CENTERVILLE CITY

250 North Main Centerville Utah 84014-1824 • (801) 295-3477 Fax: (801) 292-8034

Mayor
Paul A Cutler

City Council
Ken S Averett
Tamilyn Fillmore
John T Higginson
Stephanie Ivie
Lawrence Wright

City Manager
Steve H Thacker

interoffice MEMORANDUM

[redacted]

to: Mayor Cutler
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager
subject: City Manager's Summary of September 15, 2015 Council Meetings
date: September 11, 2015

5:00 **Open House re Proposal to Create Fire District** – The City will host an open house from 5 to 7 p.m. prior to the regular meeting. South Davis Metro Fire Agency (SDMFA) Chief Jeff Bassett, Mayor Cutler and I will be available to explain the proposal to create a fire district to replace the SDMFA, which serves five south Davis cities and a small unincorporated area. During the regular 7:00 p.m. meeting the City Council will hold a public hearing on this matter, so the open house is an opportunity for residents to become better informed prior to the hearing. Documents explaining the proposal, including some charts that will be on display at the open house, are attached to item #4 on the regular meeting agenda.

The primary reason for creating a fire district with its own taxing authority is to enable the financing of capital improvements, including the renovation/replacement of the Centerville fire station. **The net financial impact on the owner of an average-value home in Centerville is estimated to be $13 - $14 per year.**

Council members are welcome to attend the open house but their attendance is not required. No dinner will be provided at City Hall prior to the regular meeting.

7:00 **Regular City Council Meeting**

E.1. **Minutes Review** – The minutes to be approved are enclosed.

E.2. **Summary Action Calendar**

a. **Street sweeping bid award** – Staff recommend this annual contract be awarded to Jacketta Sweeping with the option to renew for a second and third year if the contractor agrees to hold his hourly rates.
b. **National Register Nomination** – The Landmarks Commission recommends the Smoot Dairy Farmhouse be added to the National Register of Historic Places. This requires the support of the City Council, then the application is forwarded to the State Preservation Review Board.

MAKING Life BETTER Centerville City

E.3. **Public Hearing—PDO/Conceptual Plan Amendment for Legacy Trail Apartments** – The Planning Commission recommends approval of an amendment that will allow some alternative architectural options for commercial buildings within this new development at 1250 West/Parrish Lane.

E.4. **Public Hearing re Proposal to create Fire District** – This is the required public hearing on the matter described above under the Open House heading. This hearing will be followed by a 60-day protest period before the City Council considers a resolution creating the fire district. The other member entities of the South Davis Metro Fire Agency are also going through a similar public process.

E.5. **Public Hearing—Ordinance Prohibiting the Feeding of Wild Animals** – This matter was postponed from an earlier meeting. At that time the City Council directed staff to solicit additional public feedback about the extent to which deer are living within the City and whether residents are concerned. Substantial public comment has been received both via email and at an open house held on September 9. The City Council has automatically received all comments sent to the special email address advertised for this purpose, and the comments submitted at the open house are attached to the council meeting agenda packet. About 60 residents have responded to date, with about 90% describing damage and expressing support for reducing the number of deer within the City.

At the September 15 council meeting, after a public hearing, the Council will consider an ordinance prohibiting the intentional feeding of deer within the City. If passed, the Council will then decide whether staff should proceed with the drafting of a plan to reduce the number of deer, in consultation with the Utah Division of Wildlife Resources. That plan would be the subject of another public hearing in a later meeting.

E.6. **Potential action related to Pedestrian Bridge Project** – UDOT has asked if Centerville City is willing to assume responsibility for bidding and managing the construction of the sidewalk on the east side of I-15 that will connect to the new pedestrian bridge. UDOT would pay the full cost of such work—minus any cost for upgrading the fencing per the City's request. More recently, UDOT has also asked if the City is willing to bid and oversee the work of installing fencing on the pedestrian bridge and along the north side of Parrish west of I-15. This fencing work was supposed to be done by the I-15 contractor. However, due to reasons explained in the staff report, that contractor has asked to be relieved of that portion of their contract.

E.7. **Financial Report** – This report is for the first two months of Fiscal Year 2016, or the period ending August 31, 2015.

E.8. **Mayor's Report** – Mayor Cutler will highlight and answer questions about the latest UTOPIA/UIA financial reports. These are to be attached to the meeting packet after the UTOPIA/UIA board meetings next Monday.

E.9. **City Manager's Report** – I will update the Council about the future water main to be installed under I-15.

E.10. **Miscellaneous Business** – No topics are showing at this time under this heading.

E.11 **Closed Meeting** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.

E.12. **Appointments to City Boards/Committees** – The Mayor may recommend appointments.

E.13. **Redevelopment Agency Meeting**

1. Proposed development of Lot 2 of Island Parcel – The RDA agenda identifies several actions needed to allow development of the north end of the island parcel. The proposal is for a dental office. See staff report for an explanation of the various actions needed.

2. Potential actions related to pedestrian bridge project – For background, see the summary above for item #6 on the regular meeting agenda. The RDA may need to take some actions, depending on what the City Council decides to do.

