Minutes of the Centerville **City Council** meeting held Tuesday, August 6, 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 Sherri Lyn Lindstrom Lawrence Wright
MEMBER ABSENT	John T. Higginson
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Randy Randall, Public Works Director Cory Snyder, Community Development Director Jacob Smith, Management Assistant Katie Rust, Recording Secretary
VISITORS	Cami Hamilton, Lewis Young Robertson Burningham Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Loren Pankratz, The Bridge Community

OPEN SESSION

Gayle Davis – Ms. Davis is a resident of the Riviera Townhomes. She thanked the Council for their efforts to secure the CDBG Grant. She stated they are thrilled to have enough to complete the entire project.

MINUTES REVIEW AND APPROVAL

The minutes of the Tuesday, July 16, 2013 work session and July 16, 2013 Council meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve both sets of minutes. The motion was seconded by Councilman Wright and passed with unanimous vote (3-0). Councilman Averett abstained from voting.

SUMMARY ACTION CALENDAR

a. Approve CDBG Grant Contracts for Riviera Townhomes Street and Drainage Improvements
b. Award bid for CDBG Project (Riviera Townhomes street and drainage improvements) to Kilgore Contracting in the amount of $133,673.60
c. Award bid to Cate for the purchase of a portable light tower in the amount of $12,930
d. Renew Drainage Maintenance Contract with Twin "D" in the estimated amount of $103,410 for 2013-2014
e. Renew Street Sweeping Contract with Jacketta in the estimated amount of $42,840 for 2013-2014

Councilman Allen made a **motion** to approve all items on the Summary Action Calendar. Councilwoman Lindstrom seconded the motion. Councilman Wright asked if the portable light tower in item (c) was approved in the budget. Mr. Thacker confirmed that it was included in the budget. Referring to item (e) on the Summary Action Calendar, Councilman Wright asked if the street sweeping contract was put up for bid to ensure the lowest available rate. Mr. Thacker responded that the City solicited and received two bids in 2012. The lowest bid was accepted and an option included in the contract to renew at the same rate for two consecutive years. Staff feels the ability to renew at the 2012 rate is beneficial, and they do not have reason to believe a better price is available. The motion to approve passed by unanimous vote (4-0).

PUBLIC HEARING – CULINARY WATER IMPACT FEE

Cami Hamilton of Lewis Young Robertson Burningham explained that the purpose of collecting impact fees from new development is to mitigate the impact of the growth on public infrastructure. The existing culinary water capacity and the cost to keep up with growth were analyzed as part of the impact fee study. The proposed fee is $2,027 per ERC. Mr. Thacker added that the existing water impact fee of $1,200 was adopted in the 1990s. The City Council spent considerable time discussing the analysis and proposed increase at a previous meeting.

At 7:19 p.m. Mayor Russell opened a public hearing. Seeing that no one wished to comment the Mayor closed the public hearing.

Councilman Averett asked for the opinion of the Public Works Director. Randy Randall, Public Works Director, responded that he feels the proposed fee is in line with the actual cost to provide service to new residents moving into the City. The new well on Chase Lane has been drilled to serve growth and development. Councilman Averett asked Mr. Randall how current water capacity in Centerville compares to demand now and in the future. Mr. Randall stated Centerville has managed its resources well, and planned for growth rather than waiting until after the growth has occurred. With the drilling of the Chase Lane well, and with Weber Basin to draw from, he feels Centerville is well off. City Manager Thacker commended Mr. Randall for his success in saving energy and money with a pump schedule that avoids the peak hours of the day. Mr. Randall also stated that in an emergency situation, the City would be able to provide one gallon of water per citizen per day with the solar power available at the Church Well. Councilwoman Lindstrom asked how long it will be before another well is needed. Mr. Randall responded that current supplies should be sufficient for at least ten years. Councilman Allen asked if the impact on multi-family developments was adequately considered and covered in the study and analysis. Mr. Randall responded that the fee is determined based on meter size, which results in fair fee assessment.

