Minutes of the Centerville **City Council** meeting held Tuesday, March 4, 2014 at 7:02 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

**MEMBERS PRESENT**

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| Mayor | Paul A. Cutler |
| Council Members | Ken S. Averett<br>Tamilyn Fillmore<br>John T. Higginson<br>Stephanie Ivie<br>Lawrence Wright |
| **STAFF PRESENT** | Steve Thacker, City Manager<br>Blaine Lutz, Finance Director/Assistant City Manager<br>Randy Randall, Public Works Director<br>Cory Snyder, Community Development Director<br>Lisa Romney, City Attorney<br>Katie Rust, Recording Secretary |
| **VISITORS** | Brent Christensen, Independent Auditor for UTOPIA/UIA<br>Benson Whitney, Henry Walker Homes<br>Will Allen, Architect for Walmart remodel<br>Interested citizens (see attached sign-in sheet) |
| **PLEDGE OF ALLEGIANCE** | BSA Troop 519 |
| **PRAYER OR THOUGHT** | Councilman John Higginson |

**PRESENTATION**

On February 27, 2014, Centerville City was presented the System Resource Efficiency Award by the Rural Water Association of Utah. This award honors Centerville City's many innovative efforts to design and maintain an energy-efficient culinary water system. Randy Randall, Public Works Director, displayed the plaque to those present.

**OPEN SESSION**

Patricia Hendrick – Ms. Hendrick stated that the deadline for public comment regarding the proposed Tesoro pipeline is March 17, and added she believes the public is not aware of the proposed pipeline project. Ms. Hendrick said it is her understanding that those who submit comments prior to March 17th will receive further information, and added that she has many questions and concerns about the project. Mayor Cutler responded that at a recent meeting the cities involved agreed that not enough information has been provided. The Mayor will further address this issue later in the meeting.

William Ince – Mr. Ince said he has heard about a significant commitment and additional bond relating to UTOPIA, and asked for an update on UTOPIA issues. Mr. Ince asked what information will be given to the public. The Mayor responded the Council recently held a work session with representatives of Macquarie, the investment group currently conducting an analysis of UTOPIA. Mayor Cutler added that more information is expected by the end of March or beginning of April. None of the cities involved have yet made a commitment to any of the proposed options. After a proposal is made by Macquarie a number of public meetings will be held to share information with the community.

**QUESTIONS AND ANSWERS REGARDING UTOPIA/UIA'S ANNUAL AUDIT REPORTS**

Brent Christensen, independent auditor for UTOPIA and UIA, said his firm considers UTOPIA and UIA to be high risk audits because of the public attention and negative press they receive. The UTOPIA and UIA annual audits involved in-depth analysis by his firm. Mr. Christensen stated that UTOPIA/UIA representatives have been extremely cooperative, and he believes the audit statements are accurate and right, whether or not the public likes the information. Mr. Christensen made sure the City is aware of new national accounting standards that will require any debt guaranteed by a city to be recorded as a liability on the city's financial statements beginning next year. He said that for Centerville this will be the case with the UTOPIA bond debt as well as a portion of the Utah Retirement Systems shortfall. Mr. Christensen expressed confidence in the accuracy of the UTOPIA audited statements. Mayor Cutler asked Mr. Christensen to explain the net negative balance on UTOPIA's statements. Mr. Christensen explained that a loss was expected at the outset, with positive cash flow expected as UTOPIA growth occurs. UTOPIA's net negative balance includes the portion of bond debt not offset by physical assets as well as the amounts paid by the cities annually that are recorded on UTOPIA's records as loans from the cities. Councilman Wright expressed concern with the sense of bias he detected when reading the Audit report, and the relatively few number of findings reported. Mr. Christensen explained that the Management Report portion of the Audit is written by UTOPIA management, not the auditing firm. The audit presented by Mr. Christensen is a financial audit, not a performance audit. Councilman Wright expressed a desire to have access to detailed financial information for UTOPIA. Mr. Christensen responded that the Council can ask for as much information as they want from UTOPIA or his firm. He repeated that UTOPIA has cooperated with every request and suggestion made by the auditing firm. The lack of findings at this point is a result of changes that have been made to improve UTOPIA's accounting practices over time. Mayor Cutler thanked Mr. Christensen for his presentation.

