

1 Minutes of the Centerville City Council meeting held Tuesday, December 5, 2017 at 7:00 p.m.
2 at Centerville City Hall, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Mayor Paul A. Cutler

7
8 Council Members William Ince
9 Stephanie Ivie
10 George McEwan
11 Robyn Mecham

12
13 **MEMBER ABSENT** Tamilyn Fillmore

14
15 **STAFF PRESENT** Steve Thacker, City Manager
16 Lisa Romney, City Attorney
17 Jacob Smith, Management Services Director
18 Cory Snyder, Community Development Director
19 Cassie Younger, Assistant Planner
20 Randy Randall, Public Works Director
21 Kevin Campbell, City Engineer
22 Katie Rust, Recording Secretary

23
24 **VISITORS** Interested Citizens (see attached sign-in sheet)

25
26 **PLEDGE OF ALLEGIANCE**

27
28 **PRAYER OR THOUGHT** Councilman Ince

29
30 **OPEN SESSION**

31
32 No one wished to comment.

33
34 **MINUTES REVIEW AND ACCEPTANCE**

35
36 The minutes of the November 15, 2017 joint City Council/Planning Commission work
37 session, and the November 21, 2017 work session and regular meeting were reviewed.
38 Councilman Ince made a motion to accept all three sets of minutes. Councilman McEwan
39 seconded the motion, which passed by unanimous vote (4-0).

40
41 **PUBLIC HEARING – PROPOSED VACATION OF PUBLIC UTILITY EASEMENTS –**
42 **HOGAN OFFICE PARK SUBDIVISION**

43
44 Lisa Romney, City Attorney, explained the petition to vacate a public utility easement
45 located along the side lot lines of Lot 4 and Lot 5 of the Hogan Office Park Subdivision located
46 at approximately 940 North 950 West. Lot 4 and Lot 5 have been legally combined into one
47 parcel or lot as recorded in the Davis County Recorder's Office, and Opulent Holdings, LLC
48 desires to develop the combined lots with construction of a building over and across the
49 previous lot line between Lot 4 and Lot 5 and the corresponding public utility easement. The
50 City has received signed letters from the major utility companies authorizing release of the
51 public utility easement.

52
53 Mayor Cutler opened a public hearing at 7:04 p.m., and closed the public hearing seeing
54 that no one wished to comment. Councilman McEwan made a motion to approve Ordinance
55 No. 2017-33 vacating public utility easements along the shared side lot lines of Lot 4 and Lot 5

1 of the Hogan Office Park Subdivision. Councilman Ince seconded the motion, which passed by
2 unanimous vote (4-0).
3

4 PUBLIC HEARING – SUBDIVISION PLAT AMENDMENT – CENTERVILLE
5 ORCHARD PLAT C AND ISLAND VIEW PLAT H
6

7 Cory Snyder, Community Development Director, explained that the subject property
8 used to be two subdivided lots that were combined into one parcel or lot located at
9 approximately 629 East 700 South. The applicant desires to once again subdivide the property
10 into two lots. In order to create two lots, a plat amendment is required to amend the Centerville
11 Orchards Plat C and the Island View Subdivision Plat H. Ilene Ethington, property owner, stated
12 her daughter and son-in-law intend to build a home on the new lot.
13

14 Mayor Cutler opened a public hearing at 7:15 p.m.
15

16 Robert Burns, Deuel Creek Irrigation Company President – Mr. Burns showed a County
17 plat for the original subdivision, and said a public utility easement (PUE) that predated the
18 subdivision should still exist for the irrigation pipeline that runs through the subject property. He
19 requested a tapering PUE on the west side of the property (15 feet at the front tapering to
20 probably 20 feet at the northwest corner) for the pipeline that continues to serve the
21 neighborhood. Mr. Snyder commented that clarification will be needed to determine necessary
22 easements and setbacks.
23

24 John Haight, applicant – Mr. Haight stated the Ethingtons have documentation that the
25 easements shown on the proposed plat plan are the actual easements.
26

27 Lisa Romney, City Attorney, stated that staff will review the title report and easements as
28 part of the final plat process. She suggested the Council add a condition of approval in
29 response to Mr. Burns' comments.
30

