

Council meeting when the construction of the "V" was initially approved, as well as a copy of a Use Permit issued by the City dated July 30, 1973 relating to this project. There is no other staff report in the packet. Bryce Trump believes he can secure sufficient funding for this project from alumni and other sources so the City would not be asked to contribute.

- E.4. **Minutes Review and Acceptance** – The minutes to be approved are enclosed. With the Mayor's permission I have moved minutes to this later point in the agenda because I anticipate there may be considerable discussion about these two sets of minutes.
- E.5. **Mayor's Report** – Mayor Russell may wish to report on a few matters.
- E.6. **City Manager's Report** – I will propose a new date for the work session for the Water System Impact Fee Facilities Plan/Analysis. I may also hand out copies of the draft of that document if I am comfortable with it after my own review. You would then have a couple of weeks to review it prior to the work session.
- E.7. **Miscellaneous Business** – At this time I have not identified any specific matters under this heading.
- E.8. **Closed meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.
- E.9. **Appointments to City boards, committees, etc.** – Mayor Russell may recommend appointments to boards or committees.

Potential Agenda Items for July 16 regular City Council Meetings (subject to change):

- Work session re Culinary Water Impact Fee Facilities Plan/Analysis
- Approve Park Pavilion Policies and Reservation Application
- Approve UTA Rail Corridor Agreement for D&RGW Trail
- RDA meeting
- Adopt Centerville Barnard Creek Project Plan Area
- Approve Interlocal Agreement re Barnard Creek CDA
- Consider ordinance prohibiting the feeding of deer in Centerville
- NovusAgenda training

mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, JULY 2, 2013 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: www.centervilleut.net.

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

7:00 **A. ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT – Councilman Ken Averett

7:05 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

E. BUSINESS

7:05 1. Public hearing – Legacy Crossing Development at corner of Parrish Lane and 1250 West – Lot 4 – Reapproval of Final Subdivision Plat

7:10 2. Public hearing – Code Text Amendment – Signs in Parrish Gateway Area – Consideration of amending the Zoning Ordinance, Section 12-54-120(b)(4), Signs in Parrish Lane Gateway Commercial District; to alter allowances and restrictions for the use of freeway-oriented signs – Consider Ordinance No. 2013-08

7:40 3. Proposal to rehabilitate "V" on mountainside

(OVER)

- 7:55 4. **MINUTES REVIEW AND ACCEPTANCE** – June 11, 2013 budget work session; June 19, 2013 meeting
- 8:00 5. Mayor's Report
- 8:05 6. City Manager's Report
 a. Schedule work session for Water System Impact Fee Facilities Plan/Analysis
- 8:10 7. Miscellaneous Business
- 8:15 8. Closed meeting, if necessary, for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.
- 8:15 9. Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

Minutes of the Centerville City Council **work session** held Tuesday, June 11, 2013 at 8:36 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Ronald G. Russell

Council Members Justin Y. Allen
Ken Averett
John T. Higginson
Sherri Lyn Lindstrom
Lawrence Wright

STAFF PRESENT

Steve Thacker, City Manager
Katie Rust, Recording Secretary

FY 2013-2014 BUDGET WORK SESSION

Revisions to Tentative Budget line items recommended by staff or Council

Staff has identified several possible reductions to Tentative Budget line items. Elevator maintenance will occur quarterly rather than monthly. Councilman Averett suggested a protocol requiring maintenance contracts over a certain dollar value be rebid every year or two. A portion of the Emergency Management budget can be funded from grant money rather than the General Fund. Steve Thacker, City Manager, explained the property tax revenue estimate will be reduced based on the County certified rate. Mr. Thacker also suggested moving the \$10,000 for the Centennial Book into the Contingency Account, based on the Council's earlier decision to not budget a specific amount at this time for the Book project. If an increase in the Fire District assessment occurs mid-fiscal year, the additional amount could be drawn from the Contingency Account.

Whitaker Museum Budget

Mayor Russell recommended the Council shift the \$5,800 set aside for projects in the Whitaker Museum budget to the amount for a director salary, and add additional funds for the director salary to bring the amount to \$15,000 or \$16,000. Councilman Wright stated he would like to see the Whitaker Museum budget funded at the level the Board requested. In the interest of reducing expenses to fully fund the Museum budget, Councilman Wright suggested looking at eliminating the City newsletter, and stated he wonders if the City needs such a robust recreation program.

Councilman Wright indicated disapproval that the UTOPIA operating assessment was paid in FY 2013 despite the fact that UTOPIA did not implement a Baldrige or similar program, which he feels was a condition of the motion to be complied with before payment. Council members Lindstrom, Allen, and Higginson indicated they did not feel it was the intent of the condition of the motion to withhold payment pending compliance. They recognize there were operating expenses that needed to be paid. No time limit was placed on the condition. Councilman Wright feels City Manager Thacker was operating outside of the limits set by the Council when he paid the operating assessment in FY 2013. Mr. Thacker responded that he presented the Council's condition to the UIA Board and the city managers, and reported back to the City Council. The first assessment statement arrived from UIA shortly after the motion was

1 made. There had not been time to comply with the condition. With no specific time limit placed
2 on the condition, Mr. Thacker was put in a difficult position. Council members Lindstrom, Allen,
3 and Higginson do not feel Mr. Thacker was acting against the Council's wishes when he paid
4 the assessment in FY 2013. Councilman Wright feels Mr. Thacker acted counter to how the
5 Council voted. Councilman Allen countered that the right course of action was not clear.
6 Councilman Higginson stated that UTOPIA could not have acted overnight to adopt the Baldrige
7 Criteria. The point of the motion he made on February 5, 2013 was to send the message that
8 the Council wanted them to become more streamlined, with a plan in place. Councilman
9 Higginson said the problem is that Centerville only represents 3% of the vote and does not
10 control the decisions made. The purpose of the condition in his motion was to show that
11 Centerville will not be pushed around, but will be a team player.

12
13 Bringing the discussion back to the Whitaker Museum budget, Councilman Averett
14 stated he feels the question is whether or not the Council wants to fund the Museum to the level
15 requested by the Board and take that money from somewhere else in the budget. Councilman
16 Averett supports the Tentative Budget amount for the Museum as prepared by Mr. Thacker.
17 Mayor Russell stated it is easier to raise funds for projects than for salaries, and again
18 suggested the Council shift funds from the project line to the director salary line. A professional
19 director would be able to submit grant applications and raise funds to cover the project costs.
20 Mr. Thacker commented he does not think too much weight should be placed on the individual
21 amounts specified for each item in the Museum budget, and suggested the Board be allowed to
22 allocate the funds as they see fit. Councilman Averett stated he is fine with the Board using the
23 funds as they see fit as long as they do not come back asking for more to cover operating
24 expenses later in the year. Councilwoman Lindstrom voiced the concern that it is difficult to
25 scale back a position after taking it to a certain point. The Mayor commented the director salary
26 is viewed by the Museum Board as a validation of what they have done, and they feel it is
27 impractical to expect all the work to continue on a volunteer basis. Mayor Russell feels it is
28 worth giving the Board support -giving them something more than is in the Tentative Budget but
29 something less than they are asking for. Steve Thacker feels it is important to hold the director
30 position to less than 20 hours to avoid added benefit costs. Councilwoman Lindstrom and the
31 Mayor agreed. Councilwoman Lindstrom would like the Board to have enough money to have a
32 shot at being successful. She has concerns about the Council going all out and then not
33 wanting to sustain that level of funding over time. There are citizens who feel the director
34 position should remain voluntary. She does not agree with adding a new position for \$20,000,
35 and not giving raises to long-term City employees. Councilwoman Lindstrom could support the
36 Mayor's suggestion, but agrees with Councilman Averett that if all of the money in the Museum
37 budget goes into paying a director, she would not want the Board to come back later asking for
38 more.

39
40 Councilman Allen asked how much the City pays the Mayor each month, and was
41 informed by staff the Mayor is paid \$1,000 per month. Councilman Higginson feels the Board is
42 doing a great job and his initial reaction was to want to give them the additional funding. He
43 stated the only thing that has caused him to rethink, has been the fact that the Whitaker
44 Museum budget is the only thing Councilman Wright has wanted to fully fund. He feels
45 Councilman Wright has pushed back on everything the Council has discussed in the budget
46 except the Whitaker Museum budget. It has prompted him to look closer. Councilman Wright
47 commented that only one person has come to the meetings and commented against, yet many
48 have spoken in favor of funding a Museum director. Councilman Wright feels the requested
49 \$20,000 has already been scaled back from what the Board would like, and suggested more
50 would be required to fully fund a director position.
51

1 Councilwoman Lindstrom stated the City has already put a lot of money into the
2 Whitaker Museum. Councilman Allen suggested the Council fund the director position at \$1,000
3 per month this year and look at it again next year. Councilman Wright stated the Board is more
4 informed regarding the Museum than the Council and he feels Councilman Allen's suggestion
5 throws out their work and experience. Councilman Allen responded that it is a new program,
6 and he does not feel comfortable putting more into a director position than the Mayor is paid.
7 He would like to see another year of the program before discussing additional compensation.
8 Mayor Russell repeated his suggestion to add the \$5,800 set aside for projects to the \$8,000 in
9 the Tentative Budget for the director salary, and add a little more to bring it to around \$15,000.
10 The Council and staff discussed hourly rates and hours per week to arrive at a reasonable
11 salary. Mr. Thacker feels the position is comparable to the skills and experience necessary for
12 the City's Recreation Coordinator, which has a beginning salary of a little below \$16 an hour.
13 Mayor Russell suggested \$20 an hour and 15 hours a week, which equals around \$15,000 or
14 \$16,000. The Museum Board has expressed the opinion that that would not be enough to
15 attract someone with the right qualifications, but the Mayor feels they could try. Councilman
16 Higginson stated he likes people to govern themselves, and does not like micromanaging. He
17 would like to give the Board more autonomy, not necessarily giving them the full \$20,000, but he
18 thinks \$1,000 per month is not enough. He would like to show support, with some scrutiny, and
19 is comfortable with making around \$15,000 available for a director. Councilman Wright stated if
20 the Council approves between \$17,000 and \$19,000 he believes the Board could make it work.
21 Councilman Averett could support adding the \$5,800 to the \$8,000 already allocated for the
22 director. Councilman Wright agrees with Councilman Higginson about giving the Board the
23 responsibility, and feels the Council should give them the money they have asked for.
24 Councilwoman Lindstrom commented that new police officers are hired at a little over \$17 per
25 hour, and they put their life on the line for every citizen in the community. She has a hard time
26 supporting more than that amount for a Museum director. Mr. Thacker proposed adding the
27 \$8,000 already allocated for a director, the \$5,800 allocated for projects and an additional
28 infusion of \$2,700, for a director salary of \$15,000 (\$16,500 including payroll related costs).
29 Council members Averett, Lindstrom, and Allen supported the suggestion. Councilman
30 Higginson stated he would like a little more.

31 32 UTOPIA Operating Assessment 33

34 Councilman Wright does not feel the UIA operating assessment is a bill the City is
35 required to pay. He believes the City Attorney stated the City is not legally required to pay the
36 operating assessment. Mayor Russell responded that the City Attorney said the legal
37 responsibility to pay is unclear. Councilman Wright feels Mr. Thacker should not have treated
38 the assessment as a bill that had to be paid. Councilman Wright does not think assessing more
39 from the cities is the appropriate way to handle operating expenses. Councilwoman Lindstrom
40 reminded the Council that the UIA Board chose to assess the operating expenses from the
41 cities when the State Legislature scrutinized and criticized the practice of paying operating
42 expenses with bond money. Councilman Wright feels the motion made on February 5, 2013
43 clearly required UTOPIA to adopt the Baldrige or similar program prior to the City's payment of
44 the operating assessment. Councilman Wright feels UTOPIA has no accountability or metrics to
45 measure performance. Councilman Allen stated UTOPIA and the UIA Board already have
46 efficiency processes in place. Mr. Thacker added that they have significantly reduced
47 expenses.

