

1 Minutes of the Centerville **City Council** meeting held Tuesday, October 18, 2016 at 7:00 p.m. at  
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

3  
4 **MEMBERS PRESENT**

5  
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 Dave Walker, Drainage Utility Supervisor  
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**

26  
27 **PRAYER OR THOUGHT**

Pastor Loren Pankratz, The Bridge Community

28  
29 **OPEN SESSION**

30  
31 Dave Bell – Mr. Bell said he owns a business and residential property in Centerville. He  
32 provided the Council with Google Maps images of his commercial property, Dave's Auto  
33 Service, his nearby residential property, and surrounding properties (attached). Mr. Bell said he  
34 is hoping to purchase the residential property next to his property. He informed the Council of  
35 his desire to be open about his intentions to develop his residential property, and asked the  
36 Council to consider what they would be willing to allow. Mr. Bell said he would like to avoid the  
37 conflict that has occurred with some of the recent development in the city.

38  
39 Dale McIntyre – Mr. McIntyre stated it is his understanding that neither the Planning  
40 Commission nor the City Council is to consider development plans from an applicant when  
41 considering a request for rezone, yet development plans are included in the staff report for a  
42 rezone request on the agenda. He asked why staff includes the development plans in the  
43 documentation if the Council is not to consider them in the decision. Mr. McIntyre provided the  
44 Council with a copy of his comments (attached).

45  
46 Lisa Romney, City Attorney, clarified that the Council is not prohibited from looking at  
47 documentation provided by the applicant. Staff advises the Council against allowing the  
48 expectation of specific development to influence the rezone decision because the proposed  
49 development is not guaranteed (i.e., plans can change, property can be sold). Cory Snyder,  
50 Community Development Director, stated that applicants have a right to petition and provide any  
51 plans they desire. Applicants often like to show what they envision for a property when  
52 requesting a rezone. The plans are provided to the Council at the applicant's request.

1                    **MINUTES REVIEW AND ACCEPTANCE**  
2

3                    The minutes of the October 4, 2016 work session and regular Council meeting were  
4 reviewed. Councilwoman Mecham requested two amendments to the regular Council meeting  
5 minutes. Councilman McEwan made a **motion** to accept the October 4, 2016 work session  
6 minutes, and the October 4, 2016 Council meeting minutes as amended. Councilman Ince  
7 seconded the motion, which passed by unanimous vote (5-0).  
8

9                    **SUMMARY ACTION CALENDAR**  
10

- 11                    a. Award bid for a 2017 GMC 4WD Sierra 2500 HD Double cab, with a shell and ladder  
12 racks from Young Automotive Group in the amount of \$34,086.70 for the Public  
13 Works Director  
14                    b. Approve Amendment to the Youth City Council Charter to increase the maximum  
15 number of Youth City Council members from 20 to 25 members – Resolution No.  
16 2016-25  
17

18                    City Manager Thacker responded to a question from Councilman McEwan about the City  
19 vehicle rotation schedule. Referring to item (b) on the Summary Action Calendar,  
20 Councilwoman Ivie said she agrees with increasing the number of members on the Youth  
21 Council, but said she knows some cities accept all applicants, but do not send all members to  
22 the annual conference. Councilwoman Ivie suggested there would be enough service  
23 opportunities for everyone desiring to serve. Mayor Cutler responded it is difficult to manage a  
24 large group when it reaches a certain point, and difficult to administer a larger group with the  
25 given budget. Mr. Thacker commented that the Youth Council currently has more than 20  
26 members. The proposed change would bring the numbers into compliance. Councilwoman  
27 Fillmore made a **motion** to accept both items on the Summary Action Calendar, including  
28 Resolution No. 2016-25. Councilman Ince seconded the motion, which passed by unanimous  
29 vote (5-0).  
30

31                    **RECONSIDERATION OF ZONING MAP AMENDMENT – BALLING TOWNHOMES –**  
32 **323 EAST PAGES LANE**  
33

