

1 Minutes of the Centerville **City Council** meeting held Tuesday, April 15, 2014 at 7:04 p.m. in the
2 Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler
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8 Council Members Tamilyn Fillmore
9 John T. Higginson
10 Stephanie Ivie
11 Lawrence Wright

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13 **MEMBER ABSENT** Ken S. Averett

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15 **STAFF PRESENT** Steve Thacker, City Manager
16 Blaine Lutz, Finance Director/Assistant City Manager
17 Lisa Romney, City Attorney
18 Kevin Campbell, City Engineer
19 Randy Randall, Public Works Director
20 Jacob Smith, Management Assistant
21 Cory Snyder, Community Development Director
22 Katie Rust, Recording Secretary

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24 **VISITORS** Fred Philpot, Lewis Young Robertson & Burningham, Inc.
25 Interested citizens (see attached sign-in sheet)

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27 **PLEDGE OF ALLEGIANCE**

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29 **PRAYER OR THOUGHT** Blaine Lutz, Finance Director/Assistant City Manager

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31 **OPEN SESSION**

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33 Dale McIntyre – Referring to an officer-involved shooting that took place in Centerville on
34 Sunday, April 13th, Mr. McIntyre expressed gratitude to those who take on the responsibility to
35 protect and serve the community. Mayor Cutler added his appreciation for those who put their
36 safety on the line every day for the protection of the community, and expressed sympathy for
37 the family of the victim as well as the family of the officer involved and the entire Police
38 Department.

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40 **MINUTES REVIEW AND ACCEPTANCE**

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42 The minutes of the April 1, 2014 work session, City Council meeting, and closed meeting
43 were reviewed. Steve Thacker, City Manager, corrected the date on the work session minutes.
44 Councilman Wright requested three amendments to the Council meeting minutes, and
45 Councilwoman Fillmore requested one amendment to the Council meeting minutes.
46 Councilman Higginson made a **motion** to approve the minutes of the work session and the
47 Council meeting as amended, as well as the minutes of the closed meeting. Councilwoman Ivie
48 seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

- a. Accept storm drainage, waterline and public utility easements for the Pasture Business Park Project located at approximately 1275 North 1300 West.
- b. Approve purchase of software update from Wonderware West in the amount of \$12,680.25, used for monitoring and operating the City's culinary water system.

Councilwoman Fillmore made a **motion** to approve both items on the Summary Action Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – ZONE MAP AMENDMENT (REZONE) – 1984 NORTH 400 WEST AND 2000 NORTH 400 WEST

The properties at 1984 North 400 West and 2000 North 400 West were divided in the past without proper approval from Centerville City. City ordinances recognize the existence of one parcel with only one residential development right. One of the divided properties has already exercised this right with the construction of a single family home. Cory Snyder, Community Development Director, explained the request to rezone the properties from Agricultural-Low (A-L) to Residential-Low (R-L), which would bring the property with a single family home in conformance with City ordinance, and would allow proper subdivision of the vacant property for future development. Mr. Snyder reported that the General Plan sets the base density for the neighborhood as a low-density residential area. Both R-L and A-L are considered low-density. The Planning Commission has recommended approval of the request.

Referring to the desire of one of the parties involved to develop the vacant property, Councilman Wright expressed he would feel more comfortable if the whole series of events were presented to the Council for action in one meeting, in this and future situations. Mr. Snyder responded that the petitioner has only requested the change to R-L Zone at this time. Lisa Romney, City Attorney, stated that proper noticing would need to occur, as well as staff analysis, prior to presenting further actions to the Council. Councilman Wright commented he understands some of the neighbors of the property are concerned about the creation of an island of R-L within the A-L area. Councilman Wright suggested the issue be re-noticed and the petitioner bring back a package of actions for consideration. Mr. Snyder responded that the recommendation currently before the Council is intended to remedy an illegal situation. If it was presented as a package the recommendations from staff and the Planning Commission would be different.

