Minutes of the Centerville **City Council** meeting held Tuesday, April 2, 2013 at 7:06 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Ronald G. Russell
Council Members	Ken S. Averett John T. Higginson Sherri Lyn Lindstrom Lawrence Wright
MEMBER ABSENT	Justin Y. Allen
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 Larry Wright

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND APPROVAL

The minutes of the March 19, 2013 goal setting work session and Council meeting were reviewed. Councilman Wright requested an amendment to the Council meeting minutes, and made a **motion** to approve the Council meeting minutes as amended. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0). Councilwoman Lindstrom made a **motion** to approve the work session minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – REZONING PROPERTY FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW/PLANNED DEVELOPMENT (R-L/PD) AND CONCEPTUAL SUBDIVISION PLAN FOR THE WOODS PARK SUBDIVISION, LOCATED AT APPROXIMATELY 2250 NORTH 800 WEST (TABLED FROM MARCH 19 MEETING) – CONSIDER ORDINANCE NO. 2013-05

The proposed 29-lot development is to be located at 2250 North 800 West, which is on the north end of the City limit line adjacent to the Frontage Road. The applicant desires to develop the property into a Planned Development Overlay (PDO) Subdivision. In order for this to happen, the applicant must receive a zone map amendment to modify the zoning from Agricultural-Low (A-L) to Residential-Low-Planned Development (R-L/PD). Cory Snyder, Community Development Director, gave a brief history of the request and actions taken. Since the matter was last presented to the Council the developer has secured an additional tract of land to the south he desires to include in the PDO review process. The proposed development would include narrower rights-of-way but standard road widths, fencing upgrades around the perimeter, and increased storm drain capacity that would benefit the surrounding area. Mr. Snyder reported the Planning Commission approves of the improved design and the ability to better manage storm drainage. It is not likely the City would achieve the same level of storm drainage upgrades if the property were to remain zoned agricultural. The Planning Commission recommends the Council approve the rezone as well as the PDO. Mr. Snyder reminded the Council that a major consideration with the rezone is the adequacy of facilities. The Planning Commission feels that, with the proposed Development Agreement, the adequacy of facilities requirement is met.

Lisa Romney, City Attorney, reported that staff has worked with the developer and City Engineer Kevin Campbell to determine what needs to be done to handle the storm water on the property. Staff recommends the City enter into an agreement with the developer and property owners that will ensure the adequacy of the drainage facilities prior to approving the rezone. The developer will improve drainage on the property, as well as pay a fair share to improve drainage on the west side of the freeway in the UTA corridor. The City will pay to up-size the improvement to maximize the capacity. Staff feels the Development Agreement provides a win-win situation for the City with the developer paying for a majority of the improvements. Ms. Romney provided the Council with a Section 44 to be added to the Development Agreement, and a new condition #8 to be added to the Ordinance.

Alan Prince, developer of the project, stated he has never been through a more unique process and faced more unique challenges with a development project. He is thrilled to be developing this part of the community, and appreciates the time that has been spent by staff. He feels the development will be a tremendous benefit to everyone involved. Mr. Prince answered questions from the Council about the development.

At 7:46 p.m. Mayor Russell opened a public hearing regarding the proposed rezone and conceptual plan.

Shelley Tew – Ms. Tew is a daughter of the property owner, Val Woods. She thanked the City for the time that has been put into trying to develop the area. Ms. Tew feels the appearance of the property will be improved with the development.

Dee Evans – Mr. Evans has owned the property to the east of the project for 23 years. He has concerns regarding the plan to raise the level of the development property, and asked how far the property will be raised. Staff stated the grade level has not yet been determined. He welcomes the development to a certain extent. He knows that to develop his property he would have to pay to improve the infrastructure, yet there will be a cost to the City for part of the infrastructure costs for the proposed development. Mr. Evans feels some of the benefits in the original plan have been lost, and is concerned that second and third homeowners will not uphold the original rules and restrictions placed by the Homeowners Association. He wants to see a good development that is done properly where families will want to stay. He pointed out the lack of gardening space in the development, and asked the Council to be mindful of others in the neighborhood.

Gene Stewart – Mr. Stewart is a son-in-law of Val Woods. He feels the development project has a good, responsible developer and thanked the City for the time put into the project. He feels it will be something Centerville can be proud of.

Trish Evans – Ms. Evans and her husband own the property to the east of the project. Her biggest concern is related to the type of fencing that will be put between the development project and her property. They raise cattle for beef, and they want children in the development to be protected from their bulls. They are not completely against having development, but would prefer that the property have bigger lot sizes.

Mayor Russell closed the public hearing at 8:05 p.m. The Mayor feels the proposed development is an improvement and recommended moving forward with the project. Councilman Averett commended staff and the developer for addressing many of the concerns raised at previous meetings. He feels it will be a quality development that will enhance that part of the city, benefit the neighbors, and positively impact property values. Councilwoman Lindstrom echoed the Mayor's and Councilman Averett's comments. She thanked the members of the public in attendance and feels the development will be a better project because of comments from the public. Councilman Higginson is pleased with the improvements that have been made to the project. He wants to ensure that the residents neighboring the development are not told to change their use of land when new residents complain about the animal noises and agricultural smells. Councilman Wright expressed concern that not more members of the public were in attendance. He feels the development is an example of why citizens need to be continually engaged and involved in what is going on. Councilman Wright agrees that the development should move forward.

