

1 Minutes of the Centerville **City Council** meeting held Tuesday, May 3, 2016 at 7:00 p.m. at  
2 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 Jacob Smith, Assistant to the City Manager  
17 Lisa Romney, City Attorney  
18 Cory Snyder, Community Development Director  
19 Brandon Toponce, Assistant Planner  
20 Katie Rust, Recording Secretary

21 **STAFF ABSENT**

Blaine Lutz, Finance Director/Assistant City Manager

22  
23 **VISITORS**

Interested citizens (see attached sign-in sheet)

24  
25 **PLEDGE OF ALLEGIANCE**

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27 **PRAYER OR THOUGHT** Mayor Cutler

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29 **OPEN SESSION**

30  
31 No one wished to comment.

32  
33 **MINUTES REVIEW AND ACCEPTANCE**

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35 The minutes of the April 19, 2016 work session and regular Council meeting were  
36 reviewed. Councilwoman Fillmore requested changes to the Council meeting minutes.  
37 Councilman McEwan made a **motion** to accept the April 19, 2016 work session minutes and  
38 regular Council meeting minutes as amended. Councilwoman Fillmore seconded the motion,  
39 which passed by unanimous vote (5-0).

40  
41 **SUMMARY ACTION CALENDAR**

- 42  
43 a. Approve Audit Contract with Keddington and Christensen  
44 b. Award bid for Miscellaneous Water Lateral Project 2016 for materials to Ferguson in  
45 the amount of \$27,187.61 plus tax for waterline parts (Component One), Waterford  
46 Systems in the amount of \$25,061.60 for mag meters (Component Two), and  
47 Mountainland in the amount of \$8,521.87 for water meters; and to Merlin Daines in  
48 the amount of \$118,446 for labor  
49 c. Amend Section 4.040 of the Centerville City Personnel Policies and Procedures to  
50 Designate City Attorney and Assistant Police Chief as Exempt Positions under Fair  
51 Labor Standards Act – Resolution No. 2016-12

52  
53 Councilwoman Fillmore made a **motion** to accept items (a) and (c) on the Summary  
54 Action Calendar. Councilman Ince seconded the motion, which passed by unanimous vote (5-  
55 0).

1 Referring to item (b) on the Summary Action Calendar, City Manager Thacker  
2 recommended removing work on Deerfield Drive from the Merlin Daines bid schedule, reducing  
3 the bid amount to \$103,186. Councilman Ince made a **motion** to approve item (b) on the  
4 Summary Action Calendar, changing the amount for the Merlin Daines contract to \$103,186.  
5 Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).  
6

7 **PUBLIC HEARING – ZONING ORDINANCE AMENDMENTS REGARDING DEUEL**  
8 **CREEK HISTORIC DISTRICT**  
9

10 On January 5, 2016, the City Council ratified Ordinance No. 2015-30 creating the  
11 Centerville Deuel Creek Historic District and adopted Ordinance No. 2015-31 rezoning  
12 applicable properties to the Centerville Historic District Overlay. On January 5<sup>th</sup> the Council also  
13 motioned to reconsider the provisions of Ordinance No. 2015-30 regarding incentives and  
14 design standards for commercial buildings and properties in the historic district and directed  
15 staff to refer these matters back to the Landmarks Commission and Planning Commission for  
16 review and recommendations. Brandon Toponce, Assistant Planner, reported that the  
17 Landmarks Commission decided to recommend a tier system for commercial incentives similar  
18 to the tier system available to the rest of the Historic District. For properties located on Main  
19 Street on the Landmarks Register, the Landmarks Commission recommends a building permit  
20 fee reduction of 100%, with a 50% fee reduction for contributing properties, and 0% for non-  
21 contributing properties. Mr. Toponce explained that the Landmarks Commission also  
22 recommends adding the east side of 400 East to the Historic District.  
23

