

1 Minutes of the Centerville City Council meeting held Tuesday, April 4, 2017 at 7:00 p.m. at  
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

5 Mayor Paul A. Cutler

6 Council Members William Ince  
7 Stephanie Ivie  
8 George McEwan  
9 Robyn Mecham

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13 **MEMBER ABSENT** Tamilyn Fillmore

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15 **STAFF PRESENT** Steve Thacker, City Manager  
16 Lisa Romney, City Attorney  
17 Cory Snyder, Community Development Director  
18 Katie Rust, Recording Secretary

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20 **STAFF ABSENT** Blaine Lutz, Finance Director/Assistant City Manager  
21 Jacob Smith, Assistant to the City Manager

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23 **VISITORS** Interested citizens (see attached sign-in sheet)

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25 **PLEDGE OF ALLEGIANCE** Led by Jason Manspeaker

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27 **PRAYER OR THOUGHT** Pastor Loren Pankratz, The Bridge Community

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29 Mayor Cutler recognized Pastor Pankratz for his years of service in the community as a  
30 member of the Parks and Recreation Committee.

31  
32 **OPEN SESSION**

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34 Dee Evans – Mr. Evans lives on Lund Lane adjacent to the Woods Park Subdivision. He  
35 described water issues caused by the Woods Park Subdivision. Mr. Evans played a voice mail  
36 recording left by Dave Walker in the Public Works Department on May 24, 2016. He said he  
37 has been promised and promised that issues would be resolved. Mr. Evans stated the drainage  
38 system installed was supposed to take care of the problem, but landscapers changed the  
39 direction of water flow. The gate leading to his cow pasture was supposed to be a non-climb  
40 fence, but is only a tubular gate. Mr. Evans said flooding has been a problem for more than two  
41 years, and he would really like to see it resolved. He was told his fence would only be down for  
42 a couple months while curb and gutter were installed for the subdivision, but after six months he  
43 put his own temporary fence up because it had been so long. Mr. Evans said he does not want  
44 children hurt, and he does not want the liability. Mr. Evans described difficulties with a neighbor,  
45 and said he is waiting to hear what the zoning of his property was at the time of purchase.

46  
47 Mayor Cutler responded that there have been a number of claims of noncompliance  
48 against the Woods Park Subdivision, and an enforcement action is in progress. Mr. Evans said  
49 he feels it is important to "slow the flow" of drainage water to revitalize the hillsides, not send it  
50 to the lake as quickly as possible.

**MINUTES REVIEW AND ACCEPTANCE**

The minutes of the January 31, 2017 work session (tabled from March 21, 2017 meeting), and the March 21, 2017 work session and Council meeting were reviewed. Councilman McEwan submitted amendments to the January 31, 2017 work session, and made a motion to accept the January 31 work session minutes as amended. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0). Mayor Cutler requested a correction to the March 21, 2017 work session minutes. Councilwoman Mecham made a motion to accept the March 21, 2017 regular meeting minutes, and the work session minutes as amended. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

**PUBLIC HEARING – GENERAL PLAN AMENDMENT – SOUTHEAST NEIGHBORHOOD – SECTION 12-480-2**

Cory Snyder, Community Development Director, explained the proposed General Plan Amendments, requested by Brighton Homes, to allow Residential-Medium (R-M) in the Pages Lane Commercial Area. Staff and the Planning Commission have recommended the Council deny the request. The City is currently in the process of evaluating the future of the entire Pages Lane Commercial Area. Mr. Snyder acknowledged that the petition may have merit, but said procedurally it was felt it would be cleaner and more appropriate to allow the larger process to work its way out.

