Minutes of the Centerville **City Council** meeting held Tuesday, January 7, 2014 at 7:08 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Jacob Smith, Management Assistant Cory Snyder, Community Development Director Lisa Romney, City Attorney Katie Rust, Recording Secretary
VISITORS	Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Mayor Paul A. Cutler

OPEN SESSION

Sherri Lyn Lindstrom – Ms. Lindstrom congratulated the new Mayor and Council members and expressed gratitude to the entire Council for the time they will spend to benefit the community. She commented that Centerville is a diverse community, and Council members represent the entire community. Ms. Lindstrom states she is confident the new Council will act with dignity and respect, and knows that every person in the room has the desire to act in the best interest of Centerville.

Rick Bingham – Mr. Bingham congratulated Mayor Cutler and Council members Fillmore and Ivie on their new positions. He expressed a concern that at the previous Council meeting Council members seemed unaware of where the UTOPIA financial statements were in their staff reports. He requested that UTOPIA be a primary agenda item for the new Council.

George McEwan – Mr. McEwan expressed concern that the nonprofit status of CenterPoint Legacy Theatre may be at risk due to an alleged event that took place in the course of the recent election campaigns. Mr. McEwan encouraged the City Council to open an investigation to find out who was responsible and why the situation took place so the City is ready to respond if an IRS investigation is instigated. He stated that policies and procedures should be put in place to ensure that City assets are not used inappropriately and placed at risk.

Lawrence Wright – Councilman Wright congratulated Mayor Cutler and Council members Fillmore and Ivie on their election.

Mark Gabriel – Mr. Gabriel encouraged citizens present to encourage others to get involved at City Council meetings and understand what issues are faced in the community. He stated he hopes the new Council will take a conservative stand on financial issues.

MINUTES REVIEW AND APPROVAL

The minutes of the Tuesday, December 17, 2013 Council meeting and closed meeting were reviewed. Councilman Higginson made a **motion** to approve both sets of minutes. Councilman Averett seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – FINAL SUBDIVISION PLAT FOR KING COMMERCIAL DEVELOPMENT

Cory Snyder, Community Development Director, explained the application to subdivide property in the Parrish Park Subdivision to create three lots from two existing lots for the King Commercial Development. The intention is to keep the Subway building as it is, demolish the existing carwash, and build a Jiffy Lube, and a retail building that will include a Beans and Brews coffee shop. The Planning Commission has approved the final site plan and recommended approval of the final subdivision plat. Councilman Averett asked where the ingress/egress will be located. Mr. Snyder responded that the two existing entrances from Parrish Lane will remain, with a reconfiguration of the entrance in front of Subway to improve the turning radius. The proposed parking ratio complies with ordinance requirements, as does the proposed Beans and Brews drive-through capacity. Sufficient space has been allowed for a drive-through and two-way traffic. Councilman Averett asked about street lighting for the development. Mr. Snyder responded that the final site plan includes lighting compliant with current ordinance requirements. The developer has been informed that the City is in the process of considering the lighting issue.

The applicant, Eldon Haacke, stated that the final site plan exceeds the City's parking requirements, and driving areas will be widened to accommodate traffic. He added that UDOT has reviewed and approved the site plan. The final site plan reflects compliance with the UDOT recommendation that the Subway entrance be widened to line up with the Wal-Mart entrance across the street. The plan exceeds the City's landscaping requirements, and four street lights are planned. Councilwoman Ivie asked if there is confidence that sufficient demand exists for a coffee shop and Jiffy Lube to be successful. Mr. Haacke expressed he is confident demand exists.

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

Lisa Sommer – Ms. Sommer commented that she has seen a long line of cars at the Starbucks drive-through in the past, and asked what will happen if more drivers wish to use the proposed Beans and Brews drive-through than it can accommodate.

Lee Skabelund – Mr. Skabelund commented that he feels the current Subway parking lot is tight, and asked if the tightness will be improved with the planned project.

