Minutes of the Centerville City Council meeting held Wednesday, November 8, 2017 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT
Mayor Paul A. Cutler
Council Members William Ince
Stephanie Ivie
George McEwan
Robyn Mecham

MEMBERS ABSENT
Tami Fillmore (arrived at approximately 8:30 p.m.)

STAFF PRESENT
Steve Thacker, City Manager
Jacob Smith, Management Services Director
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Cassie Younger, Assistant Planner
Marsha Morrow, City Recorder

VISITORS
Interested Citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT
Mrs. Karen Webb, Bahai Faith

Mayor Cutler explained that Councilwoman Fillmore had to step out of the meeting for a personal commitment, but will be back a little later.

OPEN SESSION
There was no one wishing to speak in Open Session.

MINUTES REVIEW AND ACCEPTANCE
The minutes of the October 17, 2017 work session and regular Council meeting were reviewed. Councilman Bill Ince made a motion to approve both sets of minutes as written. Councilman McEwan seconded the motion, which passed by unanimous vote (4-0).

SUMMARY ACTION CALENDAR

a. UDOT Cooperative Agreement for Pedestrian Flags on Main Street Crosswalks – Resolution No. 2017-21
b. Fee Schedule Amendments regarding Various Fees – Resolution No. 2017-22
c. Waiver and Indemnification Agreement for use of Centerville Gun Range
d. Award bid to Kapp Construction in the amount of $36,976.40 for labor and to the following for materials (plus tax) for the installation of Chase Lane PRV at Frontage Road:
   (1) Mountainland Supply for piping in the amount of $18,432.69
   (2) Mountainland Supply (only supplier) for CLA-VAL in the amount of $13,981.25
   (3) Waterford for Mag Meter in the amount of $2,560.45; and to
   (4) Dura-Crete for PRV Vault in the amount of $7,937.00
Steve Thacker, City Manager explained that Item d involving the labor for installation of the Pressure Reducing Valve (PRV) was estimated under the $25,000 threshold to put out for formal bid, so the City Engineer went through the informal bid process. He solicited 5 or 6 bids and only received two because of the current construction climate. Mr. Thacker said he discussed this with the City Engineer to determine if there would be any benefit in waiting and rebidding to save money, but he said we might save 5% on the bid, but the cost of materials could go up by that time. It was determined to continue with the bids he had received. He said by approving this the Council is waiving the formal bid process for labor for this project.

Councilman Ince made a motion to approve the four items on the Summary Action Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

**CONSIDER NOMINATION OF RON'S PHILLIP 66 SERVICE STATION FOR THE NATIONAL REGISTER OF HISTORIC PLACES**

Cassie Younger, Assistant Planner, explained that Ron's Phillips 66 Service Station has become an iconic building already in Centerville on its own. She said owner, Ron Randall, has been a life-time citizen of this community. This year the Landmarks Commission commissioned Korral Brochinsky, consultant, to research the gas station to see if it would be eligible for the National Register of Historic Places, which is a National list of historical buildings, sites or districts that are worthy of preservation all across the nation. Ms. Brochinsky recommended that this gas station should be nominated to the National Register based on its architectural and local significance to the community and its unique design and preservation. She said the building was built in 1960 and is the Phillips 66 new look for the station, which was a prototype when it was built. Ms. Younger said it has been maintained very well. She said Ms. Brochinsky researched many gas stations but this station had more qualifications for the look and the remaining service pumps, even though they are not being used anymore. Because of these reasons, the Landmarks Commission has recommended to the City Council that this station be put on the National Register of Historic Places, which is ultimately a State decision but needs to come with a recommendation of the City Council.

Ms. Younger said they realize that there is a Proposed Master Plan for Founders Park and this area, which was created in 2001. The Master Plan could be amended to include the gas station to accommodate this preservation effort to maintain its history. She said the Landmarks Commission is very excited about this project and they hope the City Council will be also.

Councilwoman Ivie said this has been discussed for many years, and she was glad that it has finally come to this point. She thinks the gas station would be a top pick for a lot of people.

Councilman McEwan asked about where the funds came from to hire the consultant to do the research. Ms. Younger responded they came from CLG grant funds, with a 50/50 match by the City. The cost was about $3,000 for Ms. Brochinsky to research two buildings, but one did not pass the criteria. The owner has expressed an interest in having his gas station on the National Register. She said there really are not any restrictions to be on the National Register. It's more of a celebration and recognition rather than a mandated preservation.

Mayor Cutler thanked Ms. Younger for her report. He said he knows that the gas station has been an icon for a long time, but the long-term plan of the City has been to expand the William R. Smith Park (formerly Founders Park) to better accommodate the expanding growth of the 4th of July Celebration, which is held at the park. He said it would be a worthy challenge to
figure out how to respect the past while planning for the citizens who live here today and what we have in the future.

Responding to a question from Councilman McEwan, Mr. Snyder explained that in order for the State to look at this, the recommendation needs to come from the City Council, who is in charge of the preservation efforts of the city. He explained the process with the Landmarks Commission being the body who has been assigned to do the research and make recommendations, and the Council either recommends approval to the State or can reject the approval and not forward it onto the State. He said the State is scheduled to consider this recommendation, which they may or may not approve.

