Minutes of the Centerville **City Council** meeting held Tuesday, January 19, 2016 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan Robyn Mecham
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Von Steenblik, Police Lieutenant Jacob Smith, Management Assistant Katie Rust, Recording Secretary
VISITORS	Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilwoman Ivie

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the January 5, 2016 Swearing-In Ceremony, regular City Council meeting, and closed meeting were reviewed. Councilman Ince made a **motion** to accept all three sets of minutes. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

a. Appointment of City Recorder and City Treasurer – Consider Resolution No. 2016-04 designating and appointing qualified persons to the offices of City Recorder and City Treasurer
b. Appointments to the Board of Directors for the South Davis Metro Fire Service Area and Fire Agency – Consider Resolution No. 2016-05
c. Approve allowance of Non-Right Angle Lot Line between Lot 3 and Lot 4 of the H&H Commercial Park Subdivision located at approximately 1100 West 650 North and 669 North 1000 West
d. Authorize expenditure for replacement of infield soil on the northeast baseball diamond in Community Park

Mayor Cutler suggested the Council address item (d) on the Summary Action Calendar later in the meeting. Cory Snyder, Community Development Director, briefly explained item (c), the Non-Right Angle Lot Line request. Councilwoman Fillmore made a **motion** to approve items (a) – (c) on the Summary Action Calendar, including Resolution No. 2016-04 and Resolution No. 2016-05. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

ZONE MAP AMENDMENT (REZONE) – HOLBROOK PROPERTY – 1851 NORTH MAIN STREET

Lisa Romney, City Attorney, stated that, although this item was not noticed for a public hearing, the Council could open the meeting for public comment if desired. Gary Perkins, representing the Holbrook family, commented that no one has expressed opposition specifically to the requested rezone in any of the Planning Commission or Council meetings. The primary goal of the Holbrook family with the rezone request is to separate the home from the undeveloped land and sell the home. Mr. Perkins gave a brief history of the property, and said he does not feel the easement concerns voiced by neighbors during the January 5, 2016 public hearing are relevant for consideration with the rezone. He stated that rezoning the property to Residential-Low (R-L) is consistent with the General Plan. Referring to the finding regarding adverse affect, he said he does not believe it would be pertinent to place conditions on the rezone to address hypothetical easement issues. He expressed that it is rare for a group of neighbors to unite in this way to preserve undeveloped land. If the proposed purchase does not occur, easement issues would be addressed with a subdivision request. The Holbrook family is asking for a rezone so they can move forward with whatever opportunity that might come forward consistent with the General Plan.

Mayor Cutler stated it is his impression that the Council is generally supportive of the proposed rezone, but wants to do their due diligence in terms of planning for the future. At 7:22 p.m. the Mayor opened a courtesy public hearing.

Steve Penrose – Mr. Penrose said he lives on 1850 North and is part of the group interested in buying the undeveloped property. He said he has enjoyed the undeveloped land behind his home for 24 years, and urged the Council to support the Zone Map Amendment.

Ernie Strong – Mr. Strong said he lives on 1850 North. He confirmed that representatives of both neighborhoods have met with the Holbrook family and talked through the issues as best they can. There may be some parties subject to conditions that had not been anticipated, but Mr. Strong said he feels it is going forward as well as possible for everyone concerned. He said the neighbors are very excited about the opportunity, and are trying to avoid creating hard feelings as much as possible. Mr. Strong said he has owned his property for almost 26 years, and added that all of the neighbors involved have been there for at least 10-15 years. They want the neighborhood to be a nice place to live.

Bill Gillett – Mr. Gillett said he has lived on 1850 North for 24 years. He expressed support for rezoning the property, and said he is part of the group interested in purchasing land behind his home. He stated that John Holbrook told him 15-20 years ago that he may have the opportunity to purchase the land when Mr. Holbrook passed on. He plans to keep the land undeveloped, with grass and a few trees. He said he is excited to increase the size of his property, and enjoy the beauty they all enjoy being Centerville residents. He expressed the hope that the Council will approve the rezone of the property.

Holly Reynolds – Ms. Reynolds said she lives on 1850 North, and she feels privileged to be living on the same street with her good neighbors. She said she is grateful to the Holbrook family for the chance to extend her property. She encouraged the Council to support the rezone so the Holbrook family can sell the home and move on with the healing process.