Spencer Packer, one of the petitioners, stated he understood rezoning the entire parcel was the only option available. Councilman Wright asked if Mr. Packer plans to build on the vacant property right away, and if he is interested in retaining A-L for the property. Mr. Packer stated he is accepting of the R-L Zone, and understands he can come back and apply to rezone if desired. Councilwoman Fillmore added that the differences between R-L and A-L will not affect the ability to acquire a building permit for a home. Councilman Wright repeated his desire for all the actions to be packaged together. Mr. Snyder stated that applications for small subdivision are considered by the Planning Commission.

At 7:37 p.m. Mayor Cutler opened a public hearing. Seeing that no one wished to comment the Mayor closed the public hearing.

Councilwoman Fillmore made a **motion** to approve Ordinance No. 2014-08 amending the Centerville City Zoning Map by changing the zoning of approximately .85 acres of real

property located at 1984 North 400 West and 2000 North 400 West from A-L to R-L based on the findings of the Planning Commission. Councilwoman Ivie seconded the motion.

Findings:

1. The Planning Commission finds that the proposed rezone meets the criteria found in Section 12-21-080(e) of the Zoning Ordinance.
2. The Planning Commission finds that the rezone request is consistent with the goals of the General Plan found in Section 12-480-5, as reviewed in the Planning Staff Report.
3. The Planning Commission finds that the subject parcels were divided and subsequently sold to other parties (*apparently a few times*) without proper approval from Centerville City.
4. The Planning Commission finds that City Ordinances only recognize the existence of one parcel (.85 ac) with only one residential development right.
5. The Planning Commission finds that another party desires to purchase the vacant divided lot (.50 ac) and construct another residential structure.
6. The Planning Commission finds that in order to develop a second dwelling, the original lot needs to be properly subdivided and install the required infrastructure to establish another house.
7. The Planning Commission finds that due to the original size of these divided tracts (.85 acres), there is not sufficient amount land area to meet the minimum lot size requirement of ½ acre for the Agricultural-Low (A-L) Zone.
8. The Planning Commission finds that if the R-L were approved, the lot size requirement reduces to four (4) units per acre and hence there would be sufficient opportunity to subdivide the land into two lots.
9. The Planning Commission finds that, upon a future subdivision approval, the parcel with the existing dwelling, which is currently situated on an illegal undersize lot (.35 where .50 is required by the A-L Zone), would then become a conforming lot size within the R-L Zone.

Councilman Wright expressed concern regarding staff communication to the applicant that only one solution existed. He stated he is concerned about the affect the rezone will have on the neighborhood. Mayor Cutler stated he understands only one option exists given current zoning ordinances. He also stated he does not have a problem with having one or two lots zoned R-L in an A-L area, but would be willing to consider a later request to rezone back to A-L. Councilwoman Ivie referred to the concern expressed by neighbors of the property in the Planning Commission meeting. She feels retaining the A-L Zoning is important, and asked if this would be an opportunity for a variance. Ms. Romney responded the statutory factors are not met for granting a variance. Councilwoman Fillmore pointed out that Councilwoman Ivie's concern is related to the General Plan, and the proper procedure to address the concern would be to request an adjustment to the General Plan at a later meeting. Councilwoman Fillmore stated the request before the Council is in line with the General Plan, and denying the application would be inappropriate. Councilman Higginson stated he hopes the neighborhood remains agricultural. The motion passed by unanimous vote (4-0).

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – BUILDING STREET FRONTAGE IN SOUTH MAIN STREET CORRIDOR (SMSC)

Mr. Snyder explained the proposed Zoning Ordinance Text Amendment, which would resolve an existing conflict in the Ordinance for development of corner lots on Main Street regarding frontage and landscaping buffer requirements. Councilman Wright asked if the

changes would impact the Main Street Plan. Mr. Snyder responded the Main Street Plan would not be impacted.

At 7:53 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to comment.