24 At 7:22 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing  
25 that no one wished to comment.  
26

27 Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2016-12 amending  
28 Chapter 12-49 of the Centerville Zoning Ordinance regarding incentives for buildings and  
29 properties in the Centerville Deuel Creek Historic District Overlay with suggested reasons 1-7.  
30 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).  
31

32 Reasons for the Action:  
33

- 34 1. The proposed amendments meet the requirements found in Section 12-21-080(4)(e).
- 35 2. The proposed Zoning Text Amendments meet the goals and objectives of the  
36 General Plan concerning a historic district [Section 12-480-8(3)].
- 37 3. Proposed amendments to Chapter 12-49, Centerville Deuel Creek Historic District,  
38 will be consistent with other objectives found in this Section.
- 39 4. The proposed amendments will not have a negative impact on the surrounding  
40 community.
- 41 5. Through research, site visits, three public work sessions and several meetings, the  
42 Landmarks Commission believes they have covered important aspects of location,  
43 guidelines and incentives.
- 44 6. The Landmarks Commission believes the proposed district and subsequent created  
45 documents will be beneficial to the neighborhood.
- 46 7. The proposed amendments meet the requested clarification by the City Council as  
47 stated at the January 5, 2016 Council meeting.  
48

49 Councilwoman Fillmore made a **motion** to adopt Ordinance No. 2016-13 amending the  
50 Centerville Zoning Map to expand the boundaries of the Centerville Deuel Creek Historic District  
51 Overlay to include the east side of 400 East with suggested reasons 1-4. Councilman McEwan  
52 seconded the motion, which passed by unanimous vote (5-0).

1           Reasons for the Action:  
2

- 3           1. The proposed amendment meets the requirements found in Section 12-21-080-  
4           (4)(e).  
5           2. The proposed Zone Map Amendment meets the goals and objectives of the General  
6           Plan concerning a historic district [Section 12-480-8(3)].  
7           3. Expanding the Centerville Deuel Creek Historic District to include the east side of  
8           400 East will not have a negative impact on the surrounding community.  
9           4. The Landmarks Commission believes the proposed amendment to the overlay zone  
10          will be beneficial to the neighborhood by encouraging further preservation within  
11          Centerville.

12  
13           ZONING ORDINANCE TEXT AMENDMENTS – CHAPTER 12-60 – ACCESSORY  
14           DWELLING UNITS  
15

16           Councilwoman Ivie stated the more she becomes familiar with International Building  
17           Code requirements, the more she feels that passing an ADU ordinance would actually hurt the  
18           citizens it is intended to help. She said that, in her opinion, an ADU ordinance would obligate  
19           the City to shut down known noncompliant situations, and she would prefer to not formally  
20           provide a legal way to have an ADU. Councilwoman Mecham agreed, adding that she had not  
21           realized the scope of the requirements, which she believes could be prohibitive for those who  
22           would benefit most from an ADU. Cory Snyder, Community Development Director, confirmed  
23           that the City is obligated to the State's construction standards. Councilwoman Fillmore stated  
24           she understands the concern, but is not comfortable with backing off completely just because  
25           some citizens would not be able to comply. Councilwoman Mecham pointed out that existing  
26           City Code already allows a home owner to have two additional unrelated residents in the home.  
27

28           Councilwoman Fillmore pointed out that, as explained by Ms. Romney at a previous  
29           meeting, tenants would need to be found by word of mouth for a home owner to retain a level of  
30           control in choosing tenants since, if an ADU is advertised, the home owner would have to  
31           comply with nondiscrimination regulations. Councilwoman Fillmore stated that the proposed  
32           ADU Ordinance has been drafted to provide guidelines and desired clarity. Explaining  
33           enforcement options, Mr. Snyder stated that, when ambiguity is present, the Board of  
34           Adjustments will always decide in favor of the property owner. Ms. Romney responded that  
35           much of the Zoning Text is very specific, clear, and enforceable. The proposed Ordinance  
36           provides more clarity for those wanting to legally have an ADU. Councilman McEwan said he  
37           feels the proposed Ordinance would be setting the city up for more ambiguity. He asked what  
38           the impetus was for the ADU discussions, and how many complaints the city actually receives  
39           about ADUs. Mr. Snyder responded that Council ADU discussions were begun in 2002 as a  
40           way to potentially fill community needs. He estimated that in the last ten years he has received  
41           4-6 calls regarding too many people living in a home. When the city receives a complaint,  
42           questions are asked and enforcement considered. Councilman McEwan expressed confidence  
43           in staff's ability to interpret existing codes and ordinances and act accordingly.  
44

