

Minutes of the Centerville **City Council** meeting held Wednesday, November 8, 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

MEMBERS ABSENT

Tami Fillmore (arrived at approximately 8:30 p.m.)

STAFF PRESENT

Steve Thacker, City Manager
Jacob Smith, Management Services Director
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Cassie Younger, Assistant Planner
Marsha Morrow, City Recorder

VISITORS

Interested Citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT

Mrs. Karen Webb, Bahai Faith

Mayor Cutler explained that Councilwoman Fillmore had to step out of the meeting for a personal commitment, but will be back a little later.

OPEN SESSION

There was no one wishing to speak in Open Session.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the October 17, 2017 work session and regular Council meeting were reviewed. Councilman Bill Ince made a **motion** to approve both sets of minutes as written. Councilman McEwan seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

- a. UDOT Cooperative Agreement for Pedestrian Flags on Main Street Crosswalks – Resolution No. 2017-21
- b. Fee Schedule Amendments regarding Various Fees – Resolution No. 2017-22
- c. Waiver and Indemnification Agreement for use of Centerville Gun Range
- d. Award bid to Kapp Construction in the amount of \$36,976.40 for labor and to the following for materials (plus tax) for the installation of Chase Lane PRV at Frontage Road:
 - (1) Mountainland Supply for piping in the amount of \$18,432.69
 - (2) Mountainland Supply (only supplier) for CLA-VAL in the amount of \$13,981.25
 - (3) Waterford for Mag Meter in the amount of \$2,560.45; and to
 - (4) Dura-Crete for PRV Vault in the amount of \$7,937.00

1 Steve Thacker, City Manager explained that Item d involving the labor for installation of
2 the Pressure Reducing Valve (PRV) was estimated under the \$25,000 threshold to put out for
3 formal bid, so the City Engineer went through the informal bid process. He solicited 5 or 6 bids
4 and only received two because of the current construction climate. Mr. Thacker said he
5 discussed this with the City Engineer to determine if there would be any benefit in waiting and
6 rebidding to save money, but he said we might save 5% on the bid, but the cost of materials
7 could go up by that time. It was determined to continue with the bids he had received. He said
8 by approving this the Council is waiving the formal bid process for labor for this project.

9
10 Councilman Ince made a **motion** to approve the four items on the Summary Action
11 Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

12
13 **CONSIDER NOMINATION OF RON'S PHILLIP 66 SERVICE STATION FOR THE**
14 **NATIONAL REGISTER OF HISTORIC PLACES**
15

16 Cassie Younger, Assistant Planner, explained that Ron's Phillips 66 Service Station has
17 become an iconic building already in Centerville on its own. She said owner, Ron Randall, has
18 been a life-time citizen of this community. This year the Landmarks Commission commissioned
19 Korral Brochinsky, consultant, to research the gas station to see if it would be eligible for the
20 National Register of Historic Places, which is a National list of historical buildings, sites or
21 districts that are worthy of preservation all across the nation. Ms. Brochinsky recommended
22 that this gas station should be nominated to the National Register based on its architectural and
23 local significance to the community and its unique design and preservation. She said the
24 building was built in 1960 and is the Phillips 66 new look for the station, which was a prototype
25 when it was built. Ms. Younger said it has been maintained very well. She said Ms. Brochinsky
26 researched many gas stations but this station had more qualifications for the look and the
27 remaining service pumps, even though they are not being used anymore. Because of these
28 reasons, the Landmarks Commission has recommended to the City Council that this station be
29 put on the National Register of Historic Places, which is ultimately a State decision but needs to
30 come with a recommendation of the City Council.

31
32 Ms. Younger said they realize that there is a Proposed Master Plan for Founders Park
33 and this area, which was created in 2001. The Master Plan could be amended to include the
34 gas station to accommodate this preservation effort to maintain its history. She said the
35 Landmarks Commission is very excited about this project and they hope the City Council will be
36 also.

37
38 Councilwoman Ivie said this has been discussed for many years, and she was glad that
39 it has finally come to this point. She thinks the gas station would be a top pick for a lot of
40 people.

41
42 Councilman McEwan asked about where the funds came from to hire the consultant to
43 do the research. Ms. Younger responded they came from CLG grant funds, with a 50/50 match
44 by the City. The cost was about \$3,000 for Ms. Brochinsky to research two buildings, but one
45 did not pass the criteria. The owner has expressed an interest in having his gas station on the
46 National Register. She said there really are not any restrictions to be on the National Register.
47 It's more of a celebration and recognition rather than a mandated preservation.