Councilman Higginson made a **motion** to approve Ordinance No. 2014-09 amending Section 12-48-150 of the Centerville Zoning Ordinance regarding building street frontage requirements for corner lots and Table 12-48-3 of the same regarding landscaping buffer requirements in the SMSC District based on the findings recommended by the Planning Commission. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

Findings:

- a. The proposed text amendment meets the factors to be considered for an amendment found in Section 12-21-080(e) of the Zoning Ordinance.
- b. The change was found to be consistent with the General Plan [Section 12-480-7-1 D, 12-480-7-4B].
- c. There will not be any significant impacts to the surrounding community in relation to this amendment [Section 12-21080(e)(3)].

FINANCIAL REPORT

Blaine Lutz, Finance Director, presented a financial report for the nine-month period ending March 31, 2014. On the General Fund Summary Mr. Lutz included a column showing numbers for the same period in the previous fiscal year. Council members commented that being able to compare to the previous year is helpful.

The Council took a brief recess at 8:12 p.m. and returned at 8:16 p.m.

RESOLUTION NO. 2014-10 AMENDING 2014 BUDGET (CURRENT FISCAL YEAR)

Mr. Lutz explained the proposed amendments to the FY 2014 Budget as stated in the staff report. Mayor Cutler opened a public hearing at 8:32 p.m.

William Ince – Mr. Ince stated he does not understand the concept of adjusting the budget before the end of the year to match actual expenses. Mr. Ince asked if there is a reconciliation of the initial budget at the beginning of the year and the budget at the end of the year that accounts for the differences. Mr. Lutz responded the City is required to show changes in the budget. Mr. Thacker added that a lot of accountability is built into the process of spending the City's money. Mayor Cutler added that reporting of municipal finance is different than reporting of commercial finance.

Mayor Cutler closed the public hearing at 8:36 p.m. and recommended the Council approve Resolution No. 2014-10. Councilwoman Fillmore made a **motion** to approve Resolution No. 2014-10 amending the Fiscal Year 2014 Budget of funds for Centerville City and giving an effective date of April 15, 2014. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

Mayor Cutler recommended the discussion of the Drainage Impact Fee Analysis and Rate Study be moved forward on the agenda. Councilman Higginson made a **motion** to move

up item 11 on the agenda. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

PRESENTATION AND DISCUSSION OF DRAINAGE IMPACT FEE ANALYSIS AND RATE STUDY – CONTINUED

Fred Philpot of Lewis Young Robertson & Burningham continued a presentation of the Drainage Impact Fee Analysis and Rate Study begun at a work session on March 4th. He showed how the current and proposed Centerville storm drain impact fees compare to those of surrounding communities, and explained factors that contribute to the differing impact fees between cities. Mr. Thacker stated the proposed increase would align the residential storm drain impact fee with the commercial drainage impact fee, as the analysis determined residential and commercial have a similar impact in general.

Mr. Philpot presented five rate scenarios, and explained that the Council should consider four objectives for each scenario: (1) inclusion of depreciation at 25%; (2) inclusion of Capital Improvement Plan (CIP) at 100%; (3) coverage ratio of at least 1.25; and (4) year-end fund balance should provide for 150 days of working capital.

- Scenario 1: (Baseline) No Rate Increase – results in coverage ratio of less than 1.25 by 2016 and less than 150 days of working capital by 2015.
- Scenario 2: Rate Increase (No Debt) – 106% increase to Storm Utility ESU rate in 2015 from \$4 to \$8.24 per month, projected to meet obligations through 2020.
- Scenario 3: Base Rate Increase (with Debt) – 82% increase to ESU rate in 2015 from \$4 to \$7.28 per month and issuance of \$935,396 debt in 2016, projected to meet objectives through 2020.
- Scenario 4: Shared Rate Increase (with Debt) – 72% increase to ESU rate in 2015 from \$4.00 to \$6.88 per month, as well as increases to Subdrain EDU monthly charges, and issuance of \$935,396 debt in 2016, projected to meet objectives through 2020.
- Scenario 5: Staggered Rate Increase (with Debt) – 37.5% increase to ESU rate in 2015 to \$5.50 per month, 29% increase in 2016 to \$7.10 per month, and issuance of \$935,396 debt in 2016, projected to meet objectives through 2020.

