

1 Minutes of the Centerville City Council meeting held Tuesday, April 19, 2016 at 7:00 p.m. at
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Mayor: Paul A. Cutler

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

13
14 **STAFF PRESENT** Steve Thacker, City Manager
15 Lisa Romney, City Attorney
16 Randy Randall, Public Works Director
17 Cory Snyder, Community Development Director
18 Kevin Campbell, City Engineer
19 Jacob Smith, Assistant to the City Manager
20 Kathy Streadbeck, Recording Secretary

21
22 **VISITORS** Interested citizens (see attached sign-in sheet)

23
24 **PLEDGE OF ALLEGIANCE**

25
26 **PRAYER OR THOUGHT** Steve Thacker, City Manager

27
28 **OPEN SESSION**

29
30 Kyle Green said he sides with those who want to preserve the current state and feel of their
31 neighborhoods. He encouraged the Council to keep Centerville as it is by not rezoning the
32 property on Lund Lane. He also mentioned the debris basin on 100 South stating it should be
33 preserved. He suggested the Council encourage the County not to sell this property but rather
34 keep it to ensure that future storms cannot devastate the city.

35
36 Mila Cutler said she sent a letter to the Council last night but also wanted to voice publicly
37 that she is grateful for the Council and their service.

38
39 Jennifer Beckstrand expressed concern with the plans to remove trees on 1825 North in order
40 to reconstruct the roadway, curb, gutter, and sidewalk. She encouraged the City to keep as many
41 trees as possible or at least replace those trees that are removed.

1 Ann Linton agreed the trees on 1825 North should remain. She said she has contacted
2 arborists from around the State who have stated the existing trees are on a preferred list for street
3 trees. She agreed those trees that have raised the sidewalk could be removed but encouraged the
4 City to keep those trees that are not currently causing a problem. She said Centerville has a tree
5 friendly status and suggested the City consider all options before accepting a bid for full
6 removal.

7
8 Justin Atwater said he represents the property owner for the rezone on Lund Lane. He said he
9 understands the emotions associated with a rezone and is sympathetic. He said the proposal is for
10 no more than 12 lots, including the existing residence. He said this is not an extreme density
11 change and they have no intention of seeking any additional density. He discussed the reasonably
12 debatable standard and said typically city council decisions are not contested in the courts under
13 this standard but of all cases that he has researched that seems to be because there was an
14 extreme density change requested. In this case, he is curious to see how a court of appeals would
15 view a denial.

16
17 Ivan Cutler said Centerville is moving away from its hometown feel. He said Lund Lane is
18 one of the last agricultural zones in Centerville, and should remain. He also said the debris basin
19 on 100 South should be preserved.

20
21 **SUMMARY ACTION CALENDAR**

- 22
23 a. Amendment No. 2 to Agreement with ACE Disposal for solid waste,
24 recycling and green waste collection services
25 b. Fee Schedule Amendment regarding Green Waste Collection Services and
26 Garbage Container Costs - Resolution No. 2016-09
27

28 Councilman McEwan made a **motion** to approve both items on the Summary Action
29 Calendar as listed above. The motion was seconded by Councilwoman Fillmore and passed by
30 unanimous vote (5-0).
31

32 **ZONE MAP AMENDMENT (REZONE) - Tabled from April 5, 2016 - Consider Zone**
33 **Map Amendment (rezone) for approximately 4.85 acres of property located at 77 West**
34 **Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L). Ordinance No. 2016-8.**
35

36 Mayor Cutler disclosed that he considers the property owner a close friend. In addition, he is
37 related to an adjacent property owner. However, he is not a voting member and will remain in his
38 seat.
39

40 Lisa Romney, City Attorney, reviewed some of the additional information provided to the
41 Council regarding the Standards of Review and the Reasonably Debatable Standards. She
42 reminded the Council that an appeal would go directly to the courts.

