

Minutes of the Centerville City Council meeting held Wednesday, August 15, 2017 at 7:00 p.m.
at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Paul A. Cutler

Council Members William Ince
Stephanie Ivie
George McEwan
Robyn Mecham

MEMBER ABSENT Tamilyn Fillmore

STAFF PRESENT Steve Thacker, City Manager
Lisa Romney, City Attorney
Jacob Smith, Management Services Director
Cory Snyder, Community Development Director
Katie Rust, Recording Secretary

VISITORS Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE Ben Rushforth, BSA Troop 3245

PRAYER OR THOUGHT Councilman McEwan

OPEN SESSION

Don Olsen – Mr. Olsen stated he lives in the Hidden Acres Development. He commented that the catch basin on 100 South has been a nice public area since it was established. He said it is his understanding that the County will sell three home lots on the south side of the property, which will block pedestrian access to the walking trail on the lower end – where most people typically access the property. Mr. Olsen asked if there is a way to preserve access at the bottom of the property. Mayor Cutler responded that the City has participated in significant negotiations with the County over the last six months. Davis County will deed the north half of the property to the City for public space and provide pedestrian access at the east end of the south half. In return, the County will develop three residential lots on the south portion. Mr. Olsen stated he would like to see access provided at the bottom of the property (the west end).

MINUTES REVIEW AND ACCEPTANCE

The minutes of the August 1, 2017 work session and regular Council meeting, and the August 8, 2017 special meeting were reviewed. Councilman Ince made a motion to approve all three sets of minutes. Councilwoman Mecham seconded the motion, which passed by unanimous vote (4-0).

**INTERLOCAL AGREEMENT BETWEEN CENTERVILLE CITY AND DAVIS COUNTY
FOR THE TRANSFER AND DEVELOPMENT OF REAL PROPERTY – 100 SOUTH
PROPERTY**

The City and County have been working together for some time to complete the proposed transfer and development of property located at 600 East between 100 South and 200 South (100 South Property). The County desires to develop a portion of the two-acre property

1 to create three new residential building lots adjacent to and facing 200 South. The City desires
2 to obtain the other portion of the property from the County in exchange for the waiver of certain
3 development fees and costs associated with subdividing the property. Lisa Romney, City
4 Attorney, stated that the parties have prepared and negotiated an Interlocal Agreement, and
5 staff recommends approval. Steve Thacker, City Manager, stated the fees waived will amount
6 to approximately \$15,000. He recommended any engineering or other out-of-pocket costs
7 come out of the RAP Tax Fund because the result will be a natural open space park for the City.
8 Ms. Romney emphasized that the City will retain the right of zoning authority throughout the
9 process. If the requested rezone is not granted, the Interlocal Agreement becomes void.
10 Councilman Ince commented that several people have asked him about providing public access
11 at the bottom of the property. Ms. Romney responded that the concrete spillway in that area
12 could be a safety hazard to anyone crossing the site at the lower portion. Councilman Ince said
13 he suspects there will be contention in the early construction phase with people continuing to
14 walk across the west side of the property. He asked if it would be possible to shave a little off
15 each of the three lots to provide public access across the west side.

16
17 Councilwoman Ivie said she is grateful to see something in writing indicating that the
18 fence can come down. Councilwoman Ivie made a **motion** to adopt Resolution No. 2017-17
19 approving the Interlocal Agreement between Centerville City and Davis County for the Transfer
20 and Development of Real Property, and authorize staff to execute any required documents.
21 Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

22
23 **PUBLIC HEARING – ZONING CODE AMENDMENTS – “CONSTRUCTION SALES**
24 **AND SERVICE, LIMITED” DEFINITION AND USE TABLE – TABLED FROM AUGUST 1,**
25 **2017 MEETING**

26
27 On July 12, 2017, the Planning Commission reviewed and forwarded a positive
28 recommendation for approval of the proposed Zoning Code Amendments regarding
29 “Construction Sales and Service, Limited.” On August 1, 2017, the City Council held a public
30 hearing and reviewed this matter. The Council tabled action on this item and continued the
31 public hearing to this meeting. Cory Snyder, Community Development Director, explained that
32 the proposed limited definition would allow plumbing and electrical contractors within the district,
33 but would prohibit outdoor storage. Mayor Cutler stated the driving force behind the request is
34 the need for a new Fire Station in Centerville. The Council has taken the issue seriously in
35 considering what is best for all of Main Street. Responding to a question from Councilman
36 McEwan, Mr. Snyder stated he still leans toward recommending denial of the proposed limited
37 use. Mayor Cutler said he respects Mr. Snyder’s statement that this is not necessarily true to
38 the original intent of the Main Street Plan. However, he said that as a pragmatic problem solver,
39 he views this as an opportunity to solve an issue of public safety in a way that would not hurt
40 Main Street.