**MINUTES REVIEW AND ACCEPTANCE**

The minutes of the Thursday, February 13, 2014 work session, and the Tuesday, February 18, 2014 work session and Council meeting were reviewed. Councilman Wright requested that the questions asked by Council members at the February 13th work session with Macquarie representatives, and the answers given, be transcribed verbatim for the benefit of the Council and community, considering the long-term financial commitment involved. Councilman Averett asked if the audio recording of the work session could be posted on the City website. Councilwoman Fillmore made a **motion** requesting that staff place an audio link to the February 13, 2014 work session on the City website. Councilman Averett seconded the motion. Councilman Wright made a **motion** to amend the motion to include a full written transcript of the work session (to the extent possible) in addition to the audio link. Councilman Higginson seconded the motion to amend the original motion, which passed by unanimous vote (5-0). Councilman Wright made a **motion** to approve the original motion as amended. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

Councilman Wright made a **motion** to approve the minutes of the February 13, 2014 work session. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0). Councilman Higginson made a **motion** to approve the February 18, 2014 work session and Council meeting minutes. The motion was seconded by Councilman Wright and passed by unanimous vote (5-0).

## PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENTS

Lisa Romney, City Attorney, explained that the proposed Zoning Ordinance text amendments implement State requirements, as well as staff recommendations to improve City public noticing practices.

At 8:11 p.m. Mayor Cutler continued the public hearing from the February 18th Council meeting.

Dale Macintyre – Mr. Macintyre commented that some of the links for background information on the public portal of NovusAgenda have not worked. He suggested the links should be tested.

The Mayor thanked Mr. Macintyre for his feedback, and seeing no one else who wished to comment closed the public hearing at 8:14 p.m.

Councilwoman Fillmore made a **motion** to approve the proposed Zoning Ordinance text amendments set forth in Ordinance No. 2014-03 regarding the public hearing and noticing requirements for land use applications. Councilman Averett seconded the motion, which passed by unanimous vote (5-0). Councilman Wright requested that a discussion regarding the possibility of changing the location that physical copies of the agenda are posted at City Hall be added to a future agenda. Mayor Cutler asked that Council members put together specific recommendations to discuss. Mr. Lutz added that including a light feature to any option would add significant cost.

## INFRASTRUCTURE IMPROVEMENTS AGREEMENT WITH HENRY WALKER HOMES

Ms. Romney explained that Senate Bill 153, passed in the 2013 Legislative Session, allows developers to commence construction and installation of infrastructure and utility improvements prior to recording the final plat (thereby eliminating the required bonding for such improvements). While the City is in the process of amending its ordinances to comply with SB 153, the City does not yet have ordinances in place to allow for such commencement of construction prior to recording of the plat. Henry Walker Homes, the owner and developer of the Woods Park PDO Subdivision, has requested the City allow them to commence construction of improvements and utilities associated with the project prior to recording the final plat as allowed under SB 153. Staff recommends the City enter into an Infrastructure Development Agreement with Henry Walker Homes outlining the requirements for commencement of construction prior to recording the final plat. Henry Walker Homes will be required to bond for any and all improvements within the public rights-of-way and for the detention basin, but will not be required to immediately bond for improvements and infrastructure within the proposed subdivision.

Benson Whitney, representing Henry Walker Homes, expressed appreciation to staff for help in moving forward. Mayor Cutler asked staff how long it will take to bring ordinances in alignment with State law. Ms. Romney responded it will take a few months. Councilwoman Fillmore asked if the ability to require a bond for infrastructure in the public rights-of-way will be retained in the revision of the ordinance. Ms. Romney responded it is her interpretation of SB 153 that a bond can still be required. Councilwoman Fillmore referred to the work session held with legislators earlier in the year and the fact that Senator Adams had seemed open to the idea of amending the legislation based on the City's concerns. She asked if any follow-up had been done. Ms. Romney responded she has not heard any proposed amendments. Mr. Thacker stated he feels it would be wise to go through the revision process to identify if it can be done in a practical manner before raising any alarm.

