

1 Minutes of the Centerville **City Council** meeting held Tuesday, January 3, 2017 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 Lisa Romney, City Attorney  
17 Jacob Smith, Assistant to the City Manager  
18 Chief Paul Child, Centerville Police Department  
19 Cassie Younger, Assistant City Planner  
20 Katie Rust, Recording Secretary

21 **STAFF ABSENT**

22 Blaine Lutz, Finance Director/Assistant City Manager

23 **VISITORS**

24 Mark Dimond, Trails Committee Chair  
25 Brandon Federico, Trails Committee  
26 Interested citizens (see attached sign-in sheet)

27 **PLEDGE OF ALLEGIANCE**

28  
29 **PRAYER OR THOUGHT**

Councilwoman Fillmore

30  
31 **COMMENDATION**

32  
33 Mayor Cutler expressed gratitude to the individuals responsible for clearing snow from  
34 City streets, and acknowledged the significant sacrifice made to clear the streets early  
35 Christmas morning. He also expressed appreciation to all police and fire officials who sacrifice  
36 holiday time to keep the community safe.

37  
38 **OPEN SESSION**

39  
40 Dave Farnsworth – Mr. Farnsworth expressed appreciation for the wonderful efforts to  
41 keep the streets free of snow, and congratulated the Parks Department on the beautiful holiday  
42 light display in Founders Park. As a member and representative of the Sons of Utah Pioneers  
43 (SUP), Mr. Farnsworth expressed concern about the fencing currently restricting access to the  
44 plaque placed by the SUP on the County-owned property located on 100 South. He asked the  
45 Council to register the concern with the County, with the request that citizens have free and full  
46 access to that property. He said he is not aware of any dangerous incident occurring on the  
47 property in the last 35 years, and he feels the property should not be posted “No Trespassing”.

48  
49 Wayne Argyle – Mr. Argyle said he lives across the street from the County-owned  
50 property on 100 South. He expressed concern that the County-owned parcel of land that has  
51 been enjoyed by many as a nature spot could be lost to something that only a few homeowners  
52 would enjoy. Mr. Argyle said the property is used extensively by both children and adults for  
53 taking walks, crossing the bridge, and enjoying the water cascading over the rocks. The land is  
54 important as it is now. The comparable small amount of money gained in a sale, would be  
55 nothing compared to the loss of the natural historical site. He referred to the “No Trespassing”  
56 signs currently posted, and said he understands the issue of liability. However, in its current

1 state, there is little, if any, upkeep. Mr. Argyle suggested that liability insurance could be  
2 acquired at a cost much less than the maintenance on any of Centerville's parks. He suggested  
3 the area along 100 South be left as it is, even if Davis County continues the plan to urbanize the  
4 area along 200 South.  
5

6 Tracy James – Mr. James stated he is a commercial developer. He said he believes the  
7 northern half of the County-owned property on 100 South would be very expensive to develop,  
8 and he thinks a peace offering could be made. He suggested the County sell the southern half  
9 of the property for development, and preserve the northern half. Mr. James said he has made  
10 the offer to the County to purchase some of the land at the current asking rate, and also  
11 suggested to others in the community that money could be raised to purchase some of the  
12 property.  
13

14 Lee Skabelund – Mr. Skabelund stated that, as a retiree with the Forest Service, he  
15 recognizes the value of natural land. He echoed the expressions of gratitude for the snow  
16 plowing. Referring to the County-owned property on 100 South, Mr. Skabelund said he feels  
17 good-faith communication has been lacking between the City and the County. He said he feels  
18 the property has a lot of opportunity, and he encouraged open communication between  
19 representatives of both groups.  
20

21 Jennifer Decker – Ms. Decker said it is her understanding that the Council and Mayor  
22 are concerned about the lack of available cemetery space, and are looking into options to add  
23 or expand burial space. She questioned the financial feasibility of the options under  
24 consideration, and expressed concern regarding legal liability. She suggested the proposed  
25 wall would be a short-term solution, not a long-term solution. Ms. Decker suggested the Council  
26 explore the possibility of utilizing some of the County-owned property on 100 South for  
27 expanded cemetery space.  
28