1 Councilman Wright stated the City Manager has a responsibility to uphold decisions made by
2 the Council. He does not personally believe that happened in this case, and he intends to
3 pursue it. He feels the Proposed Budget does not reflect decisions made by Council. Mayor
4 Russell reminded Councilman Wright that the Proposed Budget is a recommendation made by
5 the City Manager, which the Council can alter and change. Councilman Wright will oppose the
6 \$163,000 for UTOPIA operating expenses until there is more visibility and metrics to measure
7 performance. He does not have faith that Mr. Thacker will make sure UTOPIA adopts the
8 Baldrige Criteria as a condition of payment. Mr. Thacker explained the timeline and process
9 involved with the operating assessment for the last five months of FY 2013. He also reminded
10 the Council that he reported to them after his conversation with the city managers regarding the
11 Council's condition that the Baldrige or similar program be implemented. The city managers
12 were not in favor of initiating the Baldrige process at that time. It was Mr. Thacker's perception
13 that paying the 3.5% version of the assessment for the remaining months of FY 2013 would be
14 in accordance with the Council's intent, realizing the Council would discuss this matter again
15 before appropriating funding for this purpose in the FY 2014 Budget. Mayor Russell stated he
16 believes the City is obligated to pay the money assessed by the UIA Board. Councilman
17 Higginson agreed. Councilman Allen does not feel it is required. He believes the Council can
18 choose to be difficult and not pay. Councilman Wright wants to change the culture at UTOPIA
19 that looks at appropriation as the first line of defense. Mr. Thacker stated he knows UTOPIA
20 spent months scrutinizing expenses and lowering them. Councilman Wright knows they looked
21 at costs, but did not look at anything that drove performance. Councilman Wright wants to know
22 their business plan. He wants to stop the group-think, and wants experts to put together a
23 business theory that will work.

24
25 Councilwoman Lindstrom stated it is possible the Council members have heard
26 Councilman Wright talk about this several times and still don't agree with him. She
27 acknowledged that there is some logic in what Councilman Wright is saying, but she does not
28 feel the operating assessment is the place to fight the battle. She has regard for what UTOPIA
29 has already scrutinized, and she has regard for the Legislature's request that operating
30 expenses not be paid with bond money. She is tired of having the same discussion over and
31 over again. Councilman Allen agreed that this conversation has happened many times. He
32 believes the UIA Board has looked at ways to move ahead in the future. He does not believe
33 they are ignorant that change is needed. They have gone to the effort to be as lean as possible.
34 Councilman Allen has seen a strategic plan that analyzes many different options. Mayor
35 Russell stated the current plan is to build in areas that are most likely to generate the most
36 revenue so that the operating assessment can be eliminated. Operating costs are dropping
37 each month, and the plan is having the intended effect. Councilman Allen feels that if the
38 Council wants to have an impact with the Board they will be more effective if they cooperate.
39 Councilman Averett believes UTOPIA has indicated they are open to the idea of adopting the
40 Baldrige program, and does not feel the operating assessment is the place to fight that fight. He
41 feels the Council has sent the message, and whether or not UTOPIA chooses to adopt it is their
42 choice. Councilman Averett does not view the assessment as a bill, and feels that this Council
43 or any future Council could choose to not fund UTOPIA at all. He feels staff needs to follow the
44 direction of the Council. Councilman Allen agrees. He does not remember a timeline being
45 attached to the condition regarding when a plan would have to be put in place in order for the
46 City to pay the money. The motion was not specific.

47
48 The \$163,000 assessment is listed in the Tentative Budget as coming from the General
49 Fund balance or reserves. Mr. Thacker is optimistic that City revenues will increase and add to
50 the General Fund balance to help offset the expense. Councilmen Wright and Averett indicated

1 opposition for the assessment, and Council members Lindstrom, Allen, and Higginson indicated
2 a vote in support. Councilman Higginson views it to be a legal obligation because in the
3 Agreement approved by the Council they agreed to pay annual dues and working capital
4 assessments. Councilman Wright feels the line in the Agreement stating "subject to City's
5 budget" means the City is not obligated. Councilman Allen agrees, but feels UTOPIA could
6 impose consequences for not cooperating. Councilman Higginson pointed out the City paid less
7 than the amount assessed for the last five months of FY 2013. In UTOPIA's books the City is
8 still liable for the full assessment. Councilman Higginson approves of paying the assessment
9 contingent upon it being a loan. It is important to do what the City can to make UTOPIA
10 successful. It would be far worse than paying the assessment if UTOPIA were to fail.

11 12 Employee Compensation

13
14 At the end of the last discussion regarding employee compensation there was majority
15 support for a 2% increase and another 0.5% increase for the bonus pool. Councilman Averett
16 stated he is in favor of 1.5% increases plus the 0.5% for the bonus pool. Councilman Allen
17 stated he is fine with the 2% plus 0.5%, which is already scaled back from the original proposal.
18 Councilwoman Lindstrom is comfortable with 2% plus 0.5% considering the changes in
19 employee insurance benefits. The City's contribution to retirement has gone up to stabilize the
20 State Retirement Fund, but the retirement benefits have not increased for individual employees.
21 Councilman Higginson pointed out the proposed amount is less than the average, and he
22 supports the 2% and 0.5%, to compensate for the insurance benefit changes. City Manager
23 Thacker will tell employees at an upcoming meeting that there is tentative majority Council
24 support for the 2% and 0.5%, but a vote has not yet occurred. The Justice Court Judge would
25 be eligible for the 2% increase.

26 27 ADJOURNMENT

28
29 The work session was adjourned at 10:00 p.m. The Council will meet next on
30 Wednesday, June 19, 2013.
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36 _____
37 Marsha L. Morrow, City Recorder
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Date Approved

Katie Rust, Recording Secretary

Preliminary Draft

Minutes of the Centerville City Council meeting held Tuesday, June 19, 2013 at 7:00 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Council Members	Ronald G. Russell, Mayor
	Justin Y. Allen
	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
Katie Rust, Recording Secretary

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Councilman Justin Y. Allen

CENTERVILLE YOUTH CITY COUNCIL

Lisa Summers, Youth City Council Advisor, introduced the members of the Youth City Council for 2013-2014, who were then sworn in by Judge David Miller. The 2013-2014 Youth City Council members are:

Joe Moore	Jenna Lewis
Jens Fillmore	Valerie Beer
Eli Bangerter	Brittany McDonald
Jeremiah Moore	Brenna Wilkensen
Jordan Hawkes	Melissa Arnold
Jacob Garn	Emma Kimball
Rachel Creer	Melissa Noble

OPEN SESSION

Jared Eschler – Mr. Eschler asked when the Chase Lane construction would be completed. Mr. Thacker responded the west end of the construction is scheduled to be completed by July 4th, and the remaining work to be completed by the middle of July.

MINUTES REVIEW AND APPROVAL

The minutes of the April 30, 2013 work session, the June 4, 2013 Budget work session, the June 4, 2013 Council meeting, and the June 4, 2013 closed meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve all four sets of minutes. Councilman Allen seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

- a. Commence warranty period for Legacy Crossing Apartments
- b. Terminate warranty period for Legacy Crossing Theater

Councilman Wright made a **motion** to adopt the Summary Action Calendar, commencing the warranty period for Legacy Crossing Apartments, and terminating the warranty period for Legacy Crossing Theater. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

FY 2013 BUDGET (CURRENT FISCAL YEAR)

Blaine Lutz, Finance Director, presented a Financial Report for the 11-month period ending May 31, 2013. Mr. Lutz predicts revenues and expenditures will be fairly close to budgeted amounts at the end of the fiscal year. Councilman Wright asked about UTOPIA payments, and Mr. Lutz responded UTOPIA payments (i.e., debt service) are recorded under the Capital Projects Fund. Mr. Lutz explained the proposed Budget Amendments – a \$40,000 revenue increase for development related fees, and expenditure adjustments in the total amount of \$40,000.

Mayor Russell referenced a discussion held during the June 11, 2013 Budget work session regarding the intent of Resolution No. 2013-06. The Mayor proposed Resolution No. 2013-16, drafted by the City Attorney, to clarify the intent of the majority of the Council and amend Resolution No. 2013-06, stating:

UTOPIA is encouraged to initiate the Baldrige program methods and/or a similar program; however, payment of the City's UTOPIA assessments shall not be conditioned upon UTOPIA implementing such a program and shall not be considered a pre-condition of payment of the assessments by the City.

At 7:27 p.m. Mayor Russell opened a public hearing regarding the FY 2013 Budget Amendments.

Rick Bingham – Mr. Bingham stated he was present when the Council discussed Resolution No. 2013-06. It is his recollection that payment of the UTOPIA operating assessment was contingent upon UTOPIA meeting the three criteria. He feels the use of taxpayer dollars merits the same respect that a bank demands of citizens regarding loan contracts. He feels the City should enter into a formal contract with UTOPIA establishing terms and conditions upon which tax dollars will be loaned to offset the operational shortfall.

George McEwan – Mr. McEwan asked if a lease option was considered for the new police vehicles listed on the budget, and questioned the need to purchase the 20 new firearms for the Police Department in the budget. Mr. McEwan seconded Mr. Bingham's comments, stating he feels the proposed Resolution No. 2013-16 makes the behavior of an errant child who does not know how to stay within a budget acceptable. He knows there are members of the Council who have recommended not giving any more money to UTOPIA. He would recommend not giving any more money until they can agree to a measurable criteria to show tax payers how the money is being spent. He encouraged the Council to reject the Resolution and go with the original language of the motion.

Bruce Smith – Mr. Smith works at Hill Air Force Base and has had the opportunity to work closely with the Malcolm Baldrige Criteria. He is a witness to the effectiveness of the Baldrige Criteria. He applauded the Council for the language of the original motion. His impression of the motion made in February was that payment of the operating assessment was contingent upon UTOPIA embracing the tool that he knows can cause great things to happen. The addition of the new language in Resolution No. 2013-16 is a total departure, in his opinion, from the original intention to cause good things to happen. He believes any proactive company would embrace the Malcolm Baldrige Criteria. He knows it takes time to initiate, inaugurate, and sustain the Malcolm Baldrige Criteria, but he is a witness that in the long-term the benefits and cost savings to our citizens will be substantially better. He encouraged the Council to leave the original intent of the decision made in February.

Harry Haycock – Mr. Haycock feels a municipality paying the operating expenses of any company is shaky. He feels the City is not on the hook for operating costs, and stated he would let UTOPIA fail. He feels UTOPIA should be allowed to stand or fall on its own. He feels the City should cut its losses and quit putting money into UTOPIA. Regarding the Police Department, he asked if the possibility of joining forces with the County and eliminating the Centerville Police Department has been examined. He suggested it would be a way to help pay for the UTOPIA mess the City is in.

The public hearing was closed at 7:38 p.m.

Resolution No. 2013-12 Councilwoman Lindstrom made a **motion** to adopt Resolution No. 2013-12 amending the Fiscal Year 2013 Budget of Funds and Accounts for Centerville City, and giving an effective date of June 19, 2013. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0). Responding to comments made in the public hearing, City Manager Thacker stated that lease purchases for police vehicles have been examined from time to time and been found to not be the most cost-effective purchase arrangement. He also mentioned the Police Chief has said that police agencies use a 10-year replacement standard for firearms to ensure maximum reliability.

Resolution No. 2013-16 Mayor Russell reported that he and Councilman Wright spent time with UTOPIA staff discussing the Baldrige Criteria, and that UTOPIA staff seemed supportive of heading down that road. However, implementation would require UTOPIA Board action. The UTOPIA Board is made up of representatives of eleven different cities, each with their own interests. The Mayor will be meeting with Board members over the next several weeks, but the change will not happen immediately.

Councilman Wright pointed out that the Council discussed the conditions in the motion at great length on February 5th. He feels the intent was clearly articulated in Resolution No. 2013-06, which states "initiate", not "implement". Initiation of the Baldrige or similar program was a condition of payment of the operating assessment. The Council again discussed the wording of the Resolution on March 5th. Councilman Wright read the three conditions as they are stated in Resolution No. 2013-06. Councilman Wright is of the opinion that City Manager Thacker acted against the decision of the Council when he paid the operating assessment in FY 2013, since the Baldrige or similar program had not been initiated. Councilman Wright stated that the credibility of the City Council is conditioned on the City staff carrying out the decisions of the Council. If staff is permitted to put their judgment above the decisions of the Council, Councilman Wright questions what will prevent it from happening again in the future. He feels staff should have asked for clarification regarding the intent during one of the Council discussions of the matter. Councilman Wright feels Resolution No. 2013-16 is a validation of

1 behavior that he does not believe was appropriate. Councilman Wright stated he views it as a
2 mistake he would expect from an intern, not a seasoned city manager.

3
4 Councilman Higginson stated he is disappointed that Councilman Wright is questioning
5 the character of a staff member in the meeting. He does not think it is appropriate. If the
6 majority of the Council feels Mr. Thacker made an incorrect judgment call, the Council can take
7 action. He does not think Mr. Thacker made a wrong decision. It was not Councilman
8 Higginson's intent when he made the original motion to withhold payment based on the Baldrige
9 program being in action. He feels it would be silly to consider withholding payment until a
10 program is initiated because of the length of time it takes to initiate. The intent was to make
11 things happen. UTOPIA asked for a larger amount in the assessment than the City Council
12 agreed to pay. Councilman Higginson feels the language of Resolution No. 2013-06 is
13 ambiguous. If he had been in Mr. Thacker's place, he would have made the same decision.
14 Councilman Higginson wishes Centerville were not part of UTOPIA, but he believes it is in the
15 City's best interest at this point to help UTOPIA succeed. He does not believe Steve Thacker is
16 trying to act against the wishes of the Council. Councilman Higginson is in support of
17 Resolution No. 2013-16 because it is in line with what he intended with the original motion.

