

1 Minutes of the Centerville **City Council** meeting held Tuesday, April 21, 2015 at 7:05 p.m. in the
2 Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Mayor Paul A. Cutler

7
8 Council Members Ken S. Averett
9 Tamilyn Fillmore
10 John T. Higginson
11 Stephanie Ivie
12 Lawrence Wright

13
14 **STAFF PRESENT**

Cory Snyder, Community Development Director
Lisa Romney, City Attorney
Randy Randall, Public Works Director
Katie Rust, Recording Secretary

15
16
17
18
19 **STAFF ABSENT**

Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager

20
21
22 **VISITORS**

Nathan Peterson, UDOT Project Manager
Interested citizens (see attached sign-in sheet)

23
24
25 **PLEDGE OF ALLEGIANCE**

26
27 **PRAYER OR THOUGHT** Mayor Paul Cutler

28
29 **OPEN SESSION**

30
31 No one wished to comment.

32
33 **MINUTES REVIEW AND ACCEPTANCE**

34
35 The minutes of the April 7, 2015 Council meeting were reviewed. Lisa Romney, City
36 Attorney, requested an amendment. Councilman Averett made a **motion** to approve the
37 minutes as amended. Councilman Higginson seconded the motion, which passed by
38 unanimous vote (5-0).

39
40 **PRESENTATION REGARDING SOUTH DAVIS I-15 PROJECT**

41
42 Nathan Peterson, UDOT Project Manager for the South Davis I-15 Project, updated the
43 Council on the Project, and showed a simulation video to demonstrate movements through the
44 interchanges that have been redesigned. Construction of the pedestrian bridge at Parrish Lane
45 is expected to be completed this summer; however, construction of the sidewalk on the east
46 side of the bridge is not included in the current contract. Mr. Peterson said he anticipates the
47 sidewalk will be completed by the end of the year. Mr. Peterson and Councilwoman Fillmore
48 reported on the earth-tone color scheme selected for the pedestrian bridge. Mr. Peterson
49 updated the Council on the status of drainage culvert projects at Lund Lane and Chase Lane.

1 **QUESTAR FRANCHISE RENEWAL**
2

3 Ms. Romney reported that Questar has paid the application fee and signed the renewal
4 Franchise Agreement. Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2015-
5 06 granting to Questar Gas Company a Franchise for the construction, operation, and
6 maintenance of a Gas Distribution System in Centerville City. Councilwoman Ivie seconded the
7 motion, which passed by unanimous vote (5-0).
8

9 **WHITAKER MUSEUM SIGN**
10

11 Spencer Packer, Whitaker Museum Board Chair, provided drawings of the proposed
12 sign for the Whitaker Museum. The Board previously allocated \$6,000 for the sign in the
13 Museum Budget. The Rotary Club has donated an additional \$2,000. The Whitaker Board has
14 received preliminary bids and learned that approximately \$4,000 more will be needed to
15 complete the project. Chair Packer said the Board is asking the Council for the full amount at
16 this time, which could potentially be offset by City department labor or in-kind donations. Staff
17 suggested the amount come from General Fund balance if the Council wants to provide this
18 additional funding.
19

20 Councilman Wright made a **motion** to approve allocation of up to \$4,000 from General
21 Fund balance for the Whitaker Museum sign. Councilwoman Ivie seconded the motion, which
22 passed by unanimous vote (5-0).
23

24 **TEMPORARY ZONING REGULATIONS FOR SOUTH MAIN STREET CORRIDOR**
25 **ZONE – CONSIDER ORDINANCE NO. 2015-05**
26

27 At the April 7, 2015 City Council meeting the Council directed staff to research initiating
28 a Temporary Zoning Regulation Ordinance (TZRO) to take a closer look at the South Main
29 Street Corridor Plan. Staff provided a sample ordinance as well as a memorandum addressing
30 legal issues regarding the TZRO. Mr. Snyder explained that since the last Council meeting,
31 Brighton Homes has submitted an application for conceptual site plan approval, in accordance
32 with current zoning ordinances, that includes 50 units on the property between 300 South and
33 Porter Lane on Main Street. A TZRO would prevent future applications for up to six months.
34 Mr. Snyder explained that site plan applications – whether permitted or conditional use – are
35 handled by the Planning Commission for review and approval. He said he suspects the existing
36 application may eventually include subdivision of land, which would be presented to the Council
37 on recommendation from the Planning Commission. Mr. Snyder stated that from his
38 perspective a TZRO would close the door to negotiations regarding the existing application.
39

40 Councilman Wright stated he believes there is nothing the Council can do about the
41 existing application. He is concerned about the rest of the corridor, and he said he thinks it
42 would be good to have a TZRO to engage the residents and property owners regarding what
43 needs to be in place. Councilman Wright added that the process does not need to take six
44 months. Councilwoman Fillmore stated that although there is possibly a need and willingness to
45 talk more about the Main Street Plan and make changes as needed, the vocalization of concern
46 was spurred by the specific project. She said she feels a TZRO would likely hinder the ability to
47 help the existing project happen in a better way with a better end result. The existing
48 application is quite different from what was first proposed, which Councilwoman Fillmore said
49 she feels is a result of a lack of negotiation. She suggested the City negotiate for the best
50 possible outcome of the current project under the existing legal constraints, and continue
51 discussing changes needed for the Main Street Plan, with the possibility of placing a TZRO in
52 the future if needed.