41
42 At 7:25 p.m., Mayor Cutler opened a public hearing.

43
44 **Jeff Cook** – Mr. Cook said he is not closely familiar with City ordinances, but he feels
45 something needs to be changed. He said Main Street has historically been local businesses,
46 and he feels the local businesses have been under attack in the last few years. He said nearly
47 every business on Main Street is owned by Centerville residents trying to work in their
48 hometown. Mr. Cook said he cannot think of a better use of Main Street than the use proposed
49 by Shupe Electric. He said he knows things change and evolve, and he feels the Council
50 should be looking for ways to help local residents and businesses to succeed. Mr. Cook said he
51 cannot think of one reason why Shupe Electric should not be allowed to relocate to Main Street.
52 He appealed to the Council to think of the people specifically involved with the properties. He
53 expressed the opinion that Shupe Electric would be one more solid business on Main Street.
54 He said it is his understanding the Fire Station may relocate further south on Main Street, and

1 he feels that is how Main Street is going to progress. He said the City knows what it will get with
2 Shupe Electric.

3
4 Dale Engberson – Mr. Engberson asked what else would be eligible for that property if
5 Shupe Electric does not purchase. He asked if Shupe Electric would be able to do something to
6 meet the qualifications. He said he appreciates Mr. Cook's comments, and he agrees that with
7 Shupe Electric you know what you will get.

8
9 Kyle Shupe, Shupe Electric – Mr. Shupe stated the existing Fire Station building would fit
10 Shupe Electric perfectly. He commented that the proposed limited use would restrict any
11 lumber yard-type service from coming to Main Street. The definition would limit services to
12 office-type use. He stated Shupe Electric does not have late-night or early-morning deliveries.
13 Mr. Shupe said he does not see the building being a good fit for anything other than the type of
14 niche business that would be allowed with Construction Sales and Service, Limited. He stated
15 that Shupe Electric wants to continue contributing in the community.

16
17 Dave Bell – Mr. Bell stated that, as a business owner in Centerville for 25 years, he feels
18 the Council should do everything in its power to allow local business owners to continue within
19 the City, especially a business that has proven itself in the community. He stated this is what
20 Centerville is about, and said he thinks this is the type of community the Council members want
21 to have continued.

22
23 The Mayor closed the public hearing at 7:40 p.m. Mayor Cutler asked if existing
24 contractors on Main Street would be able to build a new building with the current zoning. Mr.
25 Snyder responded that expansion is restricted for nonconforming uses in the C-M Zone. In
26 addition, under the Main Street Overlay, expansion above 30% requires certain design
27 elements. Mr. Snyder said that, from his perspective, having Shupe Electric on Main Street
28 would not necessarily be a bad thing. He said the difficulty as he sees it, is that Shupe Electric
29 would be handcuffed and limited in what could be done with the building for expansion. Mr.
30 Snyder said the Council will need to decide if they want to change the Main Street Overlay to
31 reduce the handcuffing for restricted, nonconforming businesses. Mayor Cutler said he thinks
32 the Overlay is a good thing for long-term redevelopment. He said he does not see a reason to
33 deny Construction Sales and Services, Limited as long as the businesses conform to the design
34 standards in the Overlay. Councilman McEwan said the Overlay would be cost prohibitive for
35 any long-term expansion on Main Street. He asked if the new Fire Station would be affected by
36 the Overlay limitations, and Mr. Snyder responded it would. Mayor Cutler commented the
37 Council was not thinking about a new fire station when they put the Overlay together. Mr.
38 Snyder responded that the City cannot treat a fire station differently than any other user in the
39 area. The question is what the City is trying to achieve on Main Street. Mayor Cutler said, in
40 his opinion, allowing those uses does not conflict with the goals of the Main Street Plan.