34                    On October 4, 2016, the City Council reviewed and held a public hearing regarding the  
35 proposed rezone of property located at 323 East Pages Lane from Commercial-High (C-H) to  
36 Residential-High (R-H). At that time, the Council voted by majority (3-2) to reject and deny the  
37 rezone. The applicant has requested the Council reconsider its previous action on Ordinance  
38 No. 2016-31 and consider adoption of the ordinance rezoning the subject property to  
39 Residential-Medium (R-M), rather than the previously requested R-H. Councilwoman Mecham  
40 made a **motion** to reconsider Ordinance No. 2016-31 regarding the proposed Zone Map  
41 Amendment (rezone) for property located at approximately 323 East Pages Lane. Councilman  
42 McEwan seconded the motion, which passed by unanimous vote (5-0).  
43

44                    Scott Balling, applicant, stated he is confident his plans can be accommodated in the R-  
45 M Zone. He said he feels R-M is compatible with the area. Councilman McEwan asked staff if  
46 the development project as proposed would be possible with the R-M Zoning. Mr. Snyder  
47 responded that, as proposed, the project would not qualify. Density calculations would need to  
48 be met, and the proposed six units would require a conditional use permit. With the conditional  
49 use permit, the Planning Commission would determine if any mitigation measures are  
50 necessary.  
51

52                    The Mayor opened a courtesy public hearing at 7:36 p.m., and closed the public hearing  
53 seeing that no one wished to comment. Councilman McEwan made a **motion** to adopt  
54 Ordinance No. 2016-31A, changing all references to Residential-High (R-H) to Residential-

1 Medium (R-M). Councilwoman Mecham seconded the motion, which passed by unanimous  
2 vote (5-0).  
3

4 **PUBLIC HEARING – MUNICIPAL CODE AND ZONING CODE AMENDMENTS –**  
5 **PROHIBITING FLAG-LOT DEVELOPMENT**  
6

7 On September 4, 2016, the Council directed staff and the Planning Commission to  
8 consider code amendments to repeal provisions of City ordinances regarding flag lots and to  
9 prohibit the use of flag lots within the city. On September 29, 2016, the Planning Commission  
10 reviewed and held a public hearing on the proposed amendments to prohibit flag lot  
11 development. After due consideration and discussion, the Planning Commission voted to reject  
12 the proposed amendments. Mr. Snyder stated that flag lots create uncomfortableness in every  
13 city. He said he believes that, if the Council chooses to repeal the flag-lot option at this time, the  
14 issue will be brought before the Council again in the future. The option has been repealed in  
15 the past, and brought back to the Council by citizens looking to use the flag-lot tool. He said he  
16 feels the flag-lot option is a good last-resort tool with a disciplined ordinance. Mr. Snyder said  
17 the Planning Commission would have preferred the Council to express specific concerns and let  
18 the Commission try to fix the areas of concern.  
19

20 Mayor Cutler opened a public hearing at 7:47 p.m.  
21

22 Kendall Skinner – Mr. Skinner said he recently acquired property in Centerville for  
23 agricultural use to teach his children how to work. The property was advertised as approved for  
24 flag-lot development. Mr. Skinner said he would like to keep the flexibility for the future. He  
25 asked why the Council would want to do away with the ordinance completely. Councilwoman  
26 Mecham responded that citizens have expressed concern about the rights of neighboring  
27 property owners who do not want something built in their backyards that would shadow the  
28 neighboring properties.  
29

30 Scott Balling – Mr. Balling stated that as a city is built-out there are remnant parcels that  
31 are hard to deal with. The flag-lot tool provides options. He said he feels the ordinance should  
32 be stiff so flag lots are only a last-resort option, but the option should be there.  
33

34 Kim Samuelson – Mr. Samuelson said he has a vested interest in the issue because he  
35 has a larger lot that could possibly be considered flag lot worthy. He said he would hate to see  
36 the Council close the door on that option. He asked that the Council let people do what they  
37 think is best, with some guidance. Mr. Samuelson said the “last resort” idea bothers him  
38 because property owners may want to do something different than the ordinance would allow.  
39 He said it is sad for those who purchased property expecting that nothing would change, but he  
40 feels property owners should be allowed to do what they can with their own property.  
41