Councilman Wright made a **motion** to approve the Infrastructure Improvements Agreement (Prior to Recording Final Plat) with Henry Walker Homes regarding commencement of construction for Woods Park PDO. The motion was seconded by Councilman Higginson and passed by unanimous vote (5-0).

**FIRST AMENDMENT TO THE WAL-MART DEVELOPMENT AGREEMENT**

Lisa Romney explained Walmart's desire to update and refresh the exterior of the building and signage of the Centerville store. Will Allen, architect for the Walmart remodel, stated that Walmart likes to refresh store appearances every 5-8 years. He explained the proposed exterior color package and exterior sign package. The original color scheme and sign package were selected by Walmart based on the Parrish Lane Guidelines, compatible with the general appearance of the area. Cory Snyder, Community Development Director, stated that the Development Agreement does not regulate content or colors of the signage. Staff has approved the package administratively conditioned upon Council approval of the amendment to the Development Agreement. Council members Higginson and Wright expressed approval for the update. Councilwoman Ivie expressed approval for the building update, but a dislike for the blue color of the pylon sign. Councilwoman Fillmore asked if the Council could send a message of disapproval of the sign color to Walmart. Staff cautioned against taking an action that would infringe on commercial free speech. Councilman Wright stated he feels the Council should not be telling the business what to look like, and suggested moving forward with the amendment.

Councilman Wright made a **motion** to approve the First Amendment to the Walmart Development Agreement regarding Exterior Building Colors and Signage. Councilman Higginson seconded the motion. Councilwoman Fillmore made a **motion** to amend the original motion to include a statement of friendly recommendation that the Council would like the applicant to consider using a more subdued color scheme on the pylon sign. Councilwoman Ivie seconded the motion to amend, which failed (2-3), with Council members Fillmore and Ivie voting in favor and Council members Averett, Higginson, and Wright voting against. The original motion passed by majority vote (4-1), with Councilwoman Ivie dissenting.

Mr. Allen commented that when he was driving into town, he noticed a monument sign at the corner of the Walmart development that states "Centerville Wal-Mart Plaza". The monument sign is not part of the Development Agreement. Mr. Snyder responded that the monument sign is specific to the development, and would require a different process to alter.

At 8:48 p.m. the Council took a short recess, returning at 8:57 p.m.

**ENHANCEMENTS TO MAIN AND PARRISH INTERESECTION PROJECT**

Recently Councilwoman Fillmore expressed a desire to explore ways to make the Main and Parrish Intersection Project more visually appealing and more pedestrian friendly. Mayor Cutler and Councilwoman Fillmore met with staff on February 21st to identify and discuss possibilities. Mr. Thacker explained the types of enhancements discussed, some of which were dropped due to UDOT restrictions or were delayed to be considered at a later time, perhaps in conjunction with the design of public space improvements for the South Main Street Corridor between Parrish Lane and Pages Lane. Brett Slater, UDOT Project Manager, provided staff with cost estimates for the following items identified as feasible (these would be considered "betterments" and would have to be funded by the City):

- Stamped colored asphalt in the crosswalks on two intersection legs - $12,000
- Colored curb and gutter 200 LF - $1,600
- Colored flat work 1400 SF - $8,400
- Powder coating (black) of the traffic signal poles - $8,000
- **Total cost estimate: $30,000**

Councilwoman Fillmore shared her concerns regarding the intersection project, and her desire to protect the small-town feeling of the community and make the project more palatable to the community. She said she feels the few proposed improvements would be affordable and make a large difference in how friendly and inviting the intersection is. Councilwoman Fillmore stated she is an advocate for efficiency, and she would like to move quickly to accomplish the improvements in conjunction with the project. Mr. Thacker relayed the City Engineer's opinion that asphalt stamping in the crosswalks could be delayed. Councilwoman Fillmore responded she would like to send the message that the Council is trying to better the city in conjunction with the project. Mr. Thacker explained that RDA funds could be used for the improvements, and discussion of this topic is also on the RDA agenda for later in the evening. Both the City Council and the RDA would need to approve a Resolution to use RDA funds for this purpose. Mayor Cutler stated he feels use of RDA funds is appropriate and can be justified for the improvements. He said it makes sense to do it now rather than later. The Council discussed the colored crosswalk idea. Councilwoman Fillmore commented that another option would be to keep traditional crosswalks and use concrete instead of asphalt in the center of the intersection.