41
42 Councilman McEwan said he feels the Main Street Overlay may have damaged property
43 values on Main Street. Mayor Cutler responded the City could easily get Family Dollar-type
44 businesses with cinderblock buildings on Main Street if the Overlay were removed, but the City
45 has purposely stated that higher-quality buildings are desired. The Mayor cited Matt's Place as
46 a positive example that desired change can happen. Mr. Snyder commented that Matt's Place
47 is an example of greenfield development. Redevelopment, constrained by existing structures, is
48 different. Mr. Snyder said everyone knew from the beginning that it was a long-shot to
49 redevelop Main Street into the 2008 design. Incentives were originally provided to justify tearing
50 down a building and moving it to the street, but those incentives have disappeared. He said he
51 feels the community desire to embrace the original principles of the Plan has changed, making
52 redevelopment an even longer-shot. Mr. Snyder suggested that Main Street could be viewed as
53 a new redevelopment corridor, and a new redevelopment corridor plan could be put together
54 that includes desired design elements.

1 Responding to a question from Councilman Ince, Mr. Snyder stated that storage of
2 contractor equipment, whether indoor or outdoor, is the difference between office-use and
3 Construction Sales and Service. Mr. Shupe stated that Shupe Electric would give up their
4 space in the industrial area if they purchase the Main Street property. Councilwoman Mecham
5 said she feels like the Council keeps getting more information, and suggested tabling the issue
6 until all Council members are present. Councilman McEwan added that he prefers the Council
7 not make a decision in the same meeting they have taken public comment. Mayor Cutler said
8 he does not think it would be fair to stop Shupe Electric from moving forward with plans while
9 the City reconsiders the whole Main Street Plan.

10
11 Councilman McEwan made a **motion** to table Ordinance No. 2017-21 until the next
12 regular Council meeting. Councilwoman Ivie seconded the motion. Councilwoman Ivie asked
13 Mr. Snyder to estimate a timeframe for reconsidering the Main Street Overlay. Mr. Snyder
14 responded it would be easiest (although not necessarily best) to remove the Overlay, retain the
15 C-M Zone, and take time to study the corridor. He commented that some of the public
16 perception has been negative, and the Council would need to take time to engage the users and
17 gain public trust. He estimated the process would take at least 4-6 months. Mayor Cutler said
18 he feels the form-based discussion can be separated from the types-of-uses discussion. Mr.
19 Snyder commented that the C-M Zone is already restrictive. Councilman McEwan repeated that
20 he feels the Main Street Overlay is damaging to businesses and business owners. The motion
21 passed by unanimous vote (4-0).

22
23 Mr. Shupe expressed concern that reconsideration of the Overlay could take months to
24 years, and the City would miss out on opportunities while trying to do something different in the
25 long-term. Shupe Electric has an opportunity right now, and the longer the process drags out,
26 the less appetizing it becomes for them. He said he does not feel they would disrupt Main
27 Street in any way. Councilwoman Mecham asked Mr. Shupe if they would be able to have their
28 offices on Main Street, but store equipment elsewhere to conform to existing zoning. Mr. Shupe
29 responded that would not make sense. He said all their supplies are little, and most of the
30 vehicles on the property would be work vans. Deliveries are made by box trucks.

31
32 **PUBLIC HEARING – PARRISH CREEK SUBDIVISION – FINAL PLAT – 1030 NORTH**
33 **950 WEST**
34

35 Mr. Snyder explained the request for Final Subdivision Plat approval for the Parrish
36 Creek Subdivision located at approximately 1030 North 950 West. Mayor Cutler opened a
37 public hearing at 8:09 p.m., and closed the public hearing seeing that no one wished to
38 comment.

39
40 Responding to a question from Councilman McEwan, Roy Swalberg, applicant, stated
41 that construction would begin as soon as possible. Councilman McEwan made a **motion** to
42 approve the Final Subdivision Plat for the Parrish Creek Subdivision, subject to the following
43 conditions and findings. Councilman Ince seconded the motion, which passed by unanimous
44 vote (4-0).

45
46 Conditions:
47

- 48 1. An updated and approved soils and geological survey must be resubmitted to the
49 City before recording of the Final Plat.
- 50 2. Subdivision approval is subject to the payment of bonds and fees as required by the
51 City.
- 52 3. Protective Covenants shall be prepared and submitted to protect the architectural
53 integrity of the property and site as a part of Final Subdivision approval by the City
54 Council, and shall be noted on the Final Plat.

4. The subdivision owners association is responsible for maintaining all landscaping in the subdivision, including the landscaped median in public right of way, and all sidewalks per PDO and site plan approval by Centerville City and applicable CC&Rs, and shall be stated on the Final Plat.
5. All property in subdivision is subject to the PDO approval from Centerville City as set forth in Ordinance No. 2017-06 approved March 21, 2017, and shall be noted as such on the Final Plat.
6. Final Subdivision Plat will need approval of the City Council.
7. Boundary line adjustments for the southern boundary line should be approved and recorded before the recording of the Final Plat.

