MAKING

At previous meetings both Councilman Wright and Councilman Allen expressed a desire to discuss possible use of technology for Council meetings. Steve Thacker asked the Council what they would want to accomplish conceptually – the ability to view Council documents and information electronically, or a desire to truly go "paperless." Blaine Lutz explained some of the options he has researched, including the possibility of building monitors into the Council dais for use at meetings. Councilman Wright feels it would be a waste of money to modify the dais. He likes the idea of each Council member having their own devise, perhaps receiving a stipend from the City. He also likes the idea of a "cloud-based" format that could be accessed from any device. Councilman Averett expressed a concern about a lack of space on dais for the devises. Councilman Averett also said it would be important to him to be able to make notes and mark-up the digital versions. Mr. Lutz thinks some of the options would have that capability. Councilman Allen does not think it would take long to recoup the cost when compared to materials and staff time spent compiling and distributing packets. He suggested Evernote as an option that would allow note taking in the digital format. Councilwoman Lindstrom said she would need tutorials, and she appreciates staff wanting to step back and take a better look at the options. She likes the idea of providing a stipend. Councilman Higginson commented that the large binder can be inconvenient, and he supports going paperless in consideration of staff time. Staff agreed to continue looking at the options available. Councilman Averett asked how Council members would get their mail before Council meetings if the packets were not physically delivered. He suggested staff forward the Council's mail in time to receive it before meetings.

Regarding Planning Commission agendas and packets, Ms. Romney recommends the Council members receive a copy of the agendas by email. If there is an item on the agenda that Council members would like more information on they can request full reports from staff. She feels it is important for Council members to have Planning Commission information when considering some issues. The Council supports streamlining the Planning Commission information they receive. Councilwoman Lindstrom and Councilmen Allen and Wright expressed a desire to receive the full Planning Commission packets in PDF format.

Lisa Romney asked the Council for feedback regarding an information sheet she put together regarding Zone Map amendment decision-making procedures and factors. The Council indicated their approval. Lisa will prepare similar documents as guidelines for other land use/development approval decisions.

FINANCIAL REPORT

Blaine Lutz presented a financial report for the period ending December 31, 2012.

MAYOR'S REPORT

- CenterPoint Legacy Theatre now has more than 7,000 season ticket holders, which means over 50% of tickets for every show are already sold. The Board is considering a different format for future seasons, offering fewer shows with more performances of each show. Mr. Lutz commented the facility is an asset to the community.
- Centerville officials do not feel the formula determining the distribution of UTOPIA operating expenses should be changed at this time.
- Plans for the 4th of July celebration are moving forward.
- Mayor Russell reported on a proposal that would allow for the creation of a separate Fire taxing district.

APPOINTMENTS

- Mayor Russell recommended Councilman Higginson be appointed Mayor Pro Tem for the coming year. Councilman Allen made a **motion** to appoint Councilman

Higginson Mayor Pro Tem for 2013. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

- The City needs to appoint a new UIA representative. Mayor Russell nominated himself for that appointment. Councilman Allen made a **motion** to approve Resolution 2013-04, appointing Mayor Russell as the City UIA Representative. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0). The Council expressed appreciation to Paul Cutler for his service as the UIA Representative.
- Paul Cutler stated that Blaine Lutz is appreciated on the UTOPIA Finance Committee. Mayor Russell recommended that Blaine Lutz continue on the UTOPIA Board. Mr. Lutz suggested he and the Mayor serve as alternates for each other so that they can attend meetings for each other when necessary. Councilman Wright feels right now UTOPIA is operating with dysfunctional governance. Councilman Averett feels Councilman Wright has some good ideas about business management and asked Councilman Wright if he would be willing to serve on the UTOPIA Board. Councilman Wright indicated he would be willing. Paul Cutler agreed that UTOPIA has a focus problem. He feels Councilman Wright could do a lot of good on the Board in the long-term. In the short-term, he feels the Mayor will be an asset on the UIA Board, and that a member of City staff should attend the UTOPIA Board meetings, with or without a Council member. A member of City staff needs to be closely involved. Councilman Allen stated he is only willing to support a Council member on the Board if the Council member is willing to promote the majority opinion of the Council. Councilman Averett understands the need to have Blaine on the UTOPIA Board while financing discussions and decisions occur.
- Mayor Russell recommended Councilman Higginson serve on the Mosquito Abatement District Board. Councilwoman Lindstrom made a **motion** to approve Resolution 2013-03, appointing Councilman Higginson to the Mosquito Abatement District Board. Councilman Allen seconded the motion, which passed by unanimous vote (5-0).

CITY MANAGER'S REPORT

- Mr. Thacker reported on the progress of the water well project. The desired amount of water has not been reached at 650 feet. Staff recommend the Council authorize drilling another 50 feet for a cost of approximately $15,000. The cost of developing the well is already in the contract. Councilman Wright asked if a probe could be sent down before major drilling continues. Mr. Thacker suspects that would not be practical. Councilman Higginson suggested staff find out if it would be possible. Council members Allen, Lindstrom, and Higginson indicated they supported moving forward with drilling an additional 50 feet. Councilman Allen was excused from the meeting at 9:40 p.m.
- Ms. Romney reported the Petition for Declaratory Judgment has been prepared and served regarding the Chase Lane dangerous buildings enforcement. Staff will continue to keep the Council informed.
- Mr. Thacker provided the Council with a six-month Code Enforcement Report.
- Mr. Thacker stated he and other members of staff met with Brett Slater and Rex Harris of UDOT Region One regarding the Parrish Lane/Main Street intersection project. The Buy America Act requires the steel used in the project be produced in America. Rocky Mountain Power is not in a position to comply with that right now. UDOT directors are working with Rocky Mountain Power to try to convince them to

amend their policies and procedures to comply. Staff will wait another month or two to see if the problem can be resolved. If resolved, the full-scope of the project could move forward, most likely next year. Another option would be to complete the original scope of the project, which does not involve relocation of power poles. UDOT will continue with the acquisition of property on the south side of the intersection, but will not proceed with the acquisition of property from homeowners on the north side at this time.

- The Centerville Police Department has received grants for equipment from multiple sources.

MISCELLANEOUS

- Council members should inform staff if they plan to attend Local Official's Day at the State Legislature.
- The annual Community Foundation meeting will be held on the third Tuesday in March (later it was learned this meeting is to be held on the first Tuesday in March).

ADJOURNMENT

At 9:54 p.m. Councilman Averett made a **motion** to adjourn the meeting and move to a meeting of the RDA. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow
Marsha L. Morrow, City Recorder

2-5-2013
Date Approved

Katie Rust
Katie Rust, Recording Secretary

CENTERVILLE CITY CORPORATE

(1)

CENTERVILLE CITY COUNCIL MEETING

Tuesday, Jan 15, 2013
7:00 p.m.

NAME (PLEASE PRINT)	ADDRESS**
Cindi Garlick	2164 N Frontage Rd
NEIL LISH	478 E. 1200 N.
Cherie Lish	" " "
BSA Troop 1200 Centerville	
Brent Garlick	2164 N. Frontage Rd
Pauline Bowen	1168 Peachtree
BEN HORSLEY	1613 N 400 W
PAUL CUTLER	1872 N. MAIN
BRIAN Hunt	544 E Powell ave
SANDY HUNT	544 E Powell Ave
[illegible]	
GAYLENE JACKSON	193 W. 1250 N
Brian Githens	244 W 1325 N

** 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.