1 Councilwoman Fillmore said this is an important property rights issue. She said the proposed
2 rezone is supported by the General Plan and is harmonious with the general feeling of the city.
3 She said the intent of the General Plan is to move to Residential-Low (R-L) eventually. She said
4 there was a time when a past City Council considered rezoning this entire area to R-L because of
5 the intent of the General Plan, but ultimately decided to let it happen on a piece by piece basis,
6 which in her opinion is more difficult as this application has shown. She said the City Planner
7 has also made it clear that true agricultural uses require much larger parcels than the ½ acre lots
8 allowed in an A-L zone.

9
10 Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2016-08 amending the
11 Centerville City Zoning Map by changing the zoning of approximately 4.85 acres of real
12 property located at 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L)
13 based on the findings and recommendation of the Planning Commission. The motion was
14 seconded by Councilman Ince.

15
16 Councilman McEwan disagreed. He said the "harmonious" standard has to do with
17 surrounding uses and development, not with the general feeling of the city as a whole. He said
18 the proposed rezone is not harmonious with adjacent properties. In addition, he said the rezone
19 will adversely affect current surrounding property owners as the two uses/zones will conflict. He
20 said this Council cannot be burdened with a previous Council's logic. He said every decision has
21 its own merits and this rezone decision should be based on the four standards of review only. In
22 his opinion, this proposed rezone does not meet standards #2 and #3.

23
24 Councilman Ince said some recent development within this area has occurred which is not
25 harmonious with the surrounding area. He is not in favor of another rezone that will bring
26 additional development to this area.

27
28 Councilwoman Ivie said she drove this area again today and was shocked at how incongruent
29 the Woods Park Subdivision is in this area. She does not want to see even more density
30 introduced in this area. She said the Council is supposed to consider a rezone independent of any
31 conceptual development plan and the Council is to listen to the voice of the people. She said this
32 rezone is not desired. She agreed the property owner has rights, but does not believe a denial will
33 reduce the property owner's opportunity to sell his property. The property owner can still
34 subdivide with larger lots and sell each lot. She does not believe this proposed rezone is
35 compatible with the area.

36
37 Councilwoman Mecham agreed that rezoning this property would open the door to more
38 density, which is not desired.

39
40 Mayor Cutler called for a vote on Councilwoman Fillmore's motion. The **motion failed** with
41 a roll-call vote (1-4). Council members Ince, Ivie, Mecham, and McEwan opposed.

Councilman McEwan made a **motion** to deny Ordinance No. 2016-08 amending the Centerville City Zoning Map changing the zoning of approximately 4.85 acres of real property located at 77 West Lund Lane from Agricultural-Low (A-L) to Residential-Low (R-L) because the rezone is not harmonious with the overall character of existing development in the vicinity [Section 12-21-080(e)(2)] and the rezone will adversely affect adjacent property [Section 12-21-080(e)(3)]. Councilman McEwan said an R-L Zone directly adjacent to an A-L Zone will produce conflicting uses. The motion was seconded by Councilwoman Ivie and passed by roll-call vote (4-1). Councilwoman Fillmore opposed.

BID AWARD - Award bid for street reconstruction and overlays to Advanced Paving in the amount of \$410,977.53

Kevin Campbell, City Engineer, reviewed the plan and bids for removal and reconstruction of the roadway, storm drain, curb, gutter and sidewalk on 1825 North. Advanced Paving was the low bidder for this project. He explained the current plan is to remove all trees as they have not been maintained, are in poor condition, and are causing several issues with raising concrete and asphalt and mixing with utility lines below. The plan is to reconstruct the roadway as it currently exists with 4-foot park strips. Mr. Campbell does not recommend replacing trees in a 4-foot park strip. He said the park strip should be widened if the Council desires to re-install trees, which would require a narrower roadway. He said there are some smaller trees that could work in a 4-foot park strip but the preference would be to move trees behind the sidewalk.