Findings:

- a) The Final subdivision appears to be consistent with the General Plan.
- b) Adequately meets Subdivision Ordinance Standards in the Municipal Code, Title 15.04.
- c) Final Subdivision Plat follows the conditions stated in their Planned Development Overlay, as approved by the City Council on March 21, 2017.

RECONSIDERATION OF ZONING MAP AMENDMENT – 640 WEST PORTER LANE

On August 1, 2017, the Council voted (4-1) to deny the requested rezone of property located at 640 West Porter Lane. On August 3, 2017, the applicant and property owner requested the Council to reconsider the denial of the rezone and Ordinance No. 2017-18. Ms. Romney explained that a motion to reconsider action on Ordinance No. 2017-18 would need to be made by a Council member that voted to deny the Ordinance on August 1st. If the motion is seconded and passed, the issue would be open for reconsideration.

Dave Bell, applicant, said he thought the application was a no-brainer. He said his property is bounded by Commercial-High (C-H) to the west, and Residential-Medium (R-M) to the east, and he is asking for the same thing the Council approved a year ago for the neighboring property. His property is zoned Agricultural right now, which would allow him to keep eight pigs on the property, but he said he does not think the neighbors would want animals on the property. Mr. Bell said he has spoken to four Council members individually, and got the impression the City is lacking the right zoning “tools” to get what the Council wants. He said he knows the Council would like to keep the property to six units per acre. He said he knows single-family development would not work. Mr. Bell said, now that the Porter-Walton Development is almost done, he thinks it looks like the kind of place he would like to live when he retires. He asked the Council to allow him to do seven units per acre on the property. Mr. Bell said he is willing to help staff come up with options for R-M5, R-M6, R-M7, and R-M8 if the Council cannot grant his request for seven units per acre now. He vowed he would stick to seven units per acre.

Councilwoman Ivie responded that the Council can only use the tools already available in their tool box. The only option for R-M means allowing eight units per acre. Council members Ivie and Mecham said they feel strongly that they need to be consistent, and they have been advised to not make decisions based on applicant promises. Councilwoman Mecham said she would like to see Mr. Bell help the City get the right zoning tools. Mayor Cutler commented that the Council could reduce the property size allowed for a Planned Development Overlay (PDO). Mr. Snyder cautioned the Council to be careful with the PDO tool.

Mr. Bell asked if he could sign a document promising to stick to seven units per acre. The Council responded that would not be an option. Mr. Bell asked if the Council will be

1 comfortable approving his development if they have the tools for granularity they are wanting.
2 Councilman McEwan responded that the decision would be easier with the right tools.
3

4 Councilman Ince made a **motion** directing staff to vigorously pursue additional zoning
5 tools for R-M5, R-M6, and R-M7. Councilwoman Ivie seconded the motion, which passed by
6 unanimous vote (4-0).
7

8 **CENTERVILLE FEE SCHEDULE – COMPREHENSIVE AMENDMENTS** 9

10 Ms. Romney introduced Spencer Garn, an intern working with her this summer. Mr.
11 Garn thanked the Council for the opportunity to work with Ms. Romney. He explained changes
12 made to update the Centerville Fee Schedule. The Fee Schedule is now searchable on the City
13 website. Staff recommends approval of the transfer to the online format and amendments to the
14 Fee Schedule.
15

16 Councilwoman Ivie suggested the City eliminate the license renewal requirement for
17 chicken licenses because of the difficulty associated with tracking individual renewal periods.
18 Ms. Romney suggested all renewals could be put on a calendar-year schedule. The issue
19 would need to go back to the Community Development Department for consideration.
20 Councilman McEwan asked about park pavilion reservation fees being different for residents
21 versus non-residents. Ms. Romney responded that Centerville citizens are the taxpayers
22 contributing to park maintenance, and staff feels it is legitimate to differentiate the pavilion
23 reservation fees. She said that overall she feels Centerville fees are very low. Referring to
24 sport-field reservations and fees, Councilman McEwan suggested differentiating between profit
25 and non-profit entities. He commented that Salt Lake County gives reservation preference to
26 residents, and said he would love to see the Fee Schedule include a reservation priority
27 schedule before the start of the next season. Ms. Romney said staff will bring back
28 recommendations for field scheduling and fees, chicken license renewal, and fire impact fees.
29