18
19 Councilman Allen stated he is not surprised that different Council members could
20 interpret the same motion differently. His intent in voting in favor of the motion made on
21 February 5th was similar to Councilman Higginson's. He wants UTOPIA to continue, and
22 believes it is unfair to suggest that UTOPIA has not done any strategic planning and is not
23 seeking for efficiencies. He wants to encourage UTOPIA and work with them to continue
24 strategic planning and increase efficiency. Councilman Allen remains comfortable with the
25 original wording of the motion. However, he feels the new resolution is necessary because one
26 member of the Council misunderstood the intent of fellow Council members. He stated it is
27 important to clarify the intent of the other members of the majority vote. He expressed concern
28 with the apparent fixation on the Baldrige Criteria and feels there are probably other programs
29 with a shorter term that would achieve the same result. He is glad to hear that UTOPIA staff is
30 taking the concept seriously. Councilman Allen is disappointed in Councilman Wright, and feels
31 the tone of his accusation against Mr. Thacker is inappropriate. He might expect such behavior
32 from a new Council member, but after serving on the Council with Councilman Wright for six
33 years, Councilman Allen is not surprised by what he considers an amateur move from
34 Councilman Wright. Councilman Allen supports Resolution No. 2013-16 100%, and supports
35 Steve Thacker 100%.

36
37 Councilwoman Lindstrom stated she never got the impression in the discussion on
38 February 5th that it was the Council's intent to withhold payment. She feels if withholding
39 payment had been the intent those words would have been very specific. Councilwoman
40 Lindstrom does not believe the intent was to withhold payment, and she supports Resolution
41 No. 2013-16.

42
43 Councilman Averett did not vote in support of the original motion. In five years on the
44 Council he has never voted in favor of giving money to UTOPIA. Unlike his fellow Council
45 members, he believes the City should stop funding UTOPIA. He does not believe the "loans"
46 will be repaid. He will not be voting in favor of Resolution No. 2013-16. However, he did not
47 leave the meeting on February 5th thinking that payment was contingent upon implementation.
48 He came away from the meeting thinking it was a recommendation rather than requirement, but
49 in reviewing the minutes he admits that it looks like a requirement. If it was not a requirement,
50 he questions why it was worded that way and why the minutes were approved that way.
51

1 Mayor Russell stated that, based on the discussion in the June 11 work session, it was
2 clear that one Council member had a different view of the intent of Resolution No. 2013-06 than
3 the others. His purpose in proposing Resolution No. 2013-16 is to clearly state the intent. He
4 stated it is not fair to give staff mixed signals and separate intents, and then criticize them for
5 acting in accordance with what they understood.

6
7 Councilman Allen made a **motion** to approve Resolution No. 2013-16 clarifying and
8 amending conditions of approval for the Fiscal Year 2012-2013 Budget of Funds and Accounts
9 for Centerville City regarding transfer of funds for UTOPIA operating assessments.
10 Councilwoman Lindstrom seconded the motion. Councilman Higginson stated Resolution No.
11 2013-16 does not change the intention of his original motion. The motion was passed by
12 majority vote (3-2), with Council members Allen, Higginson, and Lindstrom in favor, and
13 Councilmen Averett and Wright dissenting. Mayor Russell commented that he has known Steve
14 Thacker for a long time and feels he is one of the finest people he knows. He is confident Mr.
15 Thacker was doing what he felt the Council had asked him to do. Councilman Averett stated
16 that his dissenting vote does not reflect support for the implications against Mr. Thacker.
17 Councilman Averett believes Mr. Thacker was doing what he believed the Council had asked
18 him to do. He does not question Mr. Thacker's integrity.

19
20 **FY 2014 BUDGET ADOPTION**

21
22 **Resolution No. 2013-13** Blaine Lutz explained that the State Tax Commission and
23 Davis County have set the Certified Tax Rate for Tax Year 2013 slightly lower than the previous
24 year. This indicates that the overall value of existing property in the City has increased,
25 resulting in a lower Certified Tax Rate. Councilwoman Lindstrom made a **motion** to adopt
26 Resolution No. 2013-13 setting the 2013 Tax Rate for the General Fund for Centerville City.
27 Councilman Allen seconded the motion, which passed by unanimous vote (5-0).

28
29 **Ordinance No. 2013-07** Regarding the funding for pay raises, the pay ranges in the
30 Salary Administration Guidelines have been adjusted to reflect the 1.5% "market adjustment"
31 proposed at a previous work session. Councilman Higginson asked Mr. Thacker how much less
32 is in the current version of the Budget compared with the original recommended amount in the
33 General Fund. City Manager Thacker responded it is a difference of \$16,000. Councilman
34 Wright stated he feels City employees provide a valuable service to the City and deserve good
35 compensation, but he is concerned that employee compensation has been the top agenda item
36 at each of the Budget work sessions. Councilman Wright cannot support the Ordinance
37 because he feels it should be put in perspective, and feels the needs of the City should be
38 looked at first. He repeated a comment from a previous meeting that he knows employees of
39 the School District are not getting pay raises. He is concerned that the focus has been on
40 employee salaries ahead of basic infrastructure. Mr. Thacker responded that the School District
41 still has merit steps and lane changes, so to say there are no pay increases at the School
42 District is not a correct statement. Councilman Wright said his wife works for the School District
43 and they recently had a meeting where they announced they would not be able to give anyone a
44 pay raise. He is not in favor of across-the-board pay raises according to the matrix in the
45 Guidelines, and repeated that he is concerned that pay raises have been put ahead of basic
46 infrastructure. Councilman Higginson countered that the Whitaker Museum has been discussed
47 more than employee compensation. Councilman Higginson is not saying the Museum should
48 not have been discussed, because it is important. He is saying the things they talked about the
49 most were those that demanded the most attention. Councilman Wright does not like that the
50 first thing on the agenda was always employee compensation. Councilman Higginson stated
51 that being the first item on the agenda does not necessarily mean it is the most important item.

1 Councilman Wright stated he does not like that a property tax increase is still listed in the
2 Council packet as a recommendation from the City Manager. Councilman Allen pointed out that
3 the Council already considered the recommendation and made the decision to not enact a
4 property tax increase at this time. Councilman Higginson added that the Council has pushed
5 back from the original employee compensation recommendation, and he feels a good
6 compromise has been reached considering the changes to the health insurance plan.
7 Recommendations in the Tentative Budget are discussed by the Council until a majority
8 decision is reached.
9

10 Councilman Allen made a **motion** to adopt Ordinance No. 2013-07 adopting a
11 compensation plan for employees, including appointed employees. Councilwoman Lindstrom
12 seconded the motion, which passed by majority vote (4-1), with Councilman Wright dissenting.
13

14 **Resolution No. 2013-14** Under State Law the Justice Court Judge receives an
15 average of the compensation increase received by employees in the City. Councilman Allen
16 made a **motion** to adopt Resolution No. 2013-14 approving compensation for the Justice Court
17 Judge. Councilwoman Lindstrom seconded the motion, which passed by majority vote (4-1),
18 with Councilman Wright dissenting.
19

20 **Additional Budget Issues** Mr. Lutz explained recommended changes to the FY 2014
21 Tentative Budget for the General Fund, which reflect a revenue decrease of \$3,880 and an
22 expenditure decrease of \$3,880. Mr. Thacker emphasized that the only General Fund change
23 affecting the Whitaker Museum Budget is an additional transfer of \$2,700 as discussed at the
24 June 11 work session. Mr. Thacker also explained the staff recommendation that Resolution
25 No. 2013-15 include the condition that the UTOPIA operating assessment payments will be
26 considered a loan to UTOPIA, in harmony with the resolution passed by the UIA Board
27 expressing the same position. Councilman Wright asked if it includes interest accruing until the
28 amount is paid back, and if there are any conditions on default if they do not pay it back. He
29 also asked if there is a period of time in which they are required to return the payments. Mr.
30 Lutz responded that interest begins accruing upon payment by the cities to UTOPIA, but no time
31 period has been placed regarding paying back the loans. Councilman Wright stated he cannot
32 imagine anyone giving a loan under those conditions. Councilman Higginson asked if there is
33 any precedent for cities placing a time restriction on such loans. Mayor Russell stated that once
34 the operating expenses are being fully covered by revenues, the UIA operating assessment
35 payments will be repaid. Mr. Lutz stated there is a big commitment from UTOPIA and its staff to
36 reduce expenses. Mr. Thacker explained to citizens in attendance that there has always been
37 an operating subsidy for UTOPIA, originally coming from bond proceeds and recently shifting to
38 the cities as a result of a Legislative audit in 2012. Staff and the Council discussed how to word
39 the loan condition in the Resolution.
40

41 **Resolution No. 2013-15** Councilman Allen made a **motion** to adopt Resolution No.
42 2013-15 adopting the FY 2014 Budget of Funds and Accounts for Centerville City, including the
43 language necessary on the UTOPIA matter related to the loan provisions as a new Section 2:
44 "the transfer and allocation of funds to UTOPIA for operating assessments as provided in the
45 Budget shall be deemed a loan to UTOPIA and will be repaid to the City." Councilwoman
46 Lindstrom seconded the motion, which passed by majority vote (3-2), with Council members
47 Allen, Higginson, and Lindstrom voting in favor, and Councilmen Averett and Wright dissenting.
48

Resolution No. 2013-17 Blaine Lutz explained that the recommended fee increases are intended to keep the funds on a stable basis. Councilwoman Lindstrom made a **motion** to adopt Resolution No. 2013-17 amending the Centerville City Fee Schedule regarding solid waste, recycling and green waste. Councilman Allen seconded the motion, which passed by unanimous vote (5-0).

The Council took a brief recess at 8:44 p.m. and returned at 8:48 p.m.

RDA MEETING

At 8:48 p.m. Councilman Allen made a **motion** to move into a meeting of the Redevelopment Agency of Centerville. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0). In attendance were: Ronald G. Russell, Chair; John T. Higginson, Vice-Chair; Directors Allen, Averett, Lindstrom, and Wright; Steve Thacker, RDA Executive Director; Blaine Lutz, Finance Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

The Council returned to regular meeting at 8:51 p.m.

UPDATE REGARDING 2013 LEGISLATION AFFECTING CITIES

Lisa Romney, City Attorney, updated the Council regarding 2013 Legislation affecting cities.

MAYOR'S REPORT

- Mayor Russell and Councilman Wright met with UTOPIA staff regarding the Baldrige Criteria. The Mayor will be working with both the UTOPIA Board and the UIA Board to move forward with a management review process.
- The Fire District Board is proceeding with the process to select a new fire chief.
- Mayor Russell reported to the Council that the North Legacy Corridor process is moving forward.

CITY MANAGER'S REPORT

A work session regarding the Culinary Water Impact Fee Facilities Plan/Analysis is scheduled for July 2, 2013.

MISCELLANEOUS BUSINESS

A "Meet the Candidates Night" has been proposed for October 8, 2013. Councilman Wright asked if holding a similar meeting prior to the primary election has been considered. Mr. Thacker responded it has been considered in the past, but it is difficult to keep the meeting to an hour and a half with a large number of candidates involved. Councilman Allen suggested the possibility of an open house at City Hall prior to the primary election where interested citizens could meet and discuss with candidates. Mr. Thacker expressed his opinion that not many citizens would attend that type of event in July. The newsletter being distributed to citizens next week will include the names of candidates and refer readers to the City's website for candidate statements.

ADJOURNMENT

At 9:15 p.m. Councilman Allen made a **motion** to adjourn the Council meeting.
Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

#1

**CITY COUNCIL TRANSMITTAL REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**

DATE: JUNE 27, 2013

TO: STEVE THACKER, CITY MANAGER

FROM: CORY SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

APPLICANT/OWNER: U.S. DEVELOPMENT
C/O CRAIG WIDMIER
1513 NORTH HILLFIELD ROAD #2
LAYTON, UTAH 84041

PROPERTY: LOT #4 OF THE LEGACY CROSSING AT PARRISH LANE
DEVELOPMENT

ZONING: COMMERCIAL VERY-HIGH/PLANNED DEVELOPMENT
(C-VH/PD)

APPLICATION: (REAPPROVAL) FINAL SUBDIVISION PLAT AND PLANS

RECOMMENDATION: APPROVAL OF THE PROPOSED SUBDIVISION

BACKGROUND

The developer of the Legacy Crossing at Parrish Lane desires to re-subdivide Lot 4 of their development. Lot 4 would be divided into four lots. Additionally, the Planning Commission has also approved a master final site plan for the entire proposed subdivision.