29 **MINUTES REVIEW AND ACCEPTANCE**

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31 The minutes of the December 6, 2016 Council meeting were reviewed. Councilwoman  
32 Fillmore made a **motion** to approve the minutes. Councilman Ince seconded the motion, which  
33 passed by unanimous vote (5-0).  
34

35 **SUMMARY ACTION CALENDAR**

- 36  
37 a. Approve amendments to recording secretary services contracts  
38 b. Commence warranty period – Porter Walton Townhomes  
39 c. Terminate warranty period – Chick-Fil-A  
40 d. Award bid for replacing three submersible pumps and pump column to Nickerson  
41 Company in the amount of \$88,738.00  
42

43 Mr. Thacker requested that the motion to approve item (d) on the Summary Action  
44 Calendar include authorization to participate in a Rocky Mountain Power energy savings  
45 agreement. Councilman Ince made a **motion** to approve all four items on the Summary Action  
46 Calendar, and include with item (d) the authorization to participate in a Rocky Mountain Power  
47 energy savings agreement. Councilman McEwan seconded the motion, which passed by  
48 unanimous vote (5-0).  
49

50 **PUBLIC HEARING – FINAL SUBDIVISION – RAY SUBDIVISION**

51  
52 On December 14, 2016, the Planning Commission reviewed and recommended for  
53 approval the proposed Final Subdivision Plat for the Ray Subdivision located at approximately

1 233 South 100 East. Cassie Younger, Assistant City Planner, explained the recommendation  
2 and answered questions from the Council.  
3

4 Mayor Cutler opened a public hearing at 7:24 p.m., and closed the public hearing seeing  
5 that no one wished to comment. Councilwoman Fillmore made a **motion** to approve the Final  
6 Subdivision Plat for the Ray Subdivision, subject to the following conditions and based on the  
7 following findings. Councilwoman Mecham seconded the motion, which passed by unanimous  
8 vote (5-0).  
9

10 Conditions:

- 11
- 12 1. The Final Plat Linen shall meet all standards found in Chapter 15.3 of the
- 13 Subdivision Ordinance.
- 14 2. After the final plat is deemed acceptable by the City Engineer and City Attorney, the
- 15 developer shall submit the final plat with all required signatures and
- 16 acknowledgments to the City Recorder for recording with the Davis County
- 17 Recorder's Office. The developer shall submit an updated title report current within
- 18 30 days of recording the plat to the City Recorder along with the final plat.
- 19 3. The final construction drawings shall be reviewed and approved by the City Engineer
- 20 prior to the recommendation of the Subdivision Plat.
- 21 4. The developer shall submit a signed public improvements agreement and bond prior
- 22 to recording the final plat regarding any required public improvements.
- 23 5. Developer shall pay all required development, impact and recording fees prior to
- 24 recording of the final plat.
- 25 6. The developer shall remove the shed on Lot 2 prior to the issuance of any building
- 26 permit within the subdivision.  
27

28 Findings:

- 29
- 30 1. The final subdivision plat is in harmony with the General Plan [Section 12-480-
- 31 52(1)(e)].
- 32 2. The new subdivision meets the objectives for development within a Residential-Low
- 33 Zone [Section 12-30-020(b)(1)].
- 34 3. It appears all applicable development standards for development within an R-L Zone
- 35 have been satisfied [Table 12.32.1].
- 36 4. It appears all general requirements for a subdivision have been satisfied [Chapter
- 37 15-5].
- 38 5. All applicable standards found in the Subdivision Ordinance pertaining to a final
- 39 subdivision review have been satisfied [Chapter 15-4].  
40

41 **POLICE DEPARTMENT BUSINESS**

42

43 Police Chief Child explained the need for continual updates to Police Department  
44 Policies, and presented revisions to the Physical Fitness Policy. The current policy was drafted  
45 and recommended by URMMA several years ago through an extensive validation process. It  
46 requires that an employee be terminated or transferred into a non-police officer position if, after  
47 several attempts, that employee continues to fail the fitness tests. In the context of the current  
48 police officer job market, Chief Child is concerned about retaining his current officers, and  
49 therefore would like to back off the termination requirements and use other incentives to  
50 encourage compliance.  
51