48
49 Mayor Cutler thanked Ms. Younger for her report. He said he knows that the gas station
50 has been an icon for a long time, but the long-term plan of the City has been to expand the
51 William R. Smith Park (formerly Founders Park) to better accommodate the expanding growth of
52 the 4th of July Celebration, which is held at the park. He said it would be a worthy challenge to

1 figure out how to respect the past while planning for the citizens who live here today and what
2 we have in the future.
3

4 Responding to a question from Councilman McEwan, Mr. Snyder explained that in order
5 for the State to look at this, the recommendation needs to come from the City Council, who is in
6 charge of the preservation efforts of the city. He explained the process with the Landmarks
7 Commission being the body who has been assigned to do the research and make
8 recommendations, and the Council either recommends approval to the State or can reject the
9 approval and not forward it onto the State. He said the State is scheduled to consider this
10 recommendation, which they may or may not approve.
11

12 Councilwoman Ivie made a **motion** to recommend Ron's Phillips 66 Service Station to
13 the State for the National Register of Historic Places nomination. Councilman Ince seconded the
14 motion. The motion passed unanimously (4-0).
15

16 **PUBLIC HEARING - ZONING CODE AMENDMENTS - HILLSIDE OVERLAY LOT**
17 **WIDTHS - CZC 12.42.040**
18

19 Cory Snyder, Community Development Director, said the petitioner has requested a
20 Zone Map amendment involving the lot width requirement for slopes over 10% in the Hillside
21 Overlay, which is currently set at 100 feet. He said this does not involve zoning districts but just
22 where an overlay exists in the foothills. There are different zoning standards other than the
23 base zoning because of that overlay and they want to amend that overlay. Mr. Snyder
24 explained when dealing with hillsides there are three different categories of slopes: 1) anything
25 under 10; 2) 10-20; and 3) 20-30 percent. There are different provisions within those slope
26 areas. He said anything over 30 is a no touch regulation. Within the lot widths, there are two
27 sets, Agricultural lot width, which is an automatic 125-foot width where the normal base zone
28 would have been 80 feet; and if the lot is within the R-L Zone, base zone is a 60-foot lot width.
29 When there is more than a 10% slope, the ordinance states everything is 100 feet lot width. Mr.
30 Snyder said the applicant's proposed amendment would create a two-foot increment increase,
31 from the base zone standard, for every 1% slope over 10% all the way up to 30%. Staff looked
32 at his request and came up with an alternative which the Planning Commission recommends to
33 the City Council.
34

35 Mayor Cutler asked for clarification on how it is measured, whether from the setback line
36 or the property line. In the R-L Zone, the setback is 25 feet, so at 25 feet you have to hit this
37 particular width.
38

39 Chad Morris, applicant, said Cory explained it very well. He feels there is a great amount
40 of inequity between different slopes. He said he is trying to create three lots in addition to the lot
41 with the home already built. Two of the three lots has a slope of about a 10.5% or 10.9%. He
42 has been trying to work this out with the Development Review Committee and he feels like this
43 is the best solution to fix this inequity of the lot widths. Mr. Morris said it benefits him because of
44 the 80-foot frontage. He said as explained by Mr. Snyder, when you have a 100-foot frontage
45 the price of the lot is going to be considerably higher because you will need to have more
46 property on that lot. Generally, the price of the house will also increase.
47

48 Mayor Cutler opened the public hearing at 7:29 p.m. Seeing no one wishing to comment,
49 he closed the public hearing.
50

51 Councilwoman Ivie made a **motion** to approve Ordinance No. 2017-30 amending
52 Section 12.42.040 of the Zoning Code regarding lot widths for development within the Hillside
53 Overlay Zone. Councilman McEwan seconded the motion and the motion passed unanimously
54 with a roll-call vote (4-0).

**PUBLIC HEARING – PDO ZONE MAP AMENDMENT AND CONCEPTUAL PLAN –
LEGACY COMMONS – 1250 WEST PARRISH LANE (NORTHWEST CORNER)**

Mayor Cutler mentioned this item was discussed and tabled at their October 17, 2017 Council meeting.

Cory Snyder, Community Development Director, said he will defer to the developer regarding some of the proposed changes and why they are proposing them. Mr. Snyder indicated that at the last meeting the Council talked about the phasing plan. The Council suggested a greater commitment from the developer to establish commercial of some type before the residential takes place. The developer is proposing that the hotel would be in Phase 1, the residential would be Phase 2 and the remaining commercial would be in a Phase 3 construction. Mr. Snyder stated that the other issue that came up was with the traffic situation. There has been discussion on the two dual accesses on 1250 West. They are still hoping to be able to get a right-in access from Parrish Lane to the hotel site. Mr. Snyder said the other directive was to consider density changes. This proposal still has it at 111 units. Regarding the changes they made to the residential, they flipped the parking area which is now next to the commercial. He said that does a good job of buffering the front yards of the neighbors behind the street. In the PDO they have to provide a preliminary idea of their architecture. The developer added an update of the hotel design and updated the commercial elevations. Mr. Snyder said if the Council wants to move forward with the project, these changes would have to be added to the conditions of approval.