Patrick Scott with Brighton Homes said Brighton Homes is excited about the proposed development project on six acres of land east of Deseret Industries on Pages Lane. He said he understands staff's hesitancy, but feels the proposed project offers opportunities that were desired by some at the joint work session and Planning Commission meeting. Mr. Scott provided a copy of an email sent by the owner of the former Dick's Market property (attached), in which the opinion is expressed that there is no demand for commercial on Pages Lane. Mr. Scott said he personally feels commercial could be viable depending on the tenant, but the area needs to be redeveloped, and residential development is a good option in the area. Given the large area of the proposed development, Mr. Scott requested Brighton Homes be allowed to go through the public process rather than being denied to allow the City to go through its own process. Mr. Scott agreed with the point that redevelopment should not be piecemeal. He said he feels the proposed project transitions well to surrounding uses. He stated it is important, timing wise, that they be allowed to act quickly. Half of the property is currently under contract, and a lengthy delay may cause problems.

Mr. Scott provided the Council with a copy of the proposed language change (attached). Mr. Scott corrected his earlier statement, clarifying that there are two processes at play - the public hearing process to amend the General Plan, and the City's process to evaluate the future of the entire Pages Lane Commercial Area. He said their request is that Brighton Homes be allowed to go through the General Plan Amendment process rather than wait for the City to go through its independent process. He said it seemed the application was denied at the Planning Commission level more because of the process they were trying to follow than the merits of the proposal.

At 7:45 p.m., Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to speak. Councilman McEwan said his primary concern is that staff and the Planning Commission are both recommending denial. He said there must be merits to their recommendation with both groups in agreement. Councilman Ince expressed surprise at the lack of public attendance considering the sensitivity of the issue. He asked if notices were given. Mr. Snyder explained that a General Plan Amendment is noticed on the Council meeting agenda. Councilwoman Mecham said she would like to know what the public response would

1 be, and said she would be in favor of tabling the issue and advertising with large signs on the  
2 property to peak citizen interest and get feedback. She said she is not opposed to the proposal,  
3 but she is not ready to say yes. Mr. Snyder said he does not feel the Planning Commission was  
4 focused only on the process issue. He said he thinks the Planning Commission struggled with  
5 the fact that the proposed project is not a guaranteed product with the General Plan  
6 Amendment. The Planning Commission was sensitive to the current market, and the fact that  
7 design guidelines have not been established.

8  
9 Councilman McEwan asked Mr. Snyder if he perceives that the Planning Commission  
10 wants to move forward with more speed toward establishing a plan now that something  
11 concrete has been proposed. Mr. Snyder responded the Planning Commission has tentatively  
12 scheduled a public hearing for their second meeting in April. They are moving forward with  
13 figuring out the vision. However, he believes there is still a feeling of not being sure which  
14 direction the Council would prefer to go. Councilwoman Ivie said she finds it interesting that the  
15 City had the opportunity at the beginning of the process, but decided not to do a TZRO. The  
16 City intentionally left the option open to property owners/developers, and she said she does not  
17 think it is fair to deny. However, she said she agrees with the idea of community involvement  
18 and input, and asked how quickly that input could happen. Mr. Snyder said the City could use  
19 the petition to drive the plan for the rest of the area if desired. However, if the Council has a  
20 different vision, or wants to see alternate visions for the property, he suggested letting the larger  
21 process play out. Councilman McEwan said he is in support of letting the Planning Commission  
22 rethink the Pages Lane Commercial Area. He said he thinks the Council should support the  
23 Planning Commission and allow them to complete their process.

24  
25 Mr. Scott asked what time frame the process will take. Mr. Snyder responded the  
26 Planning Commission will address the Pages Lane Commercial Area in the next couple months.  
27 He pointed out that R-M is currently on the table for the area, but it is undecided how much  
28 property would be involved and what it should look like. Councilman McEwan made a motion  
29 to deny Ordinance No. 2017-09 amending Section 12-480-2, Neighborhood 1, Southeast  
30 Centerville, allowing residential medium development in the Pages Lane Commercial Area,  
31 including findings recommended by the Planning Commission. Councilman Ince seconded the  
32 motion.