Councilwoman Ivie made a motion to recommend Ron's Phillips 66 Service Station to the State for the National Register of Historic Places nomination. Councilman Ince seconded the motion. The motion passed unanimously (4-0).

PUBLIC HEARING - ZONING CODE AMENDMENTS - HILLSIDE OVERLAY LOT WIDTHS - CZC 12.42.040

Cory Snyder, Community Development Director, said the petitioner has requested a Zone Map amendment involving the lot width requirement for slopes over 10% in the Hillside Overlay, which is currently set at 100 feet. He said this does not involve zoning districts but just where an overlay exists in the foothills. There are different zoning standards other than the base zoning because of that overlay and they want to amend that overlay. Mr. Snyder explained when dealing with hillsides there are three different categories of slopes: 1) anything under 10; 2) 10-20; and 3) 20-30 percent. There are different provisions within those slope areas. He said anything over 30 is a no touch regulation. Within the lot widths, there are two sets, Agricultural lot width, which is an automatic 125-foot width where the normal base zone would have been 80 feet; and if the lot is within the R-L Zone, base zone is a 60-foot lot width. When there is more than a 10% slope, the ordinance states everything is 100 feet lot width. Mr. Snyder said the applicant's proposed amendment would create a two-foot increment increase, from the base zone standard, for every 1% slope over 10% all the way up to 30%. Staff looked at his request and came up with an alternative which the Planning Commission recommends to the City Council.

Mayor Cutler asked for clarification on how it is measured, whether from the setback line or the property line. In the R-L Zone, the setback is 25 feet, so at 25 feet you have to hit this particular width.

Chad Morris, applicant, said Cory explained it very well. He feels there is a great amount of inequity between different slopes. He said he is trying to create three lots in addition to the lot with the home already built. Two of the three lots has a slope of about a 10.5% or 10.9%. He has been trying to work this out with the Development Review Committee and he feels like this is the best solution to fix this inequity of the lot widths. Mr. Morris said it benefits him because of the 80-foot frontage. He said as explained by Mr. Snyder, when you have a 100-foot frontage the price of the lot is going to be considerably higher because you will need to have more property on that lot. Generally, the price of the house will also increase.

Mayor Cutler opened the public hearing at 7:29 p.m. Seeing no one wishing to comment, he closed the public hearing.

Councilwoman Ivie made a motion to approve Ordinance No. 2017-30 amending Section 12.42.040 of the Zoning Code regarding lot widths for development within the Hillside Overlay Zone. Councilman McEwan seconded the motion and the motion passed unanimously with a roll-call vote (4-0).
PUBLIC HEARING – PDO ZONE MAP AMENDMENT AND CONCEPTUAL PLAN –
LEGACY COMMONS – 1250 WEST PARRISH LANE (NORTHWEST CORNER)

Mayor Cutler mentioned this item was discussed and tabled at their October 17, 2017 Council meeting.

Cory Snyder, Community Development Director, said he will defer to the developer regarding some of the proposed changes and why they are proposing them. Mr. Snyder indicated that at the last meeting the Council talked about the phasing plan. The Council suggested a greater commitment from the developer to establish commercial of some type before the residential takes place. The developer is proposing that the hotel would be in Phase 1, the residential would be Phase 2 and the remaining commercial would be in a Phase 3 construction. Mr. Snyder stated that the other issue that came up was with the traffic situation. There has been discussion on the two dual accesses on 1250 West. They are still hoping to be able to get a right-in access from Parrish Lane to the hotel site. Mr. Snyder said the other directive was to consider density changes. This proposal still has it at 111 units. Regarding the changes they made to the residential, they flipped the parking area which is now next to the commercial. He said that does a good job of buffering the front yards of the neighbors behind the street. In the PDO they have to provide a preliminary idea of their architecture. The developer added an update of the hotel design and updated the commercial elevations. Mr. Snyder said if the Council wants to move forward with the project, these changes would have to be added to the conditions of approval.

Spencer Wright, applicant, said he thought Mr. Snyder did a good job of explaining the changes. He said on the main drive isle coming into the project they just flip flopped the parking and the building. Mr. Wright said with the phasing, they were able to come to an agreement with the hotel that they would pull a building permit sometime in 2018. He said their goal is to pull the permit in the first half of 2018. Mr. Wright said in regard to the density they considered the request to reduce the density and explained the reasons why they haven’t done that. First, with the density they have they feel they could provide a better project. With this density, they could have a club house, a fitness room and a meeting room that residents could use for various activities. It also allows them to provide a pool and hot tub and other amenities for the use of the residents. This would not be possible if they had a lower density. Second, if you get too low a density then the maintenance can sometimes suffer. If we have the density then we would have the ability to hire a full-time person that is onsite to provide maintenance and help the residents with issues in their units that might come up. The last reason is the economic benefits. The economic benefits to the City are good and could help the City with the revenue to do some additional things that would benefit the residents in the city, including parks and other things. In discussion with the City Manager they looked at the numbers and Mr. Wright subsequently revised the economic benefits analysis.

Mr. Wright responded to a question from Mayor Cutler regarding the other commercial property. He said they have had calls but they have had to put it on hold until they receive the approval to move forward with the project. He said they are confident that that will get done.

