

Minutes of the Centerville City Council meeting held Wednesday, July 5, 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 (excused at 10:23 p.m.)
William Ince
Stephanie Ivie
Robyn Mecham

MEMBER ABSENT George McEwan

STAFF PRESENT Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Assistant to the City Manager
Cory Snyder, Community Development Director
Cassie Younger, Assistant Planner
Lt. Von Steenblik, Centerville Police Department
Katie Rust, Recording Secretary

VISITORS Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilwoman Fillmore

POLICE DEPARTMENT

Lieutenant Von Steenblik introduced Kasey Scott, the newest Officer in the Centerville Police Department. Officer Scott's badge was pinned on by his son, Parker, and the swearing in was conducted by Mayor Cutler.

Lieutenant Steenblik reported on an emergency situation that culminated within Centerville jurisdiction on Tuesday, July 4th.

OPEN SESSION

Dale McIntyre – Mr. McIntyre commended and thanked the Centerville Police Department for putting their lives on the line to protect the community during the incident on July 4th.

Phil Sessions – Mr. Sessions stated he is the great-grandson of William R. Smith. He referred to a book written about the history of Centerville, and pointed out inaccuracies in the book regarding the history of Founders Park. Mr. Sessions said he feels the Council should fully understand what has occurred over the years before voting to return the name of the park to the William R. Smith Park. He expressed the opinion that the name should be returned to the original name.

Marilyn Beckman – Ms. Beckman said she remembers conversations in her youth regarding the donation of land by the Smith family for use as a park. She said she feels the City should honor the original agreement that was made and return the name of the park to Smith Park, or find a compromise with the Smith family.

1 Shauna Essig – Ms. Essig read aloud a letter she wrote to the Mayor and Council
2 (attached). She suggested returning the name of Founders Park to Smith Park, and naming the
3 pavilion “Founders Pavilion”, to bring peace back to the hearts of all Centerville citizens. She
4 suggested pillars of the pavilion could be enhanced with bronze plaques and pictures honoring
5 different founders of Centerville, possibly honoring a different founder each year.

6
7 Cory Snyder, Community Development Director – Mr. Snyder stated that, as a family
8 member of someone who struggles with mental illness, he hopes in our hearts and minds we
9 will pray for the family members of the individual involved with the tragedy on July 4th, that they
10 may find closure and understanding.

11
12 Timothy Flanery – Mr. Flanery informed the Council that he has paid all penalties and
13 fines related to renewing his business license, and he is in compliance with all remedies set
14 forth by staff. He requested that the Council adopt the proposed ordinance amendment
15 regarding business license renewal in its entirety. Mr. Flanery said he begs for forgiveness, and
16 promises the situation will not happen again. He said the police officer showing up at his door is
17 what really got his attention, and suggested sending a police officer sooner in future situations.

18 19 MINUTES REVIEW AND ACCEPTANCE

20
21 The minutes of the June 20, 2017 work session and regular Council meeting were
22 reviewed. Councilwoman Fillmore made a **motion** to accept both sets of minutes.
23 Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

24 25 SUMMARY ACTION CALENDAR

- 26
27 a. Award bid to Crescent Construction in the amount of \$50,162.50 for labor and to
28 Western Waterworks in the amount of \$25,374.46 (plus tax) for materials for the
29 Legacy Crossing Storage Waterline
30 b. Award bid to Twin “D” Inc., for the Drainage Maintenance Project 2017 – 2018 in the
31 amount of \$88,942

32
33 Councilman Ince made a **motion** to approve both items on the Summary Action
34 Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

35 36 PUBLIC HEARING – ZONE MAP AMENDMENT – 2026 NORTH MAIN – CHAD 37 MORRIS, APPLICANT

38
39 Cassie Younger, Assistant Planner, explained the request to rezone property located at
40 2026 North Main Street from Agricultural-Low (A-L) to Residential-Low (R-L), to develop the one
41 acre parcel into four lots. She mentioned that with the half-street gross-density calculation, five
42 lots may be possible. Currently on this property there is a home that is on the Centerville
43 Significant Sites List, which the applicant plans to preserve. Residential-Low is compliant with
44 the General Plan for this neighborhood. The Planning Commission considered this request on
45 June 14th, and recommended approval of the Zone Map Amendment.

