Minutes of the Centerville **City Council** meeting held Tuesday, February 19, 2013 at 7:03 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Council Members	Justin Y. Allen Ken S. Averett John T. Higginson, Mayor Pro Tem Lawrence Wright
MEMBERS ABSENT	Ronald G. Russell, Mayor Sherri Lyn Lindstrom
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Katie Rust, Recording Secretary
VISITORS	Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilman Ken Averett

OPEN SESSION

Spencer Packer – Mr. Packer is Chair of the Whitaker Museum Board. The Whitaker Museum grand opening will take place on March 8th. He reported that significant progress has been made relative to the Museum and expressed the hope that Council members will support and attend the grand opening. Councilman Wright expressed appreciation for the Museum Board's efforts and asked if someone in the Whitaker family will be in attendance at the grand opening. Mr. Packer confirmed that members of the Whitaker family have been invited and added that some have donated financially to the Museum. The Whitaker Museum Board plans to report to the Council on their plans and activities at the March 5 Council meeting.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the February 5, 2013 Council meeting were reviewed. Councilman Averett made a **motion** to table approval of the minutes until the next Council meeting. Councilman Wright requested a correction on page 9 of the minutes and seconded the motion to table approval. The motion passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

a. Animal Control Agreement with Davis County – Consider Resolution No. 2013-08
b. Interlocal Agreement re funding for the construction of the D&RGW Trail extension from Farmington to Centerville – Consider Resolution No. 2013-09

Councilman Wright requested the Council discuss item (a) on the Summary Action Calendar separately. Steve Thacker, City Manager, explained item (b), the Interlocal Agreement regarding funding for the construction of the D&RGW Trail extension. Councilman Allen made a **motion** to approve Resolution No. 2013-09 approving an Interlocal Cooperation Agreement between Centerville City, Farmington City and Davis County for the construction of a

public trail on the Denver & Rio Grande Railroad right-of-way. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

Referring to item (a) on the Summary Action Calendar, Councilman Wright commented on the bat problem at Jennie P. Stewart Elementary and the fact that the City will be paying $21,619 for animal control services (annual fee) in addition to wildlife charges of $25.75 per bat for the 77 bats recently found in the school. Councilman Wright asked if the City can bill the School District for that expense. Staff has contacted the District about reimbursement. Steve Thacker has also drafted an email to those who oversee the animal control program suggesting an alternate fee structure in cases where there are multiple animals in the same incident. Councilman Wright commented there is nothing in the Animal Control Agreement with Davis County regarding what Animal Control will do in a disaster or emergency to provide support for sheltering animals, and suggested something be added to the Agreement. Lisa Romney, City Attorney, stated adding new language to the form agreement would be problematic. Mr. Thacker suggested staff seek a response from the County in writing stating that disaster support is included in their services.

Councilman Wright made a **motion** to approve Resolution No. 2013-08 approving an Interlocal Cooperation Agreement between Centerville City and Davis County for animal control services for the five-year period 2013-2017. Councilman Allen seconded the motion, which passed by unanimous vote (4-0). Staff agreed to ask the County about animal care services during an emergency or disaster.

AMEND CITY FEE SCHEDULE – CONSIDERATION OF RESOLUTION NO. 2013-05

This matter was tabled at the February 5 Council meeting to allow staff to learn whether other Davis County cities have a two-tiered park impact fee – i.e., different amounts for single-family vs. multi-family units. Staff found that most cities in Davis County have a two-tiered park impact fee. In the Park Impact Fee Analysis, multi-family units make up only 1.4% of projected future units based on current zoning designations. The Analysis also uses the 2010 U.S. Census average of 3.14 persons for all residential units, multi and single. Therefore, staff recommended a uniform rate, but provided in the Ordinance (adopted February 5) an option that allows for adjustments to the fee if the developer requests such and provides sufficient justification.

Any revision to the Park Impact Fee Facility Plan and Analysis to accommodate a separate multi-family park impact fee would require starting over with the entire process and delays the effective date. As such, staff recommends the Council leave the Park Impact Fee Facility Plan and Analysis as is and update the City's Fee Schedule to include the revised Park Impact Fee of $2,057 – with the understanding that a developer can request and the City can consider charging a lower fee for multi-family development. Staff has computed there would be a difference of about $250 between the single-family and multi-family park impact fees with a two-tiered approach.