Blake Brog – Mr. Brog said he lives on 1750 North and owns undeveloped land on the south side of the property in question. He stated he is not in any way opposed to open space and back yards. His concern is that the long-time honored plan will not be honored. Mr. Brog said he feels the new plan hurts the city and both the north and south neighbors. The City has spent tax dollars committing itself to the master plan. The newly proposed plan would prevent

the infrastructure put in by the city from realizing its full potential. He said the Public Works Department is concerned about potential stub problems, and has stated that access could be blocked completely, which would impact all property owners. Mr. Brog said his property would be reduced to a flag lot, which should never be the intent of any city plan. He said he believes it would detract from Centerville City's aesthetics, and would show failure on the City's part to honor the original plan. He said he believes he deserves better, and that it would be better to record both 50-foot right-of-ways, addressing the desires of both north and south neighbors, preserving the integrity of the original plan, and protecting all parties without restrictions.

Terry Blake – Mr. Blake said he lives on the 170 West stub road. He stated that the south property owners all access their extended properties through their front properties, and have never used the stub roads for access. Mr. Blake said he is very particular about his yard, and promised the City that there would be no dirt or mud on the street. He reiterated that this is a rezone issue. The neighboring property owners have already agreed to set aside 15-feet, and he does not see why the City would need to become involved.

Peggy Strong – Ms. Strong read statements prepared by two of her neighbors who were unable to attend, Mary Tulius and Kathy Goodfellow. Both statements expressed support for the proposed rezone and a desire for the land to remain undeveloped. Ms. Strong said she has lived in her home for 26 years, and would love to have the extended space for her grandchildren to play. She expressed a desire to work together for the good of the neighborhood.

Mr. Perkins confirmed that the Holbrook family met with representatives from both neighborhoods. The family was informed that those interested in purchasing the property already have a plan in place for some type of easement or no-build zone. He pointed out that, despite what past conceptual plans for the property may have shown, the stub roads may never need to be extended. Mr. Perkins stated that past conceptual plans have no place with a rezone. He said that, if the Council denies the request, they are telling the north property owners they cannot have what the neighbors on the south side have already done. The Holbrook family is asking for a rezone through legal means so the property can remain undeveloped. He commented that Mr. Brog does not have legal access to his property through the stub, a fact that would not change with the rezone. Mr. Perkins said he feels for Mr. Brog, but does not feel the easement concerns have anything to do with the rezone.

Mayor Cutler said he feels some desire to plan for the future, and would feel better if he knew a private no-build easement existed along that access point, but agreed it should not be an official condition of the rezone. Councilwoman Fillmore commented that with standard side-yard setbacks, access to the extended properties through front properties might be difficult. She said this is one of the toughest decisions she has been faced with on the Planning Commission and City Council. Councilwoman Fillmore said she is in support of preserving open space and property rights. It looks like an easy rezone on the surface, but part of their job as City officials is to have the vision to try to reduce problematic situations in the future. She said she sees this plan as creating numerous problematic situations. Councilwoman Fillmore said she feels it could be debated either way whether or not the proposed amendment is harmonious with the overall character of existing development. She said the Council is allowed to consider public comment on legislative decisions, and they have received public comment regarding how the proposal might adversely affect adjacent properties.

Randy Randall, Public Works Director, explained his concerns related to run-off. He said vegetation would not be a problem, but the introduction of hard surface may cause flooding. Run-off concerns are mitigated during a subdivision process, which would not occur in the proposed scenario. Impact fees come into play with building permits, but building permits are not required for something like a sports court. Mr. Randall stated he thinks the proposed use is fine from a zoning standpoint; the question is whether or not the land would ultimately be

used in a way that is not appropriate. He said there is no problem if the property owners plan to access the extended property through their lots. He does not want to give the expectation that access will be available through the stubs. Mr. Randall said he feels the City needs to ensure the lots are not used for any purpose other than single-family dwellings. He agreed that a 15-foot no-build easement along the back of the property would be desirable. Mr. Randall said he would hope the property owners would install a storm drain system if hard surfacing is intended. The extended properties on the south side do not have a storm drain system.