Spencer Wright, applicant, said he thought Mr. Snyder did a good job of explaining the changes. He said on the main drive isle coming into the project they just flip flopped the parking and the building. Mr. Wright said with the phasing, they were able to come to an agreement with the hotel that they would pull a building permit sometime in 2018. He said their goal is to pull the permit in the first half of 2018. Mr. Wright said in regard to the density they considered the request to reduce the density and explained the reasons why they haven't done that. First, with the density they have they feel they could provide a better project. With this density, they could have a club house, a fitness room and a meeting room that residents could use for various activities. It also allows them to provide a pool and hot tub and other amenities for the use of the residents. This would not be possible if they had a lower density. Second, if you get too low a density then the maintenance can sometimes suffer. If we have the density then we would have the ability to hire a full-time person that is onsite to provide maintenance and help the residents with issues in their units that might come up. The last reason is the economic benefits. The economic benefits to the City are good and could help the City with the revenue to do some additional things that would benefit the residents in the city, including parks and other things. In discussion with the City Manager they looked at the numbers and Mr. Wright subsequently revised the economic benefits analysis.

Mr. Wright responded to a question from Mayor Cutler regarding the other commercial property. He said they have had calls but they have had to put it on hold until they receive the approval to move forward with the project. He said they are confident that that will get done.

Mr. Snyder responded to a question from Mr. Thacker regarding the developer's ability to do site work for the entire site prior to the vertical construction on the residential. He said the way he is viewing it and hearing it from the developer is the developer will request a final site plan approval and approval for a two-lot subdivision at the same time. So, the subdivision infrastructure would be potentially bonded with the subdivision approval. He said when they pull the permit for the hotel, they would be moving forward with all of the grading and cleaning up of the entire site all at the same time.

1 Councilwoman Mecham mentioned the concern of the hotel pulling a permit, then start
2 the residential and letting the hotel permit expire. Mr. Snyder said there is a lot of investment
3 that goes into the project prior to pulling the permit, so he didn't think that would be a problem.
4 Mr. Wright said they would be willing to commit that they wouldn't start construction on
5 residential until the foundations had been poured for the hotel. Mayor Cutler asked Mr. Wright if
6 they would keep the other commercial with the residential in one lot. Mr. Wright said that was
7 correct. Mayor Cutler asked if that would come back to the City Council. Mr. Snyder responded
8 that a two-lot subdivision would be a small subdivision waiver and would happen at site plan
9 approval. If it went to a three-lot subdivision it would be returned to the City Council. Mr. Wright
10 said they are just requesting a two lot because they intend to keep ownership of the commercial
11 and residential, the hotel wants to purchase that property, so it would just be a two-lot
12 subdivision.

13
14 Councilwoman Ivie said she did not like it. She said she understands the role of
15 economy, and she understands the desire to have someone full time for maintenance, but she
16 doesn't think it is in the best interest to Centerville to have 111 units. She was really
17 disappointed they did not reduce the density and she will not vote in favor of it.

18
19 Mayor Cutler asked City Attorney Romney if she had any specific language for the
20 ordinance. She suggested if the Council was inclined to make a motion to approve, then direct
21 staff to update the conditions to reflect the applicant's latest submittals, including the conceptual
22 plan, updated elevations for the hotel and the commercial, and also addressing the phasing
23 which Councilman McEwan has pointed out in Subsection e and to allow staff to work through
24 that, but essentially Phase 1 is the hotel, Phase 2 is the residential and Phase 3 is the
25 commercial. She didn't see an issue with having Phase 3 coming before Phase 2 because we
26 would want commercial and the hotel, but she would suggest adding language that said a
27 building permit must be obtained and a foundation poured for the hotel, i.e., Phase 1 before any
28 building permit can be granted for any residential units. She said her concern that just pulling a
29 building permit for a hotel doesn't guarantee that it's going to be constructed, but if the applicant
30 is willing to add in that the foundation will actually be poured then that would be good for the
31 City. Ms. Romney responded to a question regarding the phasing plan. She said the City has
32 had far more detailed phasing plans than this one. She said this is not really a plan but just
33 saying they will build the hotel first. The Council could direct staff to present a little more detail
34 on the phasing plan, but she does agree with Mr. Snyder, that if they are going to subdivide, and
35 they also need final site plan, then that is when we would determine when all the public
36 improvements are going to go in. She gave the example of Legacy Crossing and how specific
37 as to what improvements needed to go in with each phase. She said for this project, since it is
38 so small, staff was anticipating and hoping that they would put in all the public improvements at
39 one time and/or with subdivision. But each phase has to be able to stand on its own, meaning
40 that there would have to be enough improvements put in so it could stand on its own if the other
41 phases didn't come through.

42
43 There was further discussion on details that could be added. Councilman McEwan had
44 some concern with an access off of Parrish Lane, which UDOT has not agreed to. The Council
45 asked Police Chief Child to give his opinion of whether he is ok with the right-in lane on Parrish.
46 Chief Child said he is ok with that as far as the entry into the hotel. He does, however, have a
47 concern if people miss the entrance and go down to the bottom of Parrish Lane and do a U-turn,
48 which could create problems as well.