46
47 Mayor Cutler pointed out that there are adjacent lots clearly not compliant with A-L
48 Zoning, and asked if the Planning Commission discussed the idea of a proactive zoning change
49 to bring the adjacent properties into compliance. Ms. Younger responded that adjacent
50 properties were not included in the discussion of the subject property. Cory Snyder, Community
51 Development Director, commented that the application only represents property located at 2026
52 North Main. The City Council or Planning Commission can independently initiate any change
53 they feel is appropriate.

1 Chad Morris, applicant, pointed out there are not a lot of building sites left in Centerville.
2 He said that as a realtor, he often hears comments that Centerville residents would like to build
3 and move within Centerville, and said he feels his project will possibly provide that opportunity.
4 Councilwoman Ivie asked Mr. Morris if he would be willing to allow the Landmarks Commission
5 to take photographs of the property before changes are made, considering the Significant Sites
6 designation. Mr. Morris indicated photographs could be taken, but emphasized that his goal is
7 to keep the historically significant house in place.

8
9 Mayor Cutler opened a public hearing at 7:47 p.m., and closed the public hearing seeing
10 that no one wished to comment. Councilman Ince asked if development of the property will
11 create an automatic flag lot issue. Ms. Younger responded that potential plans have not
12 included a flag lot situation. Councilwoman Fillmore made a **motion** to adopt Ordinance No.
13 2017-15 amending the Centerville Zoning Map by changing the zoning of approximately 1.03
14 acres of real property located at 2026 North Main Street from A-L to R-L based on the following
15 findings. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

16
17 Findings:

- 18
19 1. A zone map amendment of this parcel is consistent with the General Plan for
20 Neighborhood 3, Northeast Neighborhood. [12-480-4].
21 2. The City Council finds that the preferred base density for all of Centerville is a low
22 density of 4 units/acre, which is consistent with the R-L request (see 12-480-5,
23 *Residential Densities/Development*).

24
25 **PUBLIC HEARING – ZONING MAP AMENDMENT – 885 NORTH 610 EAST –**
26 **WILLIAM DAVIES, APPLICANT**

27
28 Mr. Snyder explained the proposed rezone of property at 885 North 610 East from A-L to
29 R-L. The petitioner owns the lot (with home) at 603 Aspen Way and an adjacent remnant
30 parcel. The petitioner has an interested buyer and desires to render the remnant parcel eligible
31 for a home and also have this tract properly recognized as a legal lot. The size of the tract is
32 not consistent with A-L Zone lot minimums, but is consistent with R-L Zone allowances.

33
34 Mayor Cutler opened a public hearing at 7:57 p.m., and closed the public hearing seeing
35 that no one wished to comment. Councilwoman Fillmore made a **motion** to adopt Ordinance
36 No. 2017-16 amending the Centerville Zoning Map by changing the zoning of approximately
37 0.42 acres of real property located at 885 North 610 East from A-L to R-L based on the following
38 findings. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

39
40 Findings:

- 41
42 1. The City Council finds that the proposed zone map amendment and associated
43 allotted density is consistent with the General Plan for Neighborhood 3, Northeast
44 Neighborhood. [12-480-4].
45 2. The City Council finds that the existing lot size is not consistent with the A-L Zone lot
46 minimums and is consistent with the R-L Zone allowances.
47 3. The City Council finds that the R-L Zoning and the parcel lot size is similar to the
48 adjacent surrounding subdivisions in which it is located.
49 4. The City Council finds that the rezone approval criteria has been adequately
50 evaluated and the request is deemed consistent with the criteria.
51 5. Therefore, the City Council finds that the R-L Zoning designation ought to be
52 approved.

**PUBLIC HEARING – PLAT AMENDMENT – ROCKWOOD GARDEN SUBDIVISION –
WILLIAM DAVIES, APPLICANT**

With approval of the rezone of property located at 885 North 610 East to R-L in the previous agenda item, Mr. Snyder said staff believes the petitioner will need to obtain a plat amendment that includes both the home lot and the tract to grant a development right to this remnant tract of land. The property line would be adjusted and applicable development fees paid at time of recording. Mr. Snyder explained that an additional review will occur within the Hillside Ordinance regarding drainage, grading, driveway access, and any other concerns.