Mr. Snyder responded to a question from Mr. Thacker regarding the developer’s ability to do site work for the entire site prior to the vertical construction on the residential. He said the way he is viewing it and hearing it from the developer is the developer will request a final site plan approval and approval for a two-lot subdivision at the same time. So, the subdivision infrastructure would be potentially bonded with the subdivision approval. He said when they pull the permit for the hotel, they would be moving forward with all of the grading and cleaning up of the entire site all at the same time.
Councilwoman Mecham mentioned the concern of the hotel pulling a permit, then start the residential and letting the hotel permit expire. Mr. Snyder said there is a lot of investment that goes into the project prior to pulling the permit, so he didn't think that would be a problem. Mr. Wright said they would be willing to commit that they wouldn't start construction on residential until the foundations had been poured for the hotel. Mayor Cutler asked Mr. Wright if they would keep the other commercial with the residential in one lot. Mr. Wright said that was correct. Mayor Cutler asked if that would come back to the City Council. Mr. Snyder responded that a two-lot subdivision would be a small subdivision waiver and would happen at site plan approval. If it went to a three-lot subdivision it would be returned to the City Council. Mr. Wright said they are just requesting a two lot because they intend to keep ownership of the commercial and residential, the hotel wants to purchase that property, so it would just be a two-lot subdivision.

Councilwoman Ivie said she did not like it. She said she understands the role of economy, and she understands the desire to have someone full time for maintenance, but she doesn't think it is in the best interest to Centerville to have 111 units. She was really disappointed they did not reduce the density and she will not vote in favor of it.

Mayor Cutler asked City Attorney Romney if she had any specific language for the ordinance. She suggested if the Council was inclined to make a motion to approve, then direct staff to update the conditions to reflect the applicant's latest submittals, including the conceptual plan, updated elevations for the hotel and the commercial, and also addressing the phasing which Councilman McEwan has pointed out in Subsection e and to allow staff to work through that, but essentially Phase 1 is the hotel, Phase 2 is the residential and Phase 3 is the commercial. She didn't see an issue with having Phase 3 coming before Phase 2 because we would want commercial and the hotel, but she would suggest adding language that said a building permit must be obtained and a foundation poured for the hotel, i.e., Phase 1 before any building permit can be granted for any residential units. She said her concern that just pulling a building permit for a hotel doesn't guarantee that it's going to be constructed, but if the applicant is willing to add in that the foundation will actually be poured then that would be good for the City. Ms. Romney responded to a question regarding the phasing plan. She said the City has had far more detailed phasing plans than this one. She said this is not really a plan but just saying they will build the hotel first. The Council could direct staff to present a little more detail on the phasing plan, but she does agree with Mr. Snyder, that if they are going to subdivide, and they also need final site plan, then that is when we would determine when all the public improvements are going to go in. She gave the example of Legacy Crossing and how specific as to what improvements needed to go in with each phase. She said for this project, since it is so small, staff was anticipating and hoping that they would put in all the public improvements at one time and/or with subdivision. But each phase has to be able to stand on its own, meaning that there would have to be enough improvements put in so it could stand on its own if the other phases didn't come through.

There was further discussion on details that could be added. Councilman McEwan had some concern with an access off of Parrish Lane, which UDOT has not agreed to. The Council asked Police Chief Child to give his opinion of whether he is ok with the right-in lane on Parrish. Chief Child said he is ok with that as far as the entry into the hotel. He does, however, have a concern if people miss the entrance and go down to the bottom of Parrish Lane and do a U-turn, which could create problems as well.

Mayor Cutler asked Mr. Snyder if there were any findings the Council should know about from the traffic study done. Mr. Snyder said A-Trans supports it with some signage and other things that go on with the exit onto 1250 West closest to Parrish Lane. He said the City Engineer has some concern and would like to explore with the traffic engineer how to control the
access at this point. There was also discussion on how lane striping could help. Mr. Snyder said
the City Engineer thinks it can be worked out at site plan.

Councilwoman Mecham said she still had some concern with the density and asked the
developer if there was any way that could be reduced. Mr. Wright responded there is always a
way to reduce the density, but in his opinion it makes the project worse not better because of
the reasons he explained earlier. He said it would ultimately make the project worse for the
residents.

Councilman Ince made a motion to approve Ordinance No. 2017-29 subject to the
revisions that were discussed with Ms. Romney to be implemented by staff, specifically the
updated site plan, elevations for the hotel and commercial and the phasing plan, and the turn-in
on Parrish Lane if possible, subject to UDOT restrictions. Councilman McEwan seconded the
motion. He didn't feel it would move the needle much from 111 down to 100 units. He said as
much as he is against a ton of density, this project fits. The motion passed by a 3-1 roll-call vote.
Councilwoman Ivie voted nay.