52 City Manager Thacker explained that authority for the content and adoption of the Police  
53 Policy Manual resides normally with the Police Chief. However, the Council has the authority to

1 override the Chief if they disagree with the content of a Police Department policy. The Council  
2 is being apprised of these revisions because the changes could affect the amount of premium  
3 paid by the City to URMMA for liability insurance coverage. The increase would be slight, if any,  
4 due to this factor. Councilman McEwan suggested the Chief consider the acceptable physical  
5 fitness test alternatives used by the military. Chief Child responded that URMMA has indicated  
6 they would not acknowledge military physical fitness test alternatives. A majority of the Council  
7 appeared to support the change.  
8

9 Chief Child explained the proposal to transition an existing position in the Police  
10 Department to an Administrative Sergeant position. He explained the proposed duties for the  
11 position, and the shift of duties that would occur within the Department. Councilman Ince made  
12 a **motion** to approve the proposal to convert a Police Officer position to an Administrative  
13 Sergeant position, and support use of Contingency for the transition. Councilwoman Mecham  
14 seconded the motion, which passed by unanimous vote (5-0).  
15

### 16 **COUNTY PROPERTY ON 100 SOUTH STREET**

17  
18 In March of 2016, County officials attended a City Council meeting and informed the  
19 Council that they intend to sell the 2 acres of County-owned property on 100 South, which  
20 contains the Deuel Creek channel and sedimentation basin on the north portion. From 1997 to  
21 2014 the property was the subject of a lease agreement between the County and Centerville  
22 City, allowing the property to be used as a natural open space by City residents. Recently,  
23 County employees have fenced the property and posted "No Trespassing" signs.  
24

25 Mayor Cutler said he is confident that both the County and the City are willing to work  
26 together for the best possible outcome. He said one possibility is to allow the south side of the  
27 property to be developed, leaving the north side in a permanent conservation status, possibly  
28 deeded back to the City. The desire of residents seems to be to keep the north end in a more  
29 natural state. The County would retain responsibility of the stream channel. Councilwoman  
30 Mecham said she would love to leave the entire property open as a legacy, and she strongly  
31 feels the City needs to work with the County. Councilman McEwan said he feels the fence is  
32 probably an overreaction, since there is not a history of problems on the property, and working  
33 to have the fence removed would be good. Councilwoman Fillmore said she feels the Council  
34 missed an opportunity in past discussions by not looking into the possibility of extending the  
35 liability agreement. Mayor Cutler showed on a map a suggestion for retaining a public-access  
36 path through the north portion of the property. A pathway on the south portion of the property  
37 would be more expensive to create.  
38

39 Wayne Argyle – Mr. Argyle said he feels the Mayor's suggestion would be something the  
40 citizenry would not like. There is an established nature path on the south portion of the property  
41 that would not cost anything.  
42

43 Ron Schultz – Mr. Schultz described the existing trail on the property, and commented  
44 that keeping the existing trail would not cost anything.  
45

46 Lee Skabelund – Mr. Skabelund commented that he is experienced at operating trail  
47 systems. He said he is confident that area residents would be willing to commit to annual  
48 cleanup of the property to minimize maintenance expense.  
49

50 Dale Engberson – Mr. Engberson commented that property rights of the homes on the  
51 south portion will need to be respected.  
52

1 The Council agreed to proceed with negotiations with the County, with Mayor Cutler  
2 taking the lead.

3  
4 **MAYOR'S REPORT**

- 5  
6 • Mayor Cutler reported that a number of citizens have approached him with concerns  
7 about the options being considered to expand the cemetery.  
8 • The Mayor reported that he attended two DARE graduations in December.  
9 • There have been significant challenges recently with the City website. Councilman  
10 McEwan commented that more and more citizens are looking to the internet as their  
11 first source for information, and the City needs to have a reliable website, with an  
12 established backup plan. The Mayor and Council discussed the City's current  
13 provider, and options for improving the situation.  
14