1 Councilwoman Ivie expressed frustration that the City got this far without realizing that
2 the South Main Street Corridor Plan allows the proposed density. Councilwoman Ivie listed
3 potential problems with the options available, and stated she does not see a clear answer to the
4 problem. Mr. Snyder briefly described the existing application. Mayor Cutler stated he feels
5 there is a better chance of influencing density and design of the project by not imposing a TZRO
6 at this time. Councilman Wright asked if the City could negotiate with the current project and
7 implement a TZRO to look at the rest of Main Street simultaneously. Councilwoman Ivie agreed
8 with Councilman Wright that the TZRO would not need to be a long drawn-out process and
9 repeated his question. Ms. Romney responded that the submitted application for site plan
10 approval will be considered by the Planning Commission and will not come before the Council.
11 Negotiations could occur with a TZRO in place, but the TZRO would have to be repealed in
12 order to consider a text amendment or rezone. Councilwoman Fillmore stated she thinks doing
13 both would send mixed messages. She repeated her suggestion that the City continue
14 negotiations to hopefully improve the existing project, and save the TZRO for a later time if
15 needed. Councilman Higginson said he feels a TZRO would send a message that the City is
16 not interested in working something out that is beneficial to the developer and the citizens.
17 Council members Ivie and Averett expressed disappointment that Brighton Homes submitted
18 the current application. Councilman Averett agreed with a comment made by Councilman
19 Higginson during the work session that the time for a TZRO has passed, and said he does not
20 think there is an imminent threat of another application in the near future.
21

22 Councilman Higginson stated he hopes the developer will see the decision to not
23 implement a TZRO as an opportunity to work out something good for the community.
24 Councilman Wright stressed the need to make necessary changes to the South Main Street
25 Corridor Plan quickly. Councilwoman Fillmore pointed out that it is easy to state what is not
26 wanted, and asked the public to be thoughtful about what development would be desirable.
27

28 Councilman Averett asked Mr. Snyder if he thinks additional applications are imminent,
29 how quickly an evaluation of the Plan could take place, and if hiring additional consultants would
30 be helpful. Mr. Snyder responded there are properties with potential for redevelopment, but he
31 does not expect anything in the next six months. The existing project may generate interest if it
32 is successful. The length of time needed for an evaluation will depend on the priority assigned
33 by the Council. Hiring a consultant specializing in the economics and market conditions of
34 redevelopment would be helpful. Referring to comments made in the April 7th meeting that
35 commercial is no longer viable on Main Street, Mr. Snyder stated that removing commercial
36 would have economic impacts on the City as well as the property owners. He said he is not
37 sure that commercial is not viable. Responding to the concern regarding density, Mr. Snyder
38 said that a development of single-family homes on Main Street may not work economically.
39 Councilwoman Fillmore pointed out that single-family development is already an available use,
40 and would have already happened if it were viable. Councilman Averett said he feels it would
41 be worth the time and money to direct staff to engage an outside consultant to provide market
42 research in conjunction with looking at other aspects of the Main Street Plan, including
43 preservation of the proposed historic district.
44

45 Councilwoman Fillmore made a **motion** to direct the City Manager to schedule a work
46 session to determine the scope of work for the City and an independent consultant regarding
47 the South Main Street Corridor Plan. Councilman Wright seconded the motion, which passed
48 by unanimous vote (5-0). Mr. Snyder said he will work with the developer to improve the
49 existing project as much as possible.
50

51 At 8:43 p.m. the Council took a break, returning at 8:56 p.m.

1 **SIGN ORDINANCE**
2

3 City Attorney Romney briefed the Council on Federal and State regulations regarding
4 sign ordinances, and advised that the most defensible ordinances deal with time, place, and
5 manner restrictions, avoiding regulation of content. The Council discussed setbacks and size
6 allowances, focusing on campaign signs. Councilman Wright asked if the City could have
7 separate allowances for campaign signs during elections. Ms. Romney responded that singling
8 out campaign signs would be regulating content and is not advisable. She reported on sign
9 regulations in neighboring cities. The Council discussed existing enforcement regulations with
10 staff. Councilwoman Fillmore suggested reducing setbacks, and allowing signs on property-line
11 fences as long as safety is not compromised. Councilman Wright said he has a problem with
12 limiting the number of campaign signs allowed on commercial property.
13