PLANNING COMMISSION RECOMMENDATION

On October 10, 2012, the Planning Commission recommended to the City Council to approve the final subdivision plat and plans for re-subdividing Lot 4 of the Legacy Crossing at Parrish Lane, subject to the following conditions:

1. Lot 4 shall be subdivided into Lots 401-405 following the final plat dated September 28, 2012.
2. The city engineer and attorney shall recommend the appropriate mechanism to ensure that the detention pond lot is adequately protected for its perpetual use for the entire Legacy Crossing project. Developer shall comply with the recommendations and provide appropriate documentation for the detention issues prior to recording the final plat.
3. A bond shall be assessed and posted to the City by the applicant for public improvements prior to recording the final plat.
4. The final plat shall be approved by the City Council and recorded at the Davis County Recorder's Office prior to the issuance of a building permit.

5. The applicant shall work with all utility companies in regard to the placement of lines, cables and pipes.
6. The applicant shall continue to work with the City Engineer in regard to all drainage and engineering issues relating to all onsite improvements, throughout the construction process.
7. All professional service fees and applicable development fees shall be paid.
8. The detention pond/basin shall all be in one parcel, not part of Lot 401 and the final plat shall be revised to show this change.

Reasons for the Action (Findings):

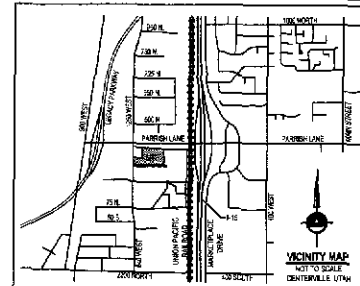
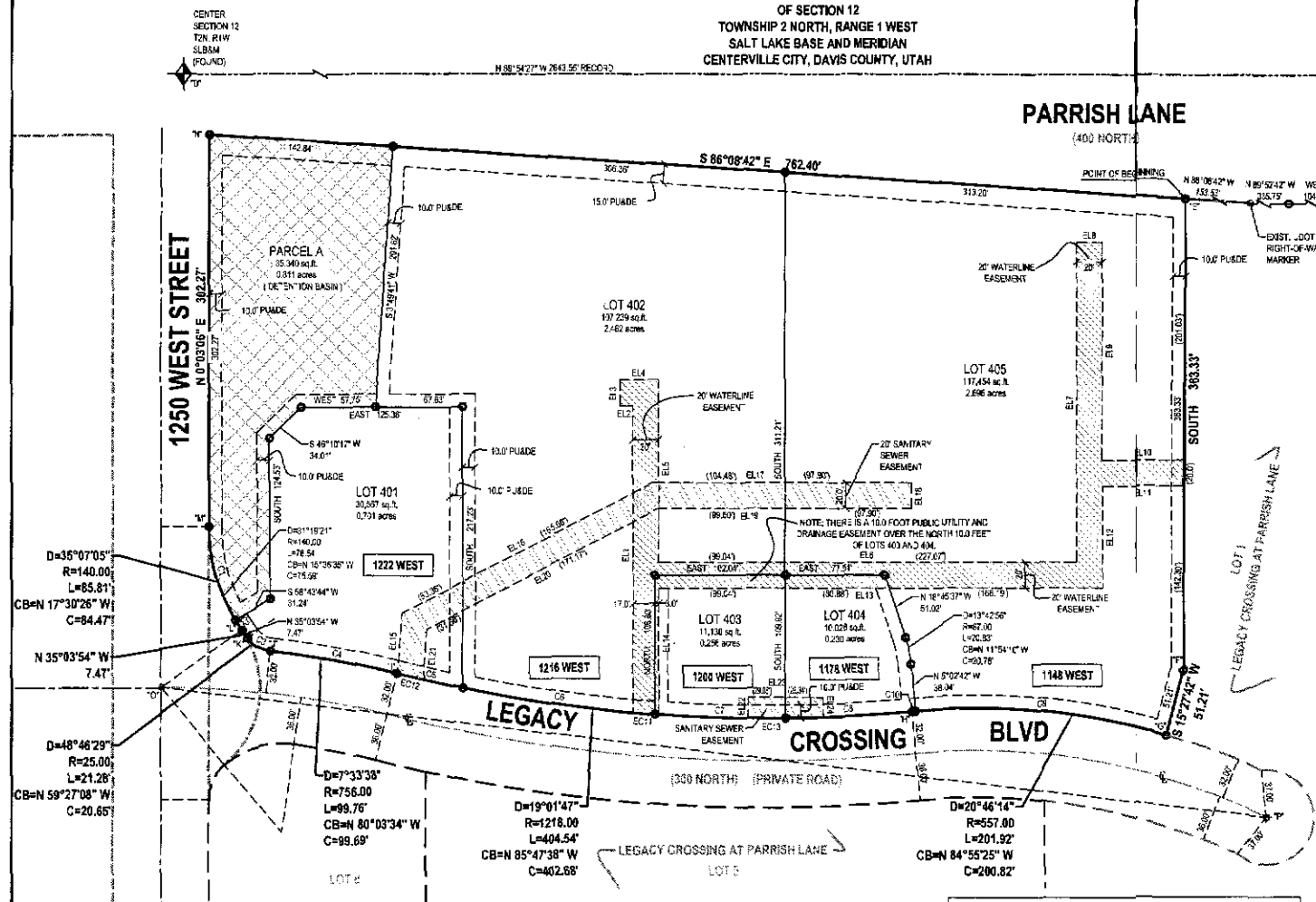
- a) The preliminary plat and final plat follow the approvals and design of the conceptual subdivision acceptance [March 28, 2012].
- b) The preliminary and final plat applications and submittals follow the criteria and regulations of the Subdivision Ordinance [Chapter 15-3, Chapter 15-4].
- c) The approved subdivision of Lot 4 appears to be in harmony with the Development Agreement [September 28, 2010].

Planning Commission Vote (7-0):

Commissioner	Yes	No	Not Present
Fillmore (Chair)	X		
Holman	X		
Markham	X		
Kjar	X		
Merrill	X		
Holbrook	X		
Randall	X		

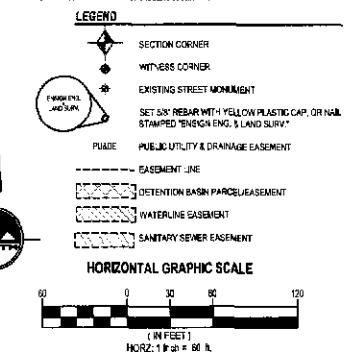
LEGACY CROSSING AT PARRISH LANE LOT 4 AMENDED

AMENDING LOT 4 OF LEGACY CROSSING AT PARRISH LANE
LOCATED IN THE SOUTHEAST QUARTER
OF SECTION 12
TOWNSHIP 2 NORTH, RANGE 1 WEST
SALT LAKE BASE AND MERIDIAN
CENTREVILLE CITY, DAVIS COUNTY, UTAH



GENERAL NOTES:

1. ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE LABELED PLU-1 AND ARE 10' WIDE UNLESS OTHERWISE NOTED.
2. UTILITIES SHALL MAINTAIN THE DEPT. OF PUBLIC UTILITIES RECORDS AND SHALL MAINTAIN THE DEPT. OF PUBLIC UTILITIES RECORDS AND SHALL MAINTAIN THE DEPT. OF PUBLIC UTILITIES RECORDS.
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10. THE DEPT. OF PUBLIC UTILITIES RECORDS SHALL MAINTAIN THE DEPT. OF PUBLIC UTILITIES RECORDS AND SHALL MAINTAIN THE DEPT. OF PUBLIC UTILITIES RECORDS.



CURVE TABLE						
CURVE #	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	76.54	43.00	38.25	75.59	N 35°53'59" W	311°50'21"
C2	9.27	43.00	4.64	9.27	N 33°15'57" W	314°47'44"
C3	21.26	25.00	11.33	20.85	S 89°27'06" E	48°46'29"
C4	96.76	756.00	49.36	96.68	N 80°03'34" W	7°53'39"
C5	52.50	1216.00	26.27	52.53	S 77°36'53" E	2°29'19"
C6	150.81	1216.00	75.55	150.82	S 82°11'59" E	7°05'37"
C7	102.12	1216.00	51.03	102.06	S 68°15'04" E	4°48'13"
C8	98.97	1216.00	49.51	98.95	N 67°01'03" E	41°59'21"
C9	180.35	557.00	90.78	180.29	N 94°47'39" W	20°50'24"
C10	2.57	557.00	1.28	2.57	S 64°48'23" E	0°15'50"

EASEMENT LINE TABLE		
LINE #	LENGTH	DIRECTION
EL1	236.45	N 0°30'00" E
EL2	10.00	N 90°00'00" W
EL3	20.20	N 0°00'00" E
EL4	30.00	N 90°00'00" W
EL5	140.94	N 0°00'00" E
EL6	326.11	N 90°30'00" E
EL7	248.47	N 0°00'00" E
EL8	20.00	N 90°00'00" E
EL9	167.41	S 0°00'00" E
EL10	85.43	N 90°00'00" E

EASEMENT LINE TABLE		
LINE #	LENGTH	DIRECTION
EL11	65.43	N 90°00'00" W
EL12	75.06	N 0°00'00" E
EL13	348.11	N 90°00'00" W
EL14	97.07	S 0°00'00" E
EL15	46.82	S 3°35'48" W
EL16	219.02	N 62°33'05" E
EL17	232.35	N 90°00'00" E
EL18	20.00	N 0°00'00" E
EL19	197.50	N 90°00'00" E
EL20	202.93	N 62°33'05" E

EASEMENT LINE TABLE		
LINE #	LENGTH	DIRECTION
EL21	38.89	S 3°35'48" W
EL22	13.78	S 0°43'28" E
EL23	58.42	N 90°00'00" E
EL24	15.10	N 2°03'25" W

US
DA
1515 NORTH
LAYT

DAVIS COUNTY COORDINATES TABLE					
POINT	NORTHING	EASTING	NORTHING	EASTING	UTM ZONE
A	112,825.23	112,825.23	112,825.23	112,825.23	11N
B	112,825.23	112,825.23	112,825.23	112,825.23	11N
C	112,825.23	112,825.23	112,825.23	112,825.23	11N
D	112,825.23	112,825.23	112,825.23	112,825.23	11N
E	112,825.23	112,825.23	112,825.23	112,825.23	11N
F	112,825.23	112,825.23	112,825.23	112,825.23	11N
G	112,825.23	112,825.23	112,825.23	112,825.23	11N
H	112,825.23	112,825.23	112,825.23	112,825.23	11N

NOTE: THE BASIS OF BEARING IS THE WITNESS CORNER WEST OF THE SOUTHEAST CORNER TO THE CENTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. N 43° 41' 54" W 3671.48' RECORD 3671.70' MEASURED.

EASEMENT CURVE TABLE					
CURVE #	LENGTH	RADIUS	TANGENT	CHORD	BEARING
EC1	20.08	218.00	10.03	20.06	S 85° 31' 03" E
EC2	20.26	1216.00	10.14	20.26	S 79° 49' 19" E
EC3	35.18	1216.00	25.59	35.17	N 69° 19' 57" E



DEVELOPER
US DEVELOPMENT
DAN BRIDENSTINE
1515 NORTH HILLFIELD ROAD, SUITE 2
LAYTON, UTAH 84041
801-544-3443

PLANNING COMMISSION
RECOMMENDED FOR APPROVAL
ON THIS _____ DAY OF _____, 20____

CENTREVILLE CITY ENGINEER
RECOMMENDED FOR APPROVAL
ON THIS _____ DAY OF _____, 20____

CENTREVILLE CITY ATTORNEY
RECOMMENDED FOR APPROVAL
ON THIS _____ DAY OF _____, 20____

CENTREVILLE CITY COUNCIL APPROVAL
PRESENTED TO THE CITY COUNCIL OF CENTREVILLE, UTAH
THIS _____ DAY OF _____, 20____ AT WHICH
TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

CITY RECORDER ATTEST
MAYOR

SURVEYOR'S CERTIFICATE
I, KEVIN S. GARN, do hereby certify that I am a Licensed Land Surveyor, and that I have surveyed the above described land, and that the same has been correctly surveyed and staked on the ground as shown on this plat. (I further certify that all this plat contains are true and correct copies of the original survey records.)