Scott Zeidler, State Arborist, explained many cities do not allow trees in park strips less than 6-feet wide. He said some cities are choosing to ban trees in park strips. He provided a list of trees that can be accommodated in a 4-foot park strip but said this is not ideal. He explained these trees are smaller caliper and will not provide an ideal shade canopy. In addition, regular maintenance is still required for any tree. He explained the root systems for these smaller trees remain shallow (18" or less) in order to get water and give off oxygen. He said soil compaction, which is likely with road construction, will limit tree maturity. He said street trees are also inhibited by water conservation needs. He predicted as water conservation becomes a bigger issue, street trees will be the first to go. Mr. Zeidler said he has heard of a practice that removes and preserves the park strip soil until a project is completed, then the native soil is loosely replaced and trees planted. This loose soil allows for better water penetration and root growth. However, he recommends a wider park strip be constructed if park strip trees are desired on 1825 North. He agreed the locust trees that currently exist on 1825 North are too large for the area in which they are planted and should be removed. He agreed trees behind the sidewalk may be a better option. He said trees in front yards can be larger, have a better root system, have greater access to water, and can provide an appropriate canopy. Mr. Zeidler discussed cost vs. benefit. He said there is cost for installation, maintenance, and removal but there is also benefits of aesthetics and real estate value. He said Grantsville City has been successful in providing tree purchases at a discount to encourage trees on private property rather than in park strips.

1 Councilwoman Fillmore said for every pro there is a con and vice versa. The City needs to
2 decide what value they give street trees. She agrees they are aesthetically pleasing and do
3 provide value to the city. She said the trees on 1825 North are part of the infrastructure and she
4 believes these property owners bought into this neighborhood because of this infrastructure. She
5 is inclined to replace the trees that are being removed and she would like to look at all options to
6 replace these trees. She would like staff to look at options to include loose soils so that the trees
7 can be replaced.

8
9 Randy Randall, Public Works Director, said all utilities that are placed in park strips are
10 generally between 12-32" deep. He said 1825 North has several utilities running under the park
11 strips. He said loosening the soil is not ideal for the utilities located in the park strip. In addition,
12 there is a problem with tree roots intertwining with utility lines. He said park strips are built for
13 utility easements. He also reminded the Council that park strip trees are to be maintained by the
14 property owner, which is also a struggle.

15
16 Councilman McEwan said this is not an issue that will be resolved tonight and believes the
17 project can move forward. He suggested the Council discuss street trees further at a future
18 meeting. Councilwoman Fillmore agreed this issue should be put on a future agenda. She would
19 like to look at all options to replace the trees on 1825 North before the project is complete.

20
21 Steve Thacker, City Manager, asked Kevin Campbell and Randy Randall if the location of
22 the utility lines in the park strips could be easily documented as the project moves forward; then
23 perhaps trees could be placed in the future to avoid the utilities. He said staff does have a goal to
24 inventory all street trees throughout the city. Once this is complete the Council may choose to
25 revisit this issue and make an informed decision for street trees throughout the city. Mr. Thacker
26 reviewed the cost of the project and the budget explaining how this project is to be funded,
27 noting that if the project is completed in the current fiscal year, a budget amendment will be
28 needed to appropriate new gasoline tax and Proposition One revenues for this project.

29
30 Councilman McEwan made a **motion** to award the contract to Advanced Paving for the
31 Street Rebuild and Overlay Project 2016 in the amount of \$410,977.53. The motion was
32 seconded by Councilwoman Ivie and passed by unanimous roll-call vote (5-0).

33
34 **COUNTY PROPERTY - Direction regarding County property on 100 South**

35
36 Kevin Campbell, City Engineer, reviewed the history of the debris basin on 100 South and
37 the purposes for the debris basin. When another debris basin upstream was constructed later it
38 took approximately 200 home sites out of the flood plain. He explained there is a need for the
39 100 South debris basin but it does not need to remain as large as it is. The volume of the basin
40 could be diminished and still remain adequately functional. He recommended the basin be
41 cleaned out yearly to preserve function. He explained the typical construction standards for a
42 debris basin with cement floor and walls. He also reviewed fencing and other safety protocols

1 that should be implemented. The City is working with the County to discuss all plans for the
2 basin. The County has offered to construct and maintain the basin but would like to sell the
3 excess property.