Mr. Philpot stressed the need to review impact fees regularly. Impact fees must be used within a specific amount of time or must be refunded. The five rate scenarios presented assume the maximum allowable impact fee is adopted by the City Council. Mr. Philpot explained that some cities build an annual rate increase into their ordinance to account for inflation. Mr. Lutz stated the scenarios assume that all capital improvements in the CIP are accomplished, which is ideal, but may not happen. Mr. Thacker added that the projects in the CIP were originally planned for a 15-year period, but have been stretched out over a 30-year period. Kevin Campbell, City Engineer, commented that many of the capital improvement projects are timed to coincide with UDOT road projects and County drainage projects to take advantage of cost-sharing.

Councilwoman Fillmore stated that since the CIP includes both storm and subdrain projects, it would make sense to only consider options that share the rate increase between the ESU and EDU. Councilman Wright stated he would like to find a solution without going into debt. Mayor Cutler responded that not going into debt is a good principle, but for these types of capital improvement projects he feels it is appropriate to borrow to allow the cost to be paid by

1 current and future users as the improvements are used over a long period of time. The Mayor
2 stated he likes the idea of a set annual increase.

3
4 Mr. Philpot explained the affordability index used as a benchmark in the analysis, and
5 explained the next steps in the process for the Council and staff. Mr. Philpot said that, based on
6 statements made by Council members, he understands there is interest in further considering
7 options that include a combined approach, with and without debt, and possibly a CPI
8 adjustment. Councilwoman Fillmore said she would like an analysis of the added cost of
9 interest with the bond option. Councilman Higginson stated he prefers the option of jumping to
10 the \$8.00 rate without debt rather than \$7.00 with debt. Mayor Cutler expressed a desire to see
11 how an incremental increase would affect the timing of the CIP. Councilman Higginson stated
12 that as a citizen he would prefer a one-time increase instead of an increase every year.
13 Councilwoman Ivie asked if there is a way to incentivize citizens to reduce the amount of
14 impervious surface to create less demand on the storm drain system. Mr. Thacker stated he
15 appreciates the merit of the idea, but it would be very difficult to administer on a home-by-home
16 basis. Staff will meet with Mr. Philpot to coordinate the CIP schedule with the options requested
17 by the Council.

18 19 **AWARD BID TO STAKER PARSON CO. FOR 2014 STREET PAVING PROJECTS**

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21 Councilwoman Ivie made a motion to award bid to Staker Parson Co. for the 2014
22 Street Paving Project in the amount of \$289,150. Councilwoman Fillmore seconded the motion.
23 Councilman Higginson referred to previous Council discussions regarding the possibility of
24 combining purchasing power with neighboring cities. Kevin Campbell, City Engineer, responded
25 that Bountiful has its own overlay machine and street plans that would make large-scale
26 cooperation difficult, but partnering with Farmington might provide savings of up to 5%. He
27 added that Centerville is cooperating with Bountiful on a 400 East concrete project. Councilman
28 Wright asked if concrete roads save money in the long-run. Mr. Campbell responded that
29 concrete can save money if the utilities under the street last long enough. The motion passed
30 by unanimous vote (4-0).

