

1 Minutes of the Centerville **City Council** meeting held Tuesday, September 5, 2017 at 7:00 p.m.
2 at 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 (remotely)
12 Robyn Mecham

13
14 **STAFF PRESENT**

15 Steve Thacker, City Manager
16 Lisa Romney, City Attorney
17 Jacob Smith, Management Services Director
18 Cory Snyder, Community Development Director
19 Paul Child, Centerville Police Chief
20 Mike Smith, City GIS Specialist
21 Katie Rust, Recording Secretary

22 **PLEDGE OF ALLEGIANCE**

23
24 **PRAYER OR THOUGHT** Councilwoman Mecham

25
26 **OPEN SESSION**

27
28 Councilman Ince – As Chairman of the Centerville Citizen Corps Council, Councilman
29 Ince displayed a “traveling” trophy that will reside with the winning team of the Davis Citizen
30 Corps Council Biannual CERT Competition scheduled to take place on October 7, 2017.

31
32 **MINUTES REVIEW AND ACCEPTANCE**

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34 The minutes of the August 15, 2017 Council meeting were reviewed. Councilwoman
35 Fillmore requested an amendment. Councilman Ince made a **motion** to accept the minutes as
36 amended. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-
37 0).

38
39 **SUMMARY ACTION CALENDAR**

- 40
41 a. Accept Public Utility Easement for Goodfellow-Tullius single parcel development
42 located at 215 West 1850 North
43 b. Accept Public Utility Easement for Samuelson single parcel development located at
44 315 East 1825 North
45 c. Accept Public Utility Easement, Storm Drain Easement, and Fire Access Easement
46 for the Canyon Point project located at 347 North 300 East

47
48 Councilman Ince made a **motion** to approve all three items on the Summary Action
49 Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

50
51 **PUBLIC HEARING – PROPOSED PLANNED DEVELOPMENT OVERLAY**
52 **AMENDMENT – LEGACY CROSSING AT PARRISH LANE – 1250 WEST PARRISH LANE**

53
54 Cory Snyder, Community Development Director, explained the proposed PDO
55 Amendment for the Legacy Crossing Parrish Lane Development. The applicants seek a parking
56 modification for shared use parking and a reduction of the overall required parking, due to the

1 condition that peak parking demands for the movie theaters and office buildings do not occur at
2 the same time. Mr. Snyder presented data from a parking study prepared by Reeve &
3 Associates. The Planning Commission reviewed the proposal on August 23, 2017 and
4 recommended approval. Mr. Snyder commented that, although the proposed amendment
5 solves the development parking issue, it does not solve the issue of convenience parking.
6 Glenn Girsberger, representing JF Capital, said he feels the amendment will be best for
7 everyone involved in the long run.
8

9 At 7:29 p.m., Mayor Cutler opened a public hearing, and closed the public hearing
10 seeing that no one wished to comment. Lisa Romney, City Attorney, explained the four
11 suggested actions. Councilwoman Fillmore said she feels shared parking is always a fantastic
12 solution, and made a **motion** to approve Ordinance No. 2017-24 amending the Planned
13 Development Overlay Approval for the Legacy Crossing at Parrish Lane Planned Development
14 located at 1250 West and Parrish Lane allowing a parking modification for the shared use
15 parking and a reduction of the overall required parking for the project, with the following
16 conditions and findings. Councilwoman Ivie seconded the motion.
17

18 Conditions:
19

- 20 1. Approval of the amended Exhibit "C" to the Development Agreement as submitted to
21 the City.
- 22 2. Approval of the Parking Modification, as prepared by Reeves and Associates, Inc.
- 23 3. The final parking counts for Lots 2 and 3 shall be subject to their applicable site plan
24 approvals.
- 25 4. The preparation and recording of the necessary Development Agreement and
26 Declaration of Parking and Cross-Access Easement amendments, as deemed
27 acceptable by the City Attorney.
- 28 5. All other related or associated conditions of the Legacy Crossing at Parrish Lane
29 Development PDO Approval shall remain in effect with this amendment.
- 30 6. The developer shall pay all applicable application and professional services fees
31 related to the petition.
32

33 Findings:
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- 35 a. The City Council finds that amendments to a PDO approval are subject to the
36 original procedure used for obtaining a preliminary approval.
- 37 b. The City Council finds that amendments are consistent and compatible with the
38 originally approved expectations of the PDO Plan for the Legacy Crossing at Parrish
39 Lane, as a mixed-use development project.
40

41 Councilwoman Ivie said she believes that extra parking is better than not enough
42 parking, and convenience is hugely important. She said she feels it is part of our culture to
43 expect convenience, and at some point the City needs to accept how people are going to
44 behave. She commented that snow causes additional difficulties with parking since it is pushed
45 around rather than removed. Mayor Cutler pointed out that Legacy Boulevard is a private
46 street. Mr. Girsberger stated snow is removed from the development if it builds up too much.
47 He stated that anyone is able to park anywhere in the development at any time of day. The
48 proposed amendment would allow the build-out of office uses. Mr. Girsberger said the parking
49 lot near the theater is a sea of asphalt during the day, and he feels cross-use parking makes
50 sense.