45           Councilman McEwan made a **motion** to deny Ordinance No. 2016-04. Councilwoman  
46           Ivie seconded the motion. Councilman Ince suggested the Council make it clear that the issue  
47           has been exhaustively studied. Councilwoman Fillmore stated that she will vote against the  
48           motion only because she feels extraordinarily uncomfortable with the fact that those on the dais  
49           would not be able to clearly explain to a citizen what can and cannot legally be done. She said  
50           she would prefer to put an ordinance in place to be followed by those citizens who desire a  
51           clearly legal path. Councilwoman Ivie stated she does not feel the existing ordinance is  
52           ambiguous from an enforcement standpoint. The motion to deny Ordinance No. 2016-04

1 passed by majority vote (4-1), with Councilwoman Fillmore dissenting. The Council requested  
2 staff draft an explanation of what is currently allowed to post on the City website.

3  
4 **ACCESSORY BUILDING SETBACKS**

5  
6 The discussion of accessory building setbacks and potential amendments to the Flag Lot  
7 Ordinance are among the short-term goals the Council agreed upon in the March goal-setting  
8 work session. Mr. Snyder used diagrams to explain setback requirements and buildable area,  
9 as well as roof pitch/height allowances. He showed Google Earth images of accessory  
10 buildings in Centerville that do and do not conform, noting that increasing the setback for  
11 accessory buildings would make many more buildings non-conforming. He reminded the  
12 Council that nonconforming structures cannot be expanded without Board of Adjustment  
13 approval.

14  
15 Mayor Cutler asked Mr. Snyder to explain the argument against having accessory  
16 building setbacks based on building height. Mr. Snyder responded that backyards have  
17 traditionally had fewer restrictions than front and side yards. Mr. Snyder stated that citizens will  
18 not argue having increased setbacks for their neighbors, but he is not convinced that citizens  
19 would be willing to accept the consequences of increased accessory building setbacks for  
20 themselves.

21  
22 **POTENTIAL AMENDMENTS TO FLAG LOT ORDINANCE**

23  
24 Mr. Snyder explained existing flag lot setback requirements, and asked the Council to  
25 consider whether reducing the setbacks from 20 feet to 16 feet has caused significant impact.  
26 Council members Ivie and Mecham stated they are uncomfortable with the idea that a tall home  
27 could be built in a backyard taking away the privacy of neighbors. Councilwoman Fillmore stated  
28 she feels that flag lots should be a rare exception. Mayor Cutler said he can see some benefit  
29 to flag lots, especially on the north end of town. Councilman Ince suggested the Council study  
30 the issue further and place it on an agenda in July. The Council agreed.

31  
32 **FISCAL YEAR 2017 BUDGET**

33  
34 City Manager Thacker presented a Proposed Budget for FY 2017, and suggested the  
35 Council hold a public hearing on June 7, 2016, and adopt a final Budget on June 21<sup>st</sup>, with work  
36 sessions on May 17<sup>th</sup>, May 24<sup>th</sup>, or May 31<sup>st</sup>. Councilman McEwan requested staff prepare data  
37 showing average annual salary increases given by the City over the last ten years. He stated  
38 that, while the City values its employees, he has a desire for the City to be in line with  
39 compatible industry. He said in his own career he has never had the expectation of an annual  
40 increase. Councilman McEwan said he is not comfortable adopting the Tentative Budget with  
41 the proposed salary increases. Councilwoman Fillmore said she is comfortable adopting and  
42 releasing the Tentative Budget to the public knowing it is understood that changes will be made.  
43 Mr. Thacker suggested he include a line in the Budget Newsletter stating that the Council is still  
44 discussing the salary issue and invite comments at the public hearing.