42 Kathy Streadbeck – Ms. Streadbeck said she is representing her father, who lives in  
43 Centerville and has a vested interest in the flag-lot option. She provided a copy of her father’s  
44 comments (attached). Ms. Streadbeck said her father feels removing flag lots as an option  
45 would be shutting the door on his right to develop. He feels the time to listen to and mitigate  
46 concerns of neighbors was when the ordinance was put in place. Now that the option is in  
47 place, the weight should be on the side of property owner rights. She stated the flag-lot  
48 ordinance is in line with the community desire for single-family development. Ms. Streadbeck  
49 pointed out that taking away the flag-lot option would open the door to PDOs and higher-density  
50 development. She said she hopes the Council members will all read the minutes of the  
51 Planning Commission meeting and take the Planning Commission recommendation into  
52 consideration.

1        John Streadbeck – Mr. Streadbeck echoed his wife's comments, and pointed out that,  
2 for the most part, flag lots are few. He agreed that flag lots are uncomfortable for everyone  
3 around, but it should be the most uncomfortable for those who do not own the property. He said  
4 he feels it should always be difficult to take away property rights. Property owners should have  
5 the right to do what was allowed at the time the property was purchased. He asked the Council  
6 to err on the side of property owners keeping the rights in place when they purchased, not the  
7 rights of those with a view of the property.  
8

9        Mayor Cutler closed the public hearing at 8:00 p.m. The Mayor said he feels the Council  
10 should consider keeping the flag-lot ordinance to provide options for property owners. Flag lots  
11 are a useful tool long-term. Mayor Cutler said he would like to hear concrete examples of flag  
12 lots that are problematic in Centerville. Councilwoman Fillmore responded there are many  
13 examples of flag lots that are problematic and poorly done. She stated she is very open to infill  
14 options, and she was in support of an ADU ordinance and the level of control it could provide.  
15 Councilwoman Fillmore said that, as a member of the Planning Commission when flag lots were  
16 last considered, she spoke against flag lots in general because of her many concerns. She said  
17 one of her concerns involves the road/driveway used by the back property owner impacting the  
18 front property owner. She said the Planning Commission was sensitive to the concerns  
19 expressed when they drafted the ordinance. However, an altered version was adopted by the  
20 Council. Councilwoman Fillmore said she is open to having a very nuanced, intricate ordinance  
21 for flag lots. She said she feels Centerville has a fantastic Planning Commission, and she is  
22 comfortable sending a list of concerns to the Planning Commission for them to address.  
23

24        Councilwoman Mecham stated she is very concerned about the height of structures on  
25 flag lots, especially in the older part of Centerville with primarily small homes. She said she  
26 would want the height addressed, perhaps as an average of neighboring structure heights.  
27 Councilwoman Mecham suggested the flag-lot option could be available with involvement of the  
28 Board of Adjustments. Councilman Ince read aloud findings (e) and (f) from the Planning  
29 Commission's motion:  
30

- 31        e. The Planning Commission finds that the allowance of flag lots, with the regulations  
32 that are in place, can create compatible building orientation and placement on  
33 properties that can temper and mitigate any visual and sometimes physical impacts  
34 that are not the expected norm to the typical residential development patterns of  
35 today (or if deemed necessary be adjusted).  
36        f. The Planning Commission finds that the flag-lot regulations can adequately to  
37 appropriately address building height relationships to adjacent properties, application  
38 of front side and rear yard setbacks, use of accessory structures, utility service  
39 laterals, fire suppression access and turnarounds, stem or pole use and  
40 maintenance (or if deemed necessary be adjusted).  
41

42        Councilman Ince said he could not find where those issues are addressed in the ordinance. Mr.  
43 Snyder explained that the Planning Commission was expressing a preference to adjust the  
44 existing ordinance rather than repeal the ordinance entirely. Councilwoman Fillmore agreed  
45 with Councilman Ince that the findings make it sound like those issues are addressed in the  
46 ordinance, and that she would argue they are not. Councilman McEwan asked Mr. Snyder what  
47 reasons other councils have used to repeal flag-lot ordinances. Mr. Snyder responded they are  
48 the same difficulties the City Council is struggling with now - safety issues, and the shock value  
49 of a structure going up in space that has been empty for a long time. Mr. Snyder said he feels  
50 the existing flag-lot ordinance is really good, and staff and the Planning Commission are willing  
51 to wrestle with concerns and bring back recommendations.