49
50 Mayor Cutler asked Mr. Snyder if there were any findings the Council should know about
51 from the traffic study done. Mr. Snyder said A-Trans supports it with some signage and other
52 things that go on with the exit onto 1250 West closest to Parrish Lane. He said the City
53 Engineer has some concern and would like to explore with the traffic engineer how to control the

1 access at this point. There was also discussion on how lane striping could help. Mr. Snyder said
2 the City Engineer thinks it can be worked out at site plan.

3
4 Councilwoman Mecham said she still had some concern with the density and asked the
5 developer if there was any way that could be reduced. Mr. Wright responded there is always a
6 way to reduce the density, but in his opinion it makes the project worse not better because of
7 the reasons he explained earlier. He said it would ultimately make the project worse for the
8 residents.

9
10 Councilman Ince made a motion to approve Ordinance No. 2017-29 subject to the
11 revisions that were discussed with Ms. Romney to be implemented by staff, specifically the
12 updated site plan, elevations for the hotel and commercial and the phasing plan, and the turn-in
13 on Parrish Lane if possible, subject to UDOT restrictions. Councilman McEwan seconded the
14 motion. He didn't feel it would move the needle much from 111 down to 100 units. He said as
15 much as he is against a ton of density, this project fits. The motion passed by a 3-1 roll-call vote.
16 Councilwoman Ivie voted nay.

17
18 **ZONING CODE AMENDMENT - "CATERING, LIMITED" IN C-M ZONE**
19

20 This item was also tabled from the October 17 Council meeting. Lisa Romney explained
21 the new definition of Catering Limited, which is proposed as a conditional use in the
22 Commercial-Medium Zone only at this time. She said she was contacted by Councilwoman
23 Mecham to perhaps come up with some language to address some Council and neighborhood
24 concerns about potential smells emanating from this kind of use. She said we do have a history
25 in this area of restaurants and fast food uses that the neighborhood could smell the food source
26 quite a bit. She said she did some research on regulating smell. She said in her opinion, local
27 government has the authority through zoning regulations and public health and safety to
28 regulate light and noise. Smell is similar to sight and sound and is something the City could
29 regulate, although it is more difficult to draft ordinances regulating smell and odors. In order to
30 withstand constitutional scrutiny, such ordinances must be based on objective criteria and
31 cannot be based on subjective determinations of "unwanted" or "undesirable" smells. Ms.
32 Romney said in an effort to assist the Council in trying to add more uses in the Commercial-
33 Medium Zone, she said they could add an additional sentence to the definition prohibiting the
34 dissemination of odors from the site. She said the proposed language to be added to the end of
35 the definition provides that this use, Catering Limited, is intended to be a low-intensity use
36 permissible in commercial areas commonly located adjacent to residential uses, and shall
37 prohibit the offsite dissemination of any detectible ambient food source odors. She said this is a
38 definitional regulation rather than a nuisance enforcement regulation

39
40 Councilman Ince asked why this use was only being considered in the Commercial
41 Medium Zone. Ms. Romney said this is an applicant driven application and staff wanted to stick
42 to what they were asking for. She said the Council may want to go back in and allow it in other
43 zones, but for now staff only did what the applicant requested.

44
45 Councilwoman Mecham asked if they would be able to control the number of trucks
46 delivering to the site and the times of delivery. Cassie Younger, Assistant Planner, responded
47 that in the definition it states there would be a limited number of trucks and in the conditional
48 use process there is more thorough discussion on delivery trucks and parking and traffic flow.

49
50 Councilman Ince said he had one more concern about whether the City is tiptoeing into
51 the process of what's going on along Main Street in the commercial zone. Overall, he said he
52 didn't think it was a good idea. However, he is actually leaning toward being in favor of it
53 because of some of the conditions, but he still has that serious concern. Mayor Cutler
54 responded that this was an applicant driven request and not the Council trying to tiptoe around

1 anything. The job of the City Council is to respond to applications that are brought to the
2 Council.

3
4 Councilwoman Ivie made a motion to approve Ordinance No. 2017-27 with the City
5 Attorney's additional language regarding restrictions on odors. Councilman McEwan seconded
6 the motion. The motion passed unanimously (5-0). Councilwoman Fillmore arrived at the
7 meeting during the end of the discussion prior to the motion.

8
9 **PUBLIC HEARING - GENERAL PLAN AMENDMENTS - NEIGHBORHOOD 1,**
10 **SOUTHEAST CENTERVILLE, PAGES LANE COMMERCIAL AREA**

11
12 This item was tabled from the October 17 meeting. Mayor Cutler said this is to consider
13 General Plan amendments regarding Section 12-480-2 Neighborhood 1, Southeast Centerville,
14 providing future development scenarios that include potential for residential uses and park
15 space for the Pages Lane Commercial Area.