45  
46 Councilman Ince made a **motion** to adopt the FY 2017 Tentative Budget, schedule work  
47 sessions for May 17<sup>th</sup> and May 31<sup>st</sup>, and set a public hearing for June 7, 2016. Councilwoman  
48 Ivie seconded the motion, which passed by majority vote (4-1), with Councilman McEwan  
49 dissenting.

50  
51 The Council took a break at 9:06 p.m., returning at 9:13 p.m.

1                   **CLOSED MEETING**  
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3                   At 9:13 p.m. Councilman Ince made a **motion** to move to a closed meeting for the  
4 purpose of discussing pending or reasonably imminent litigation and the character and  
5 competency of an individual. Councilwoman Ivie seconded the motion, which passed by  
6 unanimous vote (5-0). In attendance were: Paul A. Cutler, Mayor; Council members Fillmore,  
7 Ince, Ivie, McEwan, and Mecham; Steve Thacker, City Manager; Lisa Romney, City Attorney;  
8 Jacob Smith, Assistant to the City Manager; Katie Rust, Recording Secretary; Heather White,  
9 Snow Christensen & Martineau; and Libby Lowther, URMMA.

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11                   The Council returned to regular meeting at 9:57 p.m.

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13                   **APPOINTMENTS**  
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15                   Mayor Cutler reported he has communicated with an individual interested in serving on  
16 the Board of Adjustments. One position will open on the Planning Commission this fall at the  
17 end of Commissioner Kjar's second term. There is one open position on the Whitaker Museum  
18 Board, and two open positions on the Landmarks Commission.

19  
20                   **RDA MEETING**  
21

22                   At 9:59 p.m. Councilman Ince made a **motion** to move to a meeting of the  
23 Redevelopment Agency of Centerville. Councilwoman Mecham seconded the motion, which  
24 passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; Stephanie Ivie,  
25 Vice-Chair; Directors Fillmore, Ince, McEwan, and Mecham; Steve Thacker, City Manager;  
26 Jacob Smith, Assistant to the City Manager; Lisa Romney, City Attorney; and Katie Rust,  
27 Recording Secretary.

28  
29                   The Council returned to regular meeting at 10:07 p.m.

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31                   **MAYOR'S REPORT**  
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33                   Mayor Cutler reported on UTA's plan for use of Proposition 1 revenues.

34  
35                   **COUNTY-OWNED PROPERTY ON 100 SOUTH**  
36

37                   Mr. Thacker updated the Council regarding the County-owned property on 100 South.  
38 He said County staff has suggested the County develop the south portion of the property with  
39 access on 200 South, leaving the north portion undeveloped. Mr. Thacker said the County has  
40 asked if the Council would consider waiving City development fees and impact fees (not  
41 engineering fees) at the time of subdivision (totaling approximately \$10,000). Ms. Romney  
42 suggested the Council request a conservation easement to ensure the north space remains  
43 open over time. Councilwoman Fillmore said she believes it would be a good compromise, and  
44 said she would also want a trail easement between 100 South and 200 South. Councilwoman  
45 Mecham said she does not like the idea of developing any part of the property – it is a unique  
46 jewel that cannot be replaced once gone. Councilwoman Ivie expressed the opinion that the  
47 City should do everything possible to ensure that every piece of open land not already  
48 designated as buildable remain not buildable. Mr. Thacker responded that the Council needs to  
49 look at the big picture and consider the potential benefit to the entire community when  
50 considering a large investment of funds. Councilwoman Ivie stated she feels there is value in  
51 protecting open space. She pointed out that until the Council changes the existing zoning it is  
52 not residential property, and expressed frustration with the appraised valuation of \$400,000 that  
53 assumes residential zoning. Councilwoman Ivie said she does not feel the Council should give

