

Minutes of the Centerville City Council meeting held Tuesday, April 21, 2015 at 7:05 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

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Randy Randall, Public Works Director
Katie Rust, Recording Secretary

STAFF ABSENT

Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager

VISITORS

Nathan Peterson, UDOT Project Manager
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Mayor Paul Cutler

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the April 7, 2015 Council meeting were reviewed. Lisa Romney, City Attorney, requested an amendment. Councilman Averett made a motion to approve the minutes as amended. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

PRESENTATION REGARDING SOUTH DAVIS I-15 PROJECT

Nathan Peterson, UDOT Project Manager for the South Davis I-15 Project, updated the Council on the Project, and showed a simulation video to demonstrate movements through the interchanges that have been redesigned. Construction of the pedestrian bridge at Parrish Lane is expected to be completed this summer; however, construction of the sidewalk on the east side of the bridge is not included in the current contract. Mr. Peterson said he anticipates the sidewalk will be completed by the end of the year. Mr. Peterson and Councilwoman Fillmore reported on the earth-tone color scheme selected for the pedestrian bridge. Mr. Peterson updated the Council on the status of drainage culvert projects at Lund Lane and Chase Lane.

QUESTAR FRANCHISE RENEWAL

Ms. Romney reported that Questar has paid the application fee and signed the renewal Franchise Agreement. Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2015-06 granting to Questar Gas Company a Franchise for the construction, operation, and maintenance of a Gas Distribution System in Centerville City. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

WHITAKER MUSEUM SIGN

Spencer Packer, Whitaker Museum Board Chair, provided drawings of the proposed sign for the Whitaker Museum. The Board previously allocated \$6,000 for the sign in the Museum Budget. The Rotary Club has donated an additional \$2,000. The Whitaker Board has received preliminary bids and learned that approximately \$4,000 more will be needed to complete the project. Chair Packer said the Board is asking the Council for the full amount at this time, which could potentially be offset by City department labor or in-kind donations. Staff suggested the amount come from General Fund balance if the Council wants to provide this additional funding.

Councilman Wright made a **motion** to approve allocation of up to \$4,000 from General Fund balance for the Whitaker Museum sign. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

**TEMPORARY ZONING REGULATIONS FOR SOUTH MAIN STREET CORRIDOR
ZONE – CONSIDER ORDINANCE NO. 2015-05**

At the April 7, 2015 City Council meeting the Council directed staff to research initiating a Temporary Zoning Regulation Ordinance (TZRO) to take a closer look at the South Main Street Corridor Plan. Staff provided a sample ordinance as well as a memorandum addressing legal issues regarding the TZRO. Mr. Snyder explained that since the last Council meeting, Brighton Homes has submitted an application for conceptual site plan approval, in accordance with current zoning ordinances, that includes 50 units on the property between 300 South and Porter Lane on Main Street. A TZRO would prevent future applications for up to six months. Mr. Snyder explained that site plan applications – whether permitted or conditional use – are handled by the Planning Commission for review and approval. He said he suspects the existing application may eventually include subdivision of land, which would be presented to the Council on recommendation from the Planning Commission. Mr. Snyder stated that from his perspective a TZRO would close the door to negotiations regarding the existing application.

Councilman Wright stated he believes there is nothing the Council can do about the existing application. He is concerned about the rest of the corridor, and he said he thinks it would be good to have a TZRO to engage the residents and property owners regarding what needs to be in place. Councilman Wright added that the process does not need to take six months. Councilwoman Fillmore stated that although there is possibly a need and willingness to talk more about the Main Street Plan and make changes as needed, the vocalization of concern was spurred by the specific project. She said she feels a TZRO would likely hinder the ability to help the existing project happen in a better way with a better end result. The existing application is quite different from what was first proposed, which Councilwoman Fillmore said she feels is a result of a lack of negotiation. She suggested the City negotiate for the best possible outcome of the current project under the existing legal constraints, and continue discussing changes needed for the Main Street Plan, with the possibility of placing a TZRO in the future if needed.