Councilwoman Fillmore made a **motion** to deny the request for rezone. She restated that she does not think there is any problem with the area being R-L, but she feels it is a matter of timing. Well-planned and well-thought out land use is an important part of the General Plan. Councilwoman Fillmore stated the Council is currently dealing with difficult issues, such as Accessory Dwelling Units (ADUs) and flag lots. She said she is not in favor of the flag lot ordinance. A flag lot is not allowed in any sub-dividable area, and would not be allowed in this situation. Councilman McEwan stated that motion to deny the rezone effectively held the Holbrooks as the property owners and the interested neighbors hostage from executing their privately negotiated plans to maintain the green space. He stated that the parcel should be rezoned R-L so the property owners can complete their negotiations and proceed wit the sale of the land. The motion died for lack of a second. Councilman McEwan made a **motion** to adopt Ordinance No. 2016-01 amending the Centerville Zone Map by changing the zoning of approximately 3.08 acres of real property located at 1851 North Main Street (Holbrook Trust) from A-L (Agricultural-Low) to R-L (Residential-Low) based on the stated findings. Councilwoman Ivie seconded the motion. Mayor Cutler suggested the Council add an intent clause in the form of a finding (not a condition) stating that private parties have expressed the intent to record a 15-foot no-build easement along the back of the property. Councilman McEwan stated to Mayor Cutler that it would be illegal to attach any intent clause regarding easements or other uses of the property to the zoning ordinance and therefore the motion could not be amended and would stand as stated. Mr. Perkins repeated that the buyers have indicated willingness to allocate whatever is necessary for a 50-foot right-of-way when combined with the property owned by Mr. Brog to the south. Mr. Strong added that it is the property owners' intent to have the private easement to protect themselves, allow for their friends on the south side, and to allow the Holbrook family to sell the home. He said they do not intend to create run-off. Mr. Perkins clarified that the boundaries have not been finalized, but the extended lots will be a little over one-quarter acre in most cases. Councilman McEwan made a **motion** to call the question. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). The motion to approve Ordinance No. 2016-01, with the findings recommended by the Planning Commission, passed by unanimous vote (5-0).

Findings:

a) The Council finds that the proposed zoning change is consistent with the goals and objectives of the General Plan [Section 12-480-3(1)(d)(1) & Section 12-420-2.1].
b) The Council finds that the recommendation to approve the proposed zone map amendment has taken into account the "factors to be considered," as listed in Section 12-21-080 and described in the related Staff Report dated 12-09-2015.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENTS, CHAPTER 12-60, ACCESSORY DWELLING UNITS (ADUs)

Cory Snyder, Community Development Director, gave a brief introduction and history of the ADU issue in Centerville. The consideration of ADUs has been a City initiative, and was included in the 2002 and 2012 Moderate Income Housing Plan. The Planning Commission has recommended approval of proposed Ordinance No. 2016-04. ADUs are to be associated in some manner with a single-dwelling home, and either the primary home or the ADU must be

owner-occupied (with an allowed sabbatical leave of up to three years). Councilman McEwan asked if the ADU ordinance would provide a way to limit nightly rental situations such as Airbnb. Mr. Snyder responded that renting on a daily basis would be a lodging issue, in violation of City ordinance. A clause could be added to the ADU ordinance to add more teeth to rental restrictions. Councilman McEwan asked where Centerville stands with moderate income housing. Mr. Snyder explained moderate income calculations, and said he remembers the City was just short of 1,200 units in 2012, potentially reaching up to 3,000 with anticipated growth. Centerville is required to consider moderate income housing, but does not have to reach a certain number. Mr. Snyder stated the opinion that Centerville is in decent shape regarding moderate income housing.

Detached ADUs were the most controversial of the five types at the Planning Commission level. The Planning Commission included detached units in the proposed ordinance with multiple regulations. The ordinance addresses design standards, parking, and limits an attached ADU to 25% of the home size or 800 square feet, whichever is less, with an occupancy limitation of four people, in line with International Building Codes (one occupant per 200 square feet). An ADU is comprised of a bathroom, kitchen, and bedroom or living area. Mr. Snyder briefly explained enforcement of ADU regulations, adding that no separate addressing would be granted. Following direction from the previous Council, impact fees were removed from the proposed ordinance.

Mayor Cutler opened a public hearing at 8:33 p.m.

Larry Wright – Mr. Wright stated he is glad the Council is addressing the ADU issue, and wished them luck.

Dale Engberson – Mr. Engberson complimented Mr. Snyder on the well-written ordinance. He said he believes more people would benefit than would be adversely affected by the proposed ordinance. He commented that a lot of seniors who would like to stay in their homes could benefit from younger people renting part of the home. In his experience, young couples renting ADUs are a benefit to the community, and it gives them an opportunity to live in the community where they could not otherwise afford to. Mr. Engberson encouraged the Council to consider and address all the possible impacts.