1 Councilman McEwan asked about original parking requirements compared to the
2 conclusions of the recent parking study. Mr. Snyder responded the original developer chose to
3 develop using City Code hard-count numbers rather than cross-use. Councilwoman Fillmore
4 commented that traffic and congestion have existed with the apartments from the beginning,
5 and parking added as a result of completing the north end of the project may help with the need
6 for apartment parking in the evenings. Councilwoman Fillmore referred to CenterPoint Theatre
7 as a successful example of cross-use parking. Councilwoman Ivie disagreed, stating she does
8 not feel there is enough parking at CenterPoint in the evenings. Councilman McEwan asked
9 how the development would be affected if both sides of Legacy Boulevard were redlined to
10 prohibit parking. Mr. Girsberger estimated that 20 vehicles are able to park on the south side of
11 Legacy Boulevard next to the apartment buildings.
12

13 Councilwoman Fillmore stated she would be uncomfortable denying the application
14 because the project is technically overparked. Responding to a question from Mr. Thacker,
15 Councilwoman Ivie said she feels CenterPoint Theatre has insufficient parking because she
16 always has to park in the Colonial Lumber parking lot across 400 West when she attends the
17 Theatre. Mr. Thacker responded that the Colonial Lumber parking lot is part of the cross-use
18 parking solution for CenterPoint, and he does not personally perceive a parking problem.
19

20 Mr. Girsberger mentioned possibly assigning office tenants to park in certain areas of the
21 development to help with the office parking convenience issue. The Council discussed parking
22 difficulties in the project caused by the Legacy Apartments. Councilwoman Ivie stated she feels
23 it was the City's responsibility to have required sufficient convenient parking for the apartments
24 to begin with. Councilwoman Mecham agreed. Mr. Girsberger commented that the apartments
25 have had parking issues from the beginning. He pointed out the apartments are well occupied.
26 Councilman McEwan said he wishes the City had leverage to force the apartments to provide
27 adequate parking. The motion to approve Ordinance No. 2017-24 passed by unanimous vote
28 (5-0).
29

30 Councilwoman Ivie made a **motion** to approve the Assignment and Assumption
31 Agreement between the City, HCR Legacy, LLC, KEM Holdings, LLC, Teton Office Ventures,
32 LLC, and S&J 5, LLC for various lots within the Legacy Crossing at Parrish Lane Planned
33 Development and require the Assignment Agreement to be recorded against the property prior
34 to further approvals for the subject properties; approve the Fourth Amendment to the
35 Development Agreement for the Legacy Crossing at Parrish Lane Planned Development
36 implementing the parking modifications and reductions; and approve the Third Amendment to
37 the Declaration of Parking and Cross-Access Easement and other Easements and Restrictions
38 Affecting Land within the Legacy Crossing at Parrish Lane Planned Development implementing
39 the parking modifications and reductions. Councilman Ince seconded the motion, which passed
40 by unanimous vote (5-0).
41

42 Councilman Ince asked if the north side of Legacy Boulevard could be redlined to
43 prevent parking. Mr. Snyder repeated that Legacy Boulevard is a private street. Councilman
44 Ince made a **motion** directing staff to request that both the Police Chief and the Fire Chief
45 reevaluate Legacy Boulevard for adequacy. Councilwoman Ivie seconded the motion, which
46 passed by majority vote (4-1), with Councilwoman Fillmore dissenting.
47

48 **ZONING CODE AMENDMENTS – “CONSTRUCTION SALES AND SERVICE,**
49 **LIMITED” DEFINITION AND USE TABLE**
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51 On August 15, 2017, the City Council held a public hearing continued from the August 1,
52 2017 meeting regarding the proposed “Construction Sales and Service, Limited” definition and
53 Use Table. After considering public comments, the Council closed the public hearing and tabled
54 this matter for further consideration. Councilman McEwan stated his concern throughout the

1 process has been that this is a zoning decision, not a decision based on the suitability of
2 potential tenants as might be inferred from some of the public comment. Mayor Cutler said he
3 would have more concern if this were not already an existing legal nonconforming use on Main
4 Street. Councilwoman Fillmore disagreed with the Mayor, stating she would never consider the
5 existence of legal nonconforming uses as a reason to go back to a previously allowed use.
6 Councilwoman Fillmore stated she is in favor of the changes made with the Main Street
7 Overlay, and she wants to see Main Street positively redeveloped in a way that is considerate of
8 existing neighborhoods. Councilwoman Fillmore said she has come to the conclusion that the
9 new definition would allow the Construction Sales and Service use in a limited form without any
10 harm to the areas around it.