3. 1250 West Parrish Lane Intersection Improvements – I will update the RDA about the traffic signal project for this intersection. Councilwoman Fillmore will report on the process of hiring a professional to design landscape improvements for this intersection.

Potential Agenda Items for October 6, 2015 City Council meeting (subject to change):

- Joint work session with Youth City Council
- 4th of July/Centennial Celebration Report
- Court Recertification
- South Main Street Corridor Plan/Overlay Zone amendments
- City Council Liaison Report – Councilman Wright

mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, SEPTEMBER 15, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, **or may read this memo on the City's website: http://centerville.novusagenda.com/agendapublic.**

Tentative Time: - The times shown below are tentative and are subject to change during the meeting.

5:00 Open House re Proposal to Create a Fire District

7:00 **A. ROLL CALL**
(See City Manager's Memo for summary of meeting business)

B. PLEDGE OF ALLEGIANCE
Webelos Cub Scout Pack 3519

C. PRAYER OR THOUGHT
The Bridge Community – Pastor Loren Pankratz

7:05 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

E. BUSINESS

7:10 1. **MINUTES REVIEW AND ACCEPTANCE**
September 1, 2015 meeting

(OVER)

7:10 2. Summary Action Calendar
   a. Award bid for the Street Sweeping Project 2015-2016 to Jacketta Sweeping in the amount of $44,600
   b. Accept the National Register Nomination for the Smoot Dairy Farmhouse, located at 1697 North Main Street, and recommend a final approval to the State Preservation Review Board

7:15 3. Public Hearing - Planned Development Overlay and Conceptual Plan Amendment - Legacy Trail Apartments - 1250 West Parrish Lane
Consider amending the Planned Development Overlay Approval and Conceptual Plan for the Legacy Trail Apartments planned development located at approximately 1250 West Parrish Lane, for the purpose of allowing alternative commercial architectural design - Ordinance No. 2015-20

7:25 4. Public hearing re Proposal to Create a Fire District

8:00 5. Public Hearing - Municipal Code Amendments - Section 7-02-022 - Prohibiting Feeding or Attracting Wild Animals
Consider Ordinance No. 2015-17 Enacting Section 7-07-022 of the Centerville Municipal Code Prohibiting the Feeding or Attracting of Wild Animals

8:30 6. Potential action related to pedestrian bridge project

8:50 7. Financial Report for period ending August 31, 2015

9:00 8. Mayor's Report
   a. UTOPIA/UIS financial reports

9:10 9. City Manager's Report
   a. Update re water main under I-15

9:20 10. Miscellaneous Business

9:25 11. Closed meeting, if necessary, for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.

9:25 12. Possible action following closed meeting, including appointments to boards and committees

9:25 13. Adjourn to RDA meeting

F. ADJOURNMENT

(Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Marsha L. Morrow, MMC
Centerville City Recorder

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7:10	2.	Summary Action Calendar a. Award bid for the Street Sweeping Project 2015-2016 to Jacketta Sweeping in the amount of $44,600 b. Accept the National Register Nomination for the Smoot Dairy Farmhouse, located at 1697 North Main Street, and recommend a final approval to the State Preservation Review Board
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Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No.

Short Title: Open House re Proposal to Create a Fire District

Initiated By:

Scheduled Time: 5:00

SUBJECT

RECOMMENDATION

BACKGROUND

Fire Chief Jeff Bassett, Mayor Cutler and City Manager Steve Thacker will be available at the open house to answer questions about the proposal to create a fire district to replace the South Davis Metro Fire Agency. The background on this matter, as well as related documents, can be found under item #4 on the regular council meeting agenda, in connection with the public hearing that will be held on the same subject during the council's regular meeting.

CENTERVILLE

Staff Backup Report
9/15/2015

Item No.

Short Title: (See City Manager's Memo for summary of meeting business)

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

D City Manager Summary of September 15, 2015 Council Meetings

CENTERVILLE CITY

250 North Main Centerville, Utah 84014-1824 • (801) 295-3477 Fax: (801) 292-8034

Incorporated in 1915

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Stephanie Ivie
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City Manager
Steve H. Thacker

interoffice MEMORANDUM

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- City Council Liaison Report – Councilman Wright

mlm

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No.

Short Title: Webelos Cub Scout Pack 3519

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No.