1 Councilwoman Fillmore gave an example of flag-lot use in her neighborhood where she  
2 thinks a small subdivision would have been less chaotic. Councilwoman Ivie stated she has  
3 little kids, and the idea of a driveway going through a property to access a flag lot sounds  
4 dangerous. Mr. Snyder responded that fencing and buffering could be looked at to mitigate the  
5 concern.  
6

7 Councilwoman Fillmore made a **motion** to send the ordinance to the Planning  
8 Commission for recommendations on how to address the Council's concerns. The motion died  
9 for lack of a second. A majority of the Council indicated they would like to meet in a work  
10 session to receive education from staff. Councilman Ince asked if, in the meantime, a TZRO  
11 could be placed on flag-lot development. Ms. Romney responded a TZRO is a limited tool that  
12 would be problematic from a legal perspective for a change in policy direction. Councilwoman  
13 Fillmore suggested including the Planning Commission at the work session. Councilman  
14 McEwan said he is sensitive to the fact that once a right is granted, it seems like a bad thing to  
15 take it away. He said that when something is done that is incongruous to a neighborhood, just  
16 like a living organism, the neighborhood will react. The question is whether the long-lasting  
17 impact would change the character of the neighborhood. Councilman McEwan said if flag lots  
18 can be fit into a specific template that will allow control, balancing the community with the  
19 property owner, he would be fine with it. He said he is not in favor of allowing properties to  
20 become blighted. He said he understands a lot of citizens bought their properties and homes  
21 with certain expectations about their surroundings. Councilman Ince said he would prefer not to  
22 take the option away, but would like to better understand protections to surrounding properties.  
23

24 Councilman Ince made a **motion** to table this issue and schedule a work session with  
25 the Planning Commission on November 1<sup>st</sup>, prior to the regular Council meeting, for an  
26 explanation of elements of the current flag-lot ordinance. Councilwoman Fillmore seconded the  
27 motion, which passed by unanimous vote (5-0).  
28

29 Bruce Pitt – Mr. Pitt stated he has lived in a flag-lot situation that was a wonderful  
30 experience. He encouraged the Council to not throw the ordinance away completely, and to be  
31 careful with property rights.  
32

33 **DISCUSSION REGARDING UPDATING THE GENERAL PLAN – REQUESTED BY**  
34 **COUNCIL MEMBERS IVIE AND MECHAM**  
35

36 Councilwoman Ivie referred to the rezone request discussed at the last Council meeting,  
37 stating there were many questions about what the General Plan does and does not allow,  
38 particularly in the southeast neighborhood. She proposed the Council tackle the southeast  
39 neighborhood portion, with the idea that the Council continue from there to the southwest as  
40 quickly as possible. Councilwoman Ivie said she was pleased to hear the Planning Commission  
41 is willing to dig in and fix something, and she thinks this is a good issue to send to them  
42 posthaste. Mr. Snyder explained the process for updating the General Plan, which would take a  
43 minimum of two and a half months. Public notice must be given regarding the intention to  
44 change the General Plan. An update of a Neighborhood Plan typically involves public outreach  
45 with the neighborhood. A lot of pre-marketing is usually involved to build up interest. Prior to  
46 the public outreach, the city would identify the elements of the Plan under consideration. An ad  
47 hoc committee could be formed to identify themes and begin making revisions. Mr. Snyder said  
48 he believes the update will be a longer process if density is a driving issue.  
49

50 Councilwoman Mecham asked if a work session would be appropriate. Councilwoman  
51 Fillmore said she feels a work session is a good idea for a first step because she feels part of  
52 this is a misunderstanding of what the General Plan is supposed to do for the city. She said  
53 that, although one of the standards for land-use consideration is whether or not something is  
54 consistent with the General Plan, the standard is very subjective and flexible. The General Plan