33  
34 Findings:

- 35  
36 a. The Council finds that a decision to amend the General Plan is a matter within the  
37 legislative discretion of the City Council as described in CZC 12.21.060(a).  
38 b. The Council finds that the City is currently underway in a larger effort to reconsider  
39 the future land use planning for the Southeast Neighborhood Plan that already  
40 includes re-evaluating the Pages Lane Commercial Area.  
41 c. The Council finds that further evaluation efforts are needed to determine if it is  
42 appropriate to allow for a broad neighborhood plan language change, as proposed  
43 by the petitioners.

44  
45 Councilman Ince said he would rather table the petition rather than deny because there  
46 are things he likes about the proposal. He said he would like a more cohesive picture of the  
47 area as a whole before moving forward. Councilman McEwan agreed with Mr. Snyder that the  
48 proposal is not necessarily the wrong product, but he would like to let the Planning Commission  
49 craft the language they feel is appropriate. Mayor Cutler pointed out that the proposed  
50 language would apply to the whole block, and language is needed that represents what the City  
51 wants for the entire area. Councilwoman Ivie said she is concerned that denying the petition will  
52 be taken as not liking the proposal. She said her other concern is that she really would like to  
53 know what the public wants.

1 Councilman Ince said it would be helpful to know the health of existing commercial  
2 properties west of the block in question. Mr. Snyder responded he thinks they are fairly  
3 successful, but pointed out that the prime lot on the southwest corner of the Main Street and  
4 Pages Lane intersection still has not sold. Mayor Cutler suggested inviting business/property  
5 owners to a redevelopment work session, and asked Mr. Snyder to forward that suggestion to  
6 the Planning Commission. Councilwoman Mecham suggested also forwarding to the Planning  
7 Commission the recommendation to put big signs on the property to engage community input.

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9 The motion passed by unanimous vote (4-0).

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11 **AWARD BIDS FOR COMMUNITY PARK EXPANSION**

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13 Mr. Thacker proposed the following actions if the Council decides to proceed with the  
14 use of groundwater to irrigate the Community Park expansion area:

- 15  
16 • Award bid to Bowen Construction in the amount of \$254,850.05 for construction of  
17 Community Park Irrigation Reservoir  
18 • Authorize staff to purchase materials to be used for the Community Park Irrigation  
19 Reservoir project per the City's Procurement Policy in the estimated amount of  
20 \$51,638 plus tax as applicable, from various materials suppliers  
21 • Authorize staff to proceed, when appropriate, with the purchase of pumps, VFD  
22 controls, panel and power service-per City's procurement Policy

23  
24 Mayor Cutler suggested approving the first two actions, but said he would prefer staff to  
25 come back to the Council before proceeding with the third action. Councilman Ince made a  
26 motion to approve the first two actions, and table authorization of the third action. Councilman  
27 McEwan seconded the motion, which passed by unanimous vote (4-0).

28  
29 **AWARD BID FOR ASPHALT RELATED WORK**

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31 Councilwoman Ivie reported that the Whitaker Museum Board has not yet seen or  
32 approved a finalized drawing of Whitaker Museum parking lot improvements. Mr. Thacker  
33 showed a layout agreed on by Whitaker Museum Chair Packer and the City Engineer.  
34 Councilman McEwan suggested widening the parking lot turnout a small amount to improve  
35 maneuverability. Councilwoman Ivie made a motion to award bid for Street Rebuild and  
36 Overlay Project 2017 to Kilgore Companies, in the total amount of \$522,754.50, subject to  
37 approval of the subcontractors to be used by Kilgore, and subject to review of the final parking  
38 lot design by staff and the Whitaker Museum Board. Councilwoman Mecham seconded the  
39 motion, which passed by unanimous vote (4-0).