16
17 Cory Snyder, Community Development Director, explained the Planning Commission
18 made a recommendation to the City Council and part of that proposal was looking particularly at
19 the east side, including a couple of alternatives such as a meaningful park. If the park doesn't
20 take place then convert it to residential and see if a partnership of some kind for green space
21 buffering the east residential from the west commercial. Mr. Snyder said he would like the
22 property owner to explain their latest proposal.

23
24 Mayor Cutler asked Mr. Snyder to explain his modified recommendation. Mr. Snyder
25 said the Planning Commission bifurcated the property. The west is mainly commercial and in
26 the future, if that changes, to consider the option of mixed uses. The eastern half the
27 Commission holistically recommended a residential redevelopment pattern at 8 units per acre.
28 They had two scenarios tucked inside that conversion. The first being to explore a park which is
29 the A Scenario option. The B Scenario option would use open space to buffer the commercial to
30 the west from residential on the east. Mr. Snyder said his recommendation at this point in time is
31 that a park is not feasible. If you eliminate the park then you are back to Scenario B to move
32 forward with the residential conversion and use the open space as a buffer. Mr. Snyder said the
33 feasibility of a park from the data doesn't seem to be there. He is uncomfortable with a land use
34 pattern tucking residential into the back next to an adaptive reuse. He feels that is a mistake and
35 if they want to move forward with conversion to residential it should be more significant than the
36 commitment he sees on the proposal.

37
38 Mayor Cutler opened the public hearing at 8:41 p.m.

39
40 Buck Swaney, representing Dika Properties, said he understands the basic concept that
41 was offered. The property owner put together an approach that would subsidize the cost of the
42 park, use a partial exchange of the park impact fees to help with that, but try to put that core
43 space in public ownership. He said they can do the adaptive reuse and the apartment complex
44 fairly quickly, but if the adaptive reuse is the core question, and staff would be more amenable
45 to this if it contained more residential in that space instead, that would be a conversation they
46 could still have. He said one of the big things they were trying to accomplish is having the 8
47 units per acre as a gross number. The property owners have no interest in promoting this land
48 use change. If the Mayor and Council are interested in pursuing a couple of adjusted details of
49 the proposal that would make it more palatable, then the landowners are interested in having
50 that conversation. Mr. Swaney explained some of the history of the property and the reasons
51 they have landed where they are.

52
53 Chad Morris, Centerville, said he didn't feel there is a lot that could be done with that
54 property, but this would be a great opportunity to not handcuff the property owner from

1 developing that property. He said he doesn't see a park as something that should go on this
2 property.
3

4 Dave Bell, Centerville, said he doesn't understand why there would be opposition to his
5 proposal. He doesn't see what else there would be that could go in that would be better than
6 what has been proposed by the property owner.
7

8 Mayor Cutler responded to Mr. Swaney's comment about downzoning the property. He
9 said there is no change in the zoning on this property. He said they could call it down planning.
10 The original purpose of looking at this plan was to give more options. Right now, there is
11 commercial and there is no effort of removing the commercial but to add a residential option in
12 going forward. He said the opposition is not to a well-planned development but the issue is we
13 should plan the whole area and not just a portion of it. They need to have a master plan that is
14 feasible for the whole area and not just a portion of it. The Mayor said his concern is he doesn't
15 see a road map to a long-term future. He sees kind of a spot development that only solves part
16 of the problem and not the whole area's problem. He would like to see all the property owners
17 go back to work and put together a road map that shows how we would get to the long-term
18 vision not just piecemeal.
19

20 Councilman McEwan said there has been more than one concept on this property. He
21 said he tends to agree with the Mayor that there is no down zone at this point. He feels he
22 doesn't see it as the Council removing tools but giving more options.
23

24 Councilwoman Mecham said she would like to make one point on the Scenario B,
25 everybody needs to understand that it talks about going back to our mixed-use concept, which
26 we all say isn't working. She is totally against form based zoning.
27

28 Councilman Ince pointed out with this proposal it would cost the City three quarters of a
29 million dollars over three years, which the City does not have. He tends to agree with what has
30 been said.
31

32 Councilwoman Ivie said she also agrees with the Mayor and likes the idea of a property
33 owner eager to do something with their property to go with what they have now and see if it
34 works. If it doesn't they can come back to the Council to relook at it.
35

36 Councilwoman Fillmore commented about the work session they had regarding this
37 area. She thought the directive was to let the market guide us in decisions and allow the market
38 to do what it wants to do, but write ordinance that will require design standards to ensure a
39 quality product that is both respectful to the surrounding neighborhoods and holistic for the
40 entire block, instead of hodgepodge. She went over the suggested language in the objectives
41 for the General Plan, and explained that the suggested language fits the criteria discussed at
42 the work session. Thus, she recommends adopting the language. She went over the objectives
43 in the General Plan for this area.
44