**ZONING CODE AMENDMENT - "CATERING, LIMITED" IN C-M ZONE**

This item was also tabled from the October 17 Council meeting. Lisa Romney explained
the new definition of Catering Limited, which is proposed as a conditional use in the
Commercial-Medium Zone only at this time. She said she was contacted by Councilwoman
Mecham to perhaps come up with some language to address some Council and neighborhood
concerns about potential smells emanating from this kind of use. She said we do have a history
in this area of restaurants and fast food uses that the neighborhood could smell the food source
quite a bit. She said she did some research on regulating smell. She said in her opinion, local
government has the authority through zoning regulations and public health and safety to
regulate light and noise. Smell is similar to sight and sound and is something the City could
regulate, although it is more difficult to draft ordinances regulating smell and odors. In order to
withstand constitutional scrutiny, such ordinances must be based on objective criteria and
cannot be based on subjective determinations of "unwanted" or "undesirable" smells. Ms.
Romney said in an effort to assist the Council in trying to add more uses in the Commercial-
Medium Zone, she said they could add an additional sentence to the definition prohibiting the
dissemination of odors from the site. She said the proposed language to be added to the end of
the definition provides that this use, Catering Limited, is intended to be a low-intensity use
permissible in commercial areas commonly located adjacent to residential uses, and shall
prohibit the offsite dissemination of any detectible ambient food source odors. She said this is a
definitional regulation rather than a nuisance enforcement regulation

Councilman Ince asked why this use was only being considered in the Commercial
Medium Zone. Ms. Romney said this is an applicant driven application and staff wanted to stick
to what they were asking for. She said the Council may want to go back in and allow it in other
zones, but for now staff only did what the applicant requested.

Councilwoman Mecham asked if they would be able to control the number of trucks
delivering to the site and the times of delivery. Cassie Younger, Assistant Planner, responded
that in the definition it states there would be a limited number of trucks and in the conditional
use process there is more thorough discussion on delivery trucks and parking and traffic flow.

Councilman Ince said he had one more concern about whether the City is tiptoeing into
the process of what's going on along Main Street in the commercial zone. Overall, he said he
didn't think it was a good idea. However, he is actually leaning toward being in favor of it
because of some of the conditions, but he still has that serious concern. Mayor Cutler
responded that this was an applicant driven request and not the Council trying to tiptoe around
anything. The job of the City Council is to respond to applications that are brought to the Council.

Councilwoman Ivie made a motion to approve Ordinance No. 2017-27 with the City Attorney’s additional language regarding restrictions on odors. Councilman McEwan seconded the motion. The motion passed unanimously (5-0). Councilwoman Fillmore arrived at the meeting during the end of the discussion prior to the motion.

PUBLIC HEARING - GENERAL PLAN AMENDMENTS - NEIGHBORHOOD 1, SOUTHEAST CENTERVILLE, PAGES LANE COMMERCIAL AREA

This item was tabled from the October 17 meeting. Mayor Cutler said this is to consider General Plan amendments regarding Section 12-480-2 Neighborhood 1, Southeast Centerville, providing future development scenarios that include potential for residential uses and park space for the Pages Lane Commercial Area.

Cory Snyder, Community Development Director, explained the Planning Commission made a recommendation to the City Council and part of that proposal was looking particularly at the east side, including a couple of alternatives such as a meaningful park. If the park doesn’t take place then convert it to residential and see if a partnership of some kind for green space buffering the east residential from the west commercial. Mr. Snyder said he would like the property owner to explain their latest proposal.

Mayor Cutler asked Mr. Snyder to explain his modified recommendation. Mr. Snyder said the Planning Commission bifurcated the property. The west is mainly commercial and in the future, if that changes, to consider the option of mixed uses. The eastern half the Commission holistically recommended a residential redevelopment pattern at 8 units per acre. They had two scenarios tucked inside that conversion. The first being to explore a park which is the A Scenario option. The B Scenario option would use open space to buffer the commercial to the west from residential on the east. Mr. Snyder said his recommendation at this point in time is that a park is not feasible. If you eliminate the park then you are back to Scenario B to move forward with the residential conversion and use the open space as a buffer. Mr. Snyder said the feasibility of a park from the data doesn’t seem to be there. He is uncomfortable with a land use pattern tucking residential into the back next to an adaptive reuse. He feels that is a mistake and if they want to move forward with conversion to residential it should be more significant than the commitment he sees on the proposal.

Mayor Cutler opened the public hearing at 8:41 p.m.

Buck Swaney, representing Dika Properties, said he understands the basic concept that was offered. The property owner put together an approach that would subsidize the cost of the park, use a partial exchange of the park impact fees to help with that, but try to put that core space in public ownership. He said they can do the adaptive reuse and the apartment complex fairly quickly, but if the adaptive reuse is the core question, and staff would be more amenable to this if it contained more residential in that space instead, that would be a conversation they could still have. He said one of the big things they were trying to accomplish is having the 8 units per acre as a gross number. The property owners have no interest in promoting this land use change. If the Mayor and Council are interested in pursuing a couple of adjusted details of the proposal that would make it more palatable, then the landowners are interested in having that conversation. Mr. Swaney explained some of the history of the property and the reasons they have landed where they are.

Chad Morris, Centerville, said he didn’t feel there is a lot that could be done with that property, but this would be a great opportunity to not handcuff the property owner from
developing that property. He said he doesn’t see a park as something that should go on this
property.

Dave Bell, Centerville, said he doesn’t understand why there would be opposition to his
proposal. He doesn’t see what else there would be that could go in that would be better than
what has been proposed by the property owner.

