

1 Minutes of the Centerville **City Council** meeting held Tuesday, November 15, 2016 at 7:00 p.m.
2 at Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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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**

15 Steve Thacker, City Manager
16 Lisa Romney, City Attorney
17 Jacob Smith, Assistant to the City Manager
18 Cory Snyder, Community Development Director
19 Katie Rust, Recording Secretary

20 **STAFF ABSENT**

21 Blaine Lutz, Finance Director/Assistant City Manager

22 **VISITORS**

23 Interested citizens (see attached sign-in sheet)

24 **PLEDGE OF ALLEGIANCE**

25
26 **PRAYER OR THOUGHT**

Councilman Ince

27
28 **OPEN SESSION**

29
30 No one wished to comment.

31
32 **MINUTES REVIEW AND ACCEPTANCE**

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34 The minutes of the October 25, 2016 joint work session, and the November 1, 2016 work
35 session and regular Council meeting were reviewed. Steve Thacker and Councilwoman
36 Fillmore suggested amendments to the October 25 joint work session minutes. Councilman
37 Ince made a **motion** to accept the October 25, 2016 joint work session minutes as amended.
38 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).
39 Councilwoman Mecham requested a change to the November 1 work session minutes.
40 Councilman McEwan made a **motion** to accept the November 1, 2016 work session minutes as
41 amended. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).
42 Mayor Cutler and Councilman McEwan requested changes to the November 1 regular Council
43 meeting minutes. Councilman Ince made a **motion** to accept the November 1, 2016 regular
44 meeting minutes as amended. Councilman McEwan seconded the motion, which passed by
45 unanimous vote (5-0).

46
47 **GENERAL PLAN AMENDMENTS – WEST CENTERVILLE NEIGHBORHOOD PLAN –**
48 **REMOVING INDUSTRIAL VERY-HIGH ZONING DISTRICT – SECTION 12-480-6**

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50 On August 16, 2016, the Council reviewed and held a public hearing on a
51 recommendation from the Planning Commission to remove the Industrial-Very High (I-VH)
52 Zoning District from the extreme southeast area of the Centerville Business Park District in the
53 General Plan. Following the public hearing, the Council tabled action on this matter to a future
54 Council meeting. The issue was subsequently tabled multiple times. Councilman McEwan said
55 he most recently tabled the issue with no timeline because he considers it a non-issue right
56 now. The Council has nothing to offer the property owner as an alternative at this time.

1 Councilwoman Fillmore said she believes constituents see the area changing over time, moving
2 away from I-VH, and she feels it would be appropriate to reflect that idea in the General Plan.
3

4 Councilwoman Ivie made a **motion** to deny Ordinance No. 2016-24. Councilman
5 McEwan seconded the motion. Councilman Ince commented that the rail spur on the property
6 at the extreme southeast of the district is a significant asset that would be less valuable with the
7 proposed change. He said he is inclined to not make a change until the Council has something
8 real to change towards. The motion to deny Ordinance No. 2016-24 passed by majority vote (4-
9 1), with Councilwoman Fillmore dissenting.

10
11 **FLAG-LOT PROVISIONS – ORDINANCE NO. 2016-29**
12

13 As directed by the Council, the Planning Commission held a public hearing and reviewed
14 proposed Municipal Code and Zoning Code Amendments to prohibit flag lot development within
15 the city. After due consideration and discussion, the Planning Commission voted to reject the
16 proposed amendments and recommend denial of Ordinance No. 2016-29. On October 18 the
17 City Council conducted a public hearing on Ordinance No. 2016-29, during which a number of
18 residents encouraged the Council to preserve the opportunity for flag-lot type development. The
19 Council tabled action on the Ordinance until after a work session with the Planning Commission.
20 During the subsequent work session, several potential revisions to the flag-lot provisions were
21 identified that might make this development option more acceptable to the City Council.
22

23 Mr. Snyder said he understands the concerns about flag lots to a degree, but he
24 believes there are merits to flag lots, and he likes the current ordinance if it is kept as a last-
25 resort tool. He said that, from his perspective after the couple of meetings regarding flag lots,
26 the identified issues of height, setbacks, and screening could be discussed by the Planning
27 Commission in January, with a recommendation ready for the Council in February.
28 Councilwoman Fillmore made a **motion** to repeal the provisions by adopting Ordinance No.
29 2016-29, and send the issue back to the Planning Commission for consideration of new flag-lot
30 provisions. Councilwoman Ivie seconded the motion. Councilman Ince said that, from a
31 Planning Commission standpoint, his concerns are allowing a property owner to do something
32 meaningful with property while not significantly impacting the utilization of properties adjacent to
33 the space. Mr. Snyder commented that rejection of the flag-lot provisions by the Council
34 indicates the Council has a meaningful reason for rejection. A rejected issue is not usually
35 quickly brought back for a few changes. Councilman McEwan said his concern is that if the
36 Council were to send the issue to the Planning Commission with a request for specific tweaks,
37 the result will be something unpalatable to property owners.
38