45 Councilman McEwan said he is not opposed to the language change for two reasons:
46 one it provides more tools in his opinion, and two it signals very loudly as a community that the
47 City wants something done to the property. He said it has been blighted for a very long time.
48 Mr. Snyder said as clarification that the mixed use is for the western half; it doesn't involve the
49 eastern half. The eastern half is the transition to residential. He wanted the Council to
50 understand the mixed use is not a component on the east side. Councilwoman Fillmore made a
51 clarification that form based does not equal unregulated density. She said form based code can
52 exist with density in multiple forms.
53

1 Councilwoman Fillmore made a **motion** that the City Council approve the language with
2 the amended recommendation from staff to remove Option A and just make it Option B
3 indicating the City is open to the open space element that benefits the area when it is
4 redeveloped but not saying it has to be a park. The motion failed for a lack of a second.
5

6 The Mayor allowed a comment from the audience.
7

8 Marvin Blosch, Dika Properties, said he realizes that these kinds of properties take time to
9 develop, but they are ready to move and take action. He explained they are willing to negotiate
10 further if it will help the project move forward, but they want the Council to give them feedback,
11 which would be helpful to them.
12

13 The Council took a five-minute break at 9:17 p.m.
14

15 Councilwoman Mecham made a **motion** to deny the General Plan Amendment for two
16 reasons: 1) the landowners are asking the City not to pass the amendment, and 2) the City
17 Council needs more time to study a broader area before making a decision. Councilwoman Ivie
18 seconded the motion.
19

20 Councilman Ince stated he is having a hard time keeping separate the specific proposal
21 from the motion that is on the table. He is opposed to some things in the motion. He said he did
22 not see an issue with the City Council being willing to consider residential in that area.
23 Councilman Ince asked for clarification on what was the suggested language for Ordinance No.
24 2017-26. Mr. Snyder said the portion on the east block does mention considering a park. City
25 Attorney Lisa Romney stated the two options on Page 5 of the Ordinance. Option A is for the
26 eastern block and includes a park; and Option B is being recommended by staff. Option A is the
27 option that Mr. Snyder is saying should be removed. Mr. Snyder clarified again that there is no
28 mixed use component for the east block. Councilwoman Mecham made **motion** to withdraw her
29 previous motion to deny and made a substitute motion to table this item and schedule a work
30 session with staff to discuss in more detail. Councilman Ince seconded the motion. The
31 motioned passed unanimously (5-0).
32

33 **ZONING CODE AMENDMENT - DENSITY GRADATION IN R-M ZONE** 34

35 Mayor Cutler introduced the next item to consider, Ordinance No. 2017-28 proposing
36 Zoning Code Amendments to CZC 12.30.020, 12.32.300, 12.36.020 and 12.32.055 creating
37 density gradations for the Residential-Medium (R-M) Zone and enacting additional development
38 standards for residential development within the Residential Medium (R-M) and Residential
39 High (R-H) Zones.
40

41 Community Development Director Cory Snyder apologized if he offended anyone on the
42 Council with this proposal because that was not his intention. What he is proposing does not
43 contain any new zoning districts. The proposal was to leave the zoning district R-M as is with
44 amendments. The amendments were only to the conditional use section of that zone. He said
45 that zone conditional use section is currently under the jurisdiction of the Planning Commission.
46 The CUP is a range (5-8). Conditional use is not the right place for denials. Therefore,
47 requesting a 5-8 range is almost always at or near the 8 range. He said he took the CUP and
48 divided into two distinct categories, a 6 or an 8. There has to be a reasonably debatable
49 standard associated with that decision. He said his fear is that density decisions are made
50 solely on public clamor and less upon what the General Plan guidance says. So, in his proposal
51 he is suggesting to leave the R-M in place as is, and then in the CUP (decision made by the
52 Planning Commission) provide guidelines to determine when the Commission applies a 6 and
53 when they apply an 8. He said it has to be clearly stated the reasons for applying a 6 or an 8
54 based on objective criteria. He then went in and added architectural and design standards

1 because of the issue with the Hafoka property. Mr. Snyder explained the problems that would
2 be created by having the Council making the decision of whether 6 or 8 units per acre.

3
4 Mayor Cutler asked the question of why it would be so difficult for the Council to make
5 the decision on a CUP instead of the Planning Commission. Mr. Snyder said it is an
6 Administrative decision and deferred to City Attorney Romney to give the reason she doesn't
7 recommend it. Ms. Romney said it is difficult for elected officials to make administrative
8 decisions based on required factors. It can be very problematic especially with the CUP process
9 as evidenced by a recent court decision involving Moab. She said it is important for the Council
10 to understand that they are the authority for legislative decisions and they set the policy
11 framework for land use decisions. Once the policy is set forth in ordinance, the Planning
12 Commission is tasked with making the administrative decisions to implement that policy. CUP
13 decision-making puts the Council in a difficult position as elected officials where citizens are
14 used to the Council making legislative decisions and listening to their voice.