31 Mayor Cutler closed the public hearing at 7:29 p.m. Councilwoman Ivie made a **motion**
32 to approve the proposed plat amendment for Lots 302 and Lot 15 of the Centerville Orchard and
33 Island View Subdivisions, subject to the following conditions and findings. Councilwoman
34 Mecham seconded the motion. Councilman Ince said he believes it would make more sense to
35 find out where things really are before approval. Councilwoman Ivie responded that resolution
36 of the easement issue does not need to affect approval of the plat amendment. The motion
37 passed by majority vote (3-1), with Councilman Ince dissenting. Councilman Ince clarified that
38 he is not opposed to the end product, but he is nervous about the process.
39

40 Conditions:
41

- 42 1) Preparation and submittal of a final subdivision plat, as outlined in City Ordinance, to
43 the City Recorder's Office, which shall reflect the approved amendment presented to
44 the City Council and the alterations required by this approval.
- 45 2) The interior lot line between the depicted lots shall be adjusted to comply with the
46 minimum setback requirement of eight feet of the R-L Zone, which shall be verified
47 by the Zoning Administrator prior to plat recordation.
- 48 3) All lots shall have at least a 10' wide front yard public utility easement, and at least
49 two other 7' wide side or rear yard public utility easements, to be verified by the City
50 Engineer prior to plat recordation.
- 51 4) This amendment approval shall be conditioned upon payment of any applicable
52 impact fee. Fee amounts to be paid shall be verified by the City Engineer and City
53 Attorney, in accordance with the City's impact fee regulations prior to plat

1 recordation. (Note: The South Davis Sewer District handles the assessment of any
2 related sewer fees)

- 3 5) City Staff and applicant shall confirm the existing and necessary width of the PUE on
4 the west side of Lot 302 in response to Deuel Creek Irrigation's concerns regarding
5 irrigation line in this area.
6 6) All existing easements of record shall be shown on the final plat.
7

8 Findings:
9

- 10 a. The City Council finds that since the majority of the land is located in subdivision
11 plats and also lot line adjustments are allowed by state law, therefore a "plat
12 amendment" request is the most appropriate process to accomplish the desires of
13 the applicant and owner.
14 b. The City Council finds that, with the conditions imposed, the amendment is
15 consistent with the R-L Zoning of the property.
16 c. The City Council finds that, with the conditions imposed, the amendment is
17 consistent with the City's Subdivision Ordinance.
18 d. The City Council finds that there is good cause for the plat amendment by allowing
19 the construction of a single-family home.
20 e. The City Council finds that, with the conditions imposed, the public interest will NOT
21 be materially injured by the proposed plat amendment.
22

23 PUBLIC HEARING – ZONING MAP AMENDMENT – DAVIS COUNTY – 641 EAST 200

24 SOUTH
25

26 Cassie Younger, Assistant Planner, explained the request from the County to rezone the
27 southern portion of the former detention property located at 641 East 200 South from Public
28 Facility-Low (PF-L) to Residential-Low (R-L). The property for rezone is .97 acres with a gross
29 density size (including half the roadway) of 1.15 acres, with the possibility of up to four lots.
30 Davis County has indicated they plan to develop three lots. Staff and the Planning Commission
31 both recommend approval of the rezone.
32

33 Tony Thompson, Property Manager for Davis County, briefly described the history of the
34 subject property. Councilwoman Mecham asked if there is a way to guarantee that only three
35 lots will be created. Mr. Thompson responded the County feels three larger lots would bring
36 more revenue than four smaller lots. He said the County does not desire to change the
37 character of the existing neighborhood.
38

39 Mayor Cutler opened a public hearing at 7:46 p.m.
40

41 Bryan Espenschied – Mr. Espenschied said he attended the Planning Commission
42 meeting and visited with Mr. Thompson. He responded to some of the comments made at the
43 Planning Commission meeting, and stated the subject property is the last piece of open land in
44 the city. Mr. Espenschied said he understands the history of the property and the reasoning
45 involved in deciding to develop the southern portion, but he believes that in a perfect world the
46 citizens would retain access to the entire area. He said the natural state of the subject property
47 is a totally different experience from nearby Island View Park, and he thinks it would be an asset
48 for the community to have an additional park. He commented that the gross density size of 1.15
49 acres was never brought up in the Planning Commission meeting. Mr. Espenschied expressed
50 the opinion that if the City can afford recreation programs and parades and movies in the park, it
51 should be able to afford this park. He said he knows citizens would be willing to help with
52 volunteer labor and donated vegetation.
53