Mayor Cutler closed the public hearing at 8:38 p.m. Mr. Snyder confirmed that a separate utility account would be allowed, but would be in the name of the property owner. Mayor Cutler commented that one reason for the Council to address ADUs is the fact that many already exist in the community. He said many citizens have commented to him that City ordinances are outdated and too difficult to comply with. The Mayor said he feels good about the regulations for attached ADUs, but feels regulations for detached ADUs still need work. Mr. Thacker asked if State and Federal housing non-discrimination laws apply to ADUs. Ms. Romney responded that according to Utah law the non-discrimination laws generally do not apply to single-family dwellings sold or rented by owner, if the owner is not a business entity or partnership, does not have interest in four or more single-family homes being rented, has not sold more than two single-family dwellings during the last two years, and has not retained or used the facility or services of a real estate broker or sales person. However, Section 57-21-5 states discriminating housing practices cannot be used in any written, oral, or any kind of advertising statement. Anyone wanting to rent out an ADU would be subject to that provision. Mr. Snyder indicated the City would not require a business license for an ADU.

Councilman Ince said he originally voted against the ordinance as a Planning Commissioner because of the 25% size restriction. He said since the election many citizens have spoken to him against ADUs. Councilwoman Mecham said she did not get the same feeling, but she comes from an older neighborhood where most citizens are in favor of ADUs.

Councilwoman Mecham said she would like the ordinance to specify single-family home rather than R-L Zone, since single-family homes in other zones would be excluded. Councilwoman Fillmore commented that making that change could offer complications that have not been considered. Mr. Snyder stated that detached ADUs could be removed from the ordinance to be addressed at a later time if the Council is inclined. Councilwoman Mecham agreed that detached ADUs have a lot more issues to address. The proposed ordinance references fire and building codes by default.

Councilwoman Fillmore made a **motion** to accept Chapter 12-60 regarding Accessory Dwelling Units with the following amendments: (1) delete Section 12-60-060(a)(4) regarding detached buildings, and any other statement that applies to detached units; and (2) increase the maximum size to 35% of the primary home, and remove the specified 800 square feet limit. She explained that a lot of newer homes have large family rooms in the basement, and she feels it would be safer and fairer to have a general percentage. Councilman McEwan spoke against her motion, stating he would prefer to give new Council members more time to give the issue proper consideration. The motion died for lack of a second. Councilman Ince made a **motion** to table the issue for at least 60 days but not more than 120 days, adding that he likes the basic provisions of Councilwoman Fillmore's motion, but would like more time for consideration. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

FOURTH OF JULY CELEBRATION

Mayor Cutler explained that with the 4th of July falling on Monday this year, the City could choose to schedule festivities on Friday and Saturday, or on Saturday and Monday. Mr. Thacker reported that the Parks and Recreation Department is willing to handle either schedule, but would prefer Friday/Saturday. Mayor Cutler introduced Steve and Kris Green, who have agreed to chair the 4th of July Committee. Mr. Green stated they have no strong recommendation either way. Councilman Ince commented that the F-16 flyover for the parade should be considered. Councilwoman Mecham commented that many former citizens return for the parade, and would not expect it to be on a day other than the 4th. She also pointed out that postal workers would not be able to attend or participate on a day other than the 4th. Councilwoman Fillmore asked if consolidating all the festivities into one day has been considered. Councilman Ince expressed a preference for fireworks on Saturday, July 2nd. Councilwoman Mecham added that some of the patriotic focus of the festivities would be lost with the parade on a different day. Councilman Ince made a **motion** to schedule 4th of July activities on Saturday, July 2nd, and Monday, July 4th. The fireworks, children's parade, and concert will occur on Saturday, with the parade on the 4th. Councilwoman Mecham seconded the motion. Councilwoman Ivie commented she thinks consolidating everything on one day for just one year would throw people off. The motion passed by unanimous vote (5-0).