The Mayor closed the public hearing at 7:45 p.m. Mr. Haacke responded to the comments, stating that the proposed coffee shop drive-through has space for more than five or six cars, with plenty of parking available. He added that the Subway parking entrance will be widened and will have a greater turning radius, as well as increased drive space near the garbage enclosure at the rear of the property.

Councilman Averett made a **motion** to approve the final subdivision plat for the King Commercial Development located on Lots 2 & 3 of Parrish Park Subdivision, with the following conditions and findings:

Conditions

1. The final subdivision plat shall be recorded with the Davis County Recorder's Office;
2. All subdivision fees (including professional service fees) shall be paid and all bonds posted for any on and off-site improvements.

Findings

1. The submitted plans clearly show the lots will meet all related criteria concerning a subdivision.
2. The plat indicates all the correct signature blocks and legal wordage for a review by the City Council.
3. The creation of the King Commercial Subdivision will not have any negative effects on the surrounding community.

Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

COMPREHENSIVE ANNUAL FINANCIAL REPORT

City Manager Thacker introduced auditors Ed Erickson and Jeff Miles of Hansen, Bradshaw, Malmrose and Erickson, P.C. Mr. Erickson presented highlights of the Comprehensive Annual Financial Report for Centerville for the year ended June 30, 2013. Councilman Wright asked if the UTOPIA debt should be included as a liability on the City statements. Mr. Erickson explained that the City has an obligation to UTOPIA, but the UTOPIA bonded debt is a responsibility of UTOPIA and is reported on UTOPIA statements. Councilwoman Ivie asked if the Council has access to the UTOPIA 2013 audit. Mr. Erickson responded that the UTOPIA 2013 audit has been completed, but he is not sure when it will be publicly available. Mr. Thacker stated that the Council was given an electronic version of the UTOPIA 2012 audit last year, and staff will forward an electronic version of the 2013 audit to the Council when it becomes available. Councilwoman Fillmore asked if the UTOPIA audit could be included on a future agenda, with UTOPIA representatives invited to comment and answer questions.

Jeff Miles stated that the City was found to use straight-forward accounting. Compared to the 2012 Audit, the City's net position has increased; debt has decreased; and the City is moving in a positive financial direction, with a sufficient rainy-day fund. Mr. Erickson complimented the Council and finance staff on the City's reaction to recent economic downturns. City Manager Thacker expressed appreciation to Jolene Jackson and the entire finance staff.

Councilman Averett made a **motion** to accept the Comprehensive Annual Financial Report, including the audit report for the fiscal year ending June 30, 2013. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

Mayor Cutler suggested that item 6 on the agenda be the next item of discussion. Councilwoman Fillmore made a **motion** to move item 6 on the agenda to before item 4. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

PROPOSAL TO CREATE A TRANSPORTATION COMMITTEE

Mayor Cutler explained a suggestion made by Councilwoman Fillmore to form a Transportation Advisory Committee. The purpose of the Committee would be to facilitate more citizen involvement in transportation planning and design. The suggested make-up of the Transportation Committee would be: 1 City Council member, 1 Planning Commission member, 1 Trails Committee member, and citizens with varied transportation interests, with City staff support possibly provided by the Community Development Director. Councilman Averett requested the opinion of the Community Development Director. Cory Snyder, Community Development Director, commented that transportation is a complex issue that should not be limited to a Planning Department perspective. Mr. Snyder recommended, and Mr. Thacker agreed, that staff could facilitate meetings, but would not serve on the Committee. Councilwoman Ivie stated she is not in favor of forming a Transportation Committee. She expressed concern that the more levels of bureaucracy that exist the more removed citizens feel from an issue. Councilwoman Ivie feels community members are interested and will attend Council meetings to get information and express opinions. Mayor Cutler responded that the suggestion of a Transportation Committee is an attempt to involve citizens. Councilwoman Ivie stated she feels it would limit input to a few citizens. Councilman Higginson asked if there would be enough work to keep a Committee busy. Councilwoman Ivie stated she thinks it would be overkill to have a standing committee when citizen input on specific issues can be collected at open houses and City Council meetings. Councilman Wright agreed with Councilwoman Ivie.