1 Councilwoman Ivie expressed frustration that the City got this far without realizing that
2 the South Main Street Corridor Plan allows the proposed density. Councilwoman Ivie listed
3 potential problems with the options available, and stated she does not see a clear answer to the
4 problem. Mr. Snyder briefly described the existing application. Mayor Cutler stated he feels
5 there is a better chance of influencing density and design of the project by not imposing a TZRO
6 at this time. Councilman Wright asked if the City could negotiate with the current project and
7 implement a TZRO to look at the rest of Main Street simultaneously. Councilwoman Ivie agreed
8 with Councilman Wright that the TZRO would not need to be a long drawn-out process and
9 repeated his question. Ms. Romney responded that the submitted application for site plan
10 approval will be considered by the Planning Commission and will not come before the Council.
11 Negotiations could occur with a TZRO in place, but the TZRO would have to be repealed in
12 order to consider a text amendment or rezone. Councilwoman Fillmore stated she thinks doing
13 both would send mixed messages. She repeated her suggestion that the City continue
14 negotiations to hopefully improve the existing project, and save the TZRO for a later time if
15 needed. Councilman Higginson said he feels a TZRO would send a message that the City is
16 not interested in working something out that is beneficial to the developer and the citizens.
17 Council members Ivie and Averett expressed disappointment that Brighton Homes submitted
18 the current application. Councilman Averett agreed with a comment made by Councilman
19 Higginson during the work session that the time for a TZRO has passed, and said he does not
20 think there is an imminent threat of another application in the near future.

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22 Councilman Higginson stated he hopes the developer will see the decision to not
23 implement a TZRO as an opportunity to work out something good for the community.
24 Councilman Wright stressed the need to make necessary changes to the South Main Street
25 Corridor Plan quickly. Councilwoman Fillmore pointed out that it is easy to state what is not
26 wanted, and asked the public to be thoughtful about what development would be desirable.

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28 Councilman Averett asked Mr. Snyder if he thinks additional applications are imminent,
29 how quickly an evaluation of the Plan could take place, and if hiring additional consultants would
30 be helpful. Mr. Snyder responded there are properties with potential for redevelopment, but he
31 does not expect anything in the next six months. The existing project may generate interest if it
32 is successful. The length of time needed for an evaluation will depend on the priority assigned
33 by the Council. Hiring a consultant specializing in the economics and market conditions of
34 redevelopment would be helpful. Referring to comments made in the April 7th meeting that
35 commercial is no longer viable on Main Street, Mr. Snyder stated that removing commercial
36 would have economic impacts on the City as well as the property owners. He said he is not
37 sure that commercial is not viable. Responding to the concern regarding density, Mr. Snyder
38 said that a development of single-family homes on Main Street may not work economically.
39 Councilwoman Fillmore pointed out that single-family development is already an available use,
40 and would have already happened if it were viable. Councilman Averett said he feels it would
41 be worth the time and money to direct staff to engage an outside consultant to provide market
42 research in conjunction with looking at other aspects of the Main Street Plan, including
43 preservation of the proposed historic district.

44
45 Councilwoman Fillmore made a **motion** to direct the City Manager to schedule a work
46 session to determine the scope of work for the City and an independent consultant regarding
47 the South Main Street Corridor Plan. Councilman Wright seconded the motion, which passed
48 by unanimous vote (5-0). Mr. Snyder said he will work with the developer to improve the
49 existing project as much as possible.

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51 At 8:43 p.m. the Council took a break, returning at 8:56 p.m.

SIGN ORDINANCE

City Attorney Romney briefed the Council on Federal and State regulations regarding sign ordinances, and advised that the most defensible ordinances deal with time, place, and manner restrictions, avoiding regulation of content. The Council discussed setbacks and size allowances, focusing on campaign signs. Councilman Wright asked if the City could have separate allowances for campaign signs during elections. Ms. Romney responded that singling out campaign signs would be regulating content and is not advisable. She reported on sign regulations in neighboring cities. The Council discussed existing enforcement regulations with staff. Councilwoman Fillmore suggested reducing setbacks, and allowing signs on property-line fences as long as safety is not compromised. Councilman Wright said he has a problem with limiting the number of campaign signs allowed on commercial property.

