

Minutes of the Centerville City Council meeting held Tuesday, May 2, 2017 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 (arrived at 7:06 p.m.)
Stephanie Ivie
George McEwan
Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Assistant to the City Manager
Cory Snyder, Community Development Director
Katie Rust, Recording Secretary

VISITORS

Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE Led by Bryce Jenson, BSA Troop 1200

PRAYER OR THOUGHT Pastor Joshua Knight, Flourishing Grace Church

Mayor Cutler thanked Pastor Knight and the Flourishing Grace Church for the donation of electronic flares to the Centerville Police Department.

OPEN SESSION

John Jensen – Mr. Jenson said his family had a good time at the recent Public Safety Open House. He said it was very informative, and he expressed appreciation for the opportunity.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the April 11, 2017 work session, and the April 18, 2017 work session, regular Council meeting, and closed meeting were reviewed. Councilwoman Fillmore requested an addition to the April 11, 2017 work session minutes. Councilman McEwan made a motion to accept the three sets of minutes from April 18, 2017, and the April 11, 2017 work session minutes as amended. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

- a. Accept Public Utility Easements for Legacy Crossing Storage
- b. Consider Amendment No. 1 to Cooperative Agreement between UDOT and Centerville City regarding Maintenance of the Connector Trail to the Legacy Parkway Trail

Councilwoman Fillmore made a motion to approve both items on the Summary Action Calendar. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – ZONING CODE AMENDMENT – CHURCH OR PLACE OF WORSHIP IN I-H ZONE

Cory Snyder, Community Development Director, explained that The Bridge Community with Pastor Loren Pankratz is considering relocating from the Pages Lane Commercial Area. Some of the properties available for consideration are in the West Centerville area, currently zoned Industrial-High (I-H). However, places of worship are not currently allowed in I-H Zones. Therefore, the petitioner is asking the City to reconsider the allowable uses of the I-H Zone to include "church or place of worship" as a "permitted" use. In most cases, places of worship are allowed upon approval of a Conditional Use Permit. The Planning Commission reviewed the request, held a public hearing, and voted to recommend approval of the proposed Zoning Ordinance Amendment, with a modification to allow places of worship as a conditional use rather than permitted use.

Councilman Ince asked the average size of an LDS church building. Mr. Snyder estimated 10,000-15,000 square feet. The maximum allowed size of a building in the I-H Zone is 50,000 square feet. Councilwoman Mecham asked if the Council could approve something less than 50,000 square feet. Mr. Snyder responded the Council could specify a different cap for this type of use, but administration and implementation could be complicated. Councilwoman Fillmore commented that The Bridge Community will most likely rent an existing building. She pointed out that places of worship are currently not allowed in the Industrial-Medium (I-M) and Agricultural-Medium (A-M) Zones, and asked if the Planning Commission considered adding places of worship as conditional use in I-M and A-M as well. Mr. Snyder responded that the petition came in for a particular zone, and the matter was not noticed for a broader decision. Centerville does not currently have agricultural industry at the A-M Zone, and staff chose not to address the other zones along with the private petition for I-H. Councilwoman Fillmore asked if it is a big deal for staff to include clean-ups as they come across them, to improve consistency. Mr. Snyder agreed it is good to clean-up the ordinances, but private petitions could get wrapped up in bigger issues if staff adds to what is requested.

At 7:21 p.m., Mayor Cutler opened a public hearing.

Steve Allen – Mr. Allen asked how the maximum 50,000 square feet compares to the MTC office building. Mr. Thacker responded that each of the four floors of the MTC building is 20,000 square feet, for a total of 80,000 square feet.

Shay Stark – Mr. Stark stated that he is a planner, and he totally agrees with the conditional use recommendation. He commended that some places of worship draw congregation members from outside the community, and some draw primarily from within the community. He suggested the Council consider pedestrian access on the west side as part of the conditional use process.

Mayor Cutler closed the public hearing at 7:25 p.m. Councilwoman Mecham expressed concern about the possible impact of this type of use in a 50,000 square foot building. Mr. Snyder responded that the I-H Zone is already designed for that level of use. Councilwoman Fillmore added that the Council recently approved a reception center in the I-H Zone, which brings people into the community in a similar way. Councilman McEwan said any time a community of faith wants to get together he is in support.

Councilwoman Fillmore made a motion to approve Ordinance No. 2017-10 amending Section 12.36.030 of the Centerville Zoning Code to allow churches or places of worship as a conditional use in the Industrial-High (I-H) Zone, with findings recommended by the Planning Commission. Councilman McEwan seconded the motion. Responding to a question from

Councilman Ince, Mr. Snyder stated that sidewalks in the I-H Zone would be addressed as part of the Conditional Use Permit. The motion passed by unanimous vote (5-0).

