

1 Minutes of the Centerville City Council meeting held Tuesday, June 6, 2017 at 7:00 p.m. at
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler

7
8 Council Members Tamilyn Fillmore
9 William Ince
10 Stephanie Ivie
11 George McEwan
12 Robyn Mecham

13
14 **STAFF PRESENT**

15 Steve Thacker, City Manager
16 Lisa Romney, City Attorney
17 Jacob Smith, Assistant to the City Manager
18 Cory Snyder, Community Development Director
19 Cassie Younger, Assistant Planner
20 Marcus Arbuckle, Keddington & Christensen
21 Katie Rust, Recording Secretary

22 **VISITORS**

23 Interested citizens (see attached sign-in sheet)

24 **PLEDGE OF ALLEGIANCE**

25
26 **PRAYER OR THOUGHT**

Jacob Smith, Assistant to the City Manager

27
28 **OPEN SESSION**

29
30 Ann Casper – Ms. Casper said she was asked to speak on behalf of her father, Phil
31 Sessions. As a lifelong resident of Centerville, she said she has seen a lot of changes. She
32 said her concern is the desire to change the name of Founders Park to the William Reed Smith
33 Park. Ms. Casper stated that part of the property that is now Founders Park was given to Davis
34 County by Davis F. Smith, with the stipulation that it would be named the William Reed Smith
35 Park. The stipulation included the agreement that if the property was no longer used as a City
36 park, the land would be returned to any remaining heirs. The William Reed Smith family
37 donated the shrubs, grass seed, and money to fulfill their hopes of creating a nice park for
38 Centerville residents. When the park was renamed Founders Park, the previously mentioned
39 agreements could not be found in City records. Over 200 signatures were gathered showing a
40 desire to not change the name to Founders Park. Ms. Casper said it is the hope of the Smith
41 family that the current City Council will recognize the park should be renamed the William R.
42 Smith Park.

43
44 Tina Allen – Ms. Allen expressed concern with the announcement included in the recent
45 utility mailer regarding the Perpetual Care Fund and the RDA Fund. She stated that, since the
46 money the Council is entrusted with actually belongs to Centerville citizens, the citizens have a
47 right to know what happened and what safeguards are being put in place so this does not
48 happen again.

49
50 Mayor Cutler responded that the City Council approved an ordinance in 2002 suggesting
51 a Perpetual Care Fund (PCF) should be set up. The PCF was not created, and fees collected
52 for the PCF were placed in the General Fund and used for cemetery care from the General
53 Fund. The PCF has now been established, and the Council has approved additional accounting
54 help to ensure improved accounting procedures. Mayor Cutler added that improper allocations
55 to the RDA Fund have been corrected. As a professional accountant, Councilman Ince has
56 been working with staff and has estimated that a summary report will be completed by late July.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the May 16, 2017 work session and Council meeting were reviewed. Councilwoman Fillmore made a **motion** to approve both sets of minutes. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

- a. Appoint City Manager as Interim Finance Director – Resolution No. 2017-10
- b. Award contract for FY 2017 Financial Audit

Referring to item (a) on the Summary Action Calendar, Councilman McEwan asked if Resolution No. 2017-10 and the City Manager meet the Statute requirements regarding professional competency for the duties of the Finance Director. Ms. Romney responded that, at this point, the City Manager is the most qualified person the City has for the job. Councilman Ince asked if it would be possible to have an independent contractor fill the position. Ms. Romney responded she would want to check a few things before going in that direction. Mr. Thacker said he is not opposed to that suggestion, but has not approached Marcus Arbuckle with Keddington & Christensen about the idea. Mr. Arbuckle explained the State requirements as he understands them. There is not a State statute requiring cities to have a Finance Director. Ms. Romney agreed, but pointed out that Centerville has created the position of Finance Director by ordinance. The City does not currently have a contract with Keddington & Christensen for that scope of work. In addition, the Finance Director is listed as the CFO, with responsibility to sign the certificate on City reports.