39 Mayor Cutler said, from his perspective, all public comment was in favor of keeping the
40 flag lot option. Responding to a question from the Council, the City Attorney stated that, in her
41 opinion, a TZRO would not be an appropriate tool in this situation. Councilman McEwan stated
42 that property rights are important, but they need to be balanced with the peaceful coexistence of
43 a growing population. Councilwoman Fillmore questioned whether there would be a way for the
44 impact to be absorbed more by the property owners benefiting from the flag lot, or if there would
45 be a way for neighbors to give permission for setbacks to be reduced. Ms. Romney responded
46 the city could look at making a distinction on setbacks based on the type of development, but
47 she would not recommend using neighbor approval, as it is not legally considered a legitimate
48 means of zoning regulation.
49

50 Mr. Snyder recommended that, if the Council repeals the flag-lot provisions, they not
51 place a high priority on its return from the Planning Commission. Councilman McEwan made a
52 **motion to amend** the motion to not send the issue to the Planning Commission for a revised
53 ordinance at this time. Mr. Snyder said he senses the changes the Planning Commission and

1 staff would recommend would not yet satisfy the Council as a whole, and recommended the
2 Council wait until a citizen brings the issue back. Councilwoman Ivie seconded the motion to
3 amend the motion. Councilman Ince said he personally thinks the revisions would not take too
4 long, and the Council ought to try to resolve the issue. Councilwoman Fillmore stated the
5 Planning Commission already set up the framework when the provisions were put in place in
6 2011. She said she feels the current Council has a desire to be very careful with the provisions,
7 and also does not want to handcuff all property owners by eliminating the option, and she would
8 hesitate to put the issue off for a future Council to deal with. The motion to amend the motion
9 failed unanimously (0-5). The motion to adopt Ordinance No. 2016-29 and direct the Planning
10 Commission to reconsider the flag-lot provisions passed by unanimous vote (5-0).

11 12 **GENERAL PLAN SOUTHEAST NEIGHBORHOOD**

13
14 A notice of intent to change the General Plan has been released. Mr. Snyder
15 recommended a phased approach to keep the notice of intent active, with Phase 1 involving the
16 Planning Commission fixing archaic language and eliminating Residential-High (R-H) from the
17 General Plan for the Southeast Neighborhood. He said he believes Phase 1 could be
18 completed fairly quickly. When the Planning Commission is finished with Phase 1, they can
19 make a recommendation to the Council in a work session and receive direction regarding the
20 next phase (Pages Lane Corridor). Councilwoman Fillmore agreed with his suggestion, stating
21 that her vote against releasing the notice of intent was out of concern that it would be dragged
22 out. Councilwoman Ivie said it seems to her that the phased approach would take longer. She
23 said it was agreed at the work session with the Planning Commission that the two groups would
24 meet together again, and she would like to have that meeting before giving direction.
25 Councilwoman Fillmore responded that allowing the Commission to accomplish Phase 1 first
26 would allow the Council to see the language with R-H cut out when the two groups next meet,
27 and continue the conversation from there. Councilwoman Ivie said she feels some urgency with
28 the need to provide language for commercial properties wanting to transition to residential,
29 something missing from the proposed Phase 1. Mr. Snyder repeated that R-H would be
30 eliminated as an option in Phase 1. Mayor Cutler pointed out that it is clear what the Council
31 wants to eliminate, but there has not yet been discussion of what the possibilities would be. The
32 Council agreed with Mr. Snyder's suggestion, with emphasis that they would like Phase 1 to
33 take place as quickly as possible.

34 35 **REVIEW AND CLARIFY PRIORITIES FOR PLANNING COMMISSION AND** 36 **COMMUNITY DEVELOPMENT STAFF**

37
38 The Council reviewed Planning Commission and Community Development staff priorities
39 and agreed on the following:

40 41 Short-term goals:

- 42 • Revise/update Southeast Neighborhood
- 43 • Accessory building setbacks
- 44 • Flag lot ordinance

45 46 Long-term goals:

- 47 • Complete Subdivision Ordinance (ongoing)
- 48 • Update other neighborhoods in general plan
- 49 • Other – no order specified:
 - 50 ○ Restart planning for west side

- Prepare a foothills recreation development plan with Davis County – Mayor Cutler suggested coordination with Davis County will need to wait, perhaps until next summer

STAFF REPORT REGARDING DEVELOPMENT RESTRICTIONS NEAR EARTHQUAKE FAULT LINES

Responding to a question asked at the previous Council meeting, Mr. Snyder explained development restrictions near earthquake fault lines. He explained how fault lines are determined and answered questions from the Council.