Mr. Davies, petitioner, explained existing utility connections. Mayor Cutler opened a public hearing at 8:04 p.m., and closed the public hearing seeing that no one wished to comment. Councilman Ince made a motion to approve the Plat Amendment for the Rockwood Garden Subdivision Plat, subject to the following conditions and findings. Councilwoman Mecham seconded the motion, which passed by unanimous vote (4-0).

Conditions:

- 1) Preparation and submittal of a final linen subdivision plat to the City Recorder's Office to reflect the layout of Lot 101 (original Lot 1) and the creation of Lot 102 in the Rockwood Gardens Subdivision Amended.
- 2) Provide (revise) the typical required plat notes and utility easements, as deemed necessary by the City Attorney and/or City Engineer.
- 3) All applicable subdivision development fees shall be collected to cover the costs of platting Lot 102 as part of the proposed subdivision plat amendment and the provision of related infrastructure, prior to the recording of the plat.
- 4) Proposed Lot 102 shall be subject to a rezone approval of Residential-Low (R-L).

Findings:

- a. The City Council finds that granting an amendment to include the remnant parcel to allow for a development right is consistent, compatible, and would not materially injure any known public interest.
- b. The City Council finds that due to the surrounding approved subdivisions, it is not feasible to have the remnant re-incorporated into the original parent parcel of land for the purposes of subdividing. The original parent parcel no longer exists.
- c. The City Council finds that to allow for a development right, it requires that any related required utility easement and impact fees that are normally associated with subdivision development be paid for as part of the plat amendment recording process.

**MUNICIPAL CODE AMENDMENTS – TITLE 6 – BUSINESS LICENSING AND
REVOCATION**

Lisa Romney, City Attorney, explained that business license fees should be paid by January 2nd in Centerville. City ordinance allows a period of time in which the fees, in addition to penalties, can be paid to reactivate a business license. She explained that, after going through the process with Mr. Flanery, staff suggests a more proactive stance in defining what happens during the period in which a business license is inactive, and recommends allowing a one-time waiver of the 12-month prohibition with a public hearing. Mayor Cutler thanked Ms. Romney and Mr. Snyder for working together to provide a fair solution to a challenging problem and stay true to the needs of the City. Councilwoman Fillmore agreed the proposed amendments could be an improvement to the ordinance. She asked if a clearer definition of "licensee" is possible

1 to avoid creation of a loophole. Ms. Romney explained the definition used, and pointed out that
2 going through the required process to create a new LLC is difficult. Mr. Snyder commented that
3 the concern expressed by Councilwoman Fillmore is difficult even at the State level.
4

5 Councilwoman Fillmore referred to the requirement that all penalties must be paid and
6 any civil or criminal enforcement actions with the City settled, and asked if the requirement
7 should be farther reaching than just City enforcement actions. Ms. Romney said she wanted to
8 avoid overreaching, and chose not to throw a huge net out to encompass more than the City.
9 Councilwoman Fillmore responded she would lean more toward throwing out the large net
10 because the City needs to know if an issue is farther reaching. Councilwoman Fillmore
11 expressed concern with the requirement that the City Council must list findings for compliance,
12 and suggested a list would bind the Council to approve even if the Council wants to deny. Ms.
13 Romney responded that the requirement puts a burden on the applicant to show they comply,
14 but does take away some of the Council's discretion. She said that, in her opinion, if an
15 applicant complies, the application should be granted. The Council does have discretion
16 regarding time. Staff expressed the hope that this type of situation will not come up often.
17

18 The Council and staff discussed the ability for a business official to appeal to the City
19 Manager for a penalty reduction. Councilwoman Fillmore pointed out that the penalty fees are
20 not high, and probably do not even cover the cost of staff time involved. Ms. Romney
21 suggested adding: "all penalty fee decisions can be appealed to the City Manager".
22 Councilwoman Ivie made a **motion** to adopt Ordinance No. 2017-17 regarding various
23 amendments to Title 6 (Business Regulations) of the Centerville Municipal Code addressing
24 business license fees and revocation, with the addition of language recommended by the City
25 Attorney that all penalty fee decisions can be appealed to the City Manager. Councilwoman
26 Mecham seconded the motion, which passed by unanimous vote (4-0).
27