1 stays very general, and the Council has flexibility as the Legislative body. Mr. Snyder added  
2 that, in making a Legislative decision, the Council looks to the General Plan for guidance, but is  
3 not handcuffed unless the direction is extremely specific. The purpose of the ordinance is to tie  
4 conditional use permits and site plans to the General Plan. There is wisdom in not being too  
5 specific in the General Plan. Ms. Romney added a State statute states that the General Plan is  
6 an advisory guide for land-use decisions, the impact of which shall be determined by ordinance.  
7

8 Councilman McEwan said he would like to avoid General Plan "fatigue" in the community  
9 by specifically stating what portion is being considered. The Council discussed adding  
10 discussion of the General Plan update to the joint work session with the Planning Commission  
11 on November 1<sup>st</sup> if time allows. Councilwoman Ivie made a **motion** directing staff to initiate  
12 public notice that a work session will be held on November 1, 2016 to discuss the Neighborhood  
13 One (southeast neighborhood) portion of the General Plan. Councilman Ince seconded the  
14 motion. In deference to staff work load, a desire to review Council goals for 2016, and not  
15 wanting to create public expectation that decisions will be made quickly, Councilwoman Fillmore  
16 said she would be more comfortable with giving notice after the work session. Mr. Snyder  
17 commented that the holiday season and other 2016 goals will cause delay. Councilman  
18 McEwan said he would prefer residents with strong feelings on the issue to start voicing those  
19 concerns earlier rather than later. The motion to initiate public notice passed by majority vote  
20 (4-1), with Councilwoman Fillmore dissenting.  
21

22 **STAFF REPORT REGARDING STREET SWEEPING FREQUENCY, PRIORITIES,**  
23 **ETC.**  
24

25 Dave Walker, Drainage Utility Supervisor, explained how street sweeping frequency and  
26 priorities are determined, and answered questions from the Council.  
27

28 The Council took a break at 9:31 p.m., returning at 9:46 p.m.  
29

30 **FINANCIAL REPORT**  
31

32 Mr. Thacker presented a financial report for the three-month period ending September  
33 30, 2016, and answered questions from the Council.  
34

35 **MAYOR'S REPORT**  
36

- 37 • Mayor Cutler reported on a recent "Lunch with the Mayor" event for elementary  
38 students.
- 39 • City Manager Steve Thacker has been selected as BYU Alumni of the Year from the  
40 School of Public Management. The Council and Mayor gave Mr. Thacker their  
41 enthusiastic congratulations.  
42

43 **CITY COUNCIL LIAISON REPORT**  
44

45 Councilwoman Mecham updated the Council regarding the Davis County Transportation  
46 Committee. She complimented the Trails Committee for their organization of the recent  
47 pedestrian bridge ribbon-cutting event.  
48

49 **CITY MANAGER'S REPORT**  
50

- 51 • Mr. Thacker updated the Council regarding various Federal funding applications.

- City Manager Thacker updated the Council regarding a delay in the sidewalk replacement project. Work will most likely begin at the first eight locations in early 2017. Staff is considering options to minimize liability in the meantime.

**CITY ATTORNEY TRAINING – ROLE OF PLANNING COMMISSION**

Ms. Romney provided training regarding the role of the Planning Commission, the relationship between the City Council and Planning Commission, and the legal framework for administrative decisions.

**MISCELLANEOUS BUSINESS**

Councilman McEwan added to his previous report on the Mosquito Abatement District, explaining limitations faced by the District this time of year.

**APPOINTMENT**

Mayor Cutler recommended Melissa Smith for reappointment to the Parks and Recreation Committee. Councilman Ince made a **motion** to reappoint Melissa Smith to the Park and Recreation Committee. Councilwoman Fillmore seconded the motion, which passed by unanimous vote (5-0).

**ADJOURNMENT**

At 10:31 p.m. Councilman McEwan made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

  
\_\_\_\_\_  
Marsha L. Morrow, City Recorder

11-1-2016  
Date Approved

  
\_\_\_\_\_  
Katie Rust, Recording Secretary