PROPOSED AMENDMENTS TO SECTION 13-03-062 OF THE CENTERVILLE MUNICIPAL CODE REGARDING DISCHARGE OF MISSILES OR PROJECTILES

Councilwoman Ivie expressed concern for the City's ability to regulate and enforce Municipal Code Section 13-03-062 regarding the discharge of missiles or projectiles. She said she feels the regulation is overkill, and she would like to repeal the entire Section. Councilman McEwan asked Lieutenant Steenblik if the Police Department needs Section 13-03-062, or if enough other ordinances are in place. He also asked how many times the ordinance has been used. Lieutenant Steenblik responded that both State statutes the police would use, criminal mischief and disorderly conduct, require intent. He said Section 13-03-062 is not an ordinance the officers drive around looking to enforce. It has been enforced once for an air-soft gun incident that did not meet the State statute for brandishing a weapon. Mayor Cutler commented that his primary goal is to make Centerville a great place to raise a family. He said he originally

supported this ordinance with a desire to discourage airsoft wars and kids shooting BB guns at each other. He suggested the Council could tweak the ordinance, but he is opposed to letting teenagers and adults run around with guns in the neighborhoods. The Firearm Code does not cover BB guns or airsoft guns. Councilwoman Fillmore asked if Councilwoman Ivie would feel better with the ordinance specifying that a projectile cannot be launched past a property line. Councilman McEwan responded he feels a property line restriction would be equally unenforceable. He expressed confidence that the Police Department could use other statutes, such as disorderly conduct. Councilman McEwan suggested citizens should govern themselves with this, preferring not to put the police in the middle of a neighbor-to-neighbor situation if possible. Councilman Ince asked if neighboring cities in Davis County have similar ordinances.

Councilwoman Fillmore made a **motion** asking staff to evaluate how important the ordinance is to the safety of the community and to make a recommendation. Councilwoman Ivie responded that Lieutenant Steenblik already did that in preparation for the meeting. Lieutenant Steenblik said he discussed the matter with Chief Child, and they agreed that the ordinance is not enforced on regular basis, and is responded to on a complaint basis. The Police Department does get some complaints, and the ordinance allows the officers to stop problems without having to prove intent. Lieutenant Steenblik stated he and Chief Child chose to take a neutral position. The motion died for lack of a second. Ms. Romney stated that no public hearing is necessary to make changes to the Criminal Code. Mayor Cutler repeated his desire to not let kids run around the neighborhoods having BB gun and airsoft gun wars. He said he respects the principle of liberty, but the City has a responsibility to keep children safe. Councilman McEwan responded that parents are really good at enforcing what goes on in their neighborhoods, and added that he feels the citizens are fairly homogenous regarding the principles and standards of peace they would like in their neighborhoods. Councilman McEwan agreed with Councilwoman Ivie that the Section should be repealed.

Responding to a question from Councilwoman Fillmore, Mayor Cutler explained that Section 13-03-062 was part of a larger effort several years ago to update the Criminal Code. Ms. Romney added that, at the time, Police Chief Worsley suggested keeping the Section in the Code. Councilman Ince said he is inclined to agree with Council members Ivie and McEwan, but expressed a desire to find out what is done in other communities. Mr. Thacker asked if archery falls under any other provision, and Lieutenant Steenblik responded he is not aware of one. Councilwoman Ivie suggested the archery class offered by the City recreation program is in violation of the ordinance. Mr. Thacker said he recalls a provision that allows archery situations approved by the Police Chief. Lieutenant Steenblik agreed that the City recreation archery class has been approved as appropriately supervised. Mr. Thacker pointed out that archery is not covered by the Firearm Code. Mayor Cutler encouraged the Council to work with staff to come up with a compromise. Councilwoman Fillmore made a **motion** to direct staff to gather more information regarding what other communities do, to evaluate possible negative consequences of repealing Section 13-03-062, and bring back a more thorough report with a recommendation. Councilman Ince seconded the motion. Councilman McEwan made a **motion to amend** the motion, directing staff to bring the report back at the next Council meeting, with the intention to make a decision whether to amend or repeal at that time. Councilman Ince seconded the motion to amend, which passed by unanimous vote (5-0). The motion as amended passed by unanimous vote (5-0). Councilwoman Ivie asked the City Attorney to check State Code regarding firearms and archery.

The Council took a break from 9:31 p.m. to 9:38 p.m.

ability to tie the video recording to individual agenda items. Councilman McEwan said he is a proponent of a YouTube-based solution, and made a **motion** to table the issue to the next Council meeting; with the understanding that comparables from Kaysville and two other quotes will be presented for infrastructure equipment. Councilwoman Mecham seconded the motion, which passed unanimous vote (5-0).