Councilwoman Ivie asked what would happen to colored asphalt or a concrete intersection when the street needs to be overlayed. Randy Randall, Public Works Director, responded the two options would be to rip them out, or mill the asphalt. Mr. Thacker stated that the State would require the City take over responsibility for the interior of the intersection if concrete is used in all four crosswalks. Councilwoman Fillmore stated that the State would retain responsibility of the intersection if stamped asphalt was chosen. Councilman Averett stated that in his experience stamped asphalt is throwing good money after bad. He said snow plowing and salt cause it to become an eye sore. Mr. Randall stated he is not a fan of colored asphalt either. Councilwoman Fillmore suggested putting crosswalk improvements on hold, but moving forward with the corner treatments. She stated the colors would either match or complement the colors used in the project. Mr. Thacker stated that the first house on the northeast corner of the intersection will have grass park strip, with colored concrete park strip north of the first house. The southwest corner will also have stamped colored concrete park strip.

Councilman Wright thanked Councilwoman Fillmore for trying to make the project more palatable. He stated that, since RDA funds can be used, he would recommend really thinking it through and spending time on planning rather than rushing to meet the UDOT deadline. He expressed concern with spending any money on such improvements when the City is looking at considerable debt. However, he understands RDA money is intended to improve the community. Mayor Cutler responded that the urgency with the colored concrete stems from not wanting to rip up what was just put down by UDOT. Councilwoman Fillmore stated she has confidence that the colors will tie in with what is already included in the project, and that as a gateway to the community it would be acceptable for the intersection to be a little bit different than the rest of the area. The improvements she recommends the Council move forward with are powder coating signal poles and colored flat work, curb and gutter. The Council discussed this topic further in the RDA meeting following the Council meeting.

**MAYOR'S REPORT**

- The Council gave formal direction for the Planning Commission to move forward with a continued study of the accessory dwelling unit topic.
- Mayor Cutler reported that Wayne and Bev Lewis have agreed to Chair the July 4th Celebration Committee.
- The Chick-fil-A ribbon-cutting ceremony will take place on Friday, March 7th.
- Mayor Cutler stated that Macquarie will release a statement of frequently asked questions and answers later in the week. Definite numbers are not expected from Macquarie until late March or early April. The Mayor said that mayors of the UTOPIA cities have been working closely with Legislators to discourage legislation that would not be UTOPIA-friendly.
- UDOT has requested City representation on a committee regarding the I-15 Express Lane Project. Any Council members interested can inform the Mayor.
- The mayors and city managers of South Davis have drafted a letter regarding concerns with the proposed Tesoro pipeline. The letter disputes the stated purpose of the pipeline, states the cities have not received sufficient information and requests the process be restarted, and states that the cities expect all impacts of the proposed pipeline on the communities and residents to be fully mitigated. Mayor Cutler and Steve Thacker will forward any comments from Council members regarding the letter. The period for public comment on the issue ends before the next Council meeting, and Mayor Cutler asked that he be allowed to sign the letter on the City's behalf. Council members indicated consent.
- Letters have been drafted to send to each property owner in the West Centerville Neighborhood to invite participation in the review of the General Plan for that area. A steering committee is also being organized.

**CITY MANAGER'S REPORT**

- Steve Thacker, City Manager, showed the proposed location for a trail on the Fred Hale property on the south side of Parrish Lane west of 1250 West that would connect with the Legacy Parkway Trail. UDOT has requested a fence next to the trail all along Parrish Lane to discourage users from crossing Parrish Lane near the Legacy Parkway interchange. Discussions with the developer regarding division of the cost will continue.
- City Manager Thacker provided the Council with a proposed FY 2015 Budget Calendar.