28 **DISCUSS REORGANIZATION OF FINANCE DEPARTMENT**

29

30 City Manager Thacker responded to questions and comments from the Council about
31 the proposed reorganization of the Administration and Finance Departments into a Management
32 Services Department. Councilwoman Fillmore commented that the roles and responsibilities of
33 the City Recorder as described in a memo from the City Attorney astounded her. She
34 questioned whether the role is too intense for two part-time positions (as proposed), and would
35 be more appropriate continuing with one well-trained full-time position. Councilman Ince said
36 he feels the State statute supports that suggestion. Mayor Cutler agreed the position requires a
37 lot of training and very specific work, but the volume of work is not necessarily overwhelming.
38 Mr. Thacker responded that, based on his many years of experience, he believes the position
39 can be filled with one full-time person or two part-time. He suggested the part-time situation can
40 provide definite benefits. Mr. Thacker stated that technology has changed the position over the
41 years, and the duties of the City Recorder could be accomplished in less than 40 hours/week.
42 Councilwoman Fillmore said she is comfortable with the fluidity of the proposal. She
43 emphasized she would want at least one person employed who is strongly trained in the legal
44 responsibilities of City Recorder. Mr. Thacker said he is confident responsibilities can be
45 accomplished with what is proposed, but added that as the changes are implemented he may
46 find another half-position is needed to achieve maximum efficiency.
47

48 Councilman Ince said he would like to see formalization of specific duties of Marcus
49 Arbuckle, the CPA contracted to work with the City, and emphasized that he would like to see
50 separation of the City Manager position and Finance Director position on a longer-term basis.
51 Mr. Thacker explained that the proposed restructuring includes a CPA firm assisting the
52 Management Services Director. Lisa Romney, City Attorney, commented that the Finance
53 Director duties that can be delegated align with what the CPA firm is doing. However, she said

1 it would be her preference to have all duties under one umbrella with a Finance Director. She
2 did agree that the situation has been improved with an outside agency providing another set of
3 eyes. Councilman Ince said he would like Marcus Arbuckle to be present at the Council
4 meetings for presentation of financial reports.

5
6 Councilman Ince made a motion to approve Resolution No. 2017-13 extending the
7 appointment of the City Manager as the Interim Finance Director. Councilwoman Fillmore
8 seconded the motion, which passed by majority vote (3-1), with Councilwoman Ivie dissenting.
9 Councilwoman Ivie said her dissenting vote is based on her standpoint that the duties of City
10 Manager and Finance Director should be kept separate. She expressed confidence that the
11 situation will be better in the future with a Management Services Director working with an
12 independent CPA firm and reporting to the City Manager.

13
14 The Council took a break at 9:04 p.m., returning at 9:15 p.m.