MUNICIPAL CODE AMENDMENTS – TITLE 9 – WATER

At the January 5, 2016 Council meeting the Council approved creation of Title 17 (regarding Telecommunications) and Title 18 (regarding Cable Systems), separating the two issues from Title 9. City Attorney Romney explained proposed amendments to Title 9 regarding Water. Councilwoman Ivie requested a few clarifications and corrections to the Title. She also commented that the sign at the City well has grammatical errors. Councilwoman Ivie made a **motion** to accept the revised Title 9 with amendments discussed. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

FINANCIAL REPORT

Councilman McEwan made a **motion** to table the Financial Report for the period ending December 31, 2015 to a future work session. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

MAYOR'S REPORT

- The latest monthly report for the South Davis Metro Fire Agency, as well as the latest monthly reports for UIA and UTOPIA, were attached in the staff report.
- Councilwoman Fillmore agreed to serve as a City representative on the ULCT Legislative Policy Committee. Councilman Ince also expressed a desire to attend some of the meetings.

CITY COUNCIL LIAISON REPORT

Councilwoman Fillmore reported that membership and attendance at the South Davis Recreation Center are increasing. Saturday, February 27th will be a free admission day at the Recreation Center for Centerville citizens. She also reported that the Parks and Recreation Committee made further changes to their priority plan at their November 2015 meeting.

CITY MANAGER'S REPORT

- The Council scheduled the following work sessions:
  - February 2nd prior to the regular meeting to discuss finance issues
  - February 16th prior to the regular meeting to discuss the Streets Maintenance Plan and Culinary Water System CIP
  - March 1st prior to the regular meeting to discuss the Employee Compensation Plan and Benefits
  - Late March to set goals
- Mr. Thacker explained that the Utah Risk Management Mutual Association (URMMA) encourages cities to meet standards to limit liability. He said he feels it would be prudent to conduct a comprehensive inventory of sidewalks in the city, and prioritize the repairs that are needed. He recommended hiring an intern for the period of May – August to work under the GIS Specialist to conduct an inventory. Funds could come from the Contingency Budget in the General Fund or from the Streets Budget. A majority of the Council indicated approval.

PROPOSED AMENDMENTS TO THE SOUTH MAIN STREET CORRIDOR (SMSC) OVERLAY ZONE REGARDING PUBLIC SPACE PLAN AND MAXIMUM GROSS DENSITY

Public Space Plan – Councilman McEwan expressed concerned with elements included in the SMSC Public Space Plan that could present a liability to the City. Councilwoman Mecham added she is not sure where liability would lie if a car were to hit a break-away light pole, or a skateboarder were to run into a flower pot. She also stated that maintenance of elements included in the Plan could potentially be very high. Ms. Romney responded that liability typically lies with the owner of a property or improvement. The City is responsible and liable for public improvements in the public right-of-way; private property owners are liable for private improvements on private property. Regarding maintenance of lights, Mr. Snyder stated the City replaces and maintains the decorative lights on Parrish Lane. He mentioned that the sporadic installation of decorative lights that tends to occur with redevelopment can be difficult to connect to a City power source. Mr. Snyder agreed that maintenance and liability of the planter boxes is a valid question. Councilwoman Mecham suggested the Police Department discuss with the Council whether or not the tall grasses in planter boxes would be a potential visibility hazard.

Councilwoman Fillmore commented that skateboarding is an issue with any City-installed horizontal surface. Manufacturers offer benches with an added nub every few feet to discourage skateboarders. Councilman McEwan responded that skateboarders like to show they can jump over the nubs, and added he believes it would be borrowing trouble to mandate a horizontal surface on a busy road with a 40 mph speed limit. He said he feels it is only a question of when an incident would occur. Councilwoman Fillmore commented that through her continuing education, she has seen a lot of research to support that these types of elements increase the safety of a road. Councilman McEwan made a **motion** directing staff to prepare amendments to the SMSC Public Space Plan removing benches, planters, and drought tolerant grasses, to be redirected back to the Planning Commission. Responding to a question about lights, Mr. Snyder commented that most of the newer light poles on Parrish Lane and 400 West are behind the clear zone. Councilwoman Fillmore commented that during the public comment process for the SMSC Overlay Zone last year citizens stated they did not want Main Street to be just like Parrish Lane. As a former Planning Commissioner, Councilman Ince said he does not remember some of the liability issues being raised during Planning Commission discussions of the Public Space Plan. Councilwoman Fillmore said she will be grateful for the Planning Commission's input. Councilman McEwan **added to the motion** a change in position of the lighting. Councilman Ince seconded the motion. Due to noticing requirements, the earliest the Planning Commission is able to consider the changes is February 24th. Ms. Romney recommended the Council present the changes as amendments to Section12-48-180 of the Public Space Plan. Councilwoman Fillmore made a **motion to amend** the motion to add direction to staff to research experiences of other cities with elements framing their main streets to show the concern is valid. The motion to amend failed for lack of a second. The original motion passed by majority vote (4-1), with Councilwoman Fillmore dissenting.