Short Title: The Bridge Community - Reverend Loren Pankratz

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:10

SUBJECT

September 1, 2015 Council meeting

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- September 1, 2015 Council meeting minutes

Minutes of the Centerville **City Council** meeting held Tuesday, September 1, 2015 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Ken S. Averett Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Blaine Lutz, Finance Director/Assistant City Manager Randy Randall, Public Works Director Jacob Smith, Management Assistant Katie Rust, Recording Secretary
VISITORS	Steve Rush, Rocky Mountain Power Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Blaine Lutz, Finance Director/Assistant City Manager

OPEN SESSION

Rick Bingham – Mr. Bingham referred to the advertisement for CenterPoint Legacy Theatre (CPT) included as an insert in the latest utility mailer, and questioned whether supporting the non-profit organization is the proper role of government since it could open the City up to requests from other non-profit organizations. He asked if CPT paid for the insert. Mayor Cutler responded that the Council has historically agreed to include inserts in the mailers for non-profit organizations, including the Whitaker Museum and other groups with a connection to City, County, or State government. The Centerville RDA owns the facility, and tax-payers have an interest in ensuring it is well-run and supported. Mr. Bingham stated that he would like to take advantage of the advertising opportunity in the future to promote a historical reenactment that takes place in Bountiful. City Manager Thacker commented that the reenactment event is currently advertised on the east entrance to City Hall. Blaine Lutz, Finance Director/Assistant City Manager, stated that the black-and-white CPT insert was included at no additional cost to the City. [This statement was corrected in a later email to the City Council.] Councilman Wright stated he feels there needs to be a separation between 501(c)3 entities and the City. Councilwoman Ivie stated she thinks the Council should be a little more careful about the information included in City mailers. Council members Wright and Ivie requested that the matter be placed on a future agenda, and requested a legal opinion from the City Attorney. Mr. Thacker added that CPT events have been advertised in City mailers for several years, with Council review prior to newsletter printing.

Robyn Mecham – Ms. Mecham said she was impressed with Councilman Averett in the last Council meeting when he pointed out that a study would not be necessary regarding the deer problem if a majority of the Council would not be willing to vote for the kill option. She appreciated his point that City money should not be wasted on unnecessary studies. Ms. Mecham suggested that the request from the Council for staff to look into putting Main Street electrical wires underground is similar. It is obvious that it would cost hundreds of thousands of

dollars, and she questioned whether there would really be three Council members willing to vote in favor of putting utility lines underground considering the City cannot even afford to finish its parks. She cautioned against valuable City employee time and resources being wasted on unnecessary studies.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the August 4, 2015 City Council and Planning Commission Joint Work Session; and the August 18, 2015 Council and Planning Commission Joint Work Session, regular Council meeting, and Council, Parks & Recreation Committee, and Trails Committee Work Session were reviewed. Mayor Cutler requested a change to the minutes of the August 18 Joint Work Session with the Planning Commission, and Mr. Thacker pointed out a spelling error on the August 18 Council meeting minutes.

Councilman Averett made a **motion** to approve the August 4, 2015 Joint Work Session minutes, the August 18, 2015 Council and Planning Commission Joint Work Session and regular meeting minutes as amended, and the August 18, 2015 Council, Parks & Recreation Committee, and Trails Committee Joint Work Session minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – PROPOSED VACATION OF A PORTION OF 500 EAST PUBLIC RIGHT-OF-WAY – ORDINANCE NO. 2015-18 AND ORDINANCE NO. 2015-19

The City has received petitions to vacate a portion of 500 East public right-of-way located within the Panorama Subdivision. These petitions were filed in response to a City enforcement action regarding the reconstruction of a retaining wall at 1514 North 500 East ("Johnson Property"). This matter was previously discussed with the City Council on March 17, 2015. Given the construction of the house and driveway so close to the right-of-way on the Johnson Property, staff concluded that it would be very difficult and impractical for the Johnsons to move and reconstruct the retaining wall outside of the public right-of-way. Staff is concerned about the safety and liability issues regarding the retaining walls within the public right-of-way. Staff recommended the property owners file a petition to vacate a portion of the 500 East public right-of-way to allow the private retaining walls to be located on private property, conditioned upon the property owners bearing the costs associated with such vacation and providing corrected legal descriptions.

Mayor Cutler opened a public hearing at 7:19 p.m.

Mike Kelley – Mr. Kelley is the owner of the property located at 1530 North 500 East. He explained that when the subdivision was platted the road was planned to be 50 feet wide, but was only constructed to be 42 feet wide, resulting in retaining walls being located on City property. He said he believes it is in everyone's best interest for the City to vacate the property. Signatures of other property owners on 500 East have been obtained. Mr. Kelley expressed willingness to pay any associated fees or costs, and explained that, of all the properties on 500 East, only the two properties in question have retaining walls of significant height.

The Mayor closed the public hearing at 7:25 p.m.

Councilman Averett made a **motion** to approve Ordinance No. 2015-18 and Ordinance No. 2015-19 vacating a portion of 500 East public right-of-way and conveying such portion of the public right-of-way to adjoining property owners Michael J. Kelley and Richard and Elizabeth

Johnson, subject to the applicants submitting new legal descriptions for the property to be vacated in accordance with the City Engineer's requested corrections and paying all fees associated with the Petition to Vacate. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

DISCUSSION AND ROUGH ESTIMATES FOR BURYING POWER AND UTILITY LINES WITHIN A PORTION OF MAIN STREET

Steve Rush, Community Relations Manager for Rocky Mountain Power (RMP), responded to the Council's request for estimates for putting the 5300 feet of utility lines on Main Street between Parrish Lane and Pages Lane underground. He stated that the estimated cost to put the RMP lines underground would be roughly $1.3 million. To get a more reliable cost estimate, the City could need to pay a $30,000 engineering fee. The poles currently hold three other utilities, which would also need to go underground. Mr. Rush stated that everything within the dig area would have to be removed, and additional right-of-way would be necessary. The $1.3 million estimate does not include trenching, conduit, etc. to accommodate RMP's work, the cost of converting individual service lines to underground, nor the cost of burying the other overhead utilities (Comcast, CenturyLink, UTOPIA), increasing the staff's total rough estimate to $4-5 million.