4
5 Mayor Cutler asked staff to prepare a written recommendation for the basin to be submitted
6 to the County so that Centerville has an official position on the record. He said he is not inclined
7 to purchase the property but would like to specify the City's desire for the area.

8
9 Councilwoman Ivie said she cannot justify paying what the County is asking for this parcel,
10 but she is concerned with any development in this area. She would like to preserve as much of
11 the property as possible as a safe guard against a major weather event. She also said this area is
12 often used for recreation and would love to see it remain as open space.

13
14 Councilwoman Mecham expressed concern over a major weather event. She too would like
15 to pursue options that would keep this area undeveloped.

16
17 Randy Randall, Public Works Director, said the debris basin would be constructed to manage
18 a 100-year storm. He explained the bigger issue is the stream bed below the basin. This stream
19 bed has not been properly maintained because it runs through private property and in many cases
20 has been filled, shifted, narrowed, or otherwise compromised. He said it is the stream channel
21 that will likely flood in a major event. He agreed the basin needs to be properly constructed and
22 maintained with an adequate stream bed. Mr. Randall agreed to prepare a written statement as
23 suggested by the Mayor explaining the City's desires and recommendations for the basin and the
24 site as a whole.

25
26 Councilwoman Mecham made a **motion** to direct staff to prepare a written statement
27 outlining the City's recommendations and desires for the debris basin and the area as a whole.
28 The motion was seconded by Councilman Ince and passed by unanimous vote (5-0).

29
30 **MAVERIK COST SHARING - Cost-sharing agreement with Maverik regarding**
31 **Trailhead improvements at 1250 West Parrish Lane**

32
33 Steve Thacker, City Manager, reported staff recently met with Maverik to review the
34 trailhead design plans and agreements. The City is still awaiting a formal response from
35 Maverik's attorney on the "Trailhead Cost Sharing, Maintenance and Easement Agreement". It
36 seems Maverik is accepting of the cost-sharing proposal and staff recommends approval. Any
37 requested changes from Maverik can be done through an amendment process. Mr. Thacker
38 reviewed and explained the revised estimated cost sharing. The new estimated amount is
39 approximately \$87,000 of which the City would be responsible for half. Mr. Thacker reminded
40 the Council that the colored concrete installed in connection with the traffic signal has already
41 been paid for by the City, which will be credited as part of the City's 50% cost share. In addition,
42 he explained the remaining balance of the City's share is to be funded by the RDA.

Lisa Romney, City Attorney, recommended the following five (5) conditions for approval.

1. The amended plat for the Legacy Trail Subdivision shall be completed and recorded.
2. A Standards and Specification reference be included stating that all concrete work shall meet all applicable City standards.
3. A revised cost estimate of \$87,000.
4. A one-year warranty for all work shall be required.
5. Maverik shall provide a legal description for the easement to be reviewed and accepted by the City Attorney and the City Engineer.

Mr. Thacker recommended a sixth (#6) condition stating the approval is contingent on funding approval from the Redevelopment Agency.

Councilwoman Ivie made a **motion** to approve the Trailhead Cost Sharing, Maintenance and Easement Agreement with Maverik regarding trailhead improvements at 1250 West Parrish Lane with conditions 1-6 as listed above. The motion was seconded by Councilman McEwan and passed by unanimous vote (5-0).

MUNICIPAL CODE AMENDMENTS - Title 14 - Traffic Code - Tabled from April 5, 2016 - Consider Ordinance No. 2016-10 amending various provisions of Title 14 of the Centerville Municipal Code regarding the Traffic Code

Lisa Romney, City Attorney, reported that as part of the City Council's approval and direction to staff to transition the Centerville Municipal Code to an online electronic code, various amendments to Title 14 regarding the Traffic Code are proposed. The suggested amendments to Title 14 have been reviewed by the Police Chief. The majority of the revisions are reformatting, renumbering, and updating to conform with State Law.