BOUNDARY DESCRIPTION
Beginning at the Northwest Corner of Lot 1, Legacy Crossing at Parrish Lane, said point being North 0° 35' 37" West 2356.54 feet along the north line to an angle point in the north line of Lot 1, Legacy Crossing at Parrish Lane and North 89° 02' 42" West 336.75 feet along the north line to an angle point in the north line of Lot 1, Legacy Crossing at Parrish Lane and North 89° 02' 42" West 153.33 feet along the north line of Lot 1, Legacy Crossing at Parrish Lane from the Southeast Corner Section 12, Township 2 North, Range 1 West, Salt Lake Base and Meridian, said point of beginning also being on the south line of Parrish Lane, and running thence South 353.33 feet along the west line to an angle point in the west line of Lot 1, Legacy Crossing at Parrish Lane, thence South 15° 27' 42" West 51.21 feet along the west line to the Southeast Corner of Lot 1, Legacy Crossing at Parrish Lane, said point being on the north line of Legacy Crossing Boulevard; thence West 251.52 feet along the arc of a 557.00 foot radius curve to the left, (center bears South 15° 27' 42" West and long chord bears North 84° 55' 25" West 300.02 feet, with a central angle of 22° 48' 14") along the north line of Legacy Crossing Boulevard; thence West 46.54 feet along the arc of a 1216.00 foot radius curve to the right, (center bears North 5° 19' 32" West and long chord bears North 85° 47' 39" West 402.08 feet, with a central angle of 19° 14' 17") along the north line of Legacy Crossing Boulevard; thence West 180.78 feet along the arc of a 756.00 foot radius curve to the left, (center bears South 15° 45' 16" West and long chord bears North 80° 03' 34" West 96.36 feet, with a central angle of 7° 53' 38") along the north line of Legacy Crossing Boulevard; thence West 21.26 feet along the arc of a 25.00 foot radius curve to the right, (center bears North 6° 15' 37" East and long chord bears North 59° 27' 08" West 20.85 feet, with a central angle of 48° 46' 25") along the north line of Legacy Crossing Boulevard to the east line of 1250 West Street; thence North 35° 03' 54" West 7.47 feet along the east line of 1250 West Street; thence North 85° 31' 03" West 7.47 feet along the east line of 1250 West Street; thence North 17° 30' 26" West 9.27 feet, with a central angle of 35° 10' 26" along the east line of 1250 West Street; thence North 33° 10' 26" West 30.27 feet along the east line of 1250 West Street to the south line of Parrish Lane; thence South 85° 08' 42" East 752.40 feet along the south line of Parrish Lane to the point of beginning.

Contains 311.44 square feet, 7.187 acres, 5 lots, 1 Parcel.

Date: June 21, 2013
Kevin S. Garn
License No. 164386

OWNER'S DEDICATION
Knows all men or these presents that I, the undersigned owner, of the above described tract of land, having said land and its subdivision, hereunto known as the

LEGACY CROSSING AT PARRISH LANE LOT 4 AMENDED
do hereby dedicate for perpetual use of the public all easements shown on this plat as intended for Public Use and do warrant, defend, and save the city harmless against any easements or other encumbrances on the dedicated streets which will interfere with the city's use, operation and maintenance of the streets, plus Legacy Crossing Boulevard, a private road shown herein is granted to Centerville City Corporation as an easement for public utility, waterlines, storm drainage lines as well as a waterline and protection against easements, in witness whereof I have hereunto set my hand and seal this _____ day of _____, A.D. 20____.

By: KEVIN S. GARN - Manager
LEGACY CROSSING LLC

By: KEVIN S. GARN - Manager
SUMMERWOOD HOLDINGS LLC

LLC ACKNOWLEDGMENT
On the _____ day of _____, A.D. 20____, KEVIN S. GARN, personally appeared before me, the undersigned Notary Public, in and for said County of _____, DAVIS in the State of Utah, who after being duly sworn, acknowledged to me that he is the Manager of LEGACY CROSSING LLC, and that he signed the Owner's Dedication freely and voluntarily for and in behalf of said LLC and acknowledged to me that said LLC executed the same.

MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____
NOTARY PUBLIC

LLC ACKNOWLEDGMENT
On the _____ day of _____, A.D. 20____, KEVIN S. GARN, personally appeared before me, the undersigned Notary Public, in and for said County of _____, DAVIS in the State of Utah, who after being duly sworn, acknowledged to me that he is the Manager of SUMMERWOOD HOLDINGS LLC, and that he signed the Owner's Dedication freely and voluntarily for and in behalf of said LLC and acknowledged to me that said LLC executed the same.

MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____
NOTARY PUBLIC

INDIVIDUAL ACKNOWLEDGMENT
On the _____ day of _____, A.D. 20____, KEVIN S. GARN, personally appeared before me, the undersigned Notary Public, in and for said County of _____, DAVIS in the State of Utah, who after being duly sworn, acknowledged to me that he signed the Owner's Dedication freely and voluntarily for and in behalf of said LLC and acknowledged to me that said LLC executed the same.

MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____
NOTARY PUBLIC

LEGACY CROSSING AT PARRISH LANE LOT 4 AMENDED
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12
TOWNSHIP 2 NORTH, RANGE 1 WEST
SALT LAKE BASE AND MERIDIAN
CENTREVILLE CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER
ENTRY NO. _____
FILED FOR RECORD ON _____
RECORDED THIS _____ DAY OF _____, 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS
PAGE _____

SHEET 1 of 1
PROJECT NUMBER: 11888
MANAGER: KRUSSELL
DRAWN BY: A. SHELBY
CHECKED BY: K. RUSSELL
DATE: #1513

DAVIS COUNTY RECORDER
BY _____
DEPUTY RECORDER

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

STAFF TRANSMITTAL REPORT

DATE: MAY 22, 2013

TO: STEVE THACKER, CITY MANAGER

FROM: CORY SNYDER, COMMUNITY DEVELOPMENT DIRECTOR

APPLICANT: CHICK-FIL-A
ROBERT LOMBARDI
P.O. BOX 270571
SAN DIEGO, CA 92198-2571
rlombardi@4gdev.com

APPLICATION: ZONE CODE TEXT AMENDMENT;
SECTION 12-54-120(b), FREE-STANDING,
FREEWAY-ORIENTED SIGNS

RECOMMENDATION: PLANNING COMMISSION RECOMMENDS APPROVAL
WITH MINOR MODIFICATIONS TO THEIR PROPOSAL

BACKGROUND

Recently, the Chick-Fil-A representatives approached staff about a desire to locate a freeway-oriented sign for their proposed restaurant located on a lot within the Centerville Corporate Park Subdivision. In order for a site to be eligible for a freeway-oriented sign, it must meet two parameters; first, it must be within 600 feet of the centerline of Parrish Lane; and second, it must have direct frontage along the interstate corridor (*see Section 12-54-120.4*).

The petitioners believe that they meet one of the two parameters with the site being within a 500-foot mark from the centerline of Parrish Lane (*see the schematic attached with the petition*). However, their lot has frontage on Market Place Drive and not along the freeway corridor. Thus, the petitioner desires the City to consider creating a second tier area allowance for freeway-oriented signs that keeps the 600-foot from Parrish Lane stipulation, but adds Frontage Road area with a 50-foot sign (rather than 60 feet) height allowance. The **APPLICANT'S SUGGESTED** text amendment language would be as follows:

(4) Free-Standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign shall be allowed on commercially developed properties immediately abutting the I-15 right of way, or the Frontage Road, that are and within six hundred (600) feet north and south of the Centerline of Parrish Lane, subject to the following requirements:

(A) Such signs abutting the I-15 right of way shall not exceed sixty (60) feet in height.

(B) The maximum aggregate area for such signs (counting one [1] side of a double-faced sign) shall be two hundred (200) square feet.

(C) Such signs abutting Frontage Road shall not exceed fifty (50) feet in height.

(D) The maximum aggregate area for such signs (counting on [1] side of a double-faced sign) shall be one hundred and sixty-five (165) square feet, and shall not include any digital elements.

~~(C) Free-standing freeway oriented signs shall not be located on the side of the property abutting Frontage Road or Parrish Lane.~~

The petitioner's believe that in having to meet the same Parrish Lane Gateway Design Standards as the other restaurants that are near or adjacent to their site, but not allow them the same marketing benefits as the others in having a free-oriented signs, creates an inequitable competitive marketplace (*see petitioner's submitted narrative*).

PLANNING COMMISSION'S MODIFIED RECOMMENDATIONS

On May 22, 2013, the Planning Commission to recommend approval of the proposed text amendment to Chapter 12-54-120, Signs as follows:

- Free-Standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign shall be allowed on commercially developed properties immediately abutting the I-15 right of way, ***or the Frontage Road***, that are within six hundred (600) feet north and south of the Centerline of Parrish Lane, subject to the following requirements:
 - Such signs abutting the I-15 right of way shall not exceed sixty (60) feet in height.
 - The maximum aggregate area for such signs ***abutting the I-15 right-of-way*** (counting one [1] side of a double-faced sign) shall be two hundred (200) square feet.
 - ***Such signs abutting Frontage Road shall not exceed fifty (50) feet in height.***
 - ***The maximum aggregate area for such signs abutting the Frontage Road (counting on [1] side of a double-faced sign) shall be one hundred and sixty-five (165) square feet, and shall not include any digital elements.***
 - ***Free-standing freeway oriented signs shall not be located on the side of the property abutting Parrish Lane or Marketplace Drive.***

Planning Commission Vote (4-3):

Commissioner	Yes	No	Not Present
Merrill (Chair)	X		
Holman	X		
Markham	X		
Kjar	X		
Fillmore		X	
Hirschi		X	
Randall		X	

RELATED PLANNING COMMISSION & COUNCIL MEETINGS

- ✓ May 22, 2012 – Planning Commission Held Public Hearing, discussed the matter, and recommended approval with changes.

ORDINANCE NO. 2013-08

AN ORDINANCE AMENDING SUBSECTION 12-54-120(4) OF THE CENTERVILLE CITY ZONING ORDINANCE REGARDING FREE-STANDING FREEWAY-ORIENTED SIGNS IN THE PARRISH LANE GATEWAY COMMERCIAL DISTRICT

WHEREAS, the City Council has previously adopted Section 12-54-120 of the Centerville City Zoning Ordinance regarding signs in the Parrish Lane Gateway Commercial District; and

WHEREAS, the City has received an application to amend Subsection 12-54-120(4) regarding the permitted location and height of free-standing freeway-oriented signs in the Parrish Lane Gateway Commercial District; and

WHEREAS, the Planning Commission has reviewed the proposed amendments to Subsection 12-54-120(4) of the Centerville City Zoning Ordinance regarding the permitted location and height of free-standing freeway-oriented signs and recommends adoption of the same; and

WHEREAS, the City Council has reviewed the proposed amendments to Subsection 12-54-120(4) and desires to adopt the same as more particularly provided herein in accordance with applicable provisions of State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Subsection 12-54-120(4) of the Centerville City Zoning Ordinance regarding free-standing freeway-oriented signs in the Parrish Lane Gateway Commercial District is hereby amended and recodified to read in its entirety as follows:

12-54-120. Signs in Parrish Lane Gateway Commercial District.

* * *

(4) Free-standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign shall be allowed on commercially developed properties immediately abutting the I-15 right-of-way or Frontage Road that are ~~and~~ within six hundred (600) feet north and south of the centerline of Parrish Lane, subject to the following requirements:

(A) Such signs abutting the I-15 right-of-way shall not exceed sixty (60) feet in height.

(B) The maximum aggregate area for such signs abutting the I-15 right-of-way (counting one [1] side of a double-faced sign) shall be two hundred (200) square feet.

(C) Such signs abutting Frontage Road shall not exceed fifty (50) feet in height.

(D) The maximum aggregate area for such signs abutting Frontage Road (counting one [1] side of a double-faced sign) shall be one hundred sixty-five (165) square feet, and shall not include any changeable copy or digital elements.

(E) Free-standing freeway-oriented signs shall not be located on the side of the property abutting Frontage Road or Parrish Lane or Marketplace Drive.

* * *

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 2nd DAY OF JULY, 2013.

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Allen	_____	_____
Councilmember Averett	_____	_____
Councilmember Higginson	_____	_____
Councilmember Lindstrom	_____	_____
Councilmember Wright	_____	_____

1 3. Traffic during the grand opening and during peak operating times has been
2 determined to create an impact on the surrounding businesses and must be mitigated
3 [Section 12-21-100(e)(5)(G)].
4

5 The motion was seconded by Commissioner Hirschi and passed by unanimous roll-call
6 vote (5-0).
7

8 **PUBLIC HEARING | CODE TEXT AMENDMENT | SIGNS IN PARRISH**
9 **GATEWAY AREA - Consideration of amending the Zoning Ordinance, Section 12-54-**
10 **120(b)(4), Signs in Parrish Lane Gateway Commercial District; to alter or change**
11 **boundary allowances and restrictions for the use of freeway-oriented signs. Robert**
12 **Lombardi, 4G Development & Consulting, Inc., Applicant.**
13

14 Cory Snyder, Community Development Director, reported the applicant is requesting an
15 amendment to the Sign Ordinance, specifically freeway-oriented signs. He reviewed the history
16 of the Sign Ordinance which was created prior to the current zoning code. The Sign Ordinance
17 encourages monument-based signs. Pole signs are allowed on a limited basis along the I-15
18 frontage corridor with a decrease in height and size until Main Street where pole signs are
19 prohibited. Properties with direct I-15 frontage can have up to a 60-foot high freeway oriented
20 pole sign if within 600 feet of Parrish Lane. The proposed Chick-Fil-A is within 600 feet of
21 Parrish Lane, but does not have frontage on I-15. Therefore the applicant is proposing to amend
22 the Sign Ordinance to allow a second tier area which would allow pole signs up to 50 feet in
23 height. This second tier would be a limited area, including properties with frontage on the
24 Frontage Road and still within 600 feet of Parrish Lane. Staff recommends any amendment
25 prohibit electronic signs because the Chick-Fil-A site borders residential. Staff also suggests no
26 pole signs be allowed on Parrish Lane but rather only along the Frontage Road. Staff has had
27 many discussions about this issue and this is a preferential argument. This discussion can go
28 either way. Mr. Snyder said, personally, he does not like pole signs because he believes they
29 steal from the entrance to the city and would prefer, as a planner, they be prohibited all together.
30 However, elected officials have allowed poles signs in Centerville and it could be argued that a
31 second tier level of signage may be appropriate.
32

33 Commissioner Hirschi said pole signs blow down with every east wind that comes
34 through the city. He asked if this has been taken into consideration. This is also a concern
35 because if a pole sign in the second tier area were to blow down it is possible the debris would
36 hit other businesses or patrons below. This is not as big an issue along the I-15 corridor because
37 there is a buffer between the sign and the freeway. Mr. Snyder said there are building codes in
38 place that require specific wind loads when it comes to signage. He said, generally, most signage
39 is designed to have the face of the sign blow out in order to reduce the wind load on the pole.