Councilman Averett asked if RMP would be interested in cost-sharing. Mr. Rush responded that RMP is not interested in, and would not benefit from, putting the lines underground. Both underground and overhead lines have reliability issues. Councilman Higginson stated that one of his concerns is the fact that not all of the poles are completely straight at ninety degrees, and Centerville has heavy windstorms. He asked how often RMP does maintenance checks. Mr. Rush responded that they have an operations group that regularly checks the poles, and added that he drove the corridor recently and did not see anything of concern. Councilman Averett stated that another concern centers around emergency management and the impact downed power lines would have on the ability of emergency vehicles to traverse the city. Mr. Rush responded that there may be hazards in the short-term, but underground lines take longer to fix than above-ground lines, and the situation would be ugly for a while either way.

Councilman Wright stated that he is concerned about the emergency management component, and to a lesser extent the aesthetic component. He is worried about the ability of vehicles to traverse Main Street during an emergency. He asked how long it would take RMP to fix downed lines after a major earthquake. Mr. Rush responded that RMP will not burry lines for risk management. He repeated that underground failures take longer to repair than overhead lines, and it is hard to predict where future damage will occur. Randy Randall, Public Works Director, added that the Frontage Road has been identified as the best route for emergency vehicles during a disaster. Main Street has many trees and other hazards in addition to the power lines. Mr. Randall stated that several staff members recently attended emergency management training in Williamsburg, and representatives from California reported that underground power lines took much longer to repair after an earthquake.

Councilman Wright recently suggested the City look into taking over maintenance of Main Street from UDOT. Mayor Cutler asked Mr. Randall to share what was learned approximately ten years ago when staff last looked into the possibility. Mr. Randall reported that at that time UDOT was investing approximately five times more money into Main Street than the City would receive as additional Class B and C road funds, and the City would be required to take over responsibility for the traffic signals and storm drain system as well. He pointed out

that Main Street will need to be completely ripped up and rebuilt sometime in the future – a very expensive undertaking.

Mr. Thacker asked Mr. Rush the nature of the power line on Main Street. Mr. Rush responded that it is a big, critical, 12,000 volt line that connects to the substation, with other lines branching off of it. He clarified that RMP is indifferent regarding whether it is above ground or below. He added that RMP operates both above and below ground systems well with complete confidence. Mr. Randall commented that RMP trims the trees along the length of the power lines. He suggested the City look into removing some of the trees to reduce potential hazards.

Councilwoman Ivie asked if RMP has a way to remotely shut down the electricity in case of a natural disaster to make travel easier and safer for emergency vehicles. Mr. Rush responded that when a power line is downed, the circuit breaker is tripped and RMP is notified. There are approximately 3,000 customers on a circuit, and safety is paramount. In an emergency situation, RMP cooperates with the first responders. Councilman Wright asked if the City Emergency Management Plan includes provisions for working with RMP to establish safe access along Main Street, and said he feels such a plan will be critical in providing emergency services. Mr. Randall mentioned that he feels a lot of synergy was created at the training in Williamsburg. Councilman Averett commented that during a mock disaster several years ago it was shocking how quickly the City and County ran out of resources and had to appeal to the State. The resources are limited, and the real help will come from neighbor helping neighbor until the first responders can arrive.

Mayor Cutler thanked Mr. Rush and Mr. Randall. Councilman Wright said he feels it is valuable to look at putting the power lines underground, and said that long-term he would like to see it happen using the Complete Streets Plan. Councilwoman Fillmore asked if the cost estimate was figured on a per linear foot basis and if the project could be accomplished in segments. Mr. Rush stated that it could be broken into segments. Ms. Romney clarified that the City could not require developers to put power lines underground in a redevelopment scenario at their expense. There would need to be some type of cost-sharing arrangement. Mr. Thacker added that with new development the lines can be required to be underground, such as new residential subdivisions.

FISCAL YEAR 2015 FINANCIAL REPORT

Blaine Lutz, Finance Director/Assistant City Manager, presented the financial report for FY 2015, which ended June 30, 2015, and answered questions from the Council. Mr. Lutz explained the use of the Capital Projects Fund for street projects, and expressed optimism regarding the overall General Fund balance. The Council discussed the financial agreements between the RDA and CenterPoint Legacy Theatre.