Lisa Romney, City Attorney, requested the addition of a footnote to the fee schedule on page 7 of Ordinance No. 2013-10. The addition clarifies that the City uses a 5/8" x 3/4" meter for 3/4" connections. This clarification does not change the study or analysis. Councilman Averett made a **motion** to approve Ordinance No. 2013-10 adopting an amended and updated Culinary Water Impact Fee Facilities Plan and a Culinary Water Impact Fee Analysis; adopting amended and updated Culinary Water Impact Fees; adopting certain policies related to Culinary Water Impact Fees; and establishing a service area for purposes of the Culinary Water Impact Fees, including the changes noted by the City Attorney. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – WOODS PARK SUBDIVISION – FINAL PLAT

Cory Snyder, Community Development Director, explained the final plans for the Woods Park Subdivision located at 690 West 2400 North. One of the major components in originally considering the property for rezone was the need for improved infrastructure for drainage. In addition to applying a Planned Development Overlay Zone, a Development Agreement is associated with the project to deal with drainage infrastructure. Staff feels the final plan is at a point eligible for approval as per the Planning Commission's recommendation.

Mr. Snyder advised the Council of a joint project between the developer and the City regarding drainage as part of the Development Agreement. A condition of the Development Agreement allows the developer to proceed with obtaining approvals, but prevents the developer from obtaining a building permit for any of the units until permits approving a pipe underneath the UTA Frontrunner and Union Pacific Rail Road tracks are received by the City. Once approval for the pipe is obtained, the developer can proceed with requesting building permits, but none of the units can be occupied until the pipe/drainage project is completed. In addition, four of the proposed units are currently in the FEMA floodplain, and until the FEMA map has been altered those units are not eligible for permits. Mr. Snyder requested the addition of a condition (#13) to the conditions of approval, which should state that the developer shall remain responsible for payment of all outstanding professional service fees related to the review of the subdivision plans and plat.

Randy Randall, Public Works Director, explained that at the time the project was initiated the City applied with Union Pacific to be able to put the pipe under the railroad. Union Pacific has responded and denied the permit. Since the City submitted the request, Union Pacific has changed the rules and now requires an outer casing or sleeve for the pipe. This requirement, combined with a requirement for 5 ½ feet of cover between the casing and the rails, would force the City to install two smaller pipes instead of one larger pipe, which could increase the project cost 1 ½ to 2 times. Staff have met with Union Pacific representatives and requested a variance. Mr. Thacker asked if Mr. Randall is optimistic. Mr. Randall responded that after visiting with the local representatives he is optimistic. He does not question whether a permit will be granted. He questions whether or not they will require two pipes instead of one, and whether the cost of the project will substantially increase.

At 7:43 p.m. Mayor Russell opened a public hearing.

Paul Cutler – Mr. Cutler stated he was not originally in favor of the proposed density, but he has reviewed the current proposed plans and feels improvements have been made. He has concerns regarding the Home Owners Association (HOA), stating he knows HOAs do not always continue to function adequately over time.

Alan Prince – Mr. Prince represents the property owners and developer. He responded to Mr. Cutler that the State has adopted more stringent regulations governing registration and operation of HOAs. Mr. Prince stated that Henry Walker Homes is an experienced home builder and HOA manager. The City Attorney has reviewed the HOA documents, and Mr. Prince does not feel they could have been more carefully crafted. Referring to the pipe project, Mr. Prince stated that before agreeing to the $150,000 contribution to the project, his firm approached a firm that puts pipes under the railways regularly to have an understanding of the cost involved. As the developer, they agreed to bear the cost of a 24-inch pipe going under the tracks. The City wanted to take the opportunity to upgrade the pipe to 36 inches. Mid-project the requirements have changed, and now a sleeve big enough to house the pipe is required, and the bedding is required to be deeper. Mr. Prince stated that switching from one 36-inch pipe to two 24-inch pipes would not double the cost. He is confident the permit will be granted by Union Pacific, it is just a matter of what format it will take. The Agreement provides for the sharing of additional costs.

Steve Thacker, City Manager, stated there are differences between this HOA situation and the other situations Mr. Cutler may have been referring to. The Woods Park Subdivision has improvements and amenities that will create incentive for the HOA to continue functioning.

Mayor Russell closed the public hearing at 7:56 p.m.

Councilman Allen commended the developer for willingness to participate in infrastructure improvements. Councilwoman Lindstrom commended staff for their diligent efforts to improve drainage issues throughout Centerville. She believes the project will benefit the community, and she commended Mr. Prince for being as thorough as he has been.