Mayor Cutler responded to Mr. Swaney’s comment about downzoning the property. He
said there is no change in the zoning on this property. He said they could call it down planning.
The original purpose of looking at this plan was to give more options. Right now, there is
commercial and there is no effort of removing the commercial but to add a residential option in
going forward. He said the opposition is not to a well-planned development but the issue is we
should plan the whole area and not just a portion of it. They need to have a master plan that is
feasible for the whole area and not just a portion of it. The Mayor said his concern is he doesn’t
see a road map to a long-term future. He sees kind of a spot development that only solves part
of the problem and not the whole area’s problem. He would like to see all the property owners
go back to work and put together a road map that shows how we would get to the long-term
vision not just piecemeal.

Councilman McEwan said there has been more than one concept on this property. He
said he tends to agree with the Mayor that there is no down zone at this point. He feels he
doesn’t see it as the Council removing tools but giving more options.

Councilwoman Mecham said she would like to make one point on the Scenario B,
everybody needs to understand that it talks about going back to our mixed-use concept, which
we all say isn’t working. She is totally against form based zoning.

Councilman Ince pointed out with this proposal it would cost the City three quarters of a
million dollars over three years, which the City does not have. He tends to agree with what has
been said.

Councilwoman Ivie said she also agrees with the Mayor and likes the idea of a property
owner eager to do something with their property to go with what they have now and see if it
works. If it doesn’t they can come back to the Council to relook at it.

Councilwoman Fillmore commented about the work session they had regarding this
area. She thought the directive was to let the market guide us in decisions and allow the market
to do what it wants to do, but write ordinance that will require design standards to ensure a
quality product that is both respectful to the surrounding neighborhoods and holistic for the
entire block, instead of hodgepodge. She went over the suggested language in the objectives
for the General Plan, and explained that the suggested language fits the criteria discussed at
the work session. Thus, she recommends adopting the language. She went over the objectives
in the General Plan for this area.

Councilman McEwan said he is not opposed to the language change for two reasons:
one it provides more tools in his opinion, and two it signals very loudly as a community that the
City wants something done to the property. He said it has been blighted for a very long time.
Mr. Snyder said as clarification that the mixed use is for the western half; it doesn’t involve the
eastern half. The eastern half is the transition to residential. He wanted the Council to
understand the mixed use is not a component on the east side. Councilwoman Fillmore made a
clarification that form based does not equal unregulated density. She said form based code can
exist with density in multiple forms.
Councilwoman Fillmore made a motion that the City Council approve the language with the amended recommendation from staff to remove Option A and just make it Option B indicating the City is open to the open space element that benefits the area when it is redeveloped but not saying it has to be a park. The motion failed for a lack of a second.

The Mayor allowed a comment from the audience.

Marvin Blosh, Dika Properties, said he realizes that these kinds of properties take time to develop, but they are ready to move and take action. He explained they are willing to negotiate further if it will help the project move forward, but they want the Council to give them feedback, which would be helpful to them.

The Council took a five-minute break at 9:17 p.m.

Councilwoman Mecham made a motion to deny the General Plan Amendment for two reasons: 1) the landowners are asking the City not to pass the amendment, and 2) the City Council needs more time to study a broader area before making a decision. Councilwoman Ivie seconded the motion.

Councilman Ince stated he is having a hard time keeping separate the specific proposal from the motion that is on the table. He is opposed to some things in the motion. He said he did not see an issue with the City Council being willing to consider residential in that area. Councilman Ince asked for clarification on what was the suggested language for Ordinance No. 2017-26. Mr. Snyder said the portion on the east block does mention considering a park. City Attorney Lisa Romney stated the two options on Page 5 of the Ordinance. Option A is for the eastern block and includes a park; and Option B is being recommended by staff. Option A is the option that Mr. Snyder is saying should be removed. Mr. Snyder clarified again that there is no mixed use component for the east block. Councilwoman Mecham made motion to withdraw her previous motion to deny and made a substitute motion to table this item and schedule a work session with staff to discuss in more detail. Councilman Ince seconded the motion. The motioned passed unanimously (5-0).

**ZONING CODE AMENDMENT - DENSITY GRADATION IN R-M ZONE**

Mayor Cutler introduced the next item to consider, Ordinance No. 2017-28 proposing Zoning Code Amendments to CZC 12.30.020, 12.32.300, 12.36.020 and 12.32.055 creating density gradations for the Residential-Medium (R-M) Zone and enacting additional development standards for residential development within the Residential Medium (R-M) and Residential High (R-H) Zones.

Community Development Director Cory Snyder apologized if he offended anyone on the Council with this proposal because that was not his intention. What he is proposing does not contain any new zoning districts. The proposal was to leave the zoning district R-M as is with amendments. The amendments were only to the conditional use section of that zone. He said that zone conditional use section is currently under the jurisdiction of the Planning Commission. The CUP is a range (5-8). Conditional use is not the right place for denials. Therefore, requesting a 5-8 range is almost always at or near the 8 range. He said he took the CUP and divided into two distinct categories, a 6 or an 8. There has to be a reasonably debatable standard associated with that decision. He said his fear is that density decisions are made solely on public clamor and less upon what the General Plan guidance says. So, in his proposal he is suggesting to leave the R-M in place as is, and then in the CUP (decision made by the Planning Commission) provide guidelines to determine when the Commission applies a 6 and when they apply an 8. He said it has to be clearly stated the reasons for applying a 6 or an 8 based on objective criteria. He then went in and added architectural and design standards
because of the issue with the Hafoka property. Mr. Snyder explained the problems that would be created by having the Council making the decision of whether 6 or 8 units per acre.