PARKS CAPITAL IMPROVEMENT PLAN

City Manager Thacker presented an updated Parks Capital Improvement Plan, and pointed out changes made since the August 18th joint work session between the Council, the Parks & Recreation Committee, and the Trails Committee. Councilwoman Fillmore stated that the need for parks capital improvement funding speaks to the need for RAP Tax renewal. Mr. Thacker commented that the Parks Capital Improvement Plan does not represent all potential uses of RAP Tax funds. Councilman Wright suggested that a three-year plan would be helpful. Mayor Cutler pointed out that impact fee revenue fluctuates and cannot be predicted, which

makes planning with specific dates difficult. Councilwoman Fillmore pointed out that the Parks Capital Improvements Plan has been prioritized by the Parks & Recreation Committee. Councilman Wright suggested staff could take the Plan one step farther and put the list into a three-year plan to give it the same level of planning as other plans linked to the General Plan. Mr. Thacker pointed out that completion of the Community Park Expansion project is the Parks & Recreation Committee's top priority, and stated that he could make assumptions to put a three-year plan together. Mayor Cutler asked if at least three Council members feel a three-year plan is necessary. Councilman Averett responded that in his opinion it is already prioritized. Councilman Higginson said he would not want staff to do the work until after the RAP Tax vote. Councilwoman Fillmore agreed with Councilman Higginson, and added that it would be a helpful argument in favor of the RAP Tax to point out to citizens that with RAP Tax renewal more things on the list could be accomplished than without. Mr. Thacker explained that an inter-fund loan could be set up between the RAP Tax fund and the Impact Fee Fund.

Councilman Averett made a **motion** to approve the updated Parks Capital Improvements Plan, emphasizing that funding for the projects has not been determined. Councilwoman Fillmore seconded the motion. Councilman Wright suggested amending the motion to "accept" rather than "approve" the Plan. Council members Averett and Fillmore agreed to the amendment. Councilwoman Ivie stated that if the Parks Capital Improvement Plan is going to be used as a demonstration of potential uses for the RAP Tax, she would rather it were called a "wish list", and she would prefer it included the Whitaker Museum grounds, a dog park, and all the other possibilities that have been discussed. Mayor Cutler responded that the Parks Capital Improvement Plan is only part of the picture, along with recommendations made by other departments and committees. If the RAP Tax is renewed, the Council will consider all of the recommendations when determining how to use the funds.

At 8:40 p.m. Mayor Cutler agreed to allow public comment.

Nancy Smith – Ms. Smith stated that, considering the Whitaker Museum is identified as City open space in the General Plan, she does not understand why the Whitaker Museum is not included as part of the Parks Capital Improvements Plan. She said that since the Museum is used in the open space calculation, she feels the Museum should be included in the Parks Capital Improvement Plan.

The motion to accept the Parks Capital Improvement Plan passed unanimously (5-0).

SUBMITTAL OF ARGUMENTS FOR AND AGAINST RAP TAX

Only one citizen applied to write an argument in favor of RAP Tax renewal to be included in the Voter Information Pamphlet (Mayor Cutler), and one applied to write an argument against (Councilman Wright). The arguments are due September 14th. The argument to be posted by the City Council on the Statewide Voter Information website is due Friday, September 4th. Mayor Cutler referred to the sentence in his argument that states it is the intent of the City Council that a majority of the funds go to parks and trails improvement, and asked if the Council is unanimously in agreement with the statement. Councilman Wright asked the Mayor if he has publicly identified a specific percentage for parks and trails improvements. Mayor Cutler responded that he believes a majority should go to parks and trails improvements, but he has not made any commitments. He said he may have discussed possible allocations with individuals, but clarified that it is the Council that will make the allocation decision. Council members Higginson and Fillmore said they are comfortable with the statement that a majority would go to parks and trails.

Councilman Wright asked what CenterPoint Legacy Theatre (CPT) is specifically asking for, and expressed hesitation with government funding a 501(c)3. Ms. Romney clarified that the City is allowed to use the RAP Tax to finance ongoing operating expenses of cultural organizations within the city. Cultural organization is defined as a private non-profit organization having a primary purpose of theater, dance, cultural arts, etc. Councilman Wright stated he feels the money should go to other things that directly support the community. Councilwoman Fillmore said she does not disagree with Councilman Wright, and said she wishes the language in the Mayor's statement were stronger, specifying that a strong majority of the funds would go toward parks and trails. Councilman Wright stated that this situation is different than the last RAP Tax vote because in 2008 the voters knew exactly what they were voting for. He said he would like to see CPT not receive any money if the RAP Tax is renewed. Councilman Averett responded that he thinks as a tenant of a City facility that adds cultural value to the community CPT should receive some funding from RAP Tax renewal. He added that Centerville should be a well-balanced community. Councilwoman Ivie agreed that there is interest in ensuring that a tenant of a City building does well, and stated that, as a tenant of a City building, the Council should bump the Whitaker Museum's share considerably. She stated she is not a fan of the RAP Tax because a lot of people in her neighborhood are on fixed incomes and are hit harder by taxes than those who receive salary increases. She added that the government is in debt on all levels, and the City would be better off to tighten its belt and not sign up for extra debt and long-term taxes for a wish list. Councilwoman Ivie pointed out that the RAP Tax will not be the only tax included on the ballot this year. Councilman Wright agreed with Councilwoman Ivie, stating that all the different tax components added together are difficult for those on fixed incomes. He admitted that the capital improvements would be nice, but he would like to stop the drain on citizen pocket books.