1 special consideration to the County just because of the debris basin, since flood control is  
2 County responsibility and tax-payer money was used to fund the project.  
3

4 Councilman Ince said he would like to ask the Community Foundation to raise funds to  
5 purchase the south portion of the property. Mayor Cutler pointed out that the County  
6 Commissioners are trying to be good stewards of taxpayer dollars and not sit on unused assets.  
7 He agreed that the most convenient option would be if a private group was willing to purchase  
8 and maintain the property. Responding to Councilwoman Ivie's comments, Mr. Thacker said he  
9 feels that Centerville City received a disproportionate share of benefit from the taxpayer dollars  
10 issued in the flood control bond. Taxpayer dollars from all of Davis County benefited 200  
11 property owners in the Centerville hazard zone with construction of the debris basin. From his  
12 perspective, he said it would be unfair to threaten or refuse to rezone the property considering  
13 the history of partnership between the City and the County.  
14

15 Councilwoman Mecham asked if the city is positive that the property is safe for building.  
16 Councilman Ince pointed out that no one on the Council is competent to make that decision.  
17 There is no way to really know the answer to her question. Mr. Thacker pointed out that many  
18 homes have been built on the same alluvial fan. The County would need to provide evidence  
19 that the proposed building design is suitable for the soil. Councilwoman Fillmore commented  
20 that what retains the value of a neighborhood is a matter of opinion. She said that, while she is  
21 not opposed to open space, new quality homes and new residents could be reinvigorating for a  
22 neighborhood. She expressed concern with the idea that keeping everything the way it is will  
23 retain the value of the city, where the opposite might actually be true. Councilman McEwan said  
24 he can still see a potential for conflict from the neighbors with the proposed compromise. He  
25 said he does not see a way to make this a win-win situation, and the impact will be seen in  
26 years to come.  
27

28 Referring to the implication that if something is open space it should remain open space,  
29 Ms. Romney pointed out that any refusal to deny rezone should be reasonable. Councilwoman  
30 Ivie said she is in favor of asking the Community Foundation to see if anyone would be  
31 interested in investing in the property at the reduced price. Mayor Cutler said he believes the  
32 County would be able to get at least \$100,000-\$125,000 per lot, and asked what the Council as  
33 taxpayers would want the County to do with taxpayer land. Councilwoman Ivie responded that  
34 money is not always the issue. Councilwoman Mecham said she would feel better about  
35 keeping half of the property undeveloped than none. Councilwoman Fillmore said she believes  
36 the compromise is a reasonable solution. Councilwoman Mecham said she would be in favor of  
37 a conservation easement. Councilman McEwan agreed with Councilwoman Mecham. Mr.  
38 Thacker pointed out that the Parks Committee should be consulted before the Community  
39 Foundation is asked to raise funds. Councilwoman Fillmore pointed out the liability involved in  
40 owning the property. Councilman Ince pointed out that a rezone does not guarantee building  
41 permit approval. He suggested staff try to move things in the compromise direction as slowly as  
42 possible while the Council examines the possibility of a private party willing to invest in  
43 establishing a conservation area.  
44

#### 45 CITY MANAGER'S REPORT

- 46
- 47 • Mr. Thacker reported that UDOT will perform a traffic study of the Parrish Lane
- 48 corridor later this year, examining each intersection on Parrish Lane.
- 49 • UDOT has agreed to an extension of the Cooperative Agreement for the Parrish
- 50 Lane project.
- 51 • Wasatch Front Regional Council will host a meeting regarding the update process for
- 52 the long-range transportation plan on May 23<sup>rd</sup> at North Salt Lake City Hall. Council
- 53 members are invited to attend.