Councilman Allen pointed out the law does not require the City to charge the maximum fee suggested by the Analysis. He asked if another study would be necessary to keep the single-family park impact fee at the recommended $2,057 and lower the multi-family park impact fee to $1,800. Lisa Romney stated that the Analysis would have to be revised and the public notice process would have to begin again because the data involved would change. She reminded the Council that park impact fees put a proportionate share on new development to keep the current level of service for parks. Councilman Allen expressed he is comfortable

moving forward with amending the Fee Schedule provided multi-family developers are informed in the future of the option to request a lower rate if it can be justified.

Councilman Averett made a **motion** to approve Resolution No. 2013-05 amending the Centerville City Fee Schedule adopting the revised Park Impact Fee of $2,057 with an effective date of April 16, 2013, with the condition that multi-family developers be informed of the option to request a lower rate if it can be justified. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – ZONE MAP AMENDMENT FOR LAND LOCATED AT SOUTHEAST CORNER OF LUND LANE AND FRONTAGE ROAD FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW/PLANNED DEVELOPMENT (R-L/PD)

Councilman Wright made a **motion** to delay the public hearing for the Zone Map Amendment for land located at the southeast corner of Lund Lane and Frontage Road from (A-L) to (R-L/PD) until the Council meeting on March 5, 2013. The motion was seconded by Councilman Averett and passed by unanimous vote (4-0). This delay is necessary because the Planning Commission has not yet forwarded their recommendation.

CODE ENFORCEMENT PROGRAM (CONTINUED FROM FEBRUARY 5 CITY COUNCIL MEETING)

Staff did the follow-up research requested by the Council at the February 5th meeting regarding what other cities in Davis County are imposing as a civil penalty for code enforcement violations, and found that only a minority of the 10 cities that provided information impose a civil penalty. A majority of the cities use the criminal process to impose Misdemeanor penalties for code violations. The most typical fee or fine imposed, however, whether by civil penalty or Misdemeanor fine, is $150 for the initial offense. It is staff's recommendation to adopt the fee schedule amendments as proposed in Resolution No. 2013-07, imposing an initial $150 civil penalty, with increased penalties for recurring or subsequent violations. Councilman Averett stated the resolution seems reasonable and prudent. Councilman Wright made a **motion** to adopt Resolution No. 2013-07 amending Section XII of the Centerville City Fee Schedule regarding civil penalties for municipal code violations. Councilman Averett seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – GENERAL PLAN AMENDMENT RE CHAPTER 12-490, MODERATE INCOME HOUSING PLAN – CONSIDERATION OF ORDINANCE NO. 2013-03

Cory Snyder, Community Development Director, summarized the history and requirements of the Moderate Income Housing element of the General Plan required by State law. There had not been a significant reassessment of "moderate income housing" status for the City since the initial adoption of the plan element in February of 2002, although several biennial reports have been submitted. Mr. Snyder explained what is included in the proposed element. The Planning Commission recommends the City Council approve the amendments to the Centerville City General Plan with regards to Moderate Income Housing.

At 7:56 p.m. Mayor Pro Tem Higginson opened a public hearing. Seeing that no one wished to comment he closed the public hearing. Councilman Wright complimented Mr. Snyder on the work done. Steve Thacker specified three minor revisions that need to be made to the amendment:

- on page 7 paragraph (B) in the right-hand column, "moderate income" should be replaced with "median income".
- on page 8 paragraph (B) in the right-hand column, the phrase "with income less than $50,000 as shown in table above" should be added in the parenthesis after "1,349 households".
- in the last paragraph on page 11 it should read "mixed-use or flexible use" rather than "mixed-use for flexible use".

Councilman Wright made a **motion** to approve Ordinance No. 2013-03 amending and recodifying Section 12-490 of the Centerville City General Plan regarding Moderate Income Housing, including the revisions stipulated by the City Manager and any other nonsubstantive changes staff might identify. Councilman Allen seconded the motion, which passed by unanimous vote (4-0).

FINANCIAL REPORT

Blaine Lutz, Finance Director, presented a financial report for the period ending January 31, 2013.

MAYOR'S REPORT

In Mayor Russell's absence, Mr. Thacker reported that the South Davis Metro Fire Agency expects to collect enough impact fees to cover the next debt service payment. No additional assessment is expected to be necessary from the member cities in the next fiscal year.