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41 **APPROVE GRANT APPLICATION REGARDING ISLAND VIEW PARK RENOVATION**

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43 Councilwoman Ivie referred to an email she received, and said the initial expectation of  
44 the focus group involved in the Island View Park renovation project was they would meet for  
45 approximately two years. She said the focus group met twice, and she feels the process has  
46 been rushed to meet the grant application deadline. She reported there are a series of  
47 concerns that have not been addressed because of the speed of the process. One of the  
48 concerns involves removal of parking at the west end of the park without addressing the need  
49 for overflow parking for the cemetery. Councilwoman Ivie said members of the focus group are  
50 concerned that removal of the parking and retaining wall at the west end will create an attractive  
51 sledding hill with liability for the City. She said these focus group members are concerned that  
52 Phase One does not address existing liability issues on the east portion of the park relating to

sidewalk conditions. Councilwoman Ivie suggested the grant application may need to wait until next year to allow time to work through details and problems.

The grant application is due May 1<sup>st</sup>. Councilman Ince said it was his impression that applying for the grant this year is important to be in line for available funds. Mayor Cutler agreed that the application needs to be submitted, but said he would be happy to address concerns if there is time. Councilwoman Ivie expressed concern with the location of the proposed playground in relation to other features in the park. She said her impression was that only a couple of groups applied for the grant last year and approval is quite likely – the only suggestion from the State was that the City not request too much money. Councilman McEwan said he is not sure all the issues could be solved before construction of the first phase. Councilwoman Ivie repeated she feels the process was rushed, and she does not feel the City is ready to submit a grant application.

Councilwoman Ivie said she raised the concerns at the work session, but nothing was changed. Mr. Thacker responded it was his perception at the conclusion of the work session, and the perception of the Parks and Recreation Committee, that they were to move forward with the proposed plan. He said there was no majority direction from the Council to do something about the issues she raised. Mayor Cutler said he is not concerned so much about overflow parking for the cemetery because the Council has chosen not to expand the cemetery. The Mayor asked Councilwoman Ivie what could be done to help those concerned feel heard. Councilwoman Ivie said she would like the focus group to meet one more time before the grant application is submitted. Mr. Thacker asked Councilwoman Ivie what portion of the focus group is represented by the email. Councilwoman Ivie said she would guess a minority is represented by the email, but added that she received the email from a source she has learned to trust. Mr. Thacker suggested the focus group meet with the Parks and Recreation Committee and landscape architect. The next Parks and Recreation Committee meeting is scheduled for Tuesday, April 11<sup>th</sup>. It was agreed the focus group could be invited to the Parks and Recreation Committee meeting.

Councilman Ince made a **motion** to table approval of the grant application to April 18<sup>th</sup>, and direct the Parks and Recreation Committee to invite the focus group to discuss the renovation plan and grant application one more time before the application is approved and submitted. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

#### **CENTERVILLE MUNICIPAL CODE – COMPREHENSIVE AMENDMENTS**

At the February 21, 2017 meeting, the Council decided to spread review of the comprehensive amendments to the Centerville Municipal Code over several meetings. City Attorney Romney explained the following substantive changes to the remaining Titles:

##### Title 11

- Chapter 2 – Parkstrips and Street Trees: additions regarding maintenance and tree permitting.
- Chapter 3 – Street Names and Addressing

Councilman Ince asked if the City is wasting time with the park strip ordinance since park strip issues are not enforced. Ms. Romney responded the City does use the regulations for enforcement.

##### Title 13

- Criminal Code – Change to penalty provision.

Title 14

- Traffic – Chief Child has reviewed the proposed changes. Ms. Romney said she is reversing and not recommending two of the four proposed changes. In Section 14.01.070 violations will remain Class C misdemeanors.
- Section 14.06.020 – The Police Chief may authorize all-night parking for a period not to exceed 72 hours, increased from 24 hours.
- Section 14.07.170 the word “race” is added to parades and processions. Requests for permits shall be made in writing at least 14 days prior to the actual time, increased from 10 days.

Titles 16, 17 & 18

- No substantive changes.

Councilman Ince asked about shooting restrictions and signs on the hillside. Mayor Cutler said he would forward a letter addressing that issue from Davis County Commissioner Smith to the Council. Ms. Romney said the City has been more proactive this year to help private property owners. Hunting restrictions and guidelines are in Title 13. Councilman Ince said the signs on the hillside specify authority of the Centerville Police Department, but some are posted on County property.

