

Minutes of the Centerville City Council meeting held Tuesday, September 19, 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
Stephanie Ivie
George McEwan
Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Randy Randall, Public Works Director
Marcus Arbuckle, Keddington & Christensen
Katie Rust, Recording Secretary

STAFF ABSENT

Jacob Smith, Management Services Director

VISITORS

Lynn Keddington, Parks and Recreation Committee Chair
Interested Citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Steve Thacker

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the September 5, 2017 Council meeting and the September 13, 2017 joint work session with the Planning Commission were reviewed. Councilwoman Fillmore made a motion to accept the September 5, 2017 Council meeting minutes. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). Councilwoman Fillmore made a motion to accept the minutes of the September 13, 2017 joint work session. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

ZONING CODE AMENDMENTS – “CONSTRUCTION SALES AND SERVICE, LIMITED” DEFINITION AND USE TABLE

On July 12, 2017, the Planning Commission reviewed and forwarded a positive recommendation for approval of the proposed Zoning Code Amendments regarding “Construction Sales and Service, Limited.” The City Council reviewed this matter and held a public hearing at both Council meetings in August, and continued discussion at the September 5, 2017 Council meeting, ultimately deciding to table action until after the joint work session with the Planning Commission on September 13th. The Planning Commission is planning to forward a recommendation to the Council regarding the South Main Street Corridor Plan in November, with a Council goal of completing the process by next spring.

Councilwoman Fillmore made a motion to amend the proposed Ordinance No. 2017-21 to address concerns and allow “Construction Sales and Services, Limited” in Commercial and Industrial Zones. The motion died for lack of a second. Responding to a question from

1 Councilman McEwan, City Attorney Lisa Romney pointed out that this is a City initiated Zone
2 Text Amendment – whatever is done should apply across the board to anything within that
3 Zone. Councilman Ince commented that putting too many limitations on a business makes
4 enforcement very difficult, especially if the limitations deny the basic needs of the business. He
5 expressed concern with enticing Shupe Electric into a situation that may essentially not work for
6 them, with the possible result that Shupe Electric would join the group of businesses already
7 stepping over the line. Councilman Ince said he knows those living around Main Street are
8 concerned about the types of business allowed on Main Street.

9
10 Councilman Ince made a motion to deny Ordinance No. 2017-21. Councilman McEwan
11 seconded the motion, which passed by unanimous vote (5-0).

12
13 **DEFERRAL AGREEMENT FOR INSTALLATION OF PUBLIC IMPROVEMENTS – 318**
14 **EAST 1825 NORTH**

15
16 The Samuelsons own a home and related property located at 318 East 1825 North
17 (formerly two separate parcels, combined in 2008). They have received final site plan approval
18 from the Planning Commission to construct an accessory structure on their property. The
19 eastern portion of the property where the home is located contains sidewalk and other public
20 improvements along the property's frontage on 1825 North. However, the western portion of the
21 property does not have sidewalk. Under existing City Ordinances, unless otherwise deferred by
22 the Council, the property owner must install all required public improvements associated with
23 the property in order to obtain a building permit for the accessory structure. Ms. Romney and
24 Public Works Director Randy Randall explained that staff does not recommend approval of the
25 deferral request as it fails to meet the requirements of CZC 12.55.200(c) because sidewalks
26 exist on the same side of the street contiguous to the parcel in both directions.

27
28 Kim Samuelson, applicant, said it was his understanding when he purchased the parcel
29 that all public improvements on the parcel were paid for with the bond associated with the
30 neighboring subdivision (Rolling Hills). He said it has been six months since they submitted
31 papers to build a barn. Mr. Samuelson expressed frustration with time delay and additional cost
32 necessary because of City ordinances, and said he thinks the Storm Drain Impact Fee should
33 be called a tax rather than an impact fee, since drainage will have to flow three blocks before
34 meeting up with the City's storm drain system. Mr. Samuelson repeated that he feels he
35 already paid for the sidewalk. He pointed out that if the western portion of the property is ever
36 developed, sidewalk would have to be removed to add a road. Mr. Samuelson said he requests
37 not only a deferral, but also a waiver until the property is developed.

38
39 Mr. Thacker explained that the bond submitted in 1989 for the Rolling Hills Estate Plat H
40 – a letter of credit from Zion's Bank that was later claimed by the City – did not pertain to the
41 subject property. Mr. Samuelson agreed there may have been a misunderstanding on the part
42 of staff communicating with him at the time regarding what the bond would cover. Ms. Romney
43 pointed out that the parcel is outside of any subdivision, and a bond is only required at the
44 subdivision level.