Councilman Ince said the question has been raised because division of duties is an important concept from an accounting standpoint. Mayor Cutler asked if the City Manager could be designated interim Finance Director for now, and the Council can come back and do something different later. Councilwoman Ivie said that, although she appreciates all Mr. Thacker is doing, she feels there is a concern in the City regarding transparency that would be mitigated if there were two sets of eyes looking at the finances. She suggested Councilman Ince, as a CPA, could function in the interim. Mayor Cutler said he has no objection, but in order to fulfill statutory duties, he recommended the Council appoint the City Manager as interim Finance Director, and the Council can suggest something different after obtaining advice from professionals. Ms. Romney pointed out the City Manager has been acting in that capacity, and she thinks it would be a good idea to formalize the arrangement. Councilwoman Mecham said she would prefer to wait. Councilman Ince suggested that, rather than waiting, the Council appoint the City Manager as interim Finance Director for a period of two weeks, giving the Council time to make a decision. Mayor Cutler responded he would prefer to have more than two weeks given the amount of time it takes the Council to make decisions. The Mayor said he is happy to discuss any approach suggested by the Council, but he feels the City would be better off formalizing the current arrangement than waiting.

Councilwoman Fillmore said she would like to have the issue on the agenda for the next meeting, and suggested asking Mr. Arbuckle for advice on how other cities operate without a finance director. Ms. Romney commented that the Council could eliminate the position, but has not yet done so. Councilwoman Fillmore agreed it is safer to have more checks and balances. Councilman Ince suggested a 30-day period while the Council evaluates what makes sense. Councilwoman Ivie said she would prefer to discuss the issue in closed meeting before approving a decision.

Councilman Ince made a **motion** to amend Resolution No. 2017-10 to appoint the City Manager as interim Finance Director for a 30-day period until the issue is revisited by the

1 Council, and approve the Summary Action Calendar with that amendment. Councilman
2 McEwan seconded the motion, which passed by majority vote (4-1), with Councilwoman Ivie
3 dissenting.

4
5 **PUBLIC HEARING – FINAL SUBDIVISION PLAT – CHITOSE JOHNSON**
6 **SUBDIVISION – 1150 SOUTH 240 EAST**
7

8 Cassie Younger, Assistant Planner, explained the request for Final Subdivision Plat
9 approval for the Chitose Johnson Amended Subdivision. The Planning Commission reviewed
10 the Final Subdivision Plat and recommended approval on May 10, 2017.

11
12 Mayor Cutler opened a public hearing at 7:34 p.m., and closed the public hearing seeing
13 that no one wished to comment. Councilwoman Fillmore made a **motion** to approve the Final
14 Subdivision Plat for the Chitose Johnson Amended Subdivision located at approximately 1150
15 South 240 East, subject to the following conditions and findings. Councilwoman Mecham
16 seconded the motion, which passed by unanimous vote (5-0).

17
18 **Conditions:**
19

- 20 1. Final Subdivision Plat and Construction Plans shall be submitted in accordance with
21 Chapter 15-4 of the Subdivision Ordinance.
22 2. Unless otherwise agreed to by the City, the temporary turn-around and access
23 easement should be shown and labeled on the Final Plat, but can be vacated or
24 released by the City upon developer's completion of the public improvements for the
25 subdivision.
26 3. Prior to or concurrent with Final Plat review, developer shall obtain required
27 approvals for the proposed vacation of a portion of the 35' wide perpetual right-of-
28 way and public utility easement currently recorded against the property, and shall
29 vacate the public right-of-way easement prior to recording, as deemed acceptable by
30 the City Attorney.
31 4. Street, Utility, and Drainage improvements must be submitted with the construction
32 drawings and approved by the City Engineer prior to recording the Final Plat. The
33 lowest elevation of all storm drains and sub-drains needs to be verified for drainage
34 issues.
35 5. Flood plain classification and survey shall be noted on plat prior to recording.
36 6. Existing deferral agreement for public improvements associated with the previous
37 subdivision of property shall be addressed by the developer and confirmed with the
38 City Attorney prior to final plat recording, as deemed acceptable by the City Attorney.

39
40 **Findings:**
41

- 42 a) The Final subdivision appears to be consistent with the General Plan.
43 b) The Final subdivision complies with applicable provisions of the Centerville Municipal
44 Code, Title 15 (Subdivisions).
45 c) The subdivision meets all the Development Standards laid out for an R-L Zone in
46 CZC 12.32.300.
47 d) The applicable review standards of the Subdivision Ordinance pertaining to a Final
48 Subdivision, Title 15-4 have been reviewed and directives established to allow the
49 proposal to proceed to Final Subdivision Plat submittal.