Mayor Cutler asked the question of why it would be so difficult for the Council to make the decision on a CUP instead of the Planning Commission. Mr. Snyder said it is an Administrative decision and deferred to City Attorney Romney to give the reason she doesn't recommend it. Ms. Romney said it is difficult for elected officials to make administrative decisions based on required factors. It can be very problematic especially with the CUP process as evidenced by a recent court decision involving Moab. She said it is important for the Council to understand that they are the authority for legislative decisions and they set the policy framework for land use decisions. Once the policy is set forth in ordinance, the Planning Commission is tasked with making the administrative decisions to implement that policy. CUP decision-making puts the Council in a difficult position as elected officials where citizens are used to the Council making legislative decisions and listening to their voice.

Councilwoman Mecham suggested getting rid of the conditional use in the R-M Zone, which causes all kinds of problems, and just make the number of units 6. Mr. Snyder responded that could be done by taking the R-M and modify the provisions and put the cap at 6 units, so when anything is R-M it would automatically be a permitted use at 6 units per acre. He suggested saving the development guideline standards and add those into it. That way the Planning Commission, developer, City Council and staff know the density for R-M is always at 6 units per acre. He said then you can argue whether or not they meet the standards. Ms. Romney said that it was a step in the right direction. The City Council is setting the policy decision that in the R-M Zone the permitted density is 6, and would simplify things. Ms. Romney said she thinks the Council should at a later date consider some type of density bonus in the R-M Zone because it would make sense to increase the density in some areas of the city. Councilwoman Mecham suggested giving staff another shot. Councilwoman Fillmore thinks putting the blanket 6 units in the R-M is in conflict with the definition of the purpose of the R-M Zone. She feels it is her opinion that this is contrary to all they have talked about as far as diversification of housing units, aging in place, etc. Ms. Romney stated staff would be supportive to table this and direct staff to come back with a tool to allow more density in the R-M at a later date.

Councilman Ince made a motion to table this item and direct staff to rework based on tonight's conversation so the Council could see it again at the November 21 meeting, primarily focusing on 6 units per acre permitted, eliminating a CUP at this time, but looking at options to go up from 6 when circumstances indicate that would make sense, i.e., on larger properties. Councilman McEwan suggested splitting it out into two pieces, the 6 units and then come back at a later date to provide the tools for the others. Councilman Ince agreed to change his motion to split it into two pieces, first to go with the 6, so the City has something workable and then consider tools for the other. Councilwoman Mecham seconded the motion.

Councilwoman Fillmore commented she likes having the CUP in place, which gives the City the extra layer of protection through that process.

The motion passed by a 4-1 vote. Councilwoman Fillmore voted against.

**FEE SCHEDULE AMENDMENTS - CEMETERY FEES**

Mayor Cutler explained the proposal is to consider Resolution No. 2017-20 amending the City Fee Schedule regarding Cemetery Fees.

Lisa Romney, City Attorney explained the changes as shown on Exhibit A to the Resolution. She said these changes were made in response to Council direction from a previous work session. She said the fees have been revised to make it clear that non-residents
are not eligible at this time to purchase burial rights in the cemetery given the limited number of burial spaces left. The cost of double depth burials is proposed to be increased from $600 to $1,200 to reflect the same cost as two single depth burial spaces. The interment fees were simplified to charge one fee regardless of the location in the cemetery. The proposal still includes higher non-resident fees than resident fees. The proposed amendments also include a slight increase in the resident and non-resident interment fees charge for weekday and weekend burials. The perpetual care fee for double depth burials has also been added as a line item. Ms. Romney noted that in general, municipal fees cannot be revenue raising and must reflect the actual cost of providing the service, but there is also some argument that residents have historically and will in the future support the cemetery through taxes that non-residents do not pay. She feels for that reason, the $1,000 difference could be justified. Ms. Romney said the cemetery doesn’t support itself and general funds are used to support the cemetery. She checked with surrounding cities and they make that distinction as well. She said the courts do look at what other surrounding jurisdictions charge as well, so she feels it is supportable.

Councilman Ince said he agreed with most of it, but thought they discussed not doubling the fee for double-depth but increasing it some. He said he would feel more comfortable with $600 and either $900 or even $1,000, and the $300 to $450 or $500. He doesn’t have a problem with an increase, but does not feel good about doubling the cost.

Councilman Ince made a motion to accept Resolution No. 2017-20 amending the Centerville City Fee Schedule subject to a change on the double-depth burial right from $1,200 to $1,000. Councilwoman Mecham seconded the motion. The motion passed unanimously (5-0).

**COMMUNITY PARK PAVILION**

Steve Thacker asked for the privilege to alter the agenda to move up an item from the City Manager’s Report regarding the Community Park pavilion, restrooms and playground that he would like Bruce Cox here for. The Mayor agreed to that request. Mr. Thacker said they have a commitment for a donation of $50,000 to build a new pavilion in the expansion area of the Park. He wanted the Council to understand their intent of where to put that in the Park. Mr. Cox explained where the area they were proposing to place the pavilion in the Park. He said it is a 20 foot by 30-foot pavilion that will fit 6 picnic tables. He explained the proposed location of a future restroom. In response to a question from Mayor Cutler, Mr. Cox said the restroom would have a drinking fountain on the outside of the building. He said they haven’t budgeted for a separate drinking fountain. However, even though the restroom has not been budgeted for this phase, they could put in a less expensive drinking fountain such as the ones at some of the trailheads.