1 Jesse Montgomery – Mr. Montgomery said he agrees with Mr. Espenschied's
2 comments. He expressed appreciation that the County does not want to change the character
3 of the area, but said he disagrees with the idea that putting homes on that site would not change
4 the character. He said he feels the subject property in its natural state is the most beautiful part
5 of the neighborhood, and putting homes there will drastically change the neighborhood.
6

7 Conner Simmons – Mr. Simmons said he is new to the neighborhood, and is in favor of
8 the proposed homes on the south portion. He expressed concern with the City taking
9 ownership of the north portion of the property and the possibility that the City may at some point
10 see value in reengineering the space and developing the north portion with homes. He asked if
11 there is any way to keep that from happening in the future. He agreed that the gross density
12 size of 1.15 acres was never mentioned in the Planning Commission meeting. Mr. Simmons
13 said he would like to see the small-town feel of the neighborhood preserved.
14

15 The public hearing was closed at 8:01 p.m. Ms. Romney clarified that the Interlocal
16 Agreement with the County does not address or restrict the City's use of the north portion of the
17 property. She said she would not recommend the City encumber that property. She
18 emphasized that significant effort went into negotiating with the County to preserve the north
19 portion. Ms. Romney clarified that the subject property is .97 acres. Density allowance is
20 calculated with the 200 South half-street, which brings the gross density size to 1.15 acres with
21 a maximum of four lots possible.
22

23 Councilwoman Ivie said this is a painful issue for her. She said she is sad to see houses
24 go on the property, but she knows the City does not have the money to purchase the entire
25 area. The County has been gracious enough to negotiate with the City. Councilwoman Ivie
26 said she would rather approve the rezone and retain the north portion in its natural state than
27 deny the rezone and lose the entire portion to possible development. Councilman McEwan
28 pointed out that the County has a fiduciary responsibility to maximize return on surplus
29 properties. Mr. Thacker acknowledged the County's investment in putting the debris basin up
30 stream, removing more than 200 homes in the City from the flood plain. Councilwoman
31 Mecham agreed with Councilwoman Ivie that it is painful, but said she appreciates the County's
32 willingness to work with the City to make the result as beneficial as possible.
33

34 Councilman Ince made a **motion** to accept Ordinance No. 2017-32 amending the
35 Centerville Zoning Map by changing the zoning of approximately 0.97 acres of real property
36 located at approximately 641 East 200 South from PF-L to R-L. Councilman McEwan seconded
37 the motion, which passed by majority vote (3-1), with Councilwoman Ivie dissenting.
38

39 **BIENNIAL REPORT REGARDING MODERATE INCOME HOUSING PLAN**

40
41 Ms. Younger presented a draft Moderate Income Housing Plan Report (available with
42 the agenda on NovusAgenda). Mayor Cutler said he would discourage wording that implies the
43 City is open to reducing hillside protections. Councilman McEwan suggested changing the
44 phrase "loosen and adapt" in reference to hillside regulations to "review". Following discussion,
45 a majority of the Council indicated a desire for staff to remove any reference to the hillside from
46 the draft.
47

48 **CONSIDER EMPLOYEE ASSOCIATION PROPOSAL OF DEFINITION OF** 49 **'RESIDENT'**

50
51 Mr. Thacker reported that most cities responding to his email offer some type of break or
52 benefit within the city to current city employees. The Employee Association request for
53 "resident" status for employees could possibly apply to burial related fees, park pavilion rentals,
54 and recreation program fees. Councilman Ince suggested that, although it would be logistically

1 complicated, any "resident" benefits granted to former employees should also be granted to
2 former residents of Centerville. Following discussion, Councilman Ince made a **motion** to grant
3 resident benefits to current employees and immediate family members living within the same
4 household, during time of employment, for park pavilion rentals, recreation program fees, and
5 burial related fees at time of immediate need. Councilwoman Mecham seconded the motion,
6 which passed by unanimous vote (4-0). Formal approval will occur in a future Council meeting.
7