ZONING CODE AMENDMENT – ACCESSORY BUILDING SETBACKS AND HEIGHT RESTRICTIONS IN AGRICULTURAL ZONES – CZC 12.31 (AGRICULTURAL ZONES)

On May 16, 2017, this matter was reviewed by the Council and tabled to this meeting. Councilwoman Fillmore said she is a little uncomfortable with the 50% in the following statement amending Section 12.31.080 of the Zoning Code regarding increased height of buildings in all agricultural zones:

Notwithstanding the height limitations set forth in CZC 12.31.300, a greater building height may be allowed in all agricultural zones pursuant to a conditional use permit; provided, however, that each additional one foot in height of the building shall require an additional one foot setback from all property lines and structures and shall not exceed 50% of the otherwise applicable height limit.

Councilwoman Fillmore commented that agricultural land in Centerville is diminishing, and remaining agricultural land is next to Residential-Low (R-L). If the goal is to mitigate the impact of building height on neighboring properties, it is likely that neighboring properties will be R-L. Mr. Snyder pointed out that the maximum accessory building height in R-L is 22 feet. The proposed agricultural cap for accessory buildings of 50% would be 30 feet – five feet less than the 35 foot allowance for a primary structure. Councilman Ince asked if many structures would become nonconforming, and Mr. Snyder responded there would be many. Councilwoman Fillmore said she would feel more comfortable if the conditional use provision were amended to “not to exceed 25%” rather than 50%. Councilman Ince responded that 25% would make life difficult for many property owners who have had their property for a long time.

Councilwoman Fillmore made a motion to approve Ordinance No. 2017-13 amending Section 12.31.300 of the Centerville Zoning Code regarding rear yard setback requirements for accessory buildings in the Agricultural-Low Zone and amending Section 12.31.080 of the same regarding increased building height restrictions in all agricultural zones, with the amendment that the “shall not exceed 50% of the otherwise applicable height limit” under Special Regulations is changed to “shall not exceed 25% of the otherwise applicable height limit”. The motion failed for lack of a second.

Councilman Ince said he does not feel 25% is enough. The Council discussed building heights in Residential and Agricultural Zones. Mr. Snyder commented that, if the City wants to preserve agricultural uses, those properties need to have use of agricultural buildings. He recognized the City has islands of agricultural use mixed with R-L, but said the trend is moving completely toward R-L, the agricultural areas are just moving more slowly. Councilman McEwan said he is concerned Councilwoman Fillmore’s suggestion would signal that A-L is not wanted. Councilwoman Fillmore stated she values existing and remaining A-L in the City, but it does lend itself to special considerations. She said it is difficult to write an ordinance that is not too prohibitive or too lenient, but in an ideal world accessory buildings should be considered in relation to the size of the structures around them. Councilman McEwan said he has noticed that other cities have had a hard time limiting the rights of existing property owners in favor of incoming property owners.

Councilwoman Fillmore made a motion to approve Ordinance No. 2017-13 as written. Councilman Ince seconded the motion. Councilman Ince asked if there is a way to treat properties below and above an acre in size differently. Mr. Snyder responded he could explore that idea. He said staff may report that it is difficult to segregate properties within the same zoning district. It may create a situation ripe for complaints, legal suits, and accusations of favoritism. The cleaner approach is to create different zones and treat everyone within those

1 zones the same. The motion failed (1-4), with Councilwoman Fillmore in favor and Council
2 members Ince, Ivie, McEwan, and Mecham dissenting. Councilman Ince made a **motion** to
3 send the Ordinance back to the Planning Commission, with direction to consider expanding it
4 into something that recognizes differences in acreage. Mayor Cutler said he feels the setback
5 for a two-story accessory building as written is excessive. The motion failed for lack of second.
6

7 **REQUEST FOR PLANNING COMMISSION CONSIDERATION OF AMENDING**
8 **ZONING CODE TEXT, TABLE OF USES (CHAPTER 12.36) REGARDING CONSTRUCTION**
9 **SALES & SERVICES IN THE COMMERCIAL-MEDIUM ZONE**
10