CITY MANAGER'S REPORT

- Jacob Smith, Management Assistant, will be sending Council members instructions regarding how to access the new City website for review.
- Mr. Thacker gave an update on the well project, reporting that drilling has stopped at 700 feet. They did not reach the amount of water hoped for, but are optimistic that the well will produce 700-800 gallons per minute. Test pumping will occur after which the decision could be made to drill deeper if recommended.
- Lisa Romney updated the Council on the Chase Lane property enforcement. Only one response to the Petition for Declaratory Judgment was received – from Bonneville Title indicating they are not concerned about their interest in the property. No answers to the Petition were filed. Ms. Romney has been told the property will be foreclosed on this month. The next step is to file a Declaratory Judgment Action, which she will do in the next week or two.
- The Council indicated they would like staff to proceed with the regular spring green clean-up.
- Mr. Thacker presented a FY 2014 Budget Calendar and a proposed City Council Goal-Setting Process and Calendar. Councilman Wright requested staff provide the status of last year's goals as well as last year's master goal list with collective ratings.
- Councilman Averett asked staff for an update regarding the UTOPIA OpEx assessment. Mr. Thacker reported that Mayor Russell voted against the OpEx assessment formula at the UIA Board meeting based on the Council's vote. However, the formula was approved by the UIA Board. Councilman Wright commented that he received a copy of a letter from CenturyLink to UTOPIA that was not sent to other Council members. Staff will forward the letter to the entire Council.

ETHICS TRAINING FROM CITY ATTORNEY

Ms. Romney gave the Council training regarding conflicts of interest and ethics. She recommended Council members think about not only what they are doing, but the appearance of it and how their actions are perceived by the public. Council members are to be as objective as possible and vote for the public good. Centerville does not elect officials by separate districts. Council members represent all of Centerville. The trust of the public is gained through continual, consistent, transparent action and decorum.

Under the Utah Officers' and Employees' Ethics Act, Council members:

- cannot disclose private protected information acquired by reason of official position
- cannot use or attempt to use position to further personal economic interests or secure special privileges for self or others
- cannot knowingly receive, accept, take, seek or solicit a gift of substantial value that would tend to influence decisions or duties, or as a reward for official action

As representatives of the community, Council members are approached by citizens seeking answers or help. The Council and staff discussed the appropriate level of Council member involvement in individual situations. Councilman Averett related an experience he had recently and commented that members of the public perceive talking to Council members about a concern to be the same as talking to staff about the concern. Ms. Romney agreed that Council members can mention or forward a complaint to staff, but recommended letting staff deal with and respond to such complaints rather than individual Council members pursuing such resolution. City employees are subject to the same ethical guidelines as elected officials.

Under the Utah Officers' and Employees' Ethics Act, Council members must:

- disclose any compensation or arrangement to assist someone in a transaction involving the City
- disclose interest in a business entity that is subject to regulation by the City
- disclose interest in a business entity that anticipates doing business with the City
- disclose any personal interest or investment which might create a conflict of interest

ADJOURNMENT

At 9:23 p.m. Councilman Wright made a **motion** to adjourn the Council meeting. Councilman Allen seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

3/5/13
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL MEETING

Tuesday, Feb 19, 20 13
7:00 p.m.

NAME (PLEASE PRINT)	ADDRESS**
SPENCER PACKER	581 VALLEY DR.
Dylan Tovey	Centerville
Carter Zaugg	Centerville
Logan Nance	58 east, Canyon breeze drive
Brady McGary	18 E 820 S
TODD SWEETEN	590 S. 300 E.
Joseph Hovley	420 S. 300 E.
Noah Anderson	
Sam Erickson	169 E. Canyon Breeze Dr.
Tanner Van Orman	55 E. Canyon Breeze Dr.
Ryan Johnson	8 HOS 300 E
Jonah Anderson	90 east 735 South
Bryson Sperry	895 S. 300 E.
Kaysoon Sperry	
Kaylyn + Ethan LeFevre	257 Cottonwood Dr.
Jaxson	1338 N. 200 E centerville UT.
Bryce Van Orman	55 Canyon Breeze Dr.
Kevin Smith	18 E. 735 S. Centerville

** 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.