30 Councilman McEwan made a **motion** to adopt Resolution No. 2017-18 approving the
31 proposed amendments, renumbering and updating of the Centerville Fee Schedule for online
32 conversion. Councilwoman Ivie seconded the motion. Staff answered questions from the
33 Council. Councilman Ince commented that the street cut permit fee seems inadequate. Mr.
34 Thacker responded that the fee is an administrative fee, not intended to cover the cost of repair.
35 Staff explained the permit process for street excavation. Mr. Thacker stated the Public Works
36 Department has a procedure for inspecting excavations, but there is not currently a fee to cover
37 warranty inspections.
38

39 Fire impact fees will be repealed by South Davis Metro Fire District member cities when
40 the Fire District begins directly assessing that fee itself. Councilman Ince asked if the major
41 increase in water fees in the last year were necessary in part because of inadequate water
42 impact fees historically. Mr. Thacker responded that impact fees cannot be used to repair and
43 replace what is already in place. The drainage utility user rate increases two years ago were to
44 fund a ten-year plan to replace existing drainage pipes. Mr. Thacker stated that all of the City's
45 impact fees have been reviewed in the last five years. He commented that an impact fee study
46 and update costs \$10,000-\$20,000, depending on the complexity. Recent user rate increases
47 occurred to replace existing infrastructure. Councilwoman Ivie asked if the cost to fluoridate
48 water has increased. Ms. Romney suggested Randy Randall, Public Works Director, respond
49 to that question.
50

51 Councilman McEwan **restated the motion** to adopt Resolution No. 2017-18, with
52 recommended revisions and direction to staff to revisit fees as discussed. Councilwoman
53 Mecham seconded the motion, which passed by unanimous vote (4-0).
54

The Council took a break at 9:19 p.m., and returned at 9:30 p.m.

MAYOR'S REPORT

- UTOPIA and UIA financial reports are available on NovusAgenda. Mayor Cutler stated there is still intent to bond for additional funds in November of this year, but said he strongly recommended using funds available before bonding.
- Mayor Cutler said the next step for the new Centerville Fire Station is a more detailed design. The Fire District is working with staff to prepare requests to present to the City Council. Responding to a question from Councilman Ince, Mayor Cutler explained that the existing Fire Station property was advertised through local commercial real estate agents. The appraised value was \$505,000. The Shupe Electric offer of \$490,000 was the highest offer, and is conditioned on Council approval of the Construction Sales and Service, Limited.

COUNCIL LIAISON REPORT

Councilman Ince reported on an emergency management activity planned for September. Centerville CERT members will participate in a CERT team competition on October 7, 2017 at Job Corps.

CITY MANAGER'S REPORT

- The Council agreed with scheduling a work session with the Youth Council on September 19th, and the Employee Christmas Dinner on December 6th.
- Mr. Thacker reported that the water main portion of the Main Street project will be completed in front of the Junior High before school begins next week, but the Deuel Creek Irrigation portion will still impact the west side of Main Street.
- Mr. Thacker made the Council aware that, in response to a request from the Woods Cross Public Works Director, the Centerville Public Works Director has studied and believes that Centerville water wells have not contributed to the subsidence of homes in Woods Cross.
- City Manager Thacker reported that discussion about connecting 1250 West in Centerville to 650 West in Farmington is occurring again between staff and the landowner's team.

MISCELLANEOUS BUSINESS

Councilman McEwan reported that locations in North Salt Lake, Woods Cross, and Farmington have tested positive for West Nile Virus. No human cases have yet been detected in the State. Mayor Cutler asked if the Mosquito Abatement District is planning a public information campaign, and Councilman McEwan responded he intends to talk to them about the need.

APPOINTMENT

Mayor Cutler recommended the Council appoint Leslie Flowers to the remainder of Melissa Smith's term on the Parks and Recreation Committee. Councilman McEwan made a **motion** to appoint Leslie Flowers to the Parks and Recreation Committee. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

ADJOURNMENT

At 9:52 p.m., Councilwoman Ivie made a **motion** to adjourn the meeting. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).



Marsha L. Morrow, City Recorder

9-5-2017

Date Approved



Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, August 15, 20 17
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Tracy James

598 East 100 So

Ben Rushforth

110 West Walton Ln

Sam Rushforth

110 West Walton Ln

Annette Rushforth

110 W Walton Ln

Don Olson

440E, 475 S.

Shane Shyne

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Rodwin & Dan Neville

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Jeff Cook

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Ray Swales

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Clark Wilkinson

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