15
16 **MAYOR'S REPORT**

- 17
- 18 • The Tingey family has approached the City about making a contribution to the
19 Community Park Expansion Project, possibly for a bowery to honor their parents.
20 The City purchased the land for the expansion from the Tingey family.
 - 21 • Mayor Cutler said he received the same feedback following the 4th of July parade
22 that he has received in previous years – the parade would be easier to coordinate if
23 the same person were in charge from year to year. Mayor Cutler suggested
24 gathering input from volunteers that have coordinated the parade in the last several
25 years, and finding someone willing to be in charge of the parade for several years,
26 possibly with a stipend. Councilwoman Fillmore suggested parade coordinators
27 should be involved for two years at the very least – acting as assistant the first year,
28 and director the second year. Councilwoman Mecham said she believes citizens
29 would be more likely to agree to help if the parade were coordinated by a committee
30 of at least three, rather than all responsibilities falling on one person. Councilwoman
31 Fillmore said she would be comfortable providing a stipend because of the scope of
32 the job. However, she cautioned that once a volunteer position becomes a paid
33 position, other volunteers also want to be paid. She said it might be safer,
34 strategically, to have staff perform that type of organizing task. Mayor Cutler
35 commented the City already has a successful model in the way the baseball program
36 is run. Councilman Ince responded that the people involved in the baseball program
37 are passionate about the baseball program. He questioned whether any volunteers
38 would have the same level of passion for the parade. Councilman Ince said he
39 received input that it would be good to have more floats in the parade.
 - 40 • Mayor Cutler said he supports an effort to apply for County Proposition 1 funds with
41 a high match amount for sidewalk improvements. The Mayor said he also considers
42 placement of restrooms along the Legacy Parkway Trail as desirable, but more of a
43 County responsibility. Improved access to hillside recreation is another goal under
44 consideration by the County, and Mayor Cutler said he is in favor of exploring a joint
45 project for improved access to the gun range and Deuel Creek Trails at the east end
46 of 100 South. Council members Mecham and Ivie responded they do not want
47 access at the top of 100 South to be paved, and said they are not interested in
48 making that area more accessible. Councilman Ince commented that the access
49 road needs to be graded. Mayor Cutler said the improved access would not
50 necessarily involve paving. Councilwoman Ivie agreed the access road is not graded
51 well for drainage, and suggested improvements should be done with advice from the
52 Forest Service. Mr. Thacker recommended putting priority in the letter of intent on
53 sidewalk repair. A majority of the Council agreed. Mayor Cutler pointed out that

sidewalks are not a priority for the County. A joint project that would provide regional benefit might be more likely to receive approval. Councilwoman Fillmore said she wonders if there are other avenues available for sidewalk repair funding. A majority of the Council indicated a desire to list sidewalk repair and Legacy Trail restrooms as priorities. Mayor Cutler repeated that he would like to include improvements to hillside access at 100 South as well. Councilwoman Ivie responded that no study has been done to show possibilities and impact on 100 South. She said she would not want to see improved access at 100 South on a priority list. Councilwoman Mecham agreed.

Councilwoman Fillmore made a **motion** to include all three items – sidewalk repair, restrooms on Legacy Parkway Trail, and 100 South trailhead improvements – in the letter of intent to the County. The motion died for lack of second. Councilwoman Ivie said she does not want the entire County using the access at 100 South. She said Centerville citizen enjoyment of the land would decrease if the area were made more attractive to others. Councilman Ince made a **motion** to include sidewalk repair and restrooms on the Legacy Parkway Trail in the letter of intent. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (4-0). Councilman Ince made a **motion** to also include improved hillside access at 100 South in the letter of intent. Councilwoman Fillmore seconded the motion. Councilwoman Ivie said she is familiar with that area. She said opportunity for parking is extremely limited, and she feels additional pressure would be put on the neighbors. She said she would want to study possibilities first. Councilwoman Fillmore responded that the letter of intent would be telling the County that the City would like the County to look at improving access. Mayor Cutler added that the County will not do anything without support of the City. Mr. Thacker pointed out that a full application is not due until September. The motion passed by majority vote (3-2), with Council members Ivie and Mecham dissenting, Council members Fillmore and Ince in favor, and Mayor Cutler voting in favor.

CITY MANAGER'S REPORT

- City Manager Thacker asked for direction from the Council regarding the name of Founders Park. Mayor Cutler asked that if the Council is going to change the name, they allocate funds to do it properly. Councilwoman Fillmore said she feels it would be valuable to have a public hearing because the process that originally changed the name was a very public process. Councilman Ince proposed putting out public notice that there is a significant feeling on the Council that the name should be changed to William R. Smith Park. Councilwoman Mecham said it should be stated that the name will be reinstated as Smith Park, correcting a mistake that took place. Mayor Cutler said he thinks the name Founders Park means a lot to a lot of people.

Councilman Ince made a **motion** directing staff to notice the intent to reinstate the original name of the Park. Council members Ivie and Mecham said they feel there is a rush to get it done. Councilwoman Fillmore said she feels it is only fair to make sure the entire City is notified. Councilwoman Mecham said she believes posting notice at Founders Park is enough. Councilman Ince suggested advertising the issue on the City website and posting notice at each end of the park, including the proposal to name the pavilion "Founders Pavilion". Mayor Cutler explained the history behind the name of Smoot Park. Councilwoman Fillmore said she leans more toward park names being as general as possible.