The Council discussed on street parking during winter months and overnight hours. This is a complaint that is frequently made by citizens. Ms. Romney said the proposed amendments provide a narrower window than in the past. She said there is a balance between the need of the Public Works Department and the Police Department taxed with the enforcement of this provision. She said the Police Department does not actively seek to ticket vehicles that may be parked on the street during these times, but if there is a problem this provision allows for enforcement. The Council discussed weather events and considered the possibility of a provision that limits parking when a storm is predicted and not just during a block of time. Councilwoman Fillmore asked Lisa Romney to check what the State Code says about ORVs, and check the Centerville Ordinance to make sure ORVs are not mentioned anywhere else, and that the Centerville Ordinance is not more limiting than the State Code.

1 Councilwoman Fillmore made a **motion** to approve Ordinance No. 2016-10 amending
2 various provisions of Title 14 of the Centerville Municipal Code regarding the Traffic Code,
3 allowing any other non-substantive changes as deemed necessary by the City Attorney. The
4 motion was seconded by Councilwoman Ivie and passed by unanimous vote (5-0).

5
6 **MUNICIPAL CODE AND FEE SCHEDULE - Consider Amendments Regarding**
7 **Franchise Application Fees**
8

9 Lisa Romney, City Attorney, reviewed the proposed amendments and fee schedule. She
10 explained the proposed amendments clean up all franchise agreement ordinances. The proposed
11 amendments clarify standards and apply appropriate fees for the work involved.

12
13 Councilman Fillmore made a **motion** to approve Ordinance No. 2016-11 enacting Section
14 11-01-057 of the Centerville Municipal Code regarding Franchise Application Fees and
15 Resolution No. 2016-10 amending the City Fee Schedule regarding Franchise Application Fees.
16 The motion was seconded by Councilman McEwan and passed by unanimous vote (5-0).

17
18 **AUDIT CONTRACT - Award bid for audit contract**
19

20 Steve Thacker, City Manager, reported the contract for auditing and advisory accounting
21 services with Hansen, Bradshaw, Malmrose and Erickson (HBME) is expiring. Staff has gone
22 through the RFP process and obtained five (5) proposals of which staff suggests two (2) for
23 consideration (HBME and Keddington & Christensen). He explained the City has used the
24 current firm for the past 13 years. There is no recommendation from the State Auditor's Office or
25 the GFOA regarding how often a city should change auditors. Mr. Thacker mentioned that
26 staying with the current firm would require less work from staff. In addition, HBME provided
27 the lowest bid for services.

28
29 The Council discussed the need for transparency that perhaps a new pair of eyes could
30 provide. Several Council members agreed that thirteen (13) years may be too long to remain with
31 the same auditing firm. The Council also discussed the possibility of keeping the current firm as
32 long as a different auditor within the firm was used. It was mentioned that the experience of the
33 proposed firms is significant and their ratings are good, both of which should limit the burden on
34 staff.

35
36 Mr. Thacker said HBME uses an auditing team and that some members will be different but
37 not all. Mayor Cutler suggested the current firm remain in place as they are the low bid and he
38 would prefer to save the \$7,000 for other budget items. Lisa Romney, City Attorney, reminded
39 the Council to state for the record why a low bidder may not be chosen.

40
41 Councilwoman Ivie made a **motion** to award the audit contract to Keddington & Christensen
42 to perform the audit and prepare the Comprehensive Annual Financial Report (CAFR) for FY

2016 through FY 2020. Although Centerville has enjoyed a long and successful relationship with HBME is it time for a new pair of eyes. The motion was seconded by Councilman McEwan and passed by roll-call vote (4-1). Councilman Ince opposed.