45
46 Councilman McEwan asked what triggered the deferral application. Ms. Romney
47 responded that development on a parcel outside of a subdivision requires site plan review, with
48 evaluation for payment of impact fees and installation of public improvements. The parcel
49 meets all provisions for deferral except provision four since sidewalk is already in place on both
50 sides of the parcel. Councilwoman Fillmore expressed a desire to respect the ordinance, as
51 well as act with common sense. She agreed that the common sense action, if the property
52 develops in the future, would be to not require sidewalk at this time. Councilman McEwan said
53 he does not think provision four is disputable. Responding to a question from Councilman
54 McEwan, Ms. Romney confirmed that staff correctly interpreted the Code in requiring the site

1 plan review. Public improvements are required with any site plan review or subdivision. Mr.
2 Samuelson showed on an aerial image the planned access and location of the barn.

3
4 Ms. Romney pointed out that under Title 10 of the Municipal Code, the City may defer or
5 waive installation of any or all public improvements when, in its judgment, they are not requisite
6 in the interest of public health and safety or general welfare, or are inappropriate because of
7 inadequacies or lack of connecting facilities. She advised that the second stipulation would not
8 apply, but the interest of public health and safety could be argued. Ms. Romney said it would be
9 her preference to revise Title 10 to refer to Title 12, but until that amendment is made, the
10 Council could make a decision based on Title 10. Councilwoman Fillmore stated she values the
11 Ordinance because it requires a check for lack of improvements, but she also believes
12 improvements in this location at this time would be unnecessary if future development is going
13 to occur. Ms. Romney responded that the City makes development decisions based on today.
14 Staff has not examined the possibility of a road going through the property in the future. Ms.
15 Romney repeated staff's recommendation to not approve the deferral agreement.

16
17 Councilwoman Fillmore made a **motion** to approve the Deferral Agreement for
18 installation of public improvements at 318 East 1825 North, based on the following findings.
19 Councilman McEwan seconded the motion, which passed by unanimous vote (5-0).

20
21 Findings:

- 22
23 a. The location is not considered a walkable street and does not have a lot of traffic,
24 and the lack of sidewalk will not threaten public health and safety (Municipal Code
25 Title 10 Section 10).
26 b. The property is undeveloped with potential for future development.
27 c. The property is not within a subdivision.

28
29 Councilman McEwan expressed a desire to direct staff to reference Title 12 in Title 10 as
30 soon as possible. Mr. Samuelson said he thinks the Council should consider each application
31 individually based on its own merits, and act with common sense.

32
33 **PARK ISSUES**

34
35 Mr. Thacker updated the Council regarding the grant application for the Island View Park
36 renovation. The application has been submitted to the State, but will not be submitted to the
37 Federal Government until November. It is anticipated that grant contracts will be prepared by
38 June of 2018. Mr. Thacker stated that, realistically, the City is looking at the 2019 construction
39 season to begin the project. Lynn Keddington, Parks and Recreation Committee Chair,
40 explained that the Parks Committee is concerned about the idea of converting a portion of
41 Island View Park to cemetery. He said the Parks Committee is confident the City will receive
42 the grant. However, if the City is not going to accept or follow through with using the grant, it
43 would be best to withdraw the application before it is submitted to the Federal Government.
44 Withdrawal after the application is submitted would prejudice any future application. Mr.
45 Thacker recommended the Council meet in a work session to discuss the cemetery in October.
46 Mr. Keddington commented that, although the Federal grant program is funded at this time,
47 there is no guarantee that it will receive funding from the current administration in the future.

48
49 Mr. Keddington pointed out that if any portion of Island View Park is used for any other
50 service, the City would have to go through a conversion process to provide comparable park
51 space elsewhere in the City. Councilman McEwan asked if the grant application would be
52 affected if the footprint of the park were reduced by a couple of acres, with all the amenities
53 listed in the application provided in remaining park space. Mr. Keddington responded that he
54 does not know, but could ask. Mayor Cutler said the Council needs to really consider the

1 realities of the cost of conversion at other locations. The Council scheduled a work session to
2 discuss the cemetery on October 5th.