15
16 Councilwoman Mecham suggested getting rid of the conditional use in the R-M Zone,
17 which causes all kinds of problems, and just make the number of units 6. Mr. Snyder responded
18 that could be done by taking the R-M and modify the provisions and put the cap at 6 units, so
19 when anything is R-M it would automatically be a permitted use at 6 units per acre. He
20 suggested saving the development guideline standards and add those into it. That way the
21 Planning Commission, developer, City Council and staff know the density for R-M is always at 6
22 units per acre. He said then you can argue whether or not they meet the standards. Ms.
23 Romney said that it was a step in the right direction. The City Council is setting the policy
24 decision that in the R-M Zone the permitted density is 6, and would simplify things. Ms. Romney
25 said she thinks the Council should at a later date consider some type of density bonus in the R-
26 M Zone because it would make sense to increase the density in some areas of the city.
27 Councilwoman Mecham suggested giving staff another shot. Councilwoman Fillmore thinks
28 putting the blanket 6 units in the R-M is in conflict with the definition of the purpose of the R-M
29 Zone. She feels it is her opinion that this is contrary to all they have talked about as far as
30 diversification of housing units, aging in place, etc. Ms. Romney stated staff would be
31 supportive to table this and direct staff to come back with a tool to allow more density in the R-M
32 at a later date.

33
34 Councilman Ince made a **motion** to table this item and direct staff to rework based on
35 tonight's conversation so the Council could see it again at the November 21 meeting, primarily
36 focusing on 6 units per acre permitted, eliminating a CUP at this time, but looking at options to
37 go up from 6 when circumstances indicate that would make sense, i.e., on larger properties.
38 Councilman McEwan suggested splitting it out into two pieces, the 6 units and then come back
39 at a later date to provide the tools for the others. Councilman Ince agreed to change his motion
40 to split it into two pieces, first to go with the 6, so the City has something workable and then
41 consider tools for the other. Councilwoman Mecham seconded the motion.

42 Councilwoman Fillmore commented she likes having the CUP in place, which gives the
43 City the extra layer of protection through that process.

44
45 The motion passed by a 4-1 vote. Councilwoman Fillmore voted against.

46 47 **FEE SCHEDULE AMENDMENTS - CEMETERY FEES**

48
49 Mayor Cutler explained the proposal is to consider Resolution No. 2017-20 amending
50 the City Fee Schedule regarding Cemetery Fees.

51
52 Lisa Romney, City Attorney explained the changes as shown on Exhibit A to the
53 Resolution. She said these changes were made in response to Council direction from a
54 previous work session. She said the fees have been revised to make it clear that non-residents

1 are not eligible at this time to purchase burial rights in the cemetery given the limited number of
2 burial spaces left. The cost of double depth burials is proposed to be increased from \$600 to
3 \$1,200 to reflect the same cost as two single depth burial spaces. The interment fees were
4 simplified to charge one fee regardless of the location in the cemetery. The proposal still
5 includes higher non-resident fees than resident fees. The proposed amendments also include a
6 slight increase in the resident and non-resident interment fees charge for weekday and
7 weekend burials. The perpetual care fee for double depth burials has also been added as a line
8 item. Ms. Romney noted that in general, municipal fees cannot be revenue raising and must
9 reflect the actual cost of providing the service, but there is also some argument that residents
10 have historically and will in the future support the cemetery through taxes that non-residents do
11 not pay. She feels for that reason, the \$1,000 difference could be justified. Ms. Romney said
12 the cemetery doesn't support itself and general funds are used to support the cemetery. She
13 checked with surrounding cities and they make that distinction as well. She said the courts do
14 look at what other surrounding jurisdictions charge as well, so she feels it is supportable.
15

16 Councilman Ince said he agreed with most of it, but thought they discussed not doubling
17 the fee for double-depth but increasing it some. He said he would feel more comfortable with
18 \$600 and either \$900 or even \$1,000, and the \$300 to \$450 or \$500. He doesn't have a
19 problem with an increase, but does not feel good about doubling the cost.
20

21 Councilman Ince made a **motion** to accept Resolution No. 2017-20 amending the
22 Centerville City Fee Schedule subject to a change on the double-depth burial right from \$1,200
23 to \$1,000. Councilwoman Mecham seconded the motion. The motion passed unanimously (5-
24 0).
25

26 **COMMUNITY PARK PAVILLION**

27
28 Steve Thacker asked for the privilege to alter the agenda to move up an item from the
29 City Manager's Report regarding the Community Park pavilion, restrooms and playground that
30 he would like Bruce Cox here for. The Mayor agreed to that request. Mr. Thacker said they
31 have a commitment for a donation of \$50,000 to build a new pavilion in the expansion area of
32 the Park. He wanted the Council to understand their intent of where to put that in the Park. Mr.
33 Cox explained where the area they were proposing to place the pavilion in the Park. He said it is
34 a 20 foot by 30-foot pavilion that will fit 6 picnic tables. He explained the proposed location of a
35 future restroom. In response to a question from Mayor Cutler, Mr. Cox said the restroom would
36 have a drinking fountain on the outside of the building. He said they haven't budgeted for a
37 separate drinking fountain. However, even though the restroom has not been budgeted for this
38 phase, they could put in a less expensive drinking fountain such as the ones at some of the
39 trailheads.
40