11
12 Councilman Ince said he would like to find a way to approve the use for Shupe Electric,
13 but he has a great difficulty with the concept of Construction Sales on Main Street because he
14 feels it would open Pandora's Box. Councilwoman Mecham agreed that Shupe Electric would
15 be great, but there is no guarantee of what the City would get in the future. Mayor Cutler asked
16 if the Council feels the existing Table of Uses is adequate to encourage redevelopment.
17 Councilwoman Mecham responded she does not know, but approving Construction Sales will
18 not bring the uses they want. Councilwoman Mecham stated she feels the property might end
19 up being more valuable as residential. Mayor Cutler responded that residential land values are
20 no where near commercial land values. Councilman McEwan said he is not sure the City will
21 get the desired type of development with the current Table of Uses. Councilman Ince agreed.
22 Mayor Cutler asked the Council if they perceive the Main Street Overlay or the Table of Uses to
23 be the greater problem. Council members McEwan and Ince responded they feel both the
24 Table of Uses and the Main Street Overlay are a problem.

25
26 Councilman McEwan made a **motion** to deny Ordinance No. 2017-21. Councilman Ince
27 seconded the motion. Councilwoman Ivie stated she could almost approve the limited use
28 based on Shupe Electric's good name, but she is not confident that anyone else would be
29 willing to comply with the restrictions in place, and she would not want it to become an
30 enforcement issue. Councilwoman Fillmore asked Councilwoman Ivie why she would be
31 comfortable voting against the Ordinance if she is comfortable with the proposed restrictions.
32 Councilwoman Fillmore said it is the Council's job to set reasonable rules and restrictions and
33 expect them to be followed.

34
35 The Council discussed the desire to remove the possibility of having a warehouse on
36 Main Street from the proposed Construction Sales and Service, Limited use. Councilwoman
37 Fillmore suggested adding a front office space requirement. Mr. Snyder responded that setting
38 parameters would be difficult. A suggestion was made that this decision could be tabled again
39 until after the City Council and Planning Commission discuss the South Main Street Corridor
40 Plan in a work session on September 13.

41
42 Travis Shupe with Shupe Electric suggested a decision to deny the limited use would be
43 denying 90% of the applications that would come in for the old Fire Station property. Mr. Shupe
44 said they are not in a hurry to relocate, and are willing to wait for the City to make a decision.
45 However, he is not sure the South Davis Metro Fire District will be happy with waiting.
46 Councilman McEwan **withdrew the motion** to deny. Councilman Ince made a **motion** to table
47 the matter for another two weeks. Councilwoman Ivie seconded the motion, which passed by
48 unanimous vote (5-0).

49
50 **REPEAL OF CITY FIRE/EMS IMPACT FEES (TO BE REPLACED WITH SOUTH**
51 **DAVIS METRO FIRE SERVICE AREA FIRE/EMS IMPACT FEES)**

52
53 Councilman Ince made a **motion** to adopt Ordinance No. 2017-25 repealing the
54 Fire/EMS Impact Fees adopted and assessed by Centerville City to be replaced by the

1 Fire/EMS Impact Fees adopted and assessed by the South Davis Metro Fire Service Area.
2 Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).
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4 **COUNTY PROPOSITION ONE GRANT APPLICATION**

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6 At their August 1, 2017 meeting a majority of the Council indicated support for moving
7 forward with a shared application to the County with West Bountiful, and applications to improve
8 bus stops on Main Street and to construct a restroom along the Legacy Parkway Trail, as long
9 as the restroom is maintained by the County. Mr. Thacker informed the Council that the top of
10 the County's application form contains this statement: "Your signature below indicates your
11 agency's willingness to enter into formal agreement to complete and maintain the project if
12 selected for funding." Because of that statement, Mr. Thacker said he does not recommend the
13 City submit an application for the Legacy Parkway Trail restroom. Mayor Cutler stated he would
14 still like to send a message to the County that a restroom along the Trail is needed, but he feels
15 the County should be responsible for the maintenance. Councilwoman Fillmore pointed out that
16 ideas like this can take a long time to implement, and suggested submitting an application for a
17 restroom on the Trail with a clear statement that Centerville would not be willing to take on
18 maintenance responsibility. Councilman Ince responded that such an application would be
19 dysfunctional. He suggested striking the statement at the top of the application. Responding to
20 a question from Councilman Ince, Mr. Thacker said he is not aware of any other cities making a
21 similar application for a restroom along the Trail. Mr. Thacker pointed out that the application
22 would be somewhat incomplete, with cost and exact location unknown. Councilwoman Fillmore
23 suggested including the equivalent of five percent of one year of RAP Tax revenues as the
24 amount the City is willing to contribute (\$19,000-\$20,000).
25