31 32 **MAYOR'S REPORT**

- 33
- 34 • City staff developed performance measures and met with Mayor Cutler in the first
35 quarterly performance review. Councilman Wright suggested the Mayor consider
36 utilizing the Baldrige system. Mr. Thacker responded that he has looked at the
37 Baldrige system but believes a more simplified approach is better for the City's small
38 organization.
 - 39 • Mayor Cutler reported that two elementary school DARE graduations have taken
40 place, with two yet to occur.
 - 41 • The Mayor reported that UTOPIA financial performance reports will now be
42 submitted monthly. All cities except for Payson, Orem, and Murray have approved
43 paying the operating assessment. Mayor Cutler stated he believes this was
44 prompted by a steady increase in UTOPIA revenue, leadership changes, and the
45 assumption of a short-term period for the operating assessment (ending September
46 2014).
 - 47 • Mayor Cutler said it is anticipated that the Macquarie report will be released on April
48 25th. The Mayor intends to put a citizen committee together to discuss and consider
49 the options available, meeting as early as April 29th. Council members gave the
50 Mayor recommendations of community members who could participate.
51 Councilwoman Fillmore stated that, in considering the option of using a utility fee to
52 pay for internet service, she thinks it would be appropriate for the citizen committee

to brainstorm options other than the Macquarie option, and the earlier the committee meets the more valuable their analysis of the Macquarie option will be. Councilman Wright recommended the citizen committee begin with complete Macquarie information, and a direction from the Mayor of what is expected.

- Mayor Cutler asked Councilwoman Fillmore to share what she took away from a meeting recently attended. She responded what stood out to her was the need to know what Macquarie has to offer. Councilwoman Fillmore added that she cannot make a decision in a vacuum, and needs to be able to compare and contrast to make an informed decision. She wants to know what other options are available with the whole new concept of bringing in money through a utility fee. Mayor Cutler said he would like to have a plethora of options, but in reality Centerville is one of eleven cities. He is working hard to find other options besides the utility fee. He feels people will come up with a lot of ideas, but there is a need to quickly narrow the ideas down to what is feasible. The Mayor believes some of the other cities would not be willing to wait while Centerville takes time to consider. Councilman Higginson commented that Centerville is different from the other cities because it is built out, and what is best for Centerville could be different from the other cities. Mr. Lutz stressed the need to focus on realistic, feasible, long-term options. He agreed to put together a list of risks that should be considered. Mayor Cutler directed staff to organize and reformat the available information regarding UTOPIA and add a link on the City's homepage.

CITY MANAGER'S REPORT

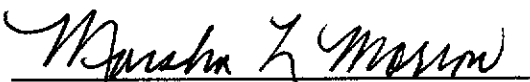
- Bids on the Main & Parrish intersection project open this week. Mr. Thacker reported that the northbound east-side bus stop on Main Street currently north of Parrish Lane will be moved to the south side of Parrish Lane on Founder's Park frontage. He will continue negotiations regarding the bus stop on the west side of Main Street.
- Referring to the officer-related shooting that took place on April 13th, Mr. Thacker said he spoke with Officer Jason Reed, who seems to be at peace with what happened. Mr. Lutz added that the recent article on the event published in the Standard Examiner has a lot of incorrect information.

COUNCIL TRAINING

The Council chose to postpone the planned training.

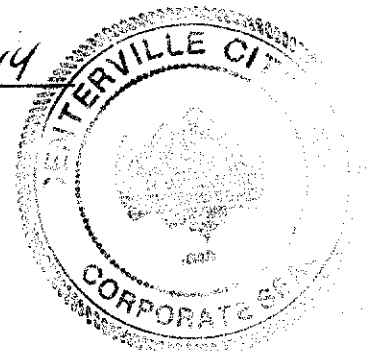
ADJOURNMENT

At 10:46 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).


Marsha L. Morrow, City Recorder

5-6-2014
Date Approved


Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, April 15, 2014
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Jeff Barrett

66 W 850 S.

Peter Sommer

2212 N Main

Dale McIntyre

258 E 200 S

Grace McIntyre

258 E 200 S

Huck Turner

95 W. 2025 N

SPENCER PACKER

381 - Valley Dr

Bill Ince

1148 N 300 East

Holly Ince

Kristen Sierra

790 E 650 S

Lance & Chris Jorgensen

911 N 610 E

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