Councilman McEwan made a motion to adopt Ordinance No. 2017-03 regarding comprehensive Centerville Municipal Code amendments and re-adoption of the entire Centerville Municipal Code (excluding Title 12 regarding the Zoning Code) for online conversion and minor edits for corrections and consistency. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

**MUNICIPAL CODE AMENDMENTS – SECTION 14-06-100 – PARKING IN FIRE LANES**

Chief Child has requested an ordinance restricting parking in fire lanes on public and private property. Some of the larger commercial properties in the City have had difficulties with people parking in fire lanes. Ms. Romney recommended the Council adopt Ordinance No. 2017-08. Councilwoman Ivie made a motion to approve Ordinance No. 2017-08 enacting Section 14.06.100 of the Centerville Municipal Code regarding prohibited parking in fire lanes. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

**MAYOR'S REPORT**

- Mayor Cutler reported on the semiannual review of operational metrics with staff.
- The Mayor commended Jack Dellastatious for his fundraising efforts for Law Enforcement Week (May 14-20) as Chair of the Centerville Community Foundation.
- Mayor Cutler expressed appreciation for the many volunteers within the community.

**CITY MANAGER'S REPORT**

- Mr. Thacker reported that grant applications for Federal CMAQ funding to make improvements to intersections on Parrish Lane were submitted. A technical review committee has recommended improvements to the 400 West/Parrish Lane intersection as providing the most benefit. If approved, the project will be added to the final year of the new five-year plan. The total cost of the project would be \$1.9 million, with the City's portion set at 6.7%. Councilman Ince said he very much dislikes double turn lanes. Although they help traffic at peak times, he said he feels they limit traffic the rest of the day. Mr. Thacker said he feels it is encouraging that

UDOT seems to have come to appreciate the status of congestion at the Parrish Lane interchange.

- City Attorney Romney expressed a desire to employ an intern this summer, to be paid from her department budget, between May and August for 15-20 hours per week. A majority of the Council appeared supportive.

#### MISCELLANEOUS BUSINESS

Councilman Ince made a **motion** to commence warranty period for the Legacy Trails Subdivision, located at 1250 West Parrish Lane in Centerville. Councilman McEwan seconded the motion, which passed by unanimous vote (4-0).

#### APPOINTMENTS

Mayor Cutler recommended the Council appoint Matthew Larsen to the Landmarks Commission, and Sunny Larsen to the Trails Committee. Councilwoman Mecham said she was under the impression there is not an opening on the Trails Committee. She said she would check with the Trails Committee. Councilwoman Ivie made a **motion** to appoint Matthew Larsen to the Landmarks Commission. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

#### ADJOURNMENT

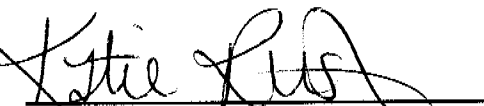
At 9:34 p.m., Councilman McEwan made a **motion** to adjourn the Council meeting and move to a closed meeting in the Conference Room for the purpose of discussing the character and competence of an individual. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0). In attendance at the closed meeting were: Paul A. Cutler, Mayor; Council members Ince, Ivie, McEwan, and Mecham; Steve Thacker, City Manager; and Lisa Romney, City Attorney. Councilwoman Fillmore participated via telephone.



Marsha L. Morrow, City Recorder

4-18-2017

Date Approved



Katie Rust, Recording Secretary



# CENTERVILLE CITY COUNCIL MEETING

Tuesday, April 4, 2017  
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS\*\*

BILL WRIGHT

415 W LUND LANE

Dee Evans

551 W Lund Lane

Trish Evans

551 W Lund Lane

Allen Manspeaker

350 1375 E

Leslie Flowers

1470 N. 600 W.

Loren Pankratz

111 W 650 N

Patricia Sott

Brighton Development

\*\* 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.