Mayor Cutler asked if Mr. Cox had met with any of the Tingeys about the design of the pavilion. Mr. Cox responded that he had and the Tingeys like the pavilion designs being considered and want to have a nice plaque that will provide a little of the history of the property and of his parents on it. Then there will be a sign on the roof of the pavilion that will say the “Bill and Sylvia Tinge Pavilion.” Mr. Cox said the Tingeys want this donation as a tax right-off this year, so the check should be coming in sometime in the next week or so.

**MAYOR’S REPORT**

Mayor Cutler reported on the two items as shown on the agenda:

- COG meeting – he commented they get a lot of good information at these meetings, but wanted to make the Council aware of two things: (1) he has asked staff to use the JustServe website to post some of the City’s volunteer
opportunities. He said other cities have done this and received a lot more response; (2) every month the Bountiful Food Pantry assists over 7,000 individuals and of those 7,000 about 7% are Centerville residents, which equates to about 400 people they have served this year in Centerville. Mayor Cutler explained the program they have to assist children in schools. He said in Centerville JA Taylor is the only school participating in that program at this time.

- November 15 work session with Planning Commission regarding South Main Street at 5:30. He said they are also planning on meeting with the UTOPIA representatives during the regular November 21 meeting. Mr. Thacker said at the November 21 work session the auditors will come and give their annual report on the CAFR. On December 5, a work session prior to the regular meeting would be an RDA/ACB meeting to review the proposed budget for the CenterPoint Theatre for next year and to report on some other RDA financial matters. He asked the Council when they were planning on a work session regarding the Pages Lane area. He suggested it be in January 2018.

CITY MANAGER'S REPORT

- Letter of Intent re federal funding for 1250 West pedestrian/bike pathways has been turned in.
- Staff field trip re drainage and wetlands issues west of Legacy Parkway. Mr. Thacker said next week staff will meet with County staff, the Army Corps of Engineers and the owners of the properties in the Shorelands Commerce Park area. There are some major issues with the drainage. Phragmites are taking over the drainage area. They are hoping to get help from the County, Army Corps and property owners to work on a solution to get the drainage free flowing again.
- Snowplowing Operations Plan – Public Works will be experimenting with a different plan this year. Instead of putting all the employees out at once and working them for many hours, they are going to have two crews. Mr. Thacker said they won’t get all that was done in the past as quickly, but will be able to give better attention over a period of time, and reduce the risk of accidents due to exhausted employees.

MISCELLANEOUS BUSINESS

a. Consider Utah Transit Authority (UTA) 2018 Tentative Budget – Councilman Ince said he would look through it and send comments to them.

Mayor Cutler said they need to reappoint Brian Plummer to another three-year term on the Landmarks Commission. Apparently, it was never done when his term was set to expire earlier in the year. Councilwoman Ivie made a motion to approve the reappointment of Brian Plummer to another three-year term on the Landmarks Commission. Councilman Ince seconded the motion. The motion passed unanimously (5-0).

ADJOURNMENT AND CLOSED MEETING

At 11:00 p.m., Councilman McEwan made a motion to move to a closed meeting for the purpose of discussing character and competency of an individual and adjourn from the closed meeting and not come back into the regular Council meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed meeting were: Paul
A. Cutler, Mayor; Council members Fillmore, Ince, Ivie, McEwan, and Mecham; Lisa Romney, City Attorney; Jacob Smith, Management Services Director; and Steve Thacker, City Manager. Marsha Morrow, City Recorder was excused from the closed meeting.

**ADJOURNMENT**

At 11:21 p.m., Councilman McEwan made a motion to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

[Signature]

Marsha L. Morrow, City Recorder

[Date]

11-21-2017

Date Approved
Minutes of the Centerville City Council work session held Wednesday, November 8, 2017 at 5:34 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor                     Paul A. Cutler
Council Members  Tamilyn Fillmore
                                  William Ince, arrived at 5:45 p.m.
                                  Stephanie Ivie
                                  George McEwan
                                  Robyn Mecham

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Cory Snyder, Community Development Director
Cassie Younger, Assistant Planner
Marsha Morrow, City Recorder

WORK SESSION — BRIEFING AND DISCUSSION RE MODERATE INCOME HOUSING PLAN AND BIENNIAL REVIEW/REPORT TO STATE

Mayor Cutler introduced the topic of discussion for the work session and turned the time over to Cassie Younger, Assistant Planner, and Cory Snyder, Community Development Director, to make their presentation.

Mr. Snyder mentioned the letter that was sent by the State to various cities regarding the report the City needs to submit regarding Moderate Income Housing (MIH) in those cities. He gave some past history on legislation regarding Moderate Income Housing. He said the State became involved in about 2000 passing some legislation issue of MIH requiring all the cities to address it. Centerville’s first adoption of an MIH plan was in about 2002. The City did an overhaul of our MIH plan in 2012. Mr. Snyder said that is a requirement to have the elements of Moderate Income Housing in the General Plan. Mr. Snyder briefly explained that early on, if the developer could prove in a court of law that a city was using their regulatory authorities inappropriately, then the developer could be rewarded whatever density they were requesting from the city. This use to be governed by the Governor’s office, and has been transferred to multiple agencies at the State. Now it is coming from Workforce Services. He said Workforce Services has provided more tools for the cities to use and become more aggressive in holding the cities accountable for the legislation, thus the letter from the State.