Commissioner Kjar said monument signs are often more view obscuring than pole signs. He questioned how other cities deal with this issue. Mr. Snyder agreed monument signs can be obscuring. This is why there are site triangle regulations. He also said each city deals with signage differently and signage ordinances are mixed. There are cities that allow only monument signs and cities that allow very high, very large pole signs. Most cities allow pole signs along the freeway, but not within the interior of their city. Signage follows a reasonably debatable standard.

Robert Lombardi, applicant, said the discussions with staff have been helpful. He said he has read both the Sign Ordinance and the General Plan and he understands both. The General Plan includes the following four (4) points:

1. To assist in the provision of revenues for high quality local services and to provide needed personal and business service, Centerville City should provide for the establishment and viability of commercial and industrial services in designated areas of the community.
2. Where allowed, freestanding signs should be limited to size, well designed and become gradually smaller in height and size the further away the sign is located from I-15.
3. Specifically, elements of strip commercial development should be avoided along Parrish Lane, such as curb cuts, lack of landscaping, large unattractive signs, expansive parking areas and pavement, and generally unappealing streetscapes.
4. All signs should be tightly controlled and arranged to avoid clutter.

Mr. Lombardi said he believes the proposed text amendments are consistent with these points of the General Plan. Chick-Fil-A is not a destination but rather a convenience and an impulse. Signage is critical for the viability and long-term survival of a fast food restaurant. The proposed amendments provide a gradual decline in sign height and size. Currently, 60-foot signs are allowed along I-15; however, directly adjacent properties are only allowed a 25-foot sign. This is over a 50% drop which is a severe progression, not gradual. The proposed 50-foot second tier allowance is more gradual and fair to surrounding business and property owners. He said the Chick-Fil-A site may not be freeway adjacent, but it is still freeway visible. He said he agrees with staff's suggestion that no signage should be allowed on Parrish Lane. This is in keeping with the General Plan and he does not propose a sign on Parrish Lane. Chick-Fil-A would place their signage on the Frontage Road some distance from Parrish Lane. He also said the proposed Chick-Fil-A sign will not create clutter as it would be placed a fair distance from other existing pole signs. Mr. Lombardi said he believes the proposed amendments are consistent with the General Plan and they have tried to be fair, reasonable, and rational. Signage that can be seen

1 from the freeway would allow Chick-Fil-A viability, profitability, and fairness in Centerville's
2 business market.

3
4 Commissioner Hirschi said a more even progression between 60 feet and 25 feet would
5 maybe be forty (40) or forty-two (42) feet. He questioned why the applicant is requesting 50 feet.
6 He also discussed clutter. He said one Chick-Fil-A sign may not create clutter, but this text
7 amendment will open the door for other businesses to install pole signs, which could potentially
8 create clutter.

9
10 Mr. Lombardi said 50 feet provides the needed freeway visibility. It could be argued that
11 45 feet is acceptable, but they felt a 50-foot allowance would be gradual and incremental to the
12 current 60-foot allowance. He also agreed that clutter is an issue that will always be addressed
13 when dealing with signage and the General Plan. This is just part of the process.

14
15 Chair Merrill opened the public hearing. There was no comment; he closed the public
16 hearing.

17
18 Mr. Snyder explained the proposed second tier area would include Chase Bank, Wendy's,
19 Chevron, Iggy's and the recently proposed Wasatch Running Center only. These businesses are
20 between the Frontage Road and Marketplace Drive. It could be argued that this area is a unique
21 island type group of businesses different from the rest of the Parrish Lane corridor and suitable
22 for a special second tier sign allowance. It is an argument of freeway visibility vs. freeway
23 adjacent. All businesses along the Parrish Lane corridor want to be viable and successful, but
24 there has to be a distinction in order to allow something in one place and not another. Freeway
25 frontage is that distinction. However, it could also be argued that this small second tier island is
26 also unique.

27
28 Chair Merrill said he is not too concerned with allowing the proposed text amendments.
29 He does not believe the proposed signage will pose a negative impact on an already high
30 commercial area. He is also not concerned with clutter; it seems there is plenty of room to
31 accommodate the Chick-Fil-A sign.

32
33 Commissioner Fillmore said she is not in favor of the proposed text amendments. She
34 said in the argument of fairness, it seems 40 or 42 feet would be more reasonable. However, if at
35 that height there is no freeway visibility, then the applicant is just asking for a bigger and better
36 sign than its competitors. In regard to clutter, she said the applicants view point is from the
37 freeway. It may be true that from the freeway it doesn't look cluttered but from within the city it
38 may be cluttered. She said the 60-foot signs at I-15 are removed from the city, as you are already
39 on the overpass when you get to them, but within the proposed second tier area a pole sign would

1 be intrusive. She is also concerned with the residential area which borders the Chick-Fil-A site. It
2 would seem this area should be treated with even more caution when it comes to signage.

3
4 Commissioner Kjar said Parrish Lane is a Commercial-Very High Zone and people have
5 an expectation that commercial signs will be present in such an area. He does not believe signs in
6 the proposed second tier area will be overly invasive or negative because such signs are expected
7 and already exist in the area. He said commercial businesses help Centerville's economy and
8 signage helps businesses. He is in favor of promoting business sales in Centerville. He said there
9 is a different expectation on Main Street and he agrees that signage there should be treated
10 differently also. He does not see a difference between the west side and the east side of the
11 Frontage Road. It is reasonable to allow signage within the second tier area if placed along the
12 Frontage Road. If Centerville is going to invite businesses to locate in their commercial districts,
13 then they should be allowed a fair competitive field. He said he does not believe the proposed
14 second tier will introduce clutter. He agrees with prohibiting electronic signs, but is in favor of
15 the proposed 50-foot height allowance. He also pointed out there is a freeway sound wall that
16 obscures Chick-Fil-A from freeway visibility.

17
18 Commissioner Fillmore agreed that commercial businesses are a benefit to the city, but it
19 is also the Planning Commissions responsibility to keep the public's general welfare in mind.
20 This includes the residents to the north. It is also the Planning Commissions responsibility to
21 keep the city beautiful; a place where businesses want to locate.

22
23 Commissioner Hirschi said freeway frontage is distinct. If you move from that line then
24 you are moving from objective to subjective. This opens a door for others to come in and apply
25 for their "gradual" allowance. Next, it could be argued that a third tier or fourth tier is acceptable
26 at 40 feet and 30 feet, respectively. At that point signs start to encroach into the interior of the
27 city. He agreed that new business is a positive thing, but allowing greater signage is not
28 necessary.

29
30 The Commission discussed the lack of attendance at tonight's meeting. It was suggested
31 that surrounding property owners may not be opposed to this change. It was suggested that no
32 business owners would be opposed because all businesses want a bigger sign. It was also
33 suggested that most property owners may not be aware of the proposed change even though it
34 was posted on site.

35
36 Commissioner Holman said he is not worried about clutter. He also said there are several
37 businesses within the Parrish Lane corridor that have only been allowed a 25-foot sign and they
38 are successful. He questioned if it is really necessary to have a 50-foot sign.

39

1 Commissioner Randall said the businesses on Parrish Lane with their 25-foot signs are
2 more visible from the freeway overpass than the Chick-Fil-A property. She said it seems a pole
3 sign on the east side of the Frontage Road is reasonable, but she does not agree with pole signs
4 on Marketplace Drive. She also agreed it is important to protect the aesthetics of the community.
5

6 Mr. Lombardi agreed that most owners did not get the message that this was on the
7 agenda this evening. He said most postings don't generally get the attention of property owners.
8 He said Chick-Fil-A would be willing to contact surrounding property/business owners and ask
9 their opinion. He would guess most would be in favor of more signage. He said Chick-Fil-A just
10 wants to be treated the same as other nearby fast food restaurants. He believes the proposed
11 amendments are consistent with the General Plan. He said if the Commission feels 45 feet is
12 more acceptable they are willing to comply, they would just like a fair competitive fighting
13 chance. The only difference between Chick-Fil-A and neighboring fast food is that the neighbors
14 have freeway frontage. Chick-Fil-A is still in the same trade area and it is rational to allow equal
15 type signage.
16

17 Commissioner Fillmore made a **motion** for the Planning Commission to **deny** the
18 proposed amendment to the Sign Ordinance. The motion **died** for lack of a second.
19

20 Commissioner Kjar made a **motion** for the Planning Commission to recommend approval
21 of the proposed text amendment to Chapter 12-54-120, Signs as follows:
22

- 23 (4) Free-Standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign
24 shall be allowed on commercially developed properties immediately abutting the I-
25 15 right of way, or the Frontage Road, that are within six hundred (600) feet north
26 and south of the Centerline of Parrish Lane, subject to the following requirements:
27
- 28 (A) Such signs abutting the I-15 right of way shall not exceed sixty (60) feet in
29 height.
 - 30 (B) The maximum aggregate area for such signs (counting one [1] side of a
31 double-faced sign) shall be two hundred (200) square feet.
 - 32 (C) Such signs abutting Frontage Road shall not exceed fifty (50) feet in height.
 - 33 (D) The maximum aggregate area for such signs (counting on [1] side of a double-
34 faced sign) shall be one hundred and sixty-five (165) square feet, and shall not
35 include any digital elements.
36

37 The motion was seconded by Commissioner Randall.
38

1 Commissioner Hirschi made a **motion to amend** to reduce the maximum sign height to
2 forty-five (45) feet and to add the following:

3
4 (E) Free-standing freeway oriented signs shall not be located on the side of the
5 property abutting Parrish Lane or Marketplace Drive.

6
7 The motion to amend **died** for lack of a second.

8
9 Commissioner Fillmore said this area is directly abutting residential with little to no
10 buffer. She said surrounding businesses may be in favor of such a change, but she would guess
11 the residents living to the north would be opposed. Allowing a 50-foot sign next to this
12 residential area is extreme. It seems more rational to allow only a 40-foot sign which is between
13 60 feet at the freeway and 25 feet at Main Street. If 40 feet is not tall enough to produce freeway
14 visibility then is a 40 foot high sign even necessary. This second tier area is inside the city, not
15 on the freeway frontage and should not be allowed greater signage.

16
17 Commissioner Kjar made a **motion to amend** to add (E) as stated above, but leaving the
18 maximum sign height at fifty (50) feet. The motion to amend was seconded by Commissioner
19 Holman. The motion to amend **passed** with a roll-call vote (5-2). Commissioner's Fillmore and
20 Hirschi opposed.

21
22 Commissioner Hirschi said the applicant has indicated that 45 feet may be acceptable and
23 he appreciates that concession on the part of the applicant. He said 45 feet seems reasonable
24 because it preserves freeway visibility while still creating a gradual decrease in signage.

25
26 Lisa Romney, City Attorney, suggested adding some language to B and D as follows:

27
28 (B) The maximum aggregate area for such signs *abutting the I-15 right-of-way*
29 (counting one [1] side of a double-faced sign) shall be two hundred (200) square
30 feet.

31
32 (D) The maximum aggregate area for such signs *abutting the Frontage Road* (counting
33 on [1] side of a double-faced sign) shall be one hundred and sixty-five (165) square
34 feet, and shall not include any digital elements.

35
36 Commissioner Fillmore made a **motion to amend** to include Ms. Romney's suggested
37 changes above and to reduce the maximum sign height to forty-five (45) feet. The motion to
38 amend was seconded by Commissioner Hirschi. The motion **failed** with a roll-call vote (3-4).
39 Commissioner's Markham, Holman, Merrill, and Kjar opposed.