Following some discussion, it was suggested the sentence in the Mayor's argument in favor of the RAP Tax begin with the phrase "If it passes, it is the intent of the City Council . . ." Ms. Romney advised the Council to remain general in stating the intended uses of potential revenues, since the City Council would annually determine what RAP Tax revenues should fund. Councilwoman Fillmore suggested the Council continue discussions regarding the exact wording of the argument for the State website via email. Mayor Cutler agreed to make a few revisions and send it to the Council via email.

COUNTY LOCAL OPTION TRANSPORTATION TAX – HB 362

Mayor Cutler explained that the City can choose to remain silent or to get involved regarding the County Local Option Transportation Tax. The Mayor said he intends to express his support for the quarter-cent Local Option Transportation Tax in his message included in the City newsletter, and added that the newsletter could also include factual information explaining the street maintenance plan and how transportation funds are allocated.

Councilman Averett stated he would prefer the City to remain neutral. Councilwoman Fillmore pointed out that both the RAP Tax and the Transportation Tax are sales taxes, allowing the burden to be shared by visitors from outside the community who come to shop and eat. The RAP Tax is one-tenth of one percent on non-food items. Councilman Higginson said he thinks the tax is needed, but it would be difficult to take a stand as a Council. Councilman Wright stated that Councilwoman Fillmore makes a valid argument. Ms. Romney was not able to clarify whether or not the proposed tax has an end-date. Mayor Cutler said he believes there is not an end-date.

A majority of the Council indicated interest in asking Mr. Thacker to draft factual articles for the City newsletter regarding the Parks Capital Improvement Plan and the Streets Maintenance Plan. Councilwoman Fillmore made a **motion** directing Mr. Thacker to provide articles regarding transportation needs and park facilities for Council review. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

MAYOR'S REPORT

- Mayor Cutler reported that Chief Child is trying out the idea of recruiting volunteers to help at the Parrish Lane/Main Street intersection to save the cost of an additional crossing guard. The City is also considering additional signage to keep children safe as they walk to school. Councilman Averett expressed approval of the new location of the electronic speed indicator on 400 West closer to the Chase Lane intersection. Councilman Wright said he feels the City should consider investing in more electronic speed signs. Mayor Cutler agreed they are effective, and said he would like to get more. Councilmen Higginson and Averett agreed that they are effective.

CITY MANAGER'S REPORT

- Mr. Thacker offered the suggestion to combine the traditional volunteer recognition dinner for City committee members with the recognition dinner for Centennial Committee members since all City committee members were involved in the Centennial Celebration. All household members of committee members would be invited to attend the outdoor, catered recognition dinner on September 21st. A majority of the Council indicated support.
- Following some discussion, it was agreed that December 2nd would be an acceptable date for the Employee Christmas Dinner. A majority of the Council requested that it take place at the Wight House Reception Center in Bountiful if possible.
- Mr. Thacker and Jacob Smith, Management Assistant, answered questions regarding asset and inventory management. Information regarding the original value of assets is included on the Capital Asset List.

MISCELLANEOUS

- Councilman Wright made a **motion** to accept waterline and public utility easement for the Porter Walton Townhomes project located at approximately 564 West Porter Lane conditioned upon correction of the legal description. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).
- Councilwoman Fillmore agreed to schedule the free-admission day to the Recreation Center for Centerville Citizens on February 6th.
- Mayor Cutler announced that the Landmarks Commission has one open position, and the Whitaker Museum Board has two remaining positions that could be filled.

ADJOURNMENT

At 9:44 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 2.

Short Title: Summary Action Calendar

Initiated By:

Scheduled Time: 7:10

SUBJECT

a. Award bid for the Street Sweeping Project 2015-2016 to Jacketta Sweeping in the amount of $44,600
b. Accept the National Register Nomination for the Smoot Dairy Farmhouse, located at 1697 North Main Street, and recommend a final approval to the State Preservation Review Board

RECOMMENDATION

a. Award bid to Jacketta Sweeping in the amount of $44,600 for the 2015-2016 Street Sweeping Project, including the option to extend the contract for two additional years at the same unit prices if agreeable to both the City and contractor.

b. Accept the National Register Nomination for the Smoot Dairy Farmhouse, located at 1697 North Main Street, and recommend a final approval to the State Preservation Review Board.

BACKGROUND

a. As explained in the attachment, despite the solicitation of other bids, only one bid was submitted for street sweeping services--from the City's current contractor. Staff would like the Council to include the option of extending the contract for a second and third year if the contractor is willing to hold his unit prices and if City staff believe this is in the best interest of the City. The cost of this service is split between the Streets Budget (General Fund) and the Drainage Utility Fund. The total budget for this service--between these two sources--is only $40,000. The City Manager has advised the Streets Supervisor and Drainage Utility Supervisor to monitor this cost during the year and not exceed the $40,000 unless they identify savings in other budget line items to offset the overage. The bid total of $44,600 is based on the number of hours included in the bid specifications, but the actual cost will be determined by the number of hours of service requested by the City.

b. The Landmarks Commission recommends the Smoot Dairy Farmhouse be added to the National Register of Historic Places. Before this can occur, the City Council needs to accept the nomination and forward a recommendation to the State for their approval. See the attached staff report from Brandon Toponce about this matter.