15 **CITY MANAGER'S REPORT**

- 16  
17 • The Trails Committee has proposed the construction of mountain bike trails on the  
18 mountainside. Brandon Federico, a member of the Trails Committee, showed the  
19 proposed bike trails on a map. He stated that the Trails Committee is willing to take  
20 on responsibility of maintaining the trails. It is intended that bikers would park their  
21 vehicles on Island View Drive and access the trail system at that location.  
22 Councilwoman Ivie expressed her concern regarding erosion, and said she knows  
23 the Island View Drive neighborhood is on high alert because of crime – watching for  
24 vehicles that do not belong in the neighborhood. Councilman McEwan stated he  
25 would want the gun range property to the east to be well posted to prevent bikers  
26 from straying into a dangerous situation. Councilwoman Fillmore said she loves that  
27 Centerville has a Trails Committee that is active, and pointed out the possible  
28 opportunity to partner with the County. Mayor Cutler suggested Trails Committee  
29 representatives join him in a meeting with County representatives. Mr. Federico  
30 expressed confidence that the trails could be constructed with volunteer labor and  
31 hand tools. Councilman McEwan said he would be interested in knowing what kind  
32 of impact similar trail systems have had on liability and emergency responders in  
33 other communities. Mayor Cutler commented that, since a portion of the proposed  
34 trail system extends into Bountiful, it would make sense to involve Bountiful in  
35 discussions. Mark Dimond, Trails Committee Chair, and Mr. Federico indicated they  
36 could put together a phased proposal. City Manager Thacker referred to the trail that  
37 currently runs through the gun range property, and Councilman Ince agreed that the  
38 trail is a problem. Mr. Federico responded that he feels the lack of signage is the  
39 problem.  
40 • In the past few weeks staff have been working on the Council's directive to study  
41 options for increasing burial space at the City Cemetery. Mr. Thacker updated the  
42 Council on the options being considered. Mayor Cutler suggested the Council hold a  
43 work session to receive a report from staff as well as citizen input. The Council  
44 appeared to be in agreement that they would only consider an expansion project if it  
45 were cost neutral for the City. Councilman McEwan said he is intrigued by the  
46 suggestion to use part of the County-owned property on 100 South as a memorial  
47 park and columbarium space. Staff will continue to study the possibilities.  
48 • Mr. Thacker updated the Council on the plan to improve parking space at the  
49 Whitaker Museum. He explained that the estimated cost for an improved parking lot  
50 (without curb and gutter) with approximately eight parking stalls is \$20,000-\$30,000.

- A Summary of Projects/Issues for 2016 and 2017, and an update of the Capital Improvement Program Summary for 2017 are included in the staff report available with the agenda on NovusAgenda.
- A majority of Council members indicated interest in the City hosting an emergency management training meeting, with other cities invited to attend.
- The Council indicated they would like an update from a UTOPIA representative at a future meeting, and an update from Dee Hansen about the Sewer District's biowaste-to-energy project.
- The Council will meet with Legislators in a work session prior to the regular Council meeting on January 17<sup>th</sup>, and will meet with the Parks Committee in a work session prior to the Council meeting on February 7<sup>th</sup>.

**CLOSED MEETING**

At 9:15 p.m. Councilwoman Ivie made a **motion** to move into a closed meeting to discuss the character and competence of individuals. Councilman McEwan seconded the motion, which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Mayor; Council members Fillmore, Ince, Ivie, McEwan, and Mecham; Steve Thacker, City Manager; Lisa Romney, City Attorney; Jacob Smith, Assistant to the City Manager; and Katie Rust, Recording Secretary.

The Council returned to regular meeting at 9:40 p.m.

**APPOINTMENTS**

Mayor Cutler recommended the following appointments: reappoint Scott Sappenfield to the Board of Adjustment, and appoint Kevin Merrill and Paula Tew to the Board of Adjustment; reappoint Gina Hurst and Logan Johnson to the Planning Commission; and reappoint Diane Chamberlain to the Whitaker Museum Board. Councilman McEwan made a **motion** to reappoint Scott Sappenfield to the Board of Adjustments and appoint Kevin Merrill and Paula Tew to the Board of Adjustments; reappoint Gina Hurst and Logan Johnson to the Planning Commission; and reappoint Diane Chamberlain to the Whitaker Museum Board. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

**ADJOURNMENT**

At 9:43 p.m., Councilman Ince made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

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

\_\_\_\_\_  
Date Approved

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