Councilwoman Fillmore made a **motion** to request that the Planning Commission revisit the sign ordinance with the following guidelines: change the residential and multi-tenant size allowance from 12 square-feet to 16 square-feet; remove the limit on the number of signs allowed on commercial property with an allowance of 50 square-feet; remove setbacks on residential property, and reduce setbacks to three feet on commercial property; and increase the three-foot height limit to four feet and the four-foot height limit to five feet. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

CAMPAIGN FINANCE ORDINANCE

Councilwoman Fillmore made a **motion** to repeal the City Code regarding Campaign Finance and accept the State Code as the City Campaign Finance Ordinance. Councilman Averett seconded the motion. Ms. Romney explained Legislative changes regarding campaign contribution reporting. Councilman Wright made a **motion** to amend the motion to direct staff to prepare an ordinance that would repeal the City's current Campaign Finance Ordinance and adopt the State Code. Councilwoman Ivie stated that it matters to her who candidates are funded by, and said she would like the City to require disclosure prior to the primary election. Councilman Averett seconded Councilman Wright's motion to amend the motion. The amended motion passed by majority vote (4-1), with Councilwoman Ivie dissenting. Staff agreed to prepare an ordinance repealing Section 2-03-110 of the City Ordinances to bring back to the Council for consideration at their next meeting.

PROPOSED COMPLETE STREETS POLICY/FINANCIAL REPORT/AMEND FY 2015 BUDGET

Councilman Wright made a **motion** to table discussion of the proposed Complete Streets Policy, the Financial Report, and the FY 2015 Budget Amendments to the next Council meeting. Mayor Cutler explained that the bid for re-roofing City Hall and the bid for the 2015 Street Overlay Project cannot be awarded until the FY 2015 Budget is amended. Councilman Averett seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

- a. Award bid for re-roofing City Hall
- b. Award bid for the 2015 Street Overlay Project
- c. Award bids for labor and materials for construction of the Legacy Trail Subdivision waterlines
- d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150 East 200 South
- e. Terminate warranty period for Chapel Ridge Cove Subdivision

1 Items (a) and (b) on the Summary Action Calendar cannot be approved until the FY
2 2015 Budget is amended. Councilman Wright made a **motion** to approve items (c), (d), and (e)
3 on the Summary Action Calendar. Councilman Higginson seconded the motion, which passed
4 by unanimous vote (5-0).

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6 **MAYOR'S REPORT**

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8 • Mayor Cutler provided UTOPIA financial reports, and reported on discussions
9 regarding creation of an independent taxing district for the South Davis Metro Fire
10 Agency. Councilman Wright stated he is opposed to an independent taxing district,
11 and he is aware of a group in Centerville that will call for a referendum if action is
12 taken to increase taxes. Councilman Wright said he believes there are other ways to
13 get an improved fire station for the City. Councilman Higginson said he feels there is
14 a loss of oversight with taxing districts. Council members Higginson and Ivie
15 indicated they would be more inclined to approve creation of an independent taxing
16 district if approval of each individual city council were required to increase taxes.
17 • The Mayor reported on the recent tree planting activity and the upcoming day of
18 service in conjunction with the Centennial Celebration. He reported on fundraising
19 efforts, and mentioned that Centennial t-shirts are available on the City website.
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21 **MISCELLANEOUS BUSINESS**

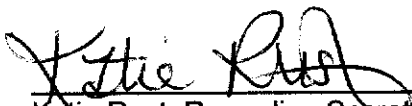
22
23 Councilman Wright informed the Mayor that he is aware of a citizen interested in
24 appointment to the Whitaker Museum Board.
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26 **ADJOURNMENT**

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28 At 9:59 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting.
29 Councilman Wright seconded the motion, which passed by unanimous vote (5-0).
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35 Marsha L. Morrow, City Recorder

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37
38 5-5-2015
39 Date Approved

40 
41 Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, April 21, 2015
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

John Carbaugh	115 E. Porter Lane
Lamar Hansen	83 Canyon Breeze Dr.
Melissa Thomas	116 S. 200 E.
Rick Bingham	290 E Casa Loma Dr.
Nathan Petersen	UDOT
Jennifer Turnblom	249 S Main
SPENCER Packer	581 Valley Dr
WON BUTLER	576 N MAIN
Lara Lommes	2212 N. Main
HANFANDEL	224 S Main
Ed Schirmer	78 east Porter Ln
Dan Neville	415 So. main
Mike Carbaugh	115 E Porter
RAVIS DAVIS	111 E. CANYON BREEZE
ROBERT SMITH	1000 N 111th St.
Stephanie Richardson	55 S 200 E
Justin Cozad	192 E 400 So
Set Millman	205 E 300 S
Peter Sommer	2212 N. Main

** 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.