ATTACHMENTS:

Description

- Engineer's Recommendation - Street Sweeping Project 2015-2016

- Bid Tabulation - 2015-2016 Street Sweeping Project
- Staff Report re Smoot Farmhouse National Register Review

Marsha Morrow

From: kevin campbell <kevin.campbell@esieng.com>
Sent: Wednesday, September 09, 2015 5:06 PM
To: Steve Thacker
Cc: Dave Walker; Marsha Morrow; Ryan McLeod
Subject: Street Sweeping NOA
Attachments: Bid Tabulation 2015.pdf; 00 51 00 Notice of Award 2015.doc

Steve,

Bids were received last week for the Street Sweeping Project 2015-2016. Unfortunately we only received one bid. This was after we had pushed back the bid opening date as requested by a potential bidder (Sweep 'N' Utah), only to still not have them submit a bid. We also advertised and issued public notices well in advance of the bid opening.

The low and only bidder is Jacketta Sweeping. Dave Walker has had a good experience working with them over the past many years. Their prices have gone up from $100 per hour in 2010 to $109 per hour in 2015. (See attached Bid Tabulation).

It is recommended that the project be awarded to Jacketta Sweeping.

Let me know if additional info is needed at this time.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

BID TABULATION FOR CENTERVILLE CITY

	ıg Project 2015-2016 - Project #15-126			Jacketta Sweeping (2015 Bid)		Jacketta Sweeping (2012 Bid)		Jacketta Sweeping (2010 Bid)		Sweep 'N' Utah (2010 Bid)	
Item	Description	Amounts	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	City wide Street Sweeping w/ Elgin Crosswind Vacuum Truck or equivalent (approximately 80 hours per city wide street weep) - includes up to 5 mobilizations and traffic control as needed.	400	Hours	$109.00	$43,600.00	$105.00	$42,000.00	$100.00	$40,000.00	$100.00	$40,000.00
2	Emergency call out sweeping including mobilization and traffic control as needed	8	Hours	$125.00	$1,000.00	$105.00	$840.00	$100.00	$800.00	$120.00	$960.00
	Total				$44,600.00		$42,840.00		$40,800.00		$40,960.00

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF TRANSMITTAL REPORT

DATE: AUGUST 28, 2015

TO: STEVE THACKER, CITY MANAGER

FROM: BRANDON TOPONCE, ASSISTANT CITY PLANNER

REQUEST: FINAL RECOMMENDATION TO THE STATE HISTORIC PRESERVATION OFFICE FOR THE NATIONAL REGISTER NOMINATION OF THE SMOOT DAIRY FARMHOUSE

BACKGROUND

In 2014, the Landmarks Commission expressed a desire to nominate the Smoot Farmhouse located at 1697 North Main for the National Register of Historic Places. In the spring of 2015, Korral Broschinsky was hired by Centerville City to conduct the nomination process. The property owner who was contacted by City Staff and Mrs. Broschinsky, was excited to have his home nominated. He has been supportive through the process and has expressed a desire to have a plaque eventually placed on the home. Mrs. Broschinsky has now completed the nomination and received the initial review by Cory Jensen, of the Utah State Historic Preservation Offices. The nomination is now ready for review and approval by the Landmarks Commission. Once this is complete the nomination will be forwarded to the City Council for final approval. Mr. Jensen with the State offices has scheduled this item for the October Board Meeting for final approval before sending the document to the Secretary of the Interior.

REVIEW

In accordance Section 12-61-070(e)(4), of the Zoning Ordinance, A National Register Nomination is reviewed by the Landmarks Commission, with a recommendation to the City Council for final review and acceptance. The Council will then make a final recommendation to the State Preservation Review Board, which after their review goes to the Keeper of the National Register of Historic Places.

The Smoot Farm House was constructed in 1936 and is an excellent example of an English Tudor Revival-style brick cottage. After the Landmarks Commission reviewed the document created by Korral, the commission believes it is accurate and descriptive in regard to the history and significance of the structure to our community. It appears all the necessary information required by Section 12-61-030 of the Zoning Ordinance has been fulfilled. Korral found the home to be a contributing property under criteria A of the Applicable National Register Criteria, which states:

(a) that are associated with events that have made a significant contribution to the broad patterns of our history

The Landmarks Commission agrees this home is significant to the community, not only for the architecture but for its contribution in the broad patterns of Centerville's history.

RECOMMENDATION

The Landmarks Commission recommends the City Council accept the National Register Nomination for the Smoot Dairy Farmhouse, located at 1697 North Main Street, and recommend a final approval to the State Preservation Review Board.