14 Councilwoman Fillmore made a **motion** to request that the Planning Commission revisit
15 the sign ordinance with the following guidelines: change the residential and multi-tenant size
16 allowance from 12 square-feet to 16 square-feet; remove the limit on the number of signs
17 allowed on commercial property with an allowance of 50 square-feet; remove setbacks on
18 residential property, and reduce setbacks to three feet on commercial property; and increase
19 the three-foot height limit to four feet and the four-foot height limit to five feet. Councilwoman
20 Ivie seconded the motion, which passed by unanimous vote (5-0).
21

22 **CAMPAIGN FINANCE ORDINANCE**
23

24 Councilwoman Fillmore made a **motion** to repeal the City Code regarding Campaign
25 Finance and accept the State Code as the City Campaign Finance Ordinance. Councilman
26 Averett seconded the motion. Ms. Romney explained Legislative changes regarding campaign
27 contribution reporting. Councilman Wright made a **motion** to amend the motion to direct staff to
28 prepare an ordinance that would repeal the City's current Campaign Finance Ordinance and
29 adopt the State Code. Councilwoman Ivie stated that it matters to her who candidates are
30 funded by, and said she would like the City to require disclosure prior to the primary election.
31 Councilman Averett seconded Councilman Wright's motion to amend the motion. The amended
32 motion passed by majority vote (4-1), with Councilwoman Ivie dissenting. Staff agreed to
33 prepare an ordinance repealing Section 2-03-110 of the City Ordinances to bring back to the
34 Council for consideration at their next meeting.
35

36 **PROPOSED COMPLETE STREETS POLICY/FINANCIAL REPORT/AMEND FY 2015**
37 **BUDGET**
38

39 Councilman Wright made a **motion** to table discussion of the proposed Complete
40 Streets Policy, the Financial Report, and the FY 2015 Budget Amendments to the next Council
41 meeting. Mayor Cutler explained that the bid for re-roofing City Hall and the bid for the 2015
42 Street Overlay Project cannot be awarded until the FY 2015 Budget is amended. Councilman
43 Averett seconded the motion, which passed by unanimous vote (5-0).
44

45 **SUMMARY ACTION CALENDAR**
46

- 47 a. Award bid for re-roofing City Hall
48 b. Award bid for the 2015 Street Overlay Project
49 c. Award bids for labor and materials for construction of the Legacy Trail Subdivision
50 waterlines
51 d. Accept Public Utility Easement for Paul Holmes Single Parcel Development at 150
52 East 200 South
53 e. Terminate warranty period for Chapel Ridge Cove Subdivision

1 Items (a) and (b) on the Summary Action Calendar cannot be approved until the FY
2 2015 Budget is amended. Councilman Wright made a **motion** to approve items (c), (d), and (e)
3 on the Summary Action Calendar. Councilman Higginson seconded the motion, which passed
4 by unanimous vote (5-0).

5
6 **MAYOR'S REPORT**

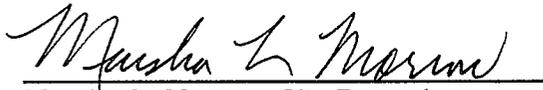
- 7
8 • Mayor Cutler provided UTOPIA financial reports, and reported on discussions
9 regarding creation of an independent taxing district for the South Davis Metro Fire
10 Agency. Councilman Wright stated he is opposed to an independent taxing district,
11 and he is aware of a group in Centerville that will call for a referendum if action is
12 taken to increase taxes. Councilman Wright said he believes there are other ways to
13 get an improved fire station for the City. Councilman Higginson said he feels there is
14 a loss of oversight with taxing districts. Council members Higginson and Ivie
15 indicated they would be more inclined to approve creation of an independent taxing
16 district if approval of each individual city council were required to increase taxes.
17 • The Mayor reported on the recent tree planting activity and the upcoming day of
18 service in conjunction with the Centennial Celebration. He reported on fundraising
19 efforts, and mentioned that Centennial t-shirts are available on the City website.
20

21 **MISCELLANEOUS BUSINESS**

22
23 Councilman Wright informed the Mayor that he is aware of a citizen interested in
24 appointment to the Whitaker Museum Board.
25

26 **ADJOURNMENT**

27
28 At 9:59 p.m. Councilwoman Fillmore made a **motion** to adjourn the meeting.
29 Councilman Wright seconded the motion, which passed by unanimous vote (5-0).
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33 
34 _____
35 Marsha L. Morrow, City Recorder

36
37
38 5-5-2015
39 _____
40 Date Approved

38
39 
40 _____
41 Katie Rust, Recording Secretary