41 Mayor Cutler asked if Mr. Cox had met with any of the Tingeys about the design of the
42 pavilion. Mr. Cox responded that he had and the Tingeys like the pavilion designs being
43 considered and want to have a nice plaque that will provide a little of the history of the property
44 and of his parents on it. Then there will be a sign on the roof of the pavilion that will say the "Bill
45 and Sylvia Tingey Pavilion." Mr. Cox said the Tingeys want this donation as a tax right-off this
46 year, so the check should be coming in sometime in the next week or so.
47

48 **MAYOR'S REPORT**

49 Mayor Cutler reported on the two items as shown on the agenda:
50

- 51 • COG meeting – he commented they get a lot of good information at these
52 meetings, but wanted to make the Council aware of two things: (1) he has
53 asked staff to use the JustServe website to post some of the City's volunteer

opportunities. He said other cities have done this and received a lot more response; (2) every month the Bountiful Food Pantry assists over 7,000 individuals and of those 7,000 about 7% are Centerville residents, which equates to about 400 people they have served this year in Centerville. Mayor Cutler explained the program they have to assist children in schools. He said in Centerville JA Taylor is the only school participating in that program at this time.

- November 15 work session with Planning Commission regarding South Main Street at 5:30. He said they are also planning on meeting with the UTOPIA representatives during the regular November 21 meeting. Mr. Thacker said at the November 21 work session the auditors will come and give their annual report on the CAFR. On December 5, a work session prior to the regular meeting would be an RDA/ACB meeting to review the proposed budget for the CenterPoint Theatre for next year and to report on some other RDA financial matters. He asked the Council when they were planning on a work session regarding the Pages Lane area. He suggested it be in January 2018.

CITY MANAGER'S REPORT

- Letter of Intent re federal funding for 1250 West pedestrian/bike pathways has been turned in.
- Staff field trip re drainage and wetlands issues west of Legacy Parkway. Mr. Thacker said next week staff will meet with County staff, the Army Corps of Engineers and the owners of the properties in the Shorelands Commerce Park area. There are some major issues with the drainage. Phragmites are taking over the drainage area. They are hoping to get help from the County, Army Corps and property owners to work on a solution to get the drainage free flowing again.
- Snowplowing Operations Plan – Public Works will be experimenting with a different plan this year. Instead of putting all the employees out at once and working them for many hours, they are going to have two crews. Mr. Thacker said they won't get all that was done in the past as quickly, but will be able to give better attention over a period of time, and reduce the risk of accidents due to exhausted employees.

MISCELLANEOUS BUSINESS

- a. Consider Utah Transit Authority (UTA) 2018 Tentative Budget – Councilman Ince said he would look through it and send comments to them.

Mayor Cutler said they need to reappoint Brian Plummer to another three-year term on the Landmarks Commission. Apparently, it was never done when his term was set to expire earlier in the year. Councilwoman Ivie made a motion to approve the reappointment of Brian Plummer to another three-year term on the Landmarks Commission. Councilman Ince seconded the motion. The motion passed unanimously (5-0).

ADJOURNMENT AND CLOSED MEETING

At 11:00 p.m., Councilman McEwan made a motion to move to a closed meeting for the purpose of discussing character and competency of an individual and adjourn from the closed meeting and not come back into the regular Council meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed meeting were: Paul

1 A. Cutler, Mayor; Council members Fillmore, Ince, Ivie, McEwan, and Mecham; Lisa Romney,
2 City Attorney; Jacob Smith, Management Services Director; and Steve Thacker, City Manager.
3 Marsha Morrow, City Recorder was excused from the closed meeting.

4
5 **ADJOURNMENT**

6
7 At 11:21 p.m., Councilman McEwan made a **motion** to adjourn the meeting.
8 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

9
10
11
12 
13 _____
14 Marsha L. Morrow, City Recorder

11-21-2017

Date Approved



Tuesday, November 8, 2017
7:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

Jeannie Randall

365 So 400 East

PAUL CHILD

Kron Webb

1944 N 450 W

Date / M - I g t y v c

258 E. 200 S. Centerville

Andrew full

533E 550 S Centerville

STEVE & TERRY ALLEN

133 ROCK HAWK DR

NAME LATCH

1815. MAIN ST.

Ryan Lee

Salt Lake

Grant & Vivian Talbot

986 N. Brookfield

SPENCER WRIGHT

1178 W. LEGACY CROSSING BLVD., STE 100

SPENCER [WRIGHT]
Maurice & Linda Blane

5179. 100 g. *Bunifera*

Dirk Winger

785E 5005 BK

Rock Wrege

**** 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.**