- City Manager Thacker explained the need for a new design for improvements to the southeast corner of the 1250 West/Parrish Lane intersection if a "Welcome to

Centerville" sign is still desired. The previous plan for the corner is no longer viable with the installation of traffic signals. Mayor Cutler said he is in favor of a joint RDA effort if Hogan is still willing to make significant contribution to the sign.

- The Council gave direction to staff regarding visuals for upcoming open houses on July 19th and August 8th.
- The Council has scheduled a work session with Davis County Commissioners on July 18th prior to the regular Council meeting.
- Councilwoman Fillmore left the meeting at 10:23 p.m.
- Councilman Ince expressed a desire to schedule a work session regarding the cemetery in September, after resolution of the proposed property tax increase. Councilwoman Ivie agreed.
- Mr. Thacker stated staff does not feel it would be realistic to go forward this year with the landscaping phase of the Community Park Expansion. He recommended the Council plan to bid the landscaping in January of 2018. The Mayor and Council acknowledged that they understand.

ADJOURNMENT

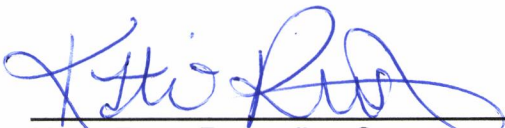
At 10:30 p.m., Councilman Ince made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (3-0).



Marsha L. Morrow, City Recorder

7-18-2017

Date Approved



Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, July 5, 2017
 Wednesday 7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Dale McIntyre

258 E. 200 S. Centerville

Norma Moss

202 E N MAIN ST, CT.

Joannette N. Desrosier

708.2000.

Marilyn Beckman

1297 North Hala Dr CT

Bill Davies

603 Aspen Way Ct.

Naren M. Lepore

234 W Lara Villa Lane

Clark Wilkinson

50 W. 1700 N, Centerville UT 84014

Tim Flannery

136 W. Parrish Court.

Shanna Essig

1511 N 200 W CT UT 84014

Mike & Carmen Henrie

308 Windsor Ln

STEVE & JENA ALLEN

133 E Rock Manor Dr

** 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.

Honorable Mayor and Council men and women,

First I would like to thank you for your wonderful service to our community. We are very grateful for the personal sacrifice you make to improve our precious city, Centerville.

I have a proposal concerning Centerville's Smith/Founders Park.

In doing the research for the Centerville City book it was my privilege to research/write the chapter on the city parks. It was a treasured experience and one that I will cherish. It has instilled in me a great love or our community.

In doing so I found my heart strings tugged at when it came to our beautiful park we have just celebrated the 4th of July. There are tender stories of how Centerville City official have robbed the Smith family of their dignity in that their ancestor William R. Smith, who was a prominent citizen, who loved and served the early founders and their families. His son had the family farm donated to the city with the agreement that it would be the Smith Park. Later I was surprised to see a contest come out to change the name of the park. I was confused by it.

One of the descendants sent in the winning name feeling if it was going to be changed maybe it could be Founders Park because she knew her grandfather loved the other early settlers. The family was so offended by her suggesting another name that she moved to Arizona and after visiting with her she said it has broken her family.

Phil Sessions has a sister plead with him on her death bed to please get the name changed back rightfully to the Smith Park. Many very good and wonderful citizens in our community have been deeply offended and I am here to ask what harm would it do to make it the Smith Park and the Founder's Pavilion? Let's bring Peace back to all of Centerville's citizen's hearts.

Like Martin Luther King, I have a dream to make the Founders Pavilion one that could be cherished and really far more appreciated than it is now. It is a lovely accent to the park and an amazing facility.

Enhance it by having the pillars have bronze plaques with picture and short write up about each early settler. Pick one a year to honor and invite their descendants to come for a special evening and highlight them again on the 4th of July.

It will make Centerville cherished by all those families who come to honor their ancestors.

Let's make a WIN/WIN situation!!!

My very best regards, Shauna Smoot Essig