1 Commissioner Markham said gradually does not mean halfway between 60 feet and 25
2 feet. Gradual means less than 60 feet while still maintaining some freeway orientation. In his
3 mind halfway would be much closer to Main Street, not just the other side of the Frontage Road.
4 He believes 50 feet is a reasonable gradual change.

5
6 Commissioner Holman made a **motion to amend** to include Ms. Romney's suggested
7 changes as listed above while keeping the maximum sign height at fifty (50) feet. The motion
8 was seconded by Commissioner Markham. The motion **passed** with a roll-call vote (4-3).
9 Commissioner's Fillmore, Randall, and Hirschi opposed.

10
11 Chair Merrill called for a **vote** on the **original motion as amended**. The motion **passed**
12 with a roll-call vote (4-3). Commissioner's Fillmore, Randall, and Hirschi opposed.

13
14 **PUBLIC HEARING | ICE BREAKERS SHAVED ICE | 200 W. PARRISH LANE**
15 **Consideration of a conditional use permit for a temporary use; consisting of a seasonal**
16 **shaved ice stand, to be located in front of the Smoot Building, 200 West Parrish Lane, in**
17 **the C-H Zone. Matt Weaver, Applicant.**

18
19 Brandon Toponce, Assistant Planner, reported this is the third year in a row the applicant
20 has applied for this temporary conditional use permit. The applicant plans to run his snow shack
21 in the same manner as past years with the exception of the location. The applicant proposes to
22 move to Parrish Lane. The applicant hopes the change in location will bring more traffic to his
23 business. The proposed site has adequate access and parking for the proposed use. Staff does not
24 anticipate the use will cause any major impacts to the site or surrounding uses. The proposed
25 hours of operation are 12:00 p.m. to 10:00 p.m. The applicant will have five (5) employees with
26 two (2) on-site at all times. The snow shack will be open until Labor Day (September) at which
27 time all equipment must be removed within seven (7) days leaving the site in its original
28 condition. The applicant has received permission from Dick's Market for his employee's to use
29 their restroom facilities. The applicant has also submitted the necessary insurance information.

30
31 Chair Merrill opened the public hearing. There was no comment; he closed the public
32 hearing.

33
34 Commissioner Hirschi made a **motion** for the Planning Commission to approve a
35 conditional use permit for the shaved ice stand, located at 200 West Parrish Lane, with the
36 following conditions.

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801) 292-8232**

**STAFF REPORT
AGENDA: ITEM 2**

**APPLICANT: CHICK-FIL-A
ROBERT LOMBARDI
P.O. BOX 270571
SAN DIEGO, CA 92198-2571
rlombardi@4gdev.com**

**APPLICATION: ZONE CODE TEXT AMENDMENT;
SECTION 12-54-120(b), FREE-STANDING,
FREEWAY-ORIENTED SIGNS**

RECOMMENDATION: PLANNING STAFF RECOMMENDS DENIAL

BACKGROUND

Recently, the Chick-Fil-A representatives approached staff about a desire to locate a freeway-oriented sign for their proposed restaurant located on a lot within the Centerville Corporate Park Subdivision. In order for a site to be eligible for a freeway-oriented sign, it must meet two parameters; first, it must be within 600 feet of the centerline of Parrish Lane; and second, it must have direct frontage along the interstate corridor (*see Section 12-54-120.4*).

The petitioners believe that they meet one of the two parameters with the site being within a 500-foot mark from the centerline of Parrish Lane (*see the schematic attached with the petition*). However, their lot has frontage on Market Place Drive and not along the freeway corridor. Thus, the petitioner desires the City to consider creating a second tier area allowance for freeway-oriented signs that keeps the 600-foot from Parrish Lane stipulation, but adds Frontage Road area with a 50-foot sign (rather than 60 feet) height allowance. The suggested text amendment language would be as follows:

(4) Free-Standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign shall be allowed on commercially developed properties immediately abutting the I-15 right of way, or the Frontage Road, that are and within six hundred (600) feet north and south of the Centerline of Parrish Lane, subject to the following requirements:

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(D) The maximum aggregate area for such signs (counting on [1] side of a double-faced sign) shall be one hundred and sixty-five (165) square feet, and shall not include any digital elements.

~~(C) Free-standing freeway-oriented signs shall not be located on the side of the property abutting Frontage Road or Parrish Lane.~~

The petitioner's believe that in having to meet the same Parrish Lane Gateway Design Standards as the other restaurants that are near or adjacent to their site, but not allow them the same marketing benefits as the others in having a free-oriented signs, creates an inequitable competitive marketplace (*see petitioner's submitted narrative*).

TEXT AMENDMENT REVIEW AND ANALYSIS 12-32-040(b)(3)(c)

1. Is the proposed amendment consistent with the goals, objectives and policies of the City's General Plan?

- **General Plan Policy:** Section 12-430-2(3), third paragraph specifically addresses the use of signs in the Parrish Lane Area. The language is as follows:

"Specifically, elements of strip commercial development should be avoided along Parrish Lane, such as frequent curb cuts, lack of landscaping, large unattractive signs, expansive parking areas and pavement, and generally unappealing streetscapes. A thirty-foot (30') wide bermed and landscaped buffer strip should be required along properties fronting the commercial area of Parrish Lane. *While freestanding signs may be allowed in this area, monument signs are encouraged. Where allowed, freestanding signs should be limited to size, well designed and become gradually smaller in height and size the further away the sign is located from Interstate-15. All signs in this area should be tightly controlled and arranged to avoid clutter.* Monument signs should be encouraged in bermed landscaped areas. Development of a few commercial centers is preferable to the subdividing of the Parrish Lane frontage into numerous individual commercial pads, each with its own sign and curb cuts. City monument signs and landscaped islands in Parrish Lane should be placed near the Interstate-15 interchange and any other future major traffic corridor interchange west of Interstate-15 to further create the gateway impression."

- **Staff Response:** The Sign Ordinance was developed independent and prior to the regulations of the Parrish Lane Gateway Design Area. It is staff's opinion that the Sign Ordinance is very specific to the character and spatial layout of the City. The main principle used by the Sign Ordinance is the concept of incrementally decreasing freestanding pole sign heights (30', 25', 20') from the interstate to Main Street, with the eventual entire elimination of free-standing pole signs along Main Street and Pages Lanes. There is a very limited alteration of this principle with the few properties that have direct frontage along the interstate, where such properties were allowed to have a freeway-oriented sign with a height of 60 feet.

Although the main or primary desire of the General Plan for monument-based signs, any allowed free-standing pole signs, were to gradually decrease in size as distance from the interstate increases. It is staff's opinion that expanding the freeway-oriented sign area, as proposed with a second tier area and restrictions, could be considered consistent with the provisions of the General Plan.

2. Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

- **Staff Response:** The petition argues that there is an inequitable competitive market restriction for them having to comply with the Parrish Lane Gateway Design Standards, while other similar uses are afforded an opportunity for a freeway-oriented sign. This seems plausible when looking directly across the street from their site to the properties fronting the interstate. However, the Parrish Lane Gateway Area is a much, much, larger area beginning to the west of the Legacy Parkway and ending to the east at Main Street. All development within this area is subject to the design guidelines (see Section 12-63-020.b). Additionally, there are many similar uses (e.g. Dairy Queen, Wendy's, IHOP, Subway) that are also subject to the Parrish Lane Design Guidelines and do not qualify for the freeway-oriented sign allowance.

Thus, amending the zoning parameters to allow a second tier area for freeway-oriented sign that addresses specific lot types (i.e. Frontage Road) also needs to be fair to other properties in similar situations. Given that proposed language to create a second tier area does address this fairness issue, it is staff's opinion that the decision to amend is now a matter of preference for the City.

3. What is the extent to which the proposed amendment may adversely affect adjacent property?

- **Staff Response:** [See comments for Criterion 2] Additionally, staff supports the proposed elimination of the electronic messaging. There is a transition from commercial to residential at the northern end of the Frontage Road. The impact of changeable copy next to residential is a significant compatibility issue. The prohibition of electronic copy on a tall pole sign negates this concern.

4. What is the adequacy of facilities and services intended to serve the subject property?

- **Staff Response:** This criterion is focused primarily with needed infrastructure and utilities and is usually applicable to a zone map amendment. Staff perceives that this specific concern has no direct relation with considering the petition that is being proposed.

STAFF RECOMMENDATION

As indicated above, the request could be considered consistent with the General Plan and it is staff's opinion that the decision to amend is now a matter of preference for the City. Thus, the Planning Commission should discuss whether to recommend approval of the proposed amendment. If the petition were to be approved, there is one modification that staff would suggest, and that would be to keep the restriction about not allowing such signs to be located on the property sides that have direct frontage on Parrish Lane.

Whatever the decision is of the Commission, staff will be prepared to assist the Commission with suggested language and findings. As a reminder, the decision to amend the Zoning Ordinance is a 'legislative proceeding' and thus it is subject to the "reasonably debatable" standard. Therefore, the findings or conclusions must be rational in expression and not necessarily evidentiary.



CENTERVILLE CITY

ZONE TEXT AMENDMENT APPLICATION

655 North 1250 West • Centerville, Utah 84014
Phone 801-292-8232 Fax 801-292-8251

DESCRIPTION OF PROPOSED

CHANGE(S) Replace "Immediately abutting" with "within two hundred and eighty (280) feet of".

CHAPTER 12-54 **SECTION** 120(b)(4)

APPLICANT INFORMATION

NAME Robert Lombardi **COMPANY NAME** Chick-Fil-A

MAILING ADDRESS P.O. Box 270571 **CITY / ST / ZIP** San Diego, CA 92198-2571

PHONE (858) 231-0071 **FAX** (866) 311-3658 **EMAIL** rlombardi@4gdev.com
rrobinson@4gdev.com

SIGNATURE OF APPLICANT RM Lombardi **SEE NOTE 1** **DATE** 4-8-13

AGENT INFORMATION

NAME _____ **COMPANY NAME** _____

MAILING ADDRESS _____ **CITY / ST / ZIP** _____

PHONE _____ **FAX** _____ **EMAIL** _____

SIGNATURE OF AGENT _____ **SEE NOTE 1** **DATE** _____

PAID

APR - 11 2013

CENTERVILLE CITY CORP

DEPOSIT MUST ACCOMPANY THIS APPLICATION – SEE ATTACHED FEE SCHEDULE

Date Rec'd	4-9-13	Rec'd / Initials	DW	Assigned Project Name	Chick-Fil-A Rest.
Fee/Deposit Attached	(Y) or N	Amount Fee Paid	\$ 0.00	Amount of Deposit Paid	\$ 250.00
					Check #: 1478

Note 1: Deposits will be applied toward the cost of required engineering and/or legal services invoiced to the City. Developer/Applicant will be refunded or billed any difference without markup. Hourly rates for these services will be provided upon request. Also any errors or corrections needed for submitted plans are the responsibility of the developer/applicant. Initial here for acknowledgement of deposits



DEVELOPMENT & CONSULTING, INC.

Zoning Amendment Statement
Chick-fil-A
500 N. Marketplace Dr.
Centerville, UT 84014

Chick-fil-A, Inc. ("CFA") hereby proposes a Zoning Amendment to Sign Code 12-54-120, in connection with CFA's planned construction of a restaurant at 500 N. Marketplace Drive in the City of Centerville, Utah (the "CFA Site"). Sign Code 12-54-120 relates to signage rights within the Parrish Lane Gateway Commercial District (the "Parrish Lane District"), providing that one free-standing free-way oriented sign is allowed on commercially developed properties abutting I-15 and located within 600 feet north and south of the centerline of Parrish Lane. Further, the code establishes that properties not abutting the I-15 corridor step down from 60ft to 25ft in height. CFA proposes amending this language to more equally provide such signage rights to properties located adjacent to the freeway as allowed by the General Plan in a stepped down fashion that is not so severe. It is our position that stepping down from 60ft to 25ft is too great a variance, or stepping down effect, for adjacent properties that can still benefit from Freeway visibility within the Parrish Lane District. The proposal includes altering the language of the existing ordinance to include properties adjacent to the I-15 corridor that are along the Frontage Road to allow for signs that are stepped down in height *and* size. We believe this is consistent with the intent as described and allowed in the General Plan.

The intent of this request is to participate with the design and texture of the General Plan of the City of Centerville. Chick-fil-A (CFA) believes that the request for a stepped down pole sign abides with the guidelines established by gradually becoming smaller in height and size as the distance from the I-15 right of way increases. As described in the current code, a 60' pole sign is permitted immediately abutting the I-15 right of way with a sign face equal to 200sf. We recommend the next 'block' of pole signs not immediately abutting the I-15 right of way but abutting Frontage Road be granted 50' pole signs, with a total sign area per sign face of 165 square feet. This equates to an equal percentage reduction in sign height and size. We also recommend that this second stepped down area *not* be allowed a digital sign option. This would follow the design and layout of the General Plan and

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provide a gradual decrease, or stepping down, of sign height and size as the distance from the I-15 right of way increases.