Findings:

- a. The Council finds that the "decision to amend the . . . Zoning Ordinance is a matter within the legislative discretion of the City Council as described in Section 12.21.060(a)(1)(B).
- b. The Council finds that the Land Use Hierarchy Standards in the General Plan only gives clarity on the classification of a church use intensity, and not what zone is appropriate for a church to be located within.
- c. The Council further finds that the intensity policy states that such church uses within facilities less than 10,000 square feet are appropriate at "all levels of intensity."
- d. The Council finds that Section 12-480-6 (West Centerville Neighborhood) lists a goal to "Enhance the Business Park District," which is predominately comprised of the I-H Zoning District.
- e. The Council further finds that Objective 1.H of the same Goal states a desire to limit lands uses to light manufacturing, office, professional service, and specialty retail type uses.
- f. The Council also finds that the other listed allowable uses of the I-H Zone include vocational schools and other personal instruction uses. Therefore, a church use is compatible due to its primary focus in providing a place of worship for personal instruction and edification.
- g. The Council finds that although the General Plan uses a "level of intensity" measurement, it appears that the Zoning Ordinance does not make a distinction between worship facilities above or below the 10,000 square feet measurement.
- h. The Council finds that a church or place of worship is predominately currently listed as a Conditional Use within the A-L, R-L, R-M, R-H, C-M, C-H and C-VH Zones.
- i. The Council finds that it appears that the Zoning Ordinance chooses to use the Conditional Use Permit process to allow a level of scrutiny to mitigate any potential conflicts or excess burdens on a case-by-case basis.
- j. The Council further finds that the maximum size building for the I-H Zone is 50,000 square feet. Therefore, a worship facility at this size may have need of mitigating some impacts such as traffic, parking, or other such matters.

**REVOCABLE ENCROACHMENT LICENSE AND MAINTENANCE AGREEMENT –
170 WEST – BLEAKS AND GOODFELLOW-TULLIUS TRUST**

The Bleaks and Goodfellow-Tullius recently purchased a portion of the Holbrook property behind their existing lots located at 149 West 1850 North and 215 West 1850 North, respectively. The purchased property has been combined with their existing lots as required by City ordinance to avoid the creation of an additional lot or a remnant parcel. The Bleaks have applied for and desire to construct a garage on this newly acquired portion of their property. Access to the back portion of the Bleak lot (as well as the Goodfellow-Tullius lot) from the legal lot frontage on 1850 North is difficult. Therefore, the Bleaks and Goodfellow-Tullius have requested access to the back portion of their properties from the end of the stub portion of 170 West. The end of 170 West is currently a stub road with no temporary turn-around or any public improvements beyond the end of the right-of-way which terminates at the mutual boundary line between the Bleaks and Goodfellow-Tullius properties.

Lisa Romney, City Attorney, explained that the City does not usually allow access off of the stub end of a City street. However, she said staff is willing to recommend approval of such requested access in this limited circumstance subject to the terms and conditions of the

1 proposed Revocable Encroachment License and Maintenance Agreement. Pursuant to this
2 agreement, the Bleaks and Goodfellow-Tullius must dedicate an 80' diameter temporary right-
3 of-way and turn-around easement at the end of 170 West over and across their properties. In
4 exchange for the turn-around easement, the Bleaks and Goodfellow-Tullius would be granted a
5 non-exclusive revocable encroachment license and permit to install and maintain certain
6 driveway and related improvements within the turn-around easement area. The use is limited to
7 accessory residential uses and may not be used for access to a dwelling unit or any type of
8 commercial activity.

9
10 Ms. Romney reported the City Engineer has reviewed and approved the drainage plan
11 with a few revisions. She said it is the opinion of the City Engineer that the natural drainage of
12 the property would take care of most of the issue. At 7:42 p.m., Mayor Cutler welcomed
13 comment from the applicants.

14
15 Terry Bleak – Mr. Bleak said he has spent a lot of time working with staff on this issue.
16 He said he wants to be in Centerville for a long time, and he wants the property to look clean,
17 not muddy.

18
19 Kathy Goodfellow – Ms. Goodfellow thanked Ms. Romney and Mr. Snyder for working
20 with them. She said she thinks they have come to a win/win agreement. Ms. Goodfellow said
21 she feels it is worth giving this easement in order to access the property in this manner.

22
23 Councilman Ince made a **motion** to approve the Revocable Encroachment License and
24 Maintenance Agreement between the Bleaks, Goodfellow-Tullius Trust, and Centerville City for
25 a temporary turn-around and access at the end of 170 West. Councilwoman Ivie seconded the
26 motion, which passed by unanimous vote (5-0). Councilman McEwan thanked the applicants
27 for preserving green space in the City.

28 29 **MUNICIPAL CODE AMENDMENTS – CHAPTER 5.03 (BUDGETS)**

30
31 Ms. Romney stated it is her opinion a public hearing is required at the tentative budget
32 level, but the State statute is unclear regarding what kind of notice must be provided for that
33 hearing. She recommended Municipal Code amendments, including an amendment to specify
34 7-day notice on the Utah Public Notice website and City website for the tentative budget public
35 hearing. She said she feels substantial notice should be reserved for the final budget. Mr.
36 Thacker commented that the Farmington City Council has approval of a tentative budget on
37 their Summary Action Calendar without a public hearing. He said he suspects many cities will
38 interpret the State statute in that way.