FINANCIAL REPORT

Mr. Thacker presented a financial report for the period ending October 31, 2016, and answered questions from the Council.

While discussing the financial report for the Recreation Fund, Councilman McEwan asked if the City has a disadvantaged youth program associated with the recreation programs. Mr. Thacker responded that a previous Council considered possibilities and decided to allow staff to deal with these situations on a case-by-case basis as they become aware. Council members Ivie and Ince agreed they would like to look at possibilities. Councilman Ince suggested candidates for the program could be identified by school principals. The Council discussed the desire to make recreation programs available to as many as possible. Mayor Cutler said he would be willing to consider such a program as long as it is recognized that the money has to come from somewhere. He suggested the Council consider what has been done in other cities. Mr. Thacker suggested the Council could allocate a sum of money for this purpose. Councilwoman Fillmore added that donations could be solicited from local businesses. Ms. Romney agreed to research whether RAP Tax revenue can be used for programs. Staff was directed to bring ideas back to the Council. Councilwoman Ivie said she would love for the Council to be briefed by the Recreation Director. She expressed concern that the City is offering classes that directly conflict with classes offered by local businesses.

Councilwoman Ivie pointed out that matching funds for Landmarks Commission grants come from the General Fund, while matching funds for Whitaker Museum grants have to come directly from the Whitaker Museum account. Mr. Thacker explained that RAP Tax revenue is the source of the City's match for the Museum's CLG grant in the current budget. Councilwoman Fillmore commented that the Whitaker Museum is unique in that the budget amounts remain in the Whitaker Museum account rather than going back to the General Fund at the end of each fiscal year.

LIAISON REPORT

John Higginson, liaison to the Wasatch Integrated Waste Management District, updated the Council on operations and future plans of the Waste District. A copy of his presentation is available with the meeting agenda on NovusAgenda. He explained that, if the proposed Expanded Materials Recovery and Transfer Station project is implemented, blue-can recycling and green-waste cans could be eliminated in Centerville. The project is estimated to cost \$10 million, and a \$2 per month increase in the Household Use Fee is under consideration. The Council and staff pointed out that, as proposed, two black garbage cans would be more expensive for citizens than the current black garbage and blue recycling can arrangement. Mr. Higginson pointed out that extending the lifespan of the landfill would be beneficial to everyone involved.

1 Staff explained that a correction to the original resolution that appointed former-
2 Councilman Higginson to the position of liaison is needed for him to complete the usual four-
3 year term. The Council agreed a corrected resolution should be prepared for the December 6
4 meeting.

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6 **MAYOR'S REPORT**
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- UTOPIA financial reports are available with the meeting agenda on NovusAgenda.
 - Mayor Cutler reported that UDOT has rejected proposed safety improvements to Main Street school crossing lights.
 - The Mayor informed the Council that he is aware of a developer hoping to propose improvements to the former Dick's Market property on Pages Lane. Mayor Cutler said he does not think the proposal will be ready to present for several months. Potential uses under consideration include an assisted living facility and charter school.
- 16

17 **CITY MANAGER'S REPORT**
18

- Mr. Thacker reviewed the 2017 Capital Improvement Program Summary with the Council. Councilman McEwan pointed out that the Whitaker Museum is the only City-owned facility without blacktop parking, and asked if a blacktop parking lot could be added to the list of Whitaker Museum safety improvements.
 - An RDA/ACB meeting is scheduled for December 6, 2016. The Parks Committee would like to meet in a work session with the Council on January 3, 2017.
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26 **MISCELLANEOUS BUSINESS**
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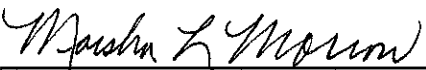
- Councilwoman Fillmore made a **motion** to approve a Recording Secretary Agreement with Emily Hatch. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).
 - The Council chose to not take any action regarding the Utah Transit Authority (UTA) 2017 Tentative Budget. Councilman McEwan asked how much UTA Board Members are paid. Staff will ask UTA for an answer.
- 34

35 **APPOINTMENT**
36

37 Mayor Cutler recommended the Council appoint Kathy Helgeson to a three-year term on
38 the Planning Commission. Councilwoman Fillmore made a **motion** to appoint Kathy Helgeson
39 to the Planning Commission. Councilman Ince seconded the motion, which passed by
40 unanimous vote (5-0).

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42 **ADJOURNMENT**
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44 At 9:31 p.m., Councilman Ince made a **motion** to adjourn the meeting. Councilwoman
45 Ivie seconded the motion, which passed by unanimous vote (5-0).
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49 _____
50 Marsha L. Morrow, City Recorder

51
52 
Katie Rust, Recording Secretary

12-6-2016

Date Approved