Maximum Gross Density – Councilman McEwan stated he was not happy with the maximum gross density passed by the previous Council. Councilwoman Ivie said she has had conversations with citizens who have questioned the advisability of using conditional use in any building projects in the future, considering the changes made by the State Legislature limiting the City's ability to deny conditional use. Mr. Snyder commented that conditional use gives flexibility. As an example, he stated that if the Council is comfortable with a maximum of four units, the permitted would be two, and the conditional would be four. The conditional should be the maximum number the Council is comfortable with. Conditional use is allowed unless a negative impact cannot be mitigated. Councilwoman Fillmore cited the Walmart development as a good example of conditional use. The public was able to be involved and express concerns, resulting in an extraordinarily thorough process. Councilwoman Mecham agreed, and

said she wants to see Main Street redeveloped and wants to encourage commercial with some incentive to make it viable. She asked if the mixed-use label could be removed, and commercial could be allowed with two or three accessory buildings. Mr. Snyder responded that mixed-use was introduced as a component to encourage redevelopment, but has been watered down to a point that the encouragement is reduced. The mixed-use label could be removed and a new use category created to allow commercial with a few accessory apartments.

Councilman McEwan said he appreciated a comment made by Councilman Averett predicting that any redevelopment would be office space rather than mixed-use. Mr. Snyder responded that office space is a competing use in many places in Centerville, and the saturation for office space is currently pretty high. Farmington Station Park is a heavy influence on retail commercial, and Woods Cross is gaining ground on their retail commercial center. Mr. Snyder said the long-term viability of retail in Centerville is probably not very strong. He acknowledged that demand for office space could increase in the future. He expressed the opinion that the tug of redevelopment is difficult with the current density numbers. If the numbers are reduced further, the expectation could be for small commercial use with a small number of dwelling units as support. He questioned whether tearing down and rebuilding at the street would ever happen without redevelopment incentive.

Councilman McEwan said that, considering the information presented, he does not wish to make a motion for action at this point. He said he can see enough competing forces that he does not know what will happen on Main Street. Councilwoman Fillmore mentioned that data collected by staff regarding demographics and ownership of the corridor was helpful to the previous Council. She agreed that the market has yet to speak regarding where Main Street will land, but said she likes giving property owners, many of whom are local, the option to have value in their land and be incentivized a little to redevelop and diversify their investment. Councilman McEwan expressed his concern that mixed-use is a density driver, and Centerville is not a destination city, it is a bedroom community. He said he would like to see the conditional use reduced to four units. Councilwoman Fillmore agreed that holding off on making changes is a good idea, and pointed out that the City went from having no caps in the corridor to establishing thoroughly thought-out caps that are at or below the range of the residential neighborhoods behind. Councilwoman Mecham responded that density on Main Street was intensified from commercial. Councilman Ince said he would prefer commercial up front with a couple ADUs above, rather than a row of commercial with dwelling units behind. Mr. Snyder repeated that if redevelopment is not the goal, a new use could be added providing the opportunity to have accessory apartments supplementing commercial. Councilwoman Fillmore commented that density would be increased without the benefit of an improved, beautified core area.