26 Mr. Thacker reported UTA has indicated they are not interested in participating in an
27 application for County Proposition One funds to improve bus stops on Main Street at this time.
28 It is anticipated, however, that UTA funds will be used as Centerville's match for the joint 1250
29 West project with West Bountiful. Councilman Ince made a **motion** to show formal support for a
30 joint application with West Bountiful for improvements on 1250 West/640 West, and direct staff
31 to prepare and modify an application for restroom facilities along Legacy Trail, with Centerville's
32 contribution not to exceed 15% or \$20,000. Councilwoman Ivie seconded the motion, which
33 passed by unanimous vote (5-0).
34

35 **BUS STOP IMPROVEMENTS ON MAIN STREET**

36
37 Mr. Thacker reported that UTA is not generally in favor of bus stop pullouts on Main
38 Street. He said it is the preference of UDOT to require pullouts, but the UDOT Region One
39 Director Kris Peterson would consider not requiring pullouts if sufficient reasons are given. Mr.
40 Thacker suggested a pullout would make sense at the proposed bus stop in front of the Post
41 Office, but staff do not recommend pullouts at three other locations. Mayor Cutler said he would
42 prefer not to have pullouts, but in front of the Post Office makes the most sense if the City needs
43 to agree to at least one as a show of good faith. Councilwoman Fillmore said she would want
44 the less expensive improvements to other stops to take priority over an expensive pullout in
45 front of the Post Office. A majority of the Council indicated support for UTA proceeding with the
46 design of bus stop improvements at locations on Main Street, but would like the City Manager to
47 schedule this matter again on a future agenda for them to react to before UTA proceeds with
48 improvements.

1 **MAYOR'S REPORT**
2

- 3 • The Council will meet in a work session with the Planning Commission to discuss the
4 South Main Street Plan on Wednesday, September 13th, prior to the regular Planning
5 Commission meeting.
6 • Mayor Cutler reported discussions have taken place with the Tingey family regarding
7 a Tingey Pavilion for the Community Park Expansion. Bruce Cox, Parks and
8 Recreation Director, has suggested including a drinking fountain and electrical
9 connection at the pavilion. It is anticipated additional funds may be needed from the
10 City to fully fund those amenities, in addition to a donation from the Tingey family.

11
12 **CITY MANAGER'S REPORT**
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- 14 • The Council will meet in a work session with the Trails Committee on October 3rd,
15 prior to the regular Council meeting.
16 • Mr. Thacker informed the Council of an upcoming employee retirement in the Public
17 Works Department.

18
19 **MISCELLANEOUS BUSINESS**
20

21 As liaison to the Whitaker Museum Board, Councilwoman Ivie reported that the names
22 of at least 300 families have been found as settling in Centerville in the City's first couple of
23 years. She suggested that including plaques with information about the City's founding families
24 at the Smith Park pavilion may be more daunting than originally anticipated. She suggested it
25 may be a good idea to have one big plaque recognizing the family names by year settled.
26 Mayor Cutler said he feels it would also be good to recognize founding individuals and their
27 stories, maybe adding one each year. Mayor Cutler stated he is looking for a volunteer to lead
28 up fund raising for new signage and plaques for the William R. Smith Park. Councilwoman
29 Mecham said she would be willing to lead that effort. Councilwoman Fillmore reminded the
30 Council that a professional design is already prepared for the area around the bus stop.

31
32 The Council took a break at 9:17 p.m., and returned at 9:30 p.m.
33

34 **MOBILE REPORTING APPLICATION**
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36 Mike Smith, City GIS Specialist, demonstrated a mobile reporting application he
37 developed for reporting of non-emergency problems within the city. Ms. Romney suggested
38 that a records retention policy will be needed, as well as a protocol for employee responses.
39 The Council agreed to beta test the application.
40

41 **ADJOURNMENT AND CLOSED MEETING**
42

43 At 9:50 p.m., Councilman McEwan made a **motion** to move to a closed meeting in the
44 Council Chambers for the purpose of discussing character and competency of an individual, and
45 reconvene in a meeting of the Centerville Redevelopment Agency. Councilwoman Ivie
46 seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed
47 meeting were: Paul A. Cutler, Mayor; Council members Fillmore, Ince, Ivie, McEwan (remotely),
48 and Mecham; Lisa Romney, City Attorney; Jacob Smith, Management Services Director; Paul
49 Child, Police Chief; and Katie Rust, Recording Secretary.

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Marsha L. Morrow

Marsha L. Morrow, City Recorder

9-19-2017

Date Approved

Katie Rust

Katie Rust, Recording Secretary