Councilman Averett made a **motion** to approve the final subdivision plat and plans for the Woods Park Development at 690 West 2400 North with the conditions and findings listed in the staff report and with the addition of condition #13 as recommended by staff. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Conditions

1. The proposed plat notes should be revised and resubmitted (in redline form) to address the following:
    a) Add to the first part of Note #1: "Unless otherwise noted,"
    b) Add "(P.U.E.)" after the first use of the term Public Utility Easements in Note #2.
    c) Delete "and the City Engineer" from the end of Note #3.
    d) Revise Note #4 to reflect that the Developer shall install and the HOA shall be responsible to maintain, irrigate, provide irrigation water, and mow the Detention Basin Areas and Drainage Ways as shown on the plat.
    e) Have City Engineer or Public Works Director check the City responsibility provisions at the end of Note #4 regarding silt removal.
    f) Add to the end of Note #6: ", the Woods Park Development Agreement, and terms and conditions of PDO Zoning Approval granted by Centerville City. Any and all development and construction within the subdivision shall comply with such recorded documents and approvals."
    g) Compare Note #4 and Note #7 and make sure they are consistent.
    h) Add to the first part of Note #8: "Unless otherwise noted,"
    i) Have City Engineer check the provisions regarding finished floor elevations in Note #9. Compare with language in Section 12 of the Development Agreement which provides "The finished base floor elevation for any dwelling within the subdivision, including basements, whether finished or unfinished, shall be one foot (1') above the projected 100-year flood event for the Property."
    j) Add to Note #9 the Development Agreement requirement as follows: "Builders shall be required to provide an engineer's certificate of all base floor elevations prior to pouring the footings for any structure."
    k) Eliminate the word "statue" as used in Note #10.
    l) Add to the end of Note #11: "and all terms and conditions of PDO Zoning Approval and final plat approval by Centerville City.

m) In Note #14, replace the term "community" with "subdivision," delete the "a" before inclusion, and replace the term "items" with "architectural design elements"
n) Compare Note #15 to Note #18. Is Note #15 regarding individual fencing?
o) Consider eliminating "elevated" from Note #17 regarding decks in the setback area. Confirm with Community Development Director whether it is "any deck" or just "elevated decks" that are subject to the encroachment restriction. Compare plat note language to PC Condition #1(g). Change the "or" to "nor" in first sentence.
p) In Note #18, change the first "to be" to "shall be" and add "than" after the word "other" in second line.

2. Add the following plat notes:
   a) All coordinates shown are based on Davis County Surveyor's Office Datum.
   b) No building permit for any lot within the subdivision shall be issued until and unless all wet utilities have been installed and completed and all streets are rough graded in accordance with applicable City ordinances, including the storm drain improvements along Lund Lane, and until the Detention Basin is installed, completed and functioning, as more particularly provided in Section 11 of the Development Agreement as recorded against the property.
   c) No building permit for any lots within the subdivision shall be issued until and unless the City has obtained all required permits from UPRR and UTA for the construction of the Drainage Culvert and no certificate of occupancy shall be issued for any building within the subdivision until and unless the Drainage Culvert has been installed, completed and is functioning, as more particularly provided in Section 11 of the Development Agreement as recorded against the property.
   d) No building permit for any lots within Flood Pain Zone A, shown as Lots 2-5, shall be issued until and unless the Detention Basin and the Drainage Culvert have been installed, completed and are functioning, and Developer has received LOMR approval and all conditions of the LOMR have been met, as more particularly provided in Section 11 of the Development Agreement as recorded against the property.
   e) All property within the subdivision shall be developed in accordance with the City ordinances, PDO Rezone Approval, Final Plat Approval, and all subsequent applicable final plans and construction drawings for individual lots within the subdivision. All applicable City, State and Federal construction standards and specifications shall be met. All owners, users, lots and development within the subdivision shall be subject to all agreements, easements, and restrictions governing the property, including, but not limited to, the Woods Park PDO Development Agreement, as amended, and the Centerville City Planned Development Overlay Ordinances, as amended.
   f) All designated common areas shall be owned and maintained by the HOA and shall be prohibited from future development.
3. Approval of the final plat for the Woods Park PDO is subject to and conditioned upon compliance with all terms and conditions of the Development Agreement dated April 4, 2013, as recorded against the property.
4. Final plat approval is conditioned upon and subject to Developer obtaining a Letter of Map Revision (LOMR) from FEMA pursuant to Section 10 of the Development Agreement as recorded against the property.
5. Prior to recording the final plat, Developer shall record and complete the boundary line adjustment acquiring the 50' strip of real property to be acquired from the Wrights and included within the subdivision.