Mayor Cutler stated he debated whether a Transportation Committee should be a one-time occurrence or ongoing. Councilman Higginson suggested the Council postpone a decision and further explore the options and need for a Transportation Committee. Councilwoman Fillmore stated she does not have a problem with waiting. She feels a citizen committee is the opposite of a bureaucratic body. It gives an opportunity to citizens who want a chance to be involved. In response to the question of adequate material to keep a committee busy, she stated change and exterior pressures are never ending. If the City does not take the time to prepare a response to those exterior pressures, the results may be undesirable. The opinions collected at open houses inform the Council of what citizens do not want to have happen. The next step is formulating what the City does want to have happen. Her intent in suggesting the Transportation Committee is to allow the citizen voice to be part of the discussion in a more committed way. Councilwoman Fillmore feels that if the training and discussion is not done by a Transportation Committee, more time should be dedicated to transportation by the Council or the Planning Commission. A committee would do the leg work and bring suggestions to the Council.

Councilman Wright expressed the opinion that a transportation committee would not be successful. He suggested continuing with procedures followed in the past. Councilwoman Ivie agreed that the City is exposed to external pressures. She is concerned with the influence some of the external pressures would have over a committee. Councilwoman Ivie said she does not like the idea of a limited number of citizens being involved. She would like to see the whole citizenry involved. Councilwoman Ivie advised that the Council take the initiative to receive the training and then make sure citizens are informed. Councilman Wright agreed with Councilwoman Fillmore that there are many issues that should be discussed. He suggested integrating those issues in the Council's goal-setting discussions. Councilwoman Fillmore commented that during the goal-setting process, the Council may find issues for which a temporary committee could do the ground work and make recommendations for Council consideration.

The Council took a short recess at 9:00 p.m. and returned at 9:10 p.m.

APPOINTMENTS

The Council discussed positions needing to be filled by citizens on various City boards and committees. Councilman Wright asked if Council members are allowed to serve, not just as liaisons, but as members of the boards and committees. Lisa Romney, City Attorney, responded it is not prohibited, but not recommended since the boards and committees are meant to make recommendations to the Council. Councilwoman Ivie suggested that as a positive public relations effort, the Council hold-off on making appointments and announce the positions available on the City website. Councilman Averett responded he does not think that would be fair to those who already expressed interest and submitted applications. Mayor Cutler stated he would prefer not to postpone appointments to the Planning Commission. The Mayor stated that he reviewed six applications and is confident in the candidates he is recommending for the Planning Commission. Council members Averett, Fillmore, and Wright expressed support for moving forward with the Planning Commission appointments.

Mayor Cutler recommended appointing Logan Johnson and Gina Hirst to the Planning Commission. Councilman Wright made a **motion** to appoint Logan Johnson and Gina Hirst to fill the two open seats on the Planning Commission. The motion was seconded by Councilwoman Ivie and passed by unanimous vote (5-0). The Council decided that remaining positions will be posted on the City website.

The following Council member assignments were made:

- Councilman Wright made a **motion** to appoint Councilman Ken Averett to serve as Mayor Pro Tem for 2014. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Councilman Wright made a **motion** to appoint Councilman Ken Averett to serve as liaison for the Emergency Management group and Chairman of the Citizen Corps Council. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Councilman Wright made a **motion** to adopt Resolution No. 2014-02, appointing Mayor Paul A. Cutler as a member of the Board of Directors of the South Davis Metro Fire Agency representing Centerville City. Councilman Lawrence Wright will serve as the alternate member. The motion was seconded by Councilman Higginson, which passed by unanimous vote (5-0).
- Councilwoman Ivie made a **motion** to approve Resolution No. 2014-04 appointing Mayor Paul A. Cutler as Centerville City's representative to the Board of Directors of the Utah Infrastructure Agency. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Mayor Cutler and Councilman Wright will discuss the possibility of Councilman Wright serving on the UTOPIA Board.
- Councilman Averett made a **motion** to appoint Mayor Cutler to represent the City on the CenterPoint Board. Councilman Higginson seconded the motion, which passed by majority vote (3-2), with Council members Averett, Fillmore, and Higginson in favor and Council members Ivie and Wright dissenting. Councilman Wright expressed concern over a potential conflict of interest with the Mayor serving on the CenterPoint Board as well as serving as Chair of the ACB and the RDA.
- Councilman Wright made a **motion** to adopt Resolution No. 2014-05, appointing Mayor Paul A. Cutler and Councilman Lawrence Wright as Centerville City's representatives on the Administrative Control Board for the Davis Center for the

Performing Arts. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0). Councilmen Averett and Higginson will be appointed as RDA representatives at the next RDA meeting.

- Councilman Wright made a **motion** to appoint Councilwoman Stephanie Ivie to represent the Council with the Trails Committee and the Landmarks Commission. The motion was seconded by Councilman Higginson and passed by unanimous vote (5-0).
- Councilwoman Ivie made a **motion** to appoint Councilwoman Tami Fillmore to represent the Council on the Parks and Recreation Committee, and to adopt Resolution 2014-01 appointing Councilwoman Fillmore to the South Davis Recreation District. The motion was seconded by Councilman Higginson and passed by unanimous vote (5-0).
- Councilman Wright made a **motion** to adopt Resolution 2014-03 appointing Councilman John Higginson to represent the City on the Wasatch Integrated Waste Management Board. The motion was seconded by Councilwoman Ivie and passed by unanimous vote (5-0).
- Councilman Wright will continue as liaison to the Whitaker Museum Board.
- Councilman Averett will continue as liaison to the Davis Chamber of Commerce.
- Mayor Cutler will serve on the Davis County Council of Governments (COG).
- Councilman Higginson will continue as liaison to the Davis County Mosquito Abatement Board.
- Councilman Higginson and Mayor Cutler will serve as representatives on the Legislative Policy Committee.

Mayor Cutler recommended that item 5 be moved to the end of the agenda. Councilman Wright made a **motion** to adjust the agenda to discuss item 5 last. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

MAYOR'S REPORT

Mayor Cutler reported he has received training with the Fire District, and met with the Mayors elect of Farmington and Bountiful in an effort to establish good relations. Councilman Higginson expressed an interest in cooperation with neighboring cities to optimize purchasing power. City Manager Thacker commented that many City purchases occur under State contract.

CITY MANAGER'S REPORT

- UTA, UDOT, and Wasatch Front Regional Council representatives will be present at the upcoming Transportation Open House on February 4th at 6:00 p.m. Councilwoman Ivie suggested the representatives come prepared to give clear definitions of terms used in transportation planning. The Council and staff discussed ways to facilitate public comments and questions. Council members Ivie and Fillmore will work with staff regarding the format of the Open House. The Open House will be advertised in the utility mailer that will go out just before the Open House. Councilwoman Fillmore suggested advertising the openings on the various committees and boards in the same mailer, and postpone making appointments until the second meeting in February.
- City Manager Thacker updated the Council on the Main Street and Parrish Lane Intersection Project. Negotiations to purchase property have been completed with all but one property owner, Andy Bavelas. Negotiations with Mr. Bavelas and his attorney will continue this week. Councilwoman Ivie expressed that she is deeply

opposed to the intersection project and would be in favor of stopping all changes to the north side of the intersection. Councilman Wright added that, based on a discussion he had with the regional director of UDOT, he believes the option still exists to proceed with the limited-scope of the project. Councilman Wright stated he is not in favor of putting more traffic on Main Street. Mr. Thacker responded that UDOT officials have indicated going back to the original scope of the project is an option. The City would be responsible, however, for the costs associated with the expanded phase, which Brett Slater, UDOT Project Manager, estimates would be more than half of the cost incurred to date. Mr. Slater also wanted Mr. Thacker to remind the Council that UDOT recommended going with the full scope based on an updated traffic study that showed the additional phase of the project would give the most benefit.