Cory said they had a few reports submitted with the last report being submitted in 2013.

Councilman McEwan said why the Workforce Services took over the handling of the Moderate Income Housing because they deal with the eligibility for Medicaid and unemployment, so they deal with a lot of the income restricted community. They are like an ombudsman agency if it looks like they could help in those areas.

Mr. Snyder said part of this report is to forecast the need for MIH for the next five years. Workforce Services is saying that this report is not to be a staff version, it needs to have more of an effort of identifying goals and opportunities by the City Council. Mr. Snyder said the penalty now for not submitting the report is it may affect the ability of the City to apply for grants, i.e., CDBG Funds.
Cassie Younger, Assistant Planner, explained what went into preparing the presentation with the findings and forecasts. She said the report requires a lot of data and forecasting and projections. She said she has put a lot of tables into the presentation for tonight’s work session. Cassie said the City is doing this because it is a requirement of the State. She went over each of the tables and explained what they meant. The City has to look at the Moderate Income Housing (MIH) element every two years and submit a report to the State. She indicated the City is a little behind and explained why an MIH plan is important. She said because Utah is growing and the population will double by 2050. There is a housing shortage not only in the state but in the nation.

Ms. Younger explained the definition of moderate income or affordable housing. She said they look at the median income of not just Centerville but the County. They use the County data of median income, which is $71,112 and Centerville’s median income is $78,438. If a person is spending less than 30% of their income on housing and utility costs then it is considered affordable. The 80% AMI is $56,889, which is considered moderate income. That is the price point they are looking at for moderate income housing. She pointed out that 50% AMI is low income and 30% AMI is very low income. She explained the numbers for future projections of population in Centerville. She explained the average household size is 3.14, which is a little higher than the national average. Ms. Younger said vacancies, along with in and out migration, all contribute to the projected additional housing units needed. Between 2010 and 2020, Centerville will need to add 963 housing units. She said of that number 126 will need to be affordable to moderate income persons (<50 to <80% AMI); 87 will need to be affordable to low-income persons (<30% and <50% AMI) and 68 will need to be affordable to extremely low income persons (<30%AMI). By 2030, 1,844 additional units are needed.

Ms. Younger said in summary Centerville is growing (2,503 more people by 2020); we are supposed to add 963 housing units between 2010 and 2020; from 2012-2017 only 125 units were added. [Corrected after the meeting to be 291.] She said although Centerville is wealthier than Davis County, the City still has many citizens that are already cost burdened by housing. Over 25% of homeowners in Centerville with a mortgage are spending more than 30% on housing costs. Almost 60% of renters in Centerville are spending more than 30% on housing costs.

There was some question by Council members whether Cassie had taken into account all the new apartments west of the freeway. [Data was corrected after the meeting.]

Ms. Younger explained the City’s and State’s MIH Strategies in the General Plan. She also explained that the MIH goals must state concrete objectives.

Councilman McEwan asked how the State can justify saying we have to have these plans. Everyone is being priced out of the Wasatch Front.

Mr. Snyder responded he thought that was a weakness at the attempt of the legislation. He said over the years the developers and real estate agents have been frustrated with the cities and blamed the cities for some of their problems. The cities need to make sure they are not purposely using their land use laws to prohibit a variety of housing. Mr. Snyder explained that density and growth are just not major issues in Centerville but in a lot of communities.

Councilman Ince asked if it was a mistake to let Fred Hale’s project be built without requiring him to have some of the 260 units be for affordable housing. Mr. Snyder explained he did not think it was a mistake. That is a tool that can be used but it is not always successful. He
knows of instances where that has failed, i.e., Wasatch County. He said it is a hard program to manage. There was further discussion and Cory answered questions from the Council.

Mayor Cutler asked what the Council could do to provide guidance in producing the report. Mr. Snyder explained some of the things that could be done:

- Amend the General Plan for the projections
- Make some findings, i.e., projected growth and actual growth are not on the same path
- Look at strategies in our current General Plan that are uncomfortable with the community and current Council and make changes as necessary
- Identify strategies to try and make corrections as needed

Council members and staff suggested other strategies that could be done to fulfill the City's obligation:

- Study and further discuss ADUs
- Flaglot issue
- West side planning goals
- Barnard Creek CDA Plan & Budget, 10% of tax increment used for affordable housing. Council seek opportunities to use the 10%.

Steve Thacker explained some projects that were done by the City with RDA money:

- Roads in Cedar Springs complex
- Storm drains and roads in Pheasantbrook
- Riviera Townhomes roads

Further suggestions:

- Trailer Park – if owner would cooperate and share the cost
- Improving sidewalks or trails on west side to benefit those living in moderate income housing
- Bus stop improvements
- Diversity in housing

After further discussion on strategies, Mr. Snyder answered questions from the Council.

Mayor Cutler thanked Cassie for her work in preparing the presentation and the continued work she will do. The report is due by December 31. Cory will work on the report and have the Council review and make any changes to meet the deadline.

**ADJOURNMENT**

The work session was adjourned at 6:50 p.m.