**MISCELLANEOUS BUSINESS**

- Councilman Wright asked if the proposed purchase of two police vehicles from Willey Ford is in the budget, and what will happen to the vehicles being replaced. Mr. Thacker responded that the purchase is in the budget, and it is not yet decided what will happen to the vehicles being replaced. Councilman Wright asked if leasing was considered for the new vehicles. Mr. Thacker responded that leasing has been considered in the past and determined to not be beneficial. Councilman Averett made a **motion** to approve the purchase of two police vehicles from Willey Ford in the amounts of $29,023 and $30,050. The motion was seconded by Councilman Higginson. Councilwoman Ivie asked if the purchase is time sensitive. Blaine Lutz responded he believes it is time sensitive. Councilwoman Ivie asked if it would be possible to get a lease quote within the time frame. Mr. Lutz responded he is not sure these vehicles are available for lease. Randy Randall stated that based on his experience, he does not think leasing would save money for a police vehicle. Mayor Cutler suggested that the Council could ask the Police Chief to evaluate lease versus buy as part of the upcoming budget process. The motion passed by unanimous vote (5-0).

- Councilwoman Fillmore made a **motion** to invite Youth City Council members to sit on the Trails Committee, Parks and Recreation Committee, Landmarks Commission, and Museum Board as non-voting liaison members. Councilman Wright seconded the motion. Councilwoman Ivie expressed the concern that Youth Council members are already very busy. Councilman Higginson pointed out that participation would be voluntary, not mandatory. Councilman Wright added that parental approval will be necessary. Mayor Cutler stated he feels this would be within the scope of the City Youth program. The motion passed by unanimous vote (5-0).
- George McEwan has asked for a revision to the minutes of the January 7, 2014 Council meeting. Councilwoman Fillmore made a **motion** to amend the minutes of the January 7, 2014 meeting by attaching a transcript of Mr. McEwan's comments. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).
- Councilwoman Fillmore made a **motion** to change the next Council meeting from March 18th to Wednesday, March 19th to avoid conflict with the Democratic Party caucuses. The Council will begin with a work session at 4:00 p.m., with the regular Council meeting beginning at 6:00 p.m. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Councilman Wright asked if the Whitaker Museum Board has received the expected new computer. Mr. Lutz responded that the computer has been delivered, and the few remaining issues will be worked out.

## APPOINTMENTS

Mayor Cutler recommended the Council reappoint Rick Turner, Matt Johnson, Mark Dimond, and Denise Cox to the Trails Committee. Councilman Wright made a **motion** to reappoint Rick Turner, Matt Johnson, Mark Dimond, and Denise Cox to the Trails Committee. The motion was seconded by Councilwoman Fillmore and passed by unanimous vote (5-0).

## ADJOURNMENT

At 10:18 p.m. Councilman Wright made a **motion** to adjourn the Council meeting and move to a meeting of the RDA. The motion was seconded by Councilwoman Ivie and passed by unanimous vote (5-0).

Marsha L. Morrow
Marsha L. Morrow, City Recorder

3-19-2014
Date Approved

Katie Rust
Katie Rust, Recording Secretary

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# CENTERVILLE CITY COUNCIL MEETING

Tuesday, March 4, 2014
7:00 p.m.

| NAME (PLEASE PRINT) | ADDRESS** |
|---|---|
| Will Allen | 211 N. Record St. Dallas, TX 75202 |
| Steven Czech | 543 E 800 S. |
| Dale McIntyre | 258 E. 200 S. |
| Patricia Henrick | 253 W. 1375 North |
| Robert Byrnes | 883 W Poplar |
| Gary Jones | 52 Cove Ln Layton |
| Brandon Ivie | 595 S. 700 E. CTville |
| Kristen Sierra | 790 E. 650 S. Cville |
| Neil Lush | 478 E. 1200 N. Centerville |
| Peter Sommer | 2212 N. Main Cntvl |
| Ralph E. Mitchell | 262 Park Lane - grstscots@msn.com |
| Rick Bingham | 290 E Casa Loma Dr. |
| Holly Ince | 1148 N. 300 East |
| Royal & Luanne Bowler | 1756 No. Main |
| Benson J. Whitney | 6033 N. Mtn Green |
| William Ince | 1148 N 300 East Ctrvl |
| Jason Burningham | |
| Lucas Salmon | 605 N 1250 W Ctrvl |
| Kent Sulser | Davis County CED |
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** 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.