3
4 Mr. Keddington made the Council aware that entities such as the Larry H. Miller
5 Foundation (Utah Jazz) and Real Salt Lake have begun sponsoring municipal park amenities
6 like basketball courts and playing fields. He asked the Council's opinion of the Parks
7 Committee seeking corporate sponsorship, and the Council's opinion of the resulting signage on
8 the amenities recognizing such sponsorship. Mayor Cutler responded that, in his opinion, any
9 help paying for improvements is good. Councilman McEwan said he believes there is a fine line
10 to draw regarding acceptable corporate sponsorship. He said he does not personally feel it is
11 appropriate to turn public amenities into advertising. Councilman Ince disagreed, stating he
12 believes the City should look at any options to accomplish what is desired. Councilwoman Ivie
13 said she agrees with Councilman McEwan. Ms. Romney said the idea raises interesting issues.
14 City Code currently prohibits advertising in City parks. Mr. Keddington pointed out that
15 sponsored amenities could not be placed in park space funded by Land and Water
16 Conservation Fund grants. Councilwoman Fillmore said she would want to learn how other
17 cities have dealt with the situation. Councilwoman Mecham agreed.

18
19 The Council took a break at 8:46 p.m. and returned at 8:53 p.m.

20 21 **FINANCIAL REPORTS**

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23 Marcus Arbuckle, the City's contract CPA advisor, presented a financial report for FY
24 2017, and answered questions from the Council. He presented a financial report for FY 2018
25 for the two-month period ending August 31, 2017.

26 27 **SIDEWALKS AND PARKSTRIP TREES**

28
29 Mr. Thacker updated the Council on efforts to level sidewalk faults. Faults in excess of
30 three inches were taken care of earlier this year. Sidewalk faults measuring one-half to one
31 inch will be ground this fall within a designated area, using the \$25,000 budget for this purpose
32 in the Street unit of the General Fund Budget. Per the Council's direction, the City will not grind
33 faults measuring less than one-half inch, but the paint marking those faults will be refreshed
34 next spring if needed. Staff suggested a policy should be established by next spring for faults
35 measuring 1-3 inches, including how to deal with trees in the park strips. A majority of the
36 Council indicated approval for staff moving forward with grinding sidewalks this fall.

37 38 **MAYOR'S REPORT**

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- The annual Sons of Utah Pioneers conference occurred in Centerville last week.
 - UTOPIA/UIA financial reports are available with the agenda on NovusAgenda.
 - The Mayor updated the Council on South Davis Metro Fire plans for capital improvements.

45 46 **CITY COUNCIL LIAISON REPORT**

47 Councilwoman Ivie reported on upcoming Whitaker Museum and Landmarks
48 Commission events, and reported that Whitaker Museum renovations are progressing.

49 50 **CITY MANAGER'S REPORT**

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- The Council indicated approval for advertising the Candidate Forum scheduled for October 4th in the next utility bill insert.

- Mr. Thacker reminded the Council that conceptual design drawings were commissioned a few years ago for the Main Street frontage of Smith Park. Councilwoman Fillmore pointed out the designs include a kiosk with a City trails map. Councilwoman Mecham suggested a trails map might make more sense on the east end of Smith Park. Mayor Cutler pointed out that a design for a new sign would help with fundraising efforts. The Council directed staff to obtain a detailed cost estimate from Dan Sonntag for elevation drawings and new sign design. Councilwoman Mecham said she feels the cost should be kept reasonable so people feel their contribution helps.

MISCELLANEOUS BUSINESS

Councilman McEwan made a **motion** to approve Resolution No. 2017-10 amending the City Fee Schedule to repeal Section 12.040 regarding Fire/EMS Impact Fees. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

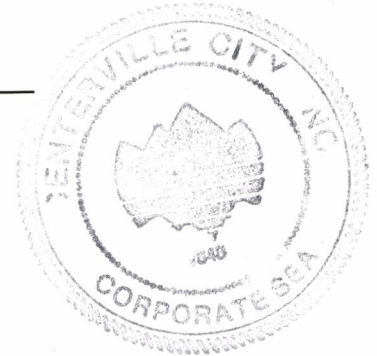
ADJOURNMENT AND RDA MEETING

At 9:56 p.m., Councilman McEwan made a **motion** to adjourn the regular meeting and move to a meeting of the Centerville Redevelopment Agency. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance at the RDA meeting were: Paul A. Cutler, Chair; Directors Fillmore, Ince, Ivie, McEwan, and Mecham; Steve Thacker, Executive Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.


Marsha L. Morrow, City Recorder

10-3-2017
Date Approved


Katie Rust, Recording Secretary



CENTERVILLE CITY COUNCIL MEETING

Tuesday, Sept. 19, 2017
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

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Hunter Rappleye

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Alex Samuels

480 S. Main

Laura Samuels

114 Bradley

Clark Wilkerson

50 W. 1200 N. Centerville UT

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