- Mr. Thacker will forward UTOPIA/UIA financial statements to Council members when they become available.

MISCELLANEOUS

- ULCT Local Officials Day at the Legislature will be on January 29, 2014.
- Mr. Thacker explained an offer from UDOT to purchase a strip of City property in connection with the Main and Parrish Intersection Project. This will be discussed again in a later Council meeting.

POLICIES AND GUIDELINES FOR CONDUCTING COUNCIL BUSINESS AND INTERACTIONS WITH STAFF

A revised Prayer and Thought Schedule will be sent to Council members. The Mayor explained his intention to establish a consistent Council seating arrangement for Council meetings. Councilwoman Fillmore suggested inviting more guests to offer prayers or thoughts at Council meetings. City Manager Thacker commented that prayers are a sensitive topic. He and Ms. Romney briefly explained reasons that the City adopted the practice years ago of limiting the invitation to religious representatives from within the City.

The other topics under this heading – i.e. electronic meeting policy, minutes approval policy, guidelines for Council/staff relations, and a proposed list of training topics from the City Attorney – will be postponed until the next Council meeting.

ADJOURNMENT

At 10:55 p.m. Councilwoman Ivie made a **motion** to adjourn the meeting. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow
Marsha L. Morrow, City Recorder

1-21-2014
Date Approved

Katie Rust
Katie Rust, Recording Secretary

George McEwan's verbatim comments at January 7, 2014 City Council meeting:

My name is George McEwan. I would like to address the Council tonight. Actually quoting, according to Mayor Russell, he did say that emotions run high with elections, is quite correct, and as a community that's been left with a lot of questions that as we move into this new Council and into this new administration, and unfortunately some of those questions are simply not answered, as we know that there is an on-going investigation by the Lt. Governor's office, which for you Mayor Cutler and for you Council member Fillmore, may exonerate you, may throw you out of office and criminally charge you. I have no idea what has happened as a result of the investigation. One thing in the community that we do know is very clear, is that there was a violation of CenterPoint Theater's nonprofit status during the election and that was effectively done by Paul Cutler's campaign in concert with individuals yet unknown with CenterPoint Theater. That is very troublesome because that places the nonprofit status of the Theater at risk. That is a City asset it is a County asset and it should never be used for such a purpose and unfortunately we don't know how that happened. What I am here to do, is I am here to petition the City Council to open your own investigation. Find out who, what, why and where this situation took place. Maybe it's complete ignorance on behalf of the people who thought they were just being salutary, just helping out, maybe it was deliberate. I have no idea, but what we do know is that the Theater is now at risk and its nonprofit status is going to be challenged by the IRS at some point in the near future because that's like letter law, we know that's the case. So in order to make sure that when the IRS comes knocking on our door at the City, that we don't have the theater sanctioned, that it doesn't receive funds and perhaps lose its nonprofit status, I urge you to do an investigation, create policies and procedures that work with the theater, so that you have an answer when they come to ask us why we violated the nonprofit status, specifically, why the Paul Cutler campaign violated the nonprofit status of the theater so that we have an answer for them, because right now we don't, and I do not want to see the theater go into a situation where it has to defend itself over something that probably was an innocent mistake, and as the Whitaker Museum has to renew its nonprofit status, we need to make sure that those policies and procedures are in place for the Museum as well, so that assets that belong to the community that are paid for with tax payer funds are not misutilized for purposes of campaigns.