6. Prior to recording the final plat, Developer shall ensure that all property within the subdivision is subject to the Development Agreement and PDO Zoning. If any boundary line adjustment has increased the size of the subdivision or added property thereto that is not subject to the Development Agreement, the Development Agreement shall be recorded against such additional property in a manner acceptable to the City Attorney. Any PDO Zoning issues shall be addressed in accordance with applicable City ordinances.
7. Applicant shall show all easements of record on the plat or submit a vacation of easement prior to recording the plat and subject to review by the City Engineer.
8. Prior to recording the final plat, applicant shall submit an updated title report (current within 30 days) for the entire subdivision for review and approval of encumbrances and ownership issues by the City Attorney and City Engineer.
9. Developer to designate on final plat Parcels A, B and C as "Common Area to be owned and maintained by HOA" with associated plat note regarding HOA maintenance requirements and CC&R's. Provide adequate guarantees to protect such common areas from future development as required by PDO Ordinance (Section 12-41-110).
10. Revise CC&R's to comply with requirements of PDO Ordinance (Section 12-41-110) and suggested revisions from City Attorney. CC&R's shall be recorded prior to or concurrently with final plat. See, CC&R Review dated July 30, 2013.
11. Show existing and proposed Flood Plain Zones on the plat in accordance with Section 10 of the Development Agreement.
12. Except as specifically agreed to by the City in the Development Agreement for off-site drainage culvert improvements under the UPRR, Developer shall be required to pay for and install all required on-site and off-site public improvements and infrastructure for the Property to the extent reasonably necessary and related to the impact of the development in accordance with City ordinances and engineering standards, including, but not limited to, streets, curbs, gutters, sidewalks, culinary waterlines and facilities, fire hydrants, street lights, sewer lines and facilities, secondary irrigation waterlines and facilities, storm drainage facilities, subdrain facilities, utilities, and detention facilities. All such improvements shall be bonded for and constructed and installed in accordance with applicable City ordinances and specifications as determined necessary by the City Engineer. All plans and construction for water, sewer, street and drainage improvements shall be reviewed and approved by the City Engineer.
13. The applicant or subsequent developer/owners of the project shall remain responsible for payment of all outstanding professional service fees related to the review of the subdivision plans and plat.

Findings

a) The City Council finds that the final subdivision plat and plan is to comply with the terms and conditions of Wood Park PDO Zone Map Amendment and associated conceptual plan acceptance that was approved in April of 2013.
b) The City Council finds that the Conditions of the final plat and plan recommendation, subject to terms and conditions of the PDO, are consistent with Woods Park PDO Zone Map Amendment.
c) The City Council finds that the terms and conditions of the final plat and plan recommendation are consistent with preliminary subdivision approval by the Planning Commission, dated June 12, 2013.

WOODS PARK ASSIGNMENT AND ASSUMPTION AGREEMENT

Ms. Romney explained that the current developer of the Woods Park Subdivision project desires to transfer development of the property to Henry Walker Homes. Since the property is subject to a Development Agreement, Henry Walker Homes is required to enter into an Assignment and Assumption Agreement, agreeing to take on the obligations in the Development Agreement as well as obtain the rights. Staff recommends the Council approve the Assignment and Assumption Agreement between the City and various parties, specifically Henry Walker Land of Northern Utah, LLC. Councilwoman Lindstrom asked if there was anything Henry Walker Homes took issue with. Mr. Prince read excerpts from the purchase agreement with Henry Walker, stating that they have been completely apprised of all issues:

> "The Development Agreement attached hereto as Exhibit D shall be in full force and effect, and the Purchaser acknowledges and agrees that: (a) it has reviewed the Development Agreement; (b) it understands the conditions and obligations imposed thereunder on the Developer; and (c) shall assume full responsibility for the performance and satisfaction of all obligations of the Developer under the Development Agreement."

> "This cost-sharing provision regarding the drainage lines shall survive the closing."

Councilman Allen made a **motion** to approve the Assignment and Assumption Agreement for the Development Agreement between Centerville City, Val D. Wood Trust, William J. and Suzanne B. Wright and David L. Ellis for the Woods Park Planned Development (PDO) to Henry Walker Land of Northern Utah, LLC. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – ZONING CODE TEXT AMENDMENT

Lisa Romney, City Attorney, explained that earlier this year, the City conducted a comprehensive review of civil code enforcement procedures and penalties. In response to such review and analysis, the City Council adopted various amendments to Title 1, Chapter 6 of the Centerville Municipal Code regarding civil code enforcement. Staff has prepared similar revisions and proposed amendments to Title 12, Chapter 23 of the Zoning Code regarding enforcement procedures and penalties for Zoning Code Violations. The edits to Title 12, Chapter 23 are intended to mirror those amendments that were made earlier in the year to Title 1, Chapter 6.