CONSIDER OPTIONS FOR VIDEO STREAMING COUNCIL MEETINGS

Mayor Cutler presented bids and information prepared by Blaine Lutz, Finance Director/Assistant City Manager for video streaming Council meetings, and stated that Mr. Lutz asked for more time to evaluate further. Councilwoman Ivie asked what benefit is gained with the current contract for NovusAgenda, and commented she thinks many of the bells and whistles are not used. Mayor Cutler responded the biggest savings is in staff time and paper. Ms. Romney commented that NovusAgenda has made a huge difference for her, with definite advantages and cost savings on the staff end. Mr. Thacker agreed. Ms. Romney suggested further training could be given to Council members if desired. Mayor Cutler added that all cities are moving toward an online agenda system. Councilwoman Ivie agreed with the idea of an online agenda system, but wondered if a more cost effective option is available. She explained difficulties she has had with the note-taking option on NovusAgenda. Councilman McEwan expressed a desire to keep the March timeline. Councilman Ince commented he had difficulty with the Kaysville YouTube site. Councilwoman Fillmore said she would be interested in the

- Mr. Thacker reported that the Division of Wildlife Resources (DWR) has given the City approval to relocate deer rather than trap and euthanize. The DWR would do the relocating for a fee of $100 per deer, if the City does the trapping. Relocating could begin at any time. Bruce Cox will attend a future meeting to discuss the relocating option further with the Council.

MISCELLANEOUS BUSINESS

- Mr. Thacker presented a request from the Parks & Recreation Director and the coordinator of the City's baseball program that the City replace the last of Community Park's four baseball infields. The baseball program has raised almost $5,000 to help with the cost. Bruce Cox, Parks and Recreation Director, submitted a cost estimate of $11,500 for materials with City staff hauling the dirt, with an additional $3,900 if an outside party is contracted to haul the dirt. Mr. Cox recommended paying an outside party. Councilwoman Fillmore commented it is extraordinary that citizens have gotten involved and raised funds, and expressed a desire to at least match the funds and add what is necessary to accomplish the work. She said that, with the RAP Tax renewed, there are some small, affordable improvements on the Parks and Recreation list that could be accomplished right away. Councilman McEwan responded that, while he is not opposed to the project, there is some due diligence that needs to be done. He said he would like to see a Parks and Recreation Department goal list, and is in favor of tabling approval pending that information. Councilman McEwan said he would prefer to have a road map for how RAP Tax revenue will be spent. Councilman McEwan requested that an income statement for estimated RAP Tax revenues be provided to the Council as part of the reconsideration of this project. Mr. Thacker indicated the monthly revenue for Rap Tax would be approximately $30,000 per month, but would provide a better estimate for the next Council meeting. Mr. Thacker reminded the Council that the Whitaker Museum Board and the Trails Committee will also submit goals for consideration. Councilman McEwan made a **motion** to table approval of funds for a baseball infield. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).
- Ms. Romney provided Open and Public Meetings training.

RDA MEETING

At 11:32 p.m. Councilwoman Fillmore made a **motion** to temporarily adjourn to an RDA meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; Stephanie Ivie, Vice-Chair; Directors Fillmore, Ince, McEwan, and Mecham; Steve Thacker; Executive Director; Lisa Romney, City Attorney; Jacob Smith, Management Assistant; and Katie Rust, Recording Secretary.

The Council returned to regular meeting at 11:44 p.m.

ADJOURNMENT

At 11:47 p.m. Councilman McEwan made a **motion** to adjourn the regular meeting and move to a closed meeting for the purpose of discussing the character and competency of an individual. Councilman Ince seconded the motion, which passed by unanimous vote (5-0). Jacob Smith, Management Assistant, and Katie Rust, Recording Secretary, were excused.

Marsha L. Morrow, City Recorder

2-2-2016
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY
CORPORATE SEAL
UTAH

CENTERVILLE CITY COUNCIL MEETING

Tuesday, January 15, 2016
7:00 p.m.

NAME (PLEASE PRINT)	ADDRESS**
Dale McIntire	25 E. 200 S. Centerville
Steve Penrose	45 W. 1850 N. Centerville
Katheryn Penrose	45 W. 1850 N. Centerville
Linda H. Wright	3770 Summer Ridge Rd Morgan
Brad & Mary Hallmark	3102 S. Willow Way Kamas Ut.
WS & Connie Gillett	97 W 1850 No
Ernie & Doug Strong	241 W. 1850 N.
Blane Rostetlay	93 N 100 E
Holly Reynolds	123 W 1850 N
Bruce Smith	75 East 100 North
Laurence Bowles	1756 No. Main
Andrea Richman	327 Windsor
Nelson Jones	54 W 1750 N
[illegible]	86 W. 1750 N.
Tom Calhaugh	115 East 400 South
Kyle Green	453 E. 200 N.
Steven Green	97 Adams Cir.

** 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.