CFA believes that business competition is an imperative value. In support of this, and for the City of Centerville to create a competitive marketplace for CFA and other restaurants located within the City of Centerville, the zoning requirements for the Parrish Lane District should be amended to more equitably grant signage rights to restaurants located within this District. We understand that all properties located within the Parrish Lane District are equally subject to certain requirements and conditions, but not all properties have equal rights to signage. This proposal seeks to establish a more aligned competitive fairness policy by still complying with the context and direction of the General Plan.

Current Zoning Description with proposed revision:
Title 12-Zoning Article 5 – Regulations of General Applicability
Chapter 12-54 – Signs, 12-54-120.
Signs in Parrish Lane Gateway Commercial District.

(4) Free-standing Freeway-Oriented Sign. One (1) free-standing freeway-oriented sign shall be allowed on commercially developed properties immediately abutting the I-15 right of way, or the Frontage Road, that are and within six hundred (600) feet north and south of the Centerline of Parrish Lane, subject to the following requirements:

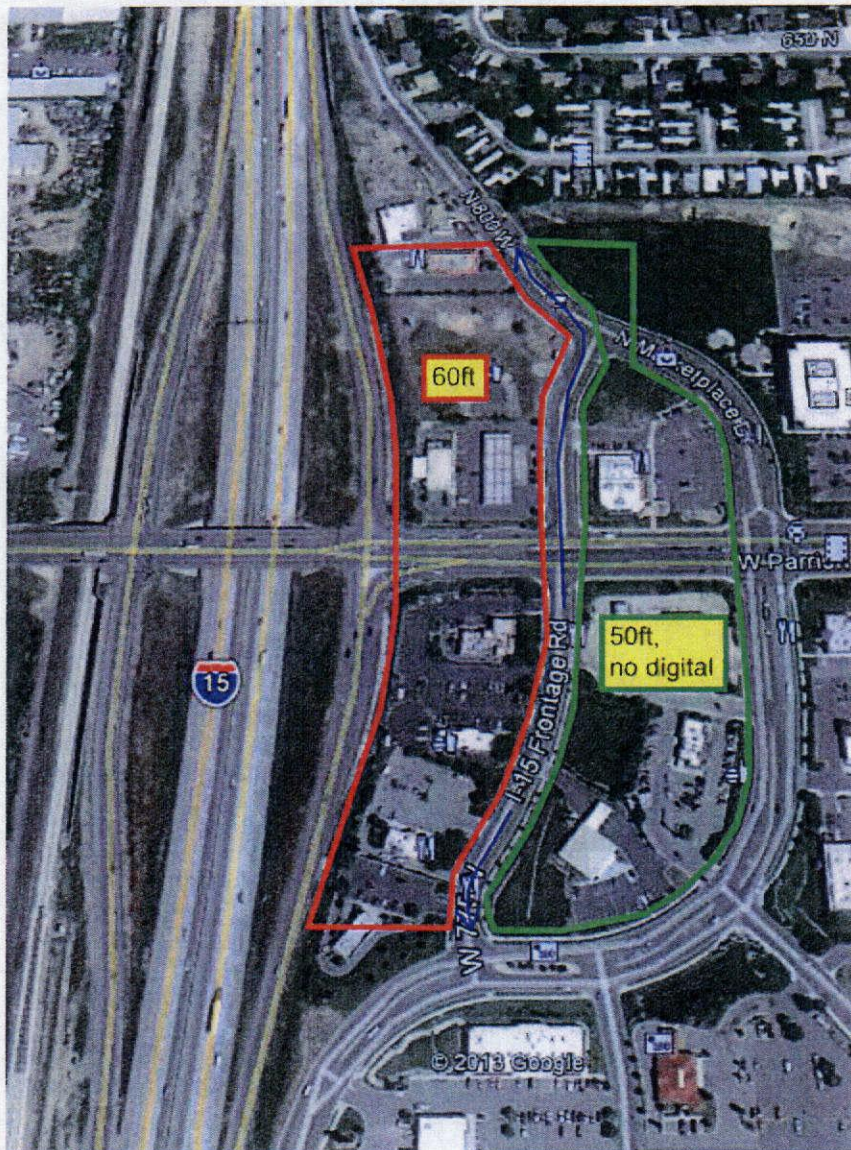
(A) Such signs abutting the I-15 right of way shall not exceed sixty (60) feet in height.

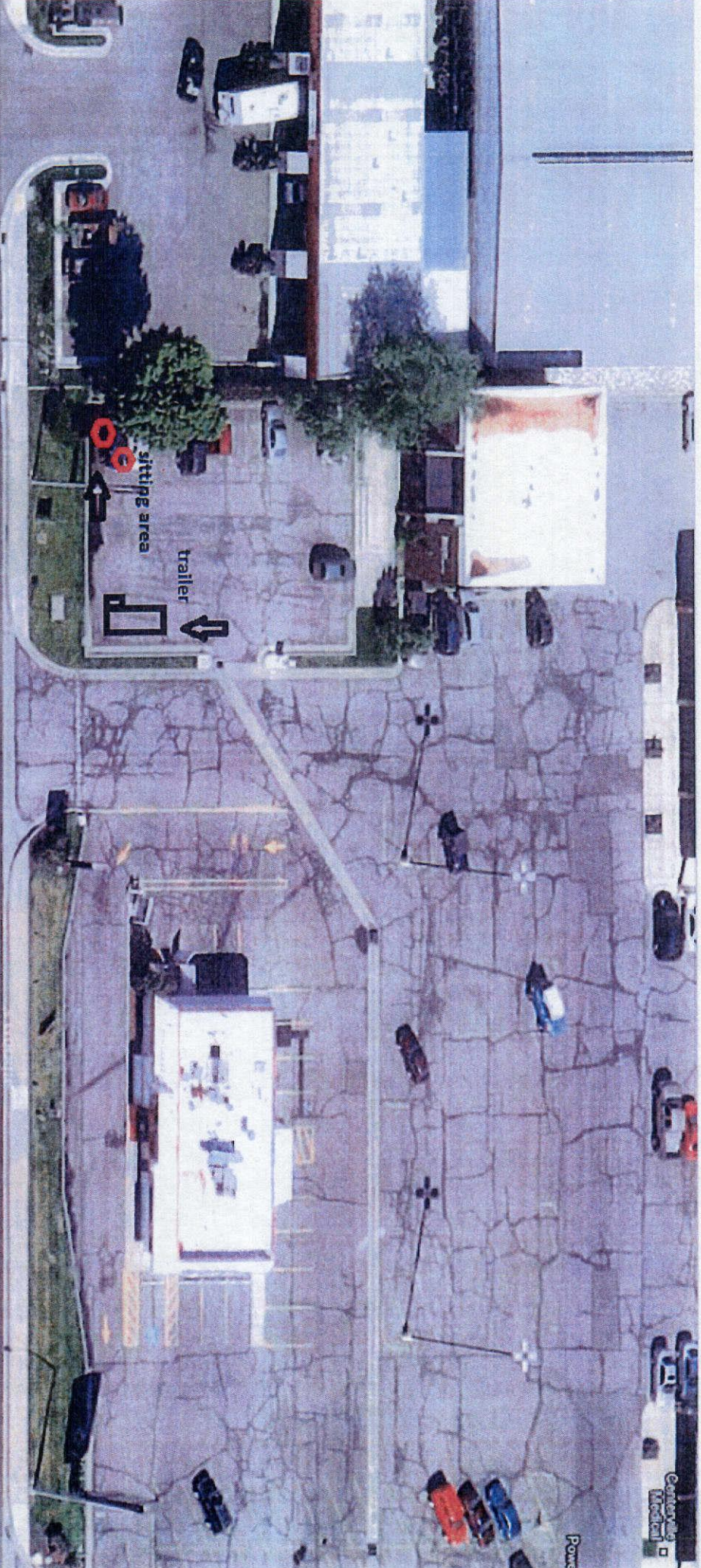
(B) The maximum aggregate area for such signs (counting one [1] side of a double-faced sign) shall be two hundred (200) square feet.

(C) Such signs abutting Frontage Road shall not exceed fifty (50) feet in height.

(D) The maximum aggregate area for such signs (counting on [1] side of a double-faced sign) shall be one hundred and sixty-five (165) square feet, and shall not include any digital elements.

~~(C) Free-standing freeway oriented signs shall not be located on the side of the property abutting Frontage Road or Parrish Lane.~~





CC 4/16/73 minutes
Mr. Palmer presented plats of Centerville Townsite Survey also an amended Resurvey Plat. Mr. Palmer stated that definite dedication of 400 East Street could not be determined as yet. Also Mr. Palmer and Mr. Larry Bledsoe will work on determining a center line on 400 East on April 17, 1973. Mr. Palmer stated that the City would have to be flexible in all phases. Alternates would have to be given on drainage where necessary. #3

VIEWMONT HIGH SCHOOL - PERMANENT "V"

Steve Smoot spokesman for Viewmont High School, presented a proposal to install a permanent "V" on the mountain east of Centerville City.

Those interested in this project were present to give moral support, such groups were the Parent Teachers Student Association officials, parents, Principal Almon J. Flake, County Commissioner Stan Smoot, and other interested parties.

The student committee had researched such problems as ecology, land erosion, and costs. They presented ariel photos of various areas, showing block letters from other schools around the state.

Philip Palmer mentioned that the size of the "V" should be well defined and also the structure. They also should have plans drawn up and approved by the City council and the acting City Engineer, Philip Palmer. The area must be maintained properly. *

The councils decision was to allow the students the right to place the permanent "V" on the mountain, subject to approval of the Board of Education and provided the students live up to the protective covenants provided by the City. Councilman Green agreed to write the protective covenants for this project.

A motion made by Mr. Williams to support the studentbody of Viewmont High School in this project, provided approval is given by the Board of Education, and the protective covenants are followed. Seconded by Mr. Walton. Carried with one opposing vote by Mr. Clayton.

SPECIAL MEETING

Mr. Hogan mentioned that a Special meeting should be called to discuss and determine if the Special Improvement District #2 is going to come about. A tentative date of Monday April 23, 1973, with approval of the Mayor.

ROAD REPAIRS

Mr. Williams asked Mr. Green to have the road department get the holes in all Centerville City roads filled as soon as possible.

ANIMAL PROBLEM

Miss Thornton living at 360 South 600 East, called concerning Mr. Fred Quilter's rabbits. Mr. Quilter is apparently using Miss Thornton's retaining wall for the wall of his rabbit hutches. The recorder was instructed to have Chief Russell check this problem out with the owner.

BOARD OF ADJUSTMENT - APPOINTMENT

Mr. Walton informed the council that Mr. Bob Blanpied will be contacted by him and asked to accept an appointment to the Board of Adjustment.

IVO D. MILLS
Mayor

JEANNETTE H. SESSIONS
Recorder

CLIFFORD RUSSELL
Chief of Police

Centerville City Corporation

CENTERVILLE, UTAH 84014

STANLEY GREEN
FRANKLIN E. WALTON, JR.
SUTHERLAND CLAYTON
THOMAS Q. WILLIAMS
ERIC HOGAN
Councilmen

July 30, 1973

TO VIEWMONT HIGH SCHOOL

USE PERMIT

Centerville City Corporation hereby grants permission to Viewmont High School to install and maintain a block letter "V" on property owned by the City described as the NE 1/4 Sec 17, T 2 N, R 1 E, SLB&N, subject to the following conditions:

1. The period of this Permit is for 10 years, subject to renewal if agreed to by both parties.
2. The size, location, design, and construction shall be approved by the City prior to construction, and the block letter and area used in connection therewith shall be maintained to a standard satisfactory to the City.
3. The area and approaches shall be saved from unreasonable damage during construction and the area shall be restored so as to prevent erosion and restore natural type vegetation.
4. The area shall not be used for any school activities such as rallies and the school shall prohibit and discourage any such abuse of the area. With permission, it may continue to light the "V" using portable equipment with sufficient personnel to operate it.
5. The use shall be limited to one block letter "V", and shall not include the use of any other characters, either permanent or temporary, such as year numbers.
6. The City may terminate this agreement at any time if the above conditions are not met, or if the letter becomes the cause or focus of public disturbance or nuisance, or for any other reason considered valid by the City Council, or if the use is not extended beyond the initial period. The School shall then have a reasonable period, not exceeding six months, to remove all unnatural materials and restore the ground to its natural state.
7. The School shall accept the responsibility and the City shall be held harmless for any damage resulting from the construction or use of the letter, or area used in connection therewith.

Forgoing approved
August 23, 1973

Viewmont High School

By Clifford Russell

Centerville City Council

By Ivo D. Mills

.. Mayor ..