Councilman Averett made a **motion** to approve the Development Agreement between Centerville City, the Wood Trust, William J. Wright and Suzanne B. Wright, and David Ellis for the Woods Park Planned Development (PDO) regarding necessary infrastructure and improvements for development, including the addition of Section 44 as presented by staff. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Councilman Averett made a **motion** to adopt Ordinance No. 2013-05, amending the Centerville City Zoning Map by changing the zoning of approximately 5.31 acres of certain real property from A-L to R-L/PD and accepting Conceptual Subdivision Plan for the Woods Park Planned Development as recommended by the Planning Commission, with the addition of Condition #8 to the Conditions of Approval as follows:

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.
2. Upon R-L/PD approval by the City, all future development must substantially comply with the Concept Plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission and City Council, except as amended by the City.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
    a. May receive up to a 20% density bonus consisting of no more than 29 single-family homes.
    b. May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.
    c. May eliminate the public sidewalk along one side of the street.
    d. May reduce front yards to 20 feet.
    e. May reduce side yards to 5 feet or 10 feet between units.
    f. May reduce rear yards to 15 feet.
4. This PDO Concept Plan acceptance is amended to include the following:
    a. Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.

b. Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.
c. Reduce congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.
d. Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage.
e. The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
f. All primary buildings and attached accessory building elements are to comply with the approved setbacks.
g. The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.
h. Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
i. Provide increased architectural interest and detail on the perimeter fencing facing the roads.
j. Trees for privacy added in the landscaping plan along the backs of Lots 9-14.
k. A plat note added and a seller disclosure provided that this development is next to existing agricultural zoning.

5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
6. This PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.
7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City Ordinances.
8. Prior to the effective date of the RL/PD zoning, the Development Agreement regarding required drainage facilities and infrastructure shall be fully executed by the parties and recorded against the Property.

The motion includes the followings findings:

1. The City Council finds that the proposed PDO Concept Plan, with the listed conditions, results in a residential project design and layout that could not be accomplished through conventional zoning.
2. The City Council finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080 and the review procedures set forth in Section 12-21-080(e).
3. The City Council finds that the PDO Concept Plan, with the listed conditions, provides sufficient evidence in regard to the project's design and amenities to receive a bonus density of up to 20% [Section 12-480(c)(2)].
4. The City Council finds that the PDO Concept Plan is in harmony with the General Plan's residential base density [Section 12-480-5].
5. The City Council finds that the PDO Concept Plan is in harmony with the General Plan's desire to have future development to occur within small PUDs [Section 12-480-5].

Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

MAYOR'S REPORT

Mayor Russell recommended the appointment of David Hirschi to the Planning Commission to take Ken Holbrook's place effective April 24, 2013. Councilwoman Lindstrom made a **motion** to appoint David Hirschi to the Planning Commission effective April 24, 2013. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

Mayor Russell recommended Ben Horsley be appointed to the Parks and Recreation Committee. Councilman Higginson made a **motion** to appoint Ben Horsley to the Parks and Recreation Committee. The motion was seconded by Councilman Wright and passed by unanimous vote (4-0). Councilwoman Lindstrom made the observation that a number of individuals on the Parks and Recreation Committee are from the north end of the city, with no representation from the south end. Steve Thacker responded that one appointment on the Committee is still available, and Mayor Russell added that he would be happy to accept applications or recommendations.

Mr. Thacker and the Mayor recently met with Mr. Carlson regarding whether he would be interested in selling his property in the Bamberger neighborhood to the City. Mr. Carlson indicated he would entertain an offer from the City. Councilwoman Lindstrom feels that part of the city is short on park space and would like to see the property preserved for park space.

CITY MANAGER'S REPORT

- At a previous meeting the Council asked staff to obtain information regarding "all-by-mail voting." Syracuse will be using mail-in voting for their primary election and electronic voting for the general election. The mail-in voting will cost approximately 50% more than the electronic voting. Centerville will use electronic voting this year and staff will monitor the success of mail-in voting in Syracuse.
- City Manager Thacker reported on the status of CDBG and WFRC funding applications. Centerville receives a large portion of the funding applied for, which can be credited to Blaine Lutz's understanding of the criteria involved.
- The City recently submitted an application for Federal funding from the Wasatch Front Regional Council to improve bike lanes on the Frontage Road. The application has been recommended by the technical review committee, which usually results in acceptance. The project would be added to a five-year plan and scheduled for 2019. The City will coordinate an overlay of the Frontage Road with this project.
- Mr. Thacker presented a request from a woman desiring to purchase an art print that was donated to the City in 1998. The print is of historical significance to the City and holds a personal significance for her. The Council did not indicate interest in acting on the request. Mayor Russell suggested the woman find out if the print could legally be copied.

MISCELLANEOUS

- Councilwoman Lindstrom made a **motion** to award bids for the miscellaneous water lateral project to Kapp Construction in the amount of $46,173.60 for labor and to Mountain States Supply in the amount of $12,583.42 plus tax (total $13,470.55) for materials, including the condition that the portion that includes the work for Deuel Creek Irrigation be included if they pay the estimated cost up front as a deposit, and then sign a letter of understanding they will pay whatever is owed at the end after actual costs are known. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).

- Councilman Wright mentioned that the Whitaker Museum has missed out on grant opportunities because of the loss of the Centerville Foundation's 501(c)3 status. He asked if the status will be restored and if the Museum could apply for its own 501(c)3 status. Blaine Lutz responded it would take longer for the Museum to obtain its own 501(c)3 status. The attorney handling the matter will be submitting to the IRS to restore the status for the Centerville Foundation.

ADJOURNMENT

At 8:45 p.m. Councilman Wright made a **motion** to adjourn the meeting and move to a meeting of the Redevelopment Agency. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder

4-16-2013
Date Approved

Katie Rust, Recording Secretary