11 The South Davis Metro Fire Service Area intends to replace the existing fire station in
12 Centerville by building a new station on another site. They have received an offer to purchase
13 the current property from an electrical contractor business. The sale, however, is contingent
14 upon the buyer being able to legally operate his business on this site. The property is zoned
15 Commercial-Medium (C-M), which does not allow construction sales and services. A zoning
16 code amendment requires the Planning Commission to first consider the matter, then forward a
17 recommendation to the City Council. Councilwoman Fillmore said she supports sending the
18 matter to the Planning Commission, and requested the Planning Commission take into
19 consideration the probable reasons for the ordinance change in 2003 that prohibited the
20 contractor use in the first place, and the design standards that are in place.
21

22 Mr. Snyder explained the application and approval process. Councilman McEwan
23 expressed a desire to be consistent with applications. Councilwoman Fillmore pointed out that
24 Planning staff and the Planning Commission work at the direction of the Council, and it is a
25 reasonable first step to come to the Council for permission for staff and the Planning
26 Commission to spend time on an issue. Councilwoman Fillmore made a **motion** to direct the
27 Planning Commission to consider an amendment to the Zoning Code text, Table of Uses
28 regarding construction sales and services in the C-M Zone. Councilman Ince seconded the
29 motion, which passed by majority vote (4-1), with Councilwoman Ivie dissenting.
30

31 **FY 2018 TENTATIVE BUDGET**
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33 City Manager Thacker gave a brief overview of the Salary Administration Guidelines. He
34 said he is recommending a 1% market adjustment to employee pay ranges, but would not be
35 uncomfortable if the Council decides to not make a market adjustment in FY 2018. The Justice
36 Court Judge receives an increase equal to the average increase given to City employees.
37 Mayor Cutler opened a public hearing at 8:33 p.m.
38

39 Steve Allen – Mr. Allen said he does not have a comment about the Tentative Budget.
40

41 Mayor Cutler closed the public hearing at 8:34 p.m. Ms. Romney advised that if the
42 Council is going to decide to formally consider a property tax increase, a decision needs to be
43 made sooner rather than later. The County needs to be notified of the specific increase by June
44 22nd. Councilman McEwan stated that he promised when he ran for office that a property tax
45 increase would happen. Councilman McEwan made a **motion** directing staff to prepare an
46 agenda for a certified tax rate to be determined on or before June 22nd, and notice the County
47 for a Truth in Taxation public hearing on August 8th at 7:00 p.m. Councilman Ince seconded the
48 motion, which passed by unanimous vote (5-0). The Council discussed giving priority in the
49 upcoming City newsletter to information about the proposed property tax increase. A work
50 session was scheduled for Tuesday, June 13th at 8:00 p.m. Councilwoman Fillmore said she
51 would really like for the City to calculate what some of the real needs are and what the ideal
52 increase would be to match those needs, and go from there in making the decision.

1 Councilman McEwan commented that if the increase is less than 50%, it will do little to nothing
2 in terms of offsetting some of the needed expenses with the current drop in revenue.
3

4 **RDA MEETING**
5

6 At 9:00 p.m., Councilwoman Ivie made a motion to adjourn to a meeting of the
7 Redevelopment Agency of Centerville. Councilman Ince seconded the motion, which passed by
8 unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; Director Fillmore, Ince, Ivie,
9 McEwan, and Mecham; Steve Thacker, Executive Director; Lisa Romney, City Attorney; Jacob
10 Smith, Assistant to the City Manager; and Katie Rust, Recording Secretary.
11

12 The Council returned to regular meeting at 9:27 p.m.
13

14 **MAIN STREET WATERLINE REPLACEMENT PROJECT**
15

16 Randy Randall, Public Works Director, explained that the Main Street Waterline
17 Replacement Project will start at Centerville Junior High and extend to the south end of the City.
18 Bids for the project were received in May. Mr. Randall said the project will begin after the 4th of
19 July. He estimated the project will take three to four months, and needs to be completed before
20 UDOT's scheduled resurfacing next year. The Davis County School District will be making
21 improvements in conjunction with the project. Mr. Randall emphasized the need to move
22 forward quickly with the project, and said he feels the bids received are acceptable. The project
23 will cost substantially more than was estimated a year ago. Councilwoman Fillmore reminded
24 the Council and staff that UDOT agreed to stripe official bike lanes on Main Street at no cost as
25 part of the scheduled work next year.
26