At 8:06 p.m. Mayor Russell opened a public hearing regarding the Zoning Code Text Amendment, and closed the public hearing seeing that no one wished to comment.

Councilwoman Lindstrom made a **motion** to approve Ordinance No. 2013-11 amending Chapter 12-23 of the Centerville City Zoning Ordinance regarding remedies, penalties and procedures for enforcement. Councilman Allen seconded the motion, which passed by unanimous vote (4-0).

FEE SCHEDULE AMENDMENTS – CIVIL PENALTIES

Ms. Romney explained that, in response to the review of procedures and penalties conducted earlier this year, the Council adopted amendments to the Centerville City Fee Schedule to add a graduated civil penalty provision for Municipal Code violations and subsequent or recurring violations within a 12-month period. Staff has prepared similar revisions and proposed amendments to the Fee Schedule regarding civil penalties for Zoning

Code violations. The edits to the Fee Schedule regarding civil penalties for Zoning Code violations are intended to mirror those amendments and civil penalties for Municipal Code violations.

Councilwoman Lindstrom made a **motion** to adopt Resolution No. 2013-19 amending Section XII of the Centerville City Fee Schedule regarding civil penalties for Zoning Code violations. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

10-WHEEL DUMP TRUCK FOR PUBLIC WORKS

The FY 2014 Public Works Budget includes the purchase of a 10-Wheel dump truck with front plow and wing plow, under a 5-year Lease Purchase Agreement. Randy Randall, Public Works Director, explained the purpose of acquiring the 10-Wheel truck in a work session earlier this year. The City Manager met with both the Public Works Director and Parks Director in an earlier budget session to review their requests for trucks and the current fleet status. As a result, they agreed to share one new one-ton dump truck instead of each department purchasing one. The Parks Director also expressed support for the purchase of a 10-Wheel dump truck for Public Works, noting it could be used by his department as well. The 10-Wheel truck will reduce the cost of hauling materials for both departments. The 10-Wheel truck will do the snow-plow work of two bobtail snowplows clearing the City's arterial roads, reducing the man-hours and fuel expense required. Mr. Thacker explained that the 5-year Lease Purchase Agreement was deemed prudent to allow other equipment to also be replaced with the funds available in the budget. Blaine Lutz, Finance Director/Assistant City Manager, explained that because of the amount of steel required for a 10-Wheel dump truck, the cost of these vehicles increases every six months.

Councilman Wright asked if the lease purchase agreement places limitations on the equipment during the lease period. Mr. Lutz responded the City will be required to keep the vehicle in good repair, similar to a regular commercial car loan. All equipment needed with the truck is included in the lease. Councilman Wright stated it seems like a great way to extend the budget. Councilman Averett stated he feels it makes sense from a financial standpoint.

Steve Thacker, City Manager, pointed out a minor change necessary on one of the exhibits. Councilwoman Lindstrom made a **motion** to approve Resolution No. 2013-20, approving the 5-year Lease Purchase Agreement with Zions First National Bank for the financing of equipment in the amount of $215,813; and approving the purchase of cab and chassis and equipment from Rush Truck Center and Legacy Equipment in the amount of $215,813, including the change pointed out by Mr. Thacker. Councilman Allen seconded the motion, which passed by unanimous vote (4-0). Councilwoman Lindstrom expressed appreciation for staff's efforts to reduce expenses and be more efficient.

PARK PAVILION RESERVATION POLICIES AND APPLICATION FORMS

The Council increased Park Pavilion Reservation Fees in 2012, and expressed at that time a desire to revise and simplify the related policies and application forms. Jake Smith, Management Assistant, explained the proposed policy changes and revised Park Pavilion Reservation form and Addendum. Under the new policy, limited sales are allowed in City parks at the discretion of the Parks and Recreation Director. Mr. Thacker stated it is not the intention of staff to allow purely commercial sales in the parks. Mr. Smith explained restrictions involved with using inflatable toys at the parks.