PERSONNEL POLICIES AND PROCEDURES AMENDMENTS - Consider Resolution No. 2016-11 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave and amending Section 4.140 of the same regarding All-Purpose Leave

- a. Approve Resolution No. 2016-11 amending Section 4.150 of the Personnel Policies and Procedures regarding Long-Term Sick Leave (LTSL) and amending Section 4.140 of the same regarding All-Purpose Leave.
- b. Authorize buy-out of the pre-1986 sick leave liability.
- c. Consider buying down the current Long-Term Sick Leave liability before June 30, 2016, in accordance with the proposed amendment to the LTSL policy--i.e. buying down to the proposed 800-hour cap after converting the excess hours at a 4 to 1 ratio.

Mayor Cutler suggested the funding for the portions of the above options that would impact the General Fund be taken from the General Fund balance. Steve Thacker, City Manager, agreed and reviewed the proposed costs for the initial buy-out/buy-down (i.e. b and c above): \$35,483 from General Fund and \$27,417 from Water Fund – as of April 2, 2016. He also suggested the Council table items b & c until May when a full 10-month financial report is available for review.

Councilman Ince made a **motion** to approve the item (a) as listed above. The motion was seconded by Councilman McEwan and passed by unanimous vote (5-0).

Councilman McEwan made a **motion** to table items b & c as listed above until the May 17, 2016 City Council meeting. The motion was seconded by Councilwoman Mecham and passed by unanimous vote (5-0).

FINANCIAL REPORT - Financial Report for period ending March 31, 2016

A financial report for the period ending March 31, 2016 was reviewed. Steve Thacker, City Manager, explained portions of the financial report, and answered questions from the Council.

MAYOR's REPORT

The Mayor used this time to update the City Council on a few items including the Fire Agency, UTOPIA/UIA, and the Lunch with the Mayor Program for elementary school students.

CITY MANAGER's REPORT

Steve Thacker, City Manager, used this time to update the City Council on several items. He updated the Council on the Parrish Lane/Pedestrian Bridge fencing project explaining the project will not be completed by the June 1, 2016 deadline and that a 30-day extension has been requested. Second, he suggested the City Council hold a public hearing on Accessory Dwelling Units at the May 17, 2016 City Council meeting. This time frame will allow for adequate noticing of the hearing. The Council, however, directed staff to put this issue on the May 3, 2016 City Council agenda for discussion again before deciding whether to proceed with a public hearing. Finally, Mr. Thacker briefly discussed the upcoming Health Insurance Renewal and the differences between the projected increased rates and a change over to a Health Savings Account option. The Council requested an analysis of the proposed increased rates vs. a change to a Health Saving Account option to be reviewed and discussed at a future meeting.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the March 23, 2016 joint work session (amended from 4-5-2016 meeting) were reviewed and amended. Councilman Ince made a **motion** to approve the minutes as amended. The motion was seconded by Councilman Ivie and passed by unanimous vote (5-0).

The minutes of the April 5, 2016 work session and regular City Council meeting were reviewed and amended. Councilman Ince made a **motion** to approve the minutes as amended. The motion was seconded by Councilman Fillmore and passed by unanimous vote (5-0).

The minutes of the April 5, 2016 Centerville City closed meeting were reviewed. Councilwoman Ivie made a **motion** to approve the minutes as written. The motion was seconded by Councilwoman Mecham and passed by unanimous vote (5-0).

GOAL SETTING - Clarify goal-setting process outcome

Steve Thacker, City Manager, used this time to review the City Councils goals as discussed in the March 23, 2016 City Council meeting minutes. The Council clarified several of the goals and the proposed timing.

MISCELLANEOUS BUSINESS

Councilman Ince and Councilwoman Fillmore recently attended a ULCT Conference. Due to a lack of time, they will report on this conference at a future meeting.

ADJOURNMENT & REDEVELOPMENT AGENCY MEETING

At 10:58 p.m. Councilman McEwan made a **motion** to adjourn the City Council meeting and go into a Redevelopment Agency meeting. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).



Marsha L. Morrow, City Recorder

5-3-2016

Date Approved



Kathleen Streadbeck, Recording Secretary