27 Mr. Thacker commented that only two of the three Main Street segments on the next five
28 years of the Waterline Replacement Plan will be completed with the project due to revenue
29 projections. He explained that restricted cash (impact fees) in the Water Fund can be used for
30 debt service, thereby freeing up cash to reduce the loan from the Drainage Utility Fund, and an
31 adjustment is recommended. Another loan, however, will be needed between the funds to allow
32 the Waterline Replacement Project to be done in the first few months of FY 2018. Mr. Thacker
33 said the financial position of the two funds has improved.
34

35 Councilman Ince made a motion to award bids to Ormond Construction, Inc. in the
36 amount of \$469,251.90 for labor and to Western Water Works Supply in the amount of
37 \$81,718.08 (plus tax) for materials for Main Street Waterline Replacement Project.
38 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).
39

40 Responding to a question from Councilman Ince about the Community Park Expansion,
41 Mr. Thacker explained that grass will not be planted until late in the season. The grass will take
42 some time to grow and may be usable by the end of next summer. The bid could be postponed
43 until January 2018, with the grass ready to use by the following spring. Mr. Thacker said the
44 City Engineer estimates the bid will be 10%-20% higher now than it would be in January. Mayor
45 Cutler said he would recommend preparing the bid documents now, with the option to postpone
46 or re-bid if necessary.
47

48 **MAYOR'S REPORT**
49

- 50
- Mayor Cutler informed the Council that the Council of Governments is requesting feedback regarding UTA.
 - The South Davis Metro Fire Service Area has scheduled a Truth in Taxation public hearing for August 7th. The Fire Board will hold a public hearing at the Bountiful Fire
- 51
52
53

Station on June 19th at 5:00 p.m. regarding the proposal to sell the Centerville Fire Station and purchase land for a new station. Council members indicated they would appreciate an open house at Centerville City Hall regarding the Fire Service Area property tax increase.

MISCELLANEOUS BUSINESS

- Jake Smith, Assistant to the City Manager, reported that he asked Ace about the possibility of glass recycling in Centerville, and was informed there is no market for recycling glass in Utah.
- Councilwoman Mecham said she gets the impression from reading Council meeting minutes from when the name of Smith Park was changed to Founders Park that the name was changed just for a contest, and everyone who commented was against the name change. She said it is documented that the Smith family donated the land and vegetation, and a different branch of the Smith family donated the restrooms. Councilwoman Mecham said the Smith family feels strongly that there was a stipulation for the park to be named Smith Park. She said she would like the Council to consider returning the name to the William Reed Smith Park. She pointed out that the name change occurred in 1989. Mayor Cutler said he knows past Councils have made an effort to find documentation about the name. He recommended the City Council stay out of the issue, since part of the land is owned by the County. The Smith family could petition the County. The Mayor said he suggested a compromise in the City's centennial year of naming the new pavilion the Smith Pavilion. The Smith family was not in favor of the compromise. Mayor Cutler said he feels it would be better recognition to install a nice plaque at the park. Councilwoman Fillmore agreed. Councilman Ince suggested contacting former members of the City Council at the time the name was changed for their perspective. Councilwoman Mecham said she does not feel the name "Founders Park" recognizes anyone. The Smith family donated the park. The County has on record that if the land is ever not used for a public park, it is to return to living Smith heirs. Councilman Ince said he would talk to former Councilman Bruce Erickson and report to the Council at the next meeting. Councilwoman Ivie said she could talk to former Councilman Doug Nielsen.

ADJOURNMENT AND CLOSED MEETING

At 10:09 p.m., Councilman McEwan made a **motion** to adjourn the regular meeting and move to a closed meeting in the Council chambers to discuss the character and competency of an individual. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed meeting were: Paul A. Cutler, Mayor; Council members Fillmore, Ince, Ivie, McEwan, and Mecham; Steve Thacker, City Manager; and Lisa Romney, City Attorney.


Marsha L. Morrow, City Recorder

6-20-2017
Date Approved


Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, June 6, 2017
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

STEVE & TENA ALLEN

133 E ROCK MARKER DR

John Stubbs

1300 V. Farney Circle

Jasa Richards

1480 W 1800 West 4th St

Marilyn Beckman

1297 N Nolan Center

Kent Beckman

" " " "

Jameika Price

555 N 400 W #31 Centerville

Lee Skabelund

466 E 200 S. Centerville

** 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.