Councilman Wright asked if staff has looked at Title 8 and correlated it with these changes. Lisa Romney, City Attorney, responded that adopting a pavilion reservation policy is consistent with Title 8. The desire was to have the reservation policy and forms in place as soon as possible. Staff intends to conduct a more comprehensive review of Title 8. Paul Cutler stated from the audience that he would like to see the ability to reserve a pavilion online.

Councilwoman Lindstrom made a **motion** to approve Resolution No. 2013-11 adopting Park Pavilion Reservation Policies and Application forms. Councilman Allen seconded the motion, which passed by unanimous vote (4-0). Councilman Allen complimented Mr. Smith on his work. Mr. Smith stated that adding electronic submission of the reservation form to the website is possible, for an additional cost to the City. Mayor Russell requested that Mr. Smith look into the cost and methods of implementing electronic submission. Mr. Lutz commented that many of the citizens utilizing the reservation option are older and may not respond well to an electronic reservation format. He suggested keeping the first few days of reservations in-person at the City offices.

RECONSIDERATION OF APPROVAL OF UTA TRAIL LICENSE AGREEMENT

On July 16, 2013, the City Council approved a Trail License Agreement between the City and UTA for the use and maintenance of a pedestrian pathway and trail system within the DRGW Corridor, conditioned upon and subject to review and approval of the City's insurance company regarding the environmental liability clauses and coverage. Staff contacted URMMA, the City's insurance company, and asked whether the City would be insured for the Trail License Agreement's environmental liability clauses that allocate liability and responsibility to the City. URMMA indicated that the City would most likely not be insured for personal injury claims to trail users arising from or due to exposure to preexisting environmental contamination. Coverage would be dependent upon type of injury and claim. Given URMMA's response regarding insurance coverage for such risks, staff contacted UTA representatives to see if they would reconsider eliminating the environmental liability clauses. UTA again reiterated that these provisions are mandatory and that such provisions are in most of the trail license agreements that they have entered into more recently. Earlier contracts, however, such as the one entered into with Farmington, did not have these clauses. It is up to the Council to determine whether to approve the contract with these mandatory provisions or not. Given the public benefit of the rail corridor trail and the low risk of environmental liability exposure, it is staff's recommendation the Council approve the Trail License Agreement. Ms. Romney reported that she did some research to see if there had been any environmental liability claims associated with the national Rails-to-Trails program. She found a Federal National Trails System Act which talks about the local agencies assuming all liability, which supports the position UTA is taking. Mr. Thacker stated he intends to ask UTA officials at a higher level about the possibility of making the agreement with Centerville more like the agreement with Farmington. Approval of the agreement is time sensitive since UTA would like to begin work on the Centerville portion of the trail in September.

Councilwoman Lindstrom made a **motion** to approve the UTA Trail License Agreement between the City and UTA for the use and maintenance of a pedestrian pathway and trail system within the DRGW Corridor (without condition of approval regarding environmental liability coverage), directing staff to talk to UTA officials regarding the possibility of leaving out the indemnity clause as in the agreement with Farmington. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

CITY MANAGER'S REPORT

- City Manager Thacker updated the Council regarding the Parrish/Main Intersection Project. Rocky Mountain Power has resolved the Buy America steel issue. The right-of-way acquisition process has not gone smoothly. Five residential parcels north of Parrish and two properties south of Parrish, one commercial and one residential, have not been purchased. Four of the residential property owners north of Parrish requested the involvement of the Ombudsman, who ordered appraisals for those four properties. The appraisals returned with higher property values than had been obtained a few years ago at the beginning of the process. The right-of-way agent is in the process of making offers to the property owners based on the new appraisals.

  As part of the recent attempt to complete the remaining purchases, the right-of way agent has given some feedback to Mr. Thacker regarding comments made to him. The right-of-way agent was informed that one of the property owners was told by other property owners not to sign anything because the upcoming election may change the City Council, and therefore result in killing the project. The project was approved by majority vote of the Council last year, and Mr. Thacker has been told by UDOT that if the project were cancelled the City would be responsible to repay the funds that have been spent thus far for design and right-of-way activities – over $300,000. City Manager Thacker has tried, but been unable, to trace the comment to its source. He is greatly concerned by the comment. He feels canceling the project would cause damage beyond the financial obligation. It would harm a partnership with UDOT that would have ramifications in other areas, referring to the next item on the City Manager's Report. Ms. Romney added that the City is contractually bound with the Federal Government on the grant.