8 **PURCHASE OF GENERATORS FOR WATER SYSTEM**

9
10 Randy Randall, Public Works Director, explained his recommendation that the City
11 purchase two Tier III generators and a step-down transformer, rather than the 250kw generator
12 included in the FY 2018 Budget. Councilman McEwan made a **motion** to award bid to
13 Cummins Power for two 200kw stationary stand-by generators for the total amount of \$79,290,
14 plus \$5,900 for a 225 VA step-down transformer. Councilwoman Ivie seconded the motion,
15 which passed by unanimous vote (4-0).
16

17 **FRONTAGE ROAD BIKE LANE PROJECT**

18
19 Kevin Campbell, City Engineer, presented two proposed cross-sections for the planned
20 federally-funded project to widen and add bike lanes to the Frontage Road. Councilman
21 McEwan asked if beautification of the west side of the Frontage Road is included in the plan.
22 Mr. Campbell responded that no landscaping is planned for the west side. It may be possible to
23 put irrigation sleeves under the road to leave the option open for the future. The Council
24 expressed interest in this future possibility.
25

26 Councilman McEwan made a **motion** to authorize the City Manager to enter into the
27 Federal Aid Agreement pertaining to the federal funding of nearly \$1 million for the Frontage
28 Road Bike Lane Project. Councilwoman Mecham seconded the motion, which passed by
29 unanimous vote (4-0).
30

31 The Council took a break at 9:25 p.m., and returned at 9:33 p.m.

32
33 **PROPOSAL TO UPDATE PARK IMPACT FEE ANALYSIS**

34
35 In their November 21 meeting, the Council directed staff to evaluate the desirability of
36 updating the City's park impact fee analysis at this time. Actual costs for the Community Park
37 Expansion have been substantially higher than estimated in the December 2012 analysis,
38 thereby suggesting that an updated analysis and fee may be appropriate. Steve Thacker and
39 Jake Smith, Management Services Director, met with the impact fee specialist of LYRB, who
40 agreed the proposed approach would be defensible and could be done very quickly by City Staff
41 with very little assistance from LYRB. Based on that advice, staff have identified a process that
42 will allow a public hearing to be held on December 19, followed by adoption of a new park
43 impact fee that would become effective 90 days later. [NOTE: It was subsequently learned that
44 the public hearing must be postponed to the January 2, 2018 Council meeting to accommodate
45 public notice requirements.]
46

47 **EXTENSION OF LEGACY PARKWAY SCENIC BYWAY DESIGNATION**

48
49 The northern cities of Davis County would like the future West Davis Corridor highway to
50 be designated as a State Scenic Byway, thereby prohibiting billboards along that roadway. The
51 Legacy Parkway is currently designated a scenic byway and, therefore, has no billboards.
52 Councilwoman Mecham made a **motion** to approve Resolution No. 2017-25 supporting
53 extension of the Great Salt Lake Legacy Parkway Scenic Byway and renaming it the Great Salt

1 Lake Scenic Byway. Councilman McEwan seconded the motion, which passed by unanimous
2 vote (4-0).

3
4 **2018 CITY COUNCIL MEETING SCHEDULE**

5
6 Councilwoman Ivie made a **motion** to accept Resolution No. 2017-24 approving the
7 2018 City Council meeting schedule. Councilman Ince seconded the motion, which passed by
8 unanimous vote (4-0).

9
10 **MAYOR'S REPORT**

11
12 Mayor Cutler reported on Moderate Income Housing concerns discussed at a recent
13 meeting of the Davis County Council of Governments.

14
15 **CITY MANAGER'S REPORT**

- 16
17
 - A limited number of burial spaces have been identified and will be made available to
18 Centerville residents at time of immediate need. Mr. Smith shared information
19 gathered regarding public/private partnerships for cemetery space.
 - The Council reviewed upcoming work session topics and dates. Councilman Ince
20 suggested the Council schedule a work session with the County Commissioners at
21 some point during the next year.

22
23

24 **ADJOURNMENT**

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26 At 10:01 p.m., Councilwoman Mecham made a **motion** to adjourn the meeting.
27 Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

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32
33 Marsha L. Morrow, City Recorder

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36
37 1-2-2018
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39 Date Approved

36
37 
38
39 Katie Rust, Recording Secretary