39
40 Councilman McEwan made a **motion** to approve Ordinance No. 2017-11 regarding
41 Municipal Code Amendments to Chapter 5.03 (Budgets) regarding noticing and hearing
42 requirements for tentative and final budgets and new statutory reference for enterprise fund
43 transfers. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

44 45 **FY 2018 BUDGET**

46
47 Mr. Thacker suggested the Council open a public hearing for the FY 2018 Tentative
48 Budget and continue the public hearing to the next Council meeting on May 16th. At that time
49 the Council could adopt the FY 2018 Tentative Budget if the Council would rather not adopt the
50 Tentative Budget at this time. Councilman McEwan said he does not see a benefit to adopting
51 the Tentative Budget at this time if the accountants are going to recommend significant
52 changes. Mr. Thacker responded that the accountants work is more likely to affect fund
53 balances than the current revenues and expenditures. He said he has prepared the budget with

1 the assumption that the City will live by the revenues that are generated within the year.
2 Councilman McEwan said he feels it would be better to wait until the budget has accurate fund
3 balances. Councilman Ince said he thinks it makes sense to wait until May 16th and give a little
4 time for the public to review the Proposed Budget. The FY 2018 Proposed Budget is available
5 on NovusAgenda, and will be made available on the City website. Councilman McEwan
6 emphasized the need to make it clear that it is a tentative budget.

7
8 Mayor Cutler opened a public hearing at 8:01 p.m., and invited anyone who would like to
9 comment on the Proposed Budget. Seeing that no one wished to comment, he closed the
10 public hearing with a desire to continue it to the next Council meeting on May 16th. Councilman
11 Ince made a **motion** to table action on the FY 2018 Tentative Budget and continue the public
12 hearing to the Council meeting on May 16th. Councilman McEwan seconded the motion, which
13 passed by unanimous vote (5-0).

14 15 MAYOR'S REPORT

- 16
17 • Mayor Cutler reported the South Davis Metro Fire Service Area has been actively
18 pursuing a new fire station in Centerville. He said there has been interest from other
19 parties in purchasing the existing station and leasing it back to the Service Area
20 while construction of a new station occurs. No decisions have been made. The Fire
21 Board is expected to take action at their next meeting regarding the proposed tax
22 increase.
23 • Davis County was recently rated the 5th healthiest county in the State.
24 • The annual CenterPoint Gala is scheduled for Saturday, June 3rd.

25 26 MISCELLANEOUS BUSINESS

27
28 City Attorney Romney has drafted an agreement regarding the transfer of County-owned
29 property on 100 South to the City. A majority of the Council indicated approval and expressed a
30 desire to send the draft agreement to the County. Mr. Thacker distributed a preliminary sketch
31 of property lines provided by the County.

32 33 APPOINTMENTS

34
35 Mayor Cutler recommended the Council reappoint Mark Dimond, Matt Johnson, and
36 Rick Turner to additional terms on the Trails Committee; appoint Jonathan Reudas to a three-
37 year term on the Parks and Recreation Committee; and appoint Greg Call to the Landmarks
38 Commission. Councilwoman Fillmore made a **motion** to reappoint Mark Dimond, Matt
39 Johnson, and Rick Turner to additional terms on the Trails Committee; appoint Jonathan
40 Reudas to a three-year term on the Parks and Recreation Committee; and appoint Greg Call to
41 the Landmarks Commission. Councilwoman Mecham seconded the motion, which passed by
42 unanimous vote (5-0).

43 44 ADJOURN AND RDA MEETING

45
46 At 8:16 p.m., Councilman McEwan made a **motion** to adjourn the regular meeting and
47 move to a meeting of the Redevelopment Agency following a short break. Councilwoman
48 Fillmore seconded the motion, which passed by unanimous vote (5-0). In attendance at the
49 RDA meeting were: Paul A. Cutler, Chair; Directors Fillmore, Ince, Ivie, McEwan, and Mecham;
50 Steve Thacker, Executive Director; Lisa Romney, City Attorney; Jacob Smith, Assistant to the
51 City Manager; and Katie Rust, Recording Secretary.

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3
4
5 Marsha L. Morrow
6 Marsha L. Morrow, City Recorder

5-16-2017
Date Approved

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8
9
10 Katie Rust
11 Katie Rust, Recording Secretary
12

CENTERVILLE CITY COUNCIL MEETING

Tuesday, May 2, 2017
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Joshua Allen

1845 N 300E

Bryce Jensen

1859 N 200 E Centerville UT

Mason Dean

1892 N 100 E Centerville UT 84014

Chris Allen

1845 N 300 E " "

Will Brady

1896 N 350 E

John Jensen

1859 N 200 E

Terry Selene Bleak

~~18~~ 149 W 1850 N

Shay Stark

1174 N 350 W

Scott Rustfath

327 W 1200 N

Stephen Rust

232 W 1375 N

Kathy Goodfellow / Mary Tullius 215 W 1850 N

** 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.