- The I-15 express lane project is scheduled for next year, and will add an express lane northbound through Centerville, and possibly southbound depending on funds available. The project will also involve replacement of several of the interchange bridges in Davis County south of Centerville. Several months ago Mr. Thacker, Justin Allen, and the Mayor met with UDOT representatives and State Senator Stuart Adams to ask how Centerville can get a pedestrian pathway. At that time it was suggested that UDOT consider including a pedestrian pathway with the express lane project. A few weeks ago Mr. Thacker was contacted by engineers under contract with UDOT to prepare the design/build specifications, to discuss the pedestrian pathway idea. Councilman Allen and Mr. Thacker met with the engineers and identified four things that would be desirable to accomplish for the benefit of Centerville:
  - Replace the whole interchange, which would take more money than currently available. Councilman Allen has agreed to contact Legislators about the possibility of adding enough money to the project in the next Legislative Session to rebuild the Parrish Lane bridge along with all of the other bridges included in the project.
  - Pedestrian Pathway – either a separate structure, an attachment to the existing bridge, or part of a new bridge.
  - Landscape the interchange.
  - Enlarge a number of culverts under I-15 that are now undersized compared to culverts on both sides.

  At the conclusion of the meeting the engineers recommended staff meet with UDOT Region One to discuss these desires with the Project Manager. Mr. Thacker and other members of staff met with the Project Manager on August 1st, having added a fifth item that would be desirable:

- Extension of the sound wall.

The Project Manager stressed the cost involved in an interchange replacement and stated that more money would be needed from the Legislature. The pedestrian crossing has been included as a potential enhancement – not a part of the minimum bid requirement, but as a desired enhancement. The Project Manager sees it most feasible as an attachment to the north side of the existing bridge structure. UDOT will not pay for landscaping enhancements for any of the interchanges in the project. Regarding drainage, staff has identified 17 culverts under the freeway that need to be replaced or enlarged. UDOT asked staff to identify two or three that would be most desirable to add to the express lane project. Mr. Thacker feels there is a good chance that two or three will be included in the project. Based on a sound analysis done by UDOT, standards will not be met for extending the sound wall.

City Manager Thacker stated he believes if the City does not move forward with the Parrish/Main Intersection Project, the City's credibility is at stake in the partnership, and it may affect UDOT's willingness to work with the City on the other projects he has mentioned.

Councilman Allen reported that he has had follow-up conversations with Senator Adams, who represents half of Centerville and is influential regarding transportation issues in the Legislature. If there is additional funding for transportation, Councilman Allen feels there is a good argument in favor of replacing the Parrish Lane bridge. Regarding the pedestrian crossing, Councilman Allen feels it would be beneficial for the bid to include a standalone walkway as well as a new interchange with pedestrian walkway.

- Steve Thacker reported that for the 14th year in a row the City has been awarded a Certificate for Excellence in Financial Reporting (for Fiscal Year 2012).

The Council took a brief recess at 9:19 p.m. and returned at 9:25 p.m.

MISCELLANEOUS BUSINESS

The Council discussed the possibility of sending a letter to Utah's congressional delegation expressing support for the Market Place Fairness Act legislation pending in the U.S. House of Representatives. The bill would not impose a new tax, but would enable the collection of existing tax that online retailers are not currently collecting and remitting. Councilman Allen stated he does not feel strongly that Centerville needs to send a letter. Mayor Russell stated he agrees with the concept of the bill, but does not feel he understands the issue well enough to argue one way or the other.

ADJOURNMENT

At 9:30 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Marsha L Morrow

Marsha L. Morrow, City Recorder

8/20/13

Date Approved

Katie Rust

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL MEETING

Tuesday, August 6, 2013
7:00 p.m.

NAME **(PLEASE PRINT)**	ADDRESS**
Loren Pankratz	111 W 650 N
Spencer Arbuckle	550 E 900 S
Bert Pack	161 W 560 N
Bryan Howell	226 North 650 East
[illegible]	
Alan [illegible]	4255 Sugar Pine Cir, Lehi
Cami Hamilton	LYFB (SLC)
Stephanie Ivie	595 S. 700 E. Centerville
[illegible] Davis	111 E 820 S Ctrvl, Ut
Bill & Susanne Wright	415 W. Lund Lane Centerville
Jeff Bassett	66 W 850 S

** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the City Council meeting.