Landmarks Commission Vote (4-0):

Commissioner	Yes	No	Not Present
Porter (Chair)	X		
Allen	X		
Mitchell			X
Plummer			X
Randall	X		
Roberts			X
Talbot	X		

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 3.

Short Title: Public Hearing - Planned Development Overlay and Conceptual Plan Amendment - Legacy Trail Apartments - 1250 West Parrish Lane

Initiated By: Fred Hale, Applicant

Scheduled Time: 7:15

SUBJECT

Consider amending the Planned Development Overlay Approval and Conceptual Plan for the Legacy Trail Apartments planned development located at approximately 1250 West Parrish Lane, for the purpose of allowing alternative commercial architectural design - Ordinance No. 2015-20

RECOMMENDATION

Adopt Ordinance No. 2015-20 amending the Planned Development Overlay Approval and Conceptual Plan for the Legacy Trail Apartments planned development located at approximately 1250 West Parrish Lane, for the purpose of allowing alternative commercial architectural design.

BACKGROUND

On August 26, 2015, the Planning Commission reviewed and recommended for approval certain amendments to the Planned Development Overlay Approval and Conceptual Plan for the Legacy Trail Apartments planned development for the purpose of allowing alternative commercial architectural design. The Staff Transmittal Report for this application is attached.

ATTACHMENTS:

Description

- 08-27-2015-Staff Transmittal Report-Legacy Trail Apartments
- Ordinance No. 2015-20-Legacy Trail PDO Amendment
- 08-26-2015 PC Staff Report Legacy Trail Apartments
- Legacy Trail Apartments Architectural Design Concepts & Site Plan

CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF TRANSMITTAL REPORT

DATE: **AUGUST 27, 2015**

PROPERTY OWNER/ APPLICANTS:
H&S LLC
FRED HALE/CHAD SALMON
1778 WEST 1180 SOUTH
WOODS CROSS, UT 84087
chad@salmonelectric.com
fredh@colonialbuilding.com

PROPERTY: **SOUTHWEST CORNER/ 1250 WEST PARRISH LANE**
(AKA: LEGACY TRAIL DEVELOPMENT)

ACREAGE: **12 ACRES**

ZONING: **COMMERCIAL VERY-HIGH/(PD)**

APPLICATION: **PDO ZONE PLAN AMENDMENT – ALLOWING AN ALTERNATIVE COMMERCIAL ARCHITECTURAL DESIGN**

PC RECOMMENDATION: **APPROVAL OF THE PDO AMENDMENT**

BACKGROUND

The petitioners desire to amend the approved project's architectural design schemes and add an alternative commercial design (gas station & two office lots) for the Legacy Trail PDO Master Conceptual Plan. The proposed design change would allow the following:

- *Allow commercial buildings to utilize a flat-roof design to accommodate roof-mounted utility and equipment installation*
- *Allow use of heavy timber design features and elements for commercial buildings*

As the City Council may be aware, Lot 1 has previously received conceptual plan acceptance from the Planning Commission with a directive that the applicant must receive a planned development amendment to allow for their proposed building design (i.e. flat roof and heavy timber elements) for the Maverik Store. Additionally if the amendment is approved, such design could be available for use by Lots 2 & 3, the two commercial lots along 1250 West that frame the roundabout intersection.

PLANNING COMMISSION RECOMMENDATION

On August 26, 2015, the Planning Commission held a public hearing, discussed the matter, and then forwarded to the City a **recommendation of *APPROVAL*** of the proposed PDO plan amendment for the Legacy Trails Development, as follows.

1. *The Alternative Commercial Design Plan Concepts are*:
   a. The building design shall consistent of a flat roof design with parapets to screen roof-mounted equipment.
   b. Provision of heavy timber and/or hanging awning features for building entry points.
   c. The use of colors and materials shall be consistent with the development's originally approved Architectural Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing Development or from the template of the Shorelands Commerce Park Design Guidelines.
   d. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).
   e. All other related or associated conditions of the Legacy Trail Development PDO Approval remain in effect with this amendment.

Suggested Reasons for the Action (Findings):

a) The Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
b) The Commission finds that according to Section 12-41-010, the purpose of the PDO provisions is to allow:

   "mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations."
c) The Commission finds that Section 12-41-070 allows for "variations from development standards" from both the Subdivision and Zoning Ordinances.
d) The Commission finds that allowing an alternative commercial design plan facilitates the screening of needed utility and equipment for service to buildings.
e) The Commission finds that the conditions of approval of the Alternative Commercial Design Plan are consistent and compatible with the originally approved Architectural Design Plan of the Legacy Trails Development.

Planning Commission Vote (7-0):

Commissioner	Yes	No	Not Present
Hirschi (Chair)	X		
Hirst	X		
Johnson	X		
Kjar	X		

Merrill	X		
Hayman	X		
Ince	X		

LIST OF PREVIOUS PLANNING COMMISSION MEETINGS

✓ *August 26, 2015 Regular Meeting*

ORDINANCE NO. 2015-20

AN ORDINANCE AMENDING THE CONDITIONS OF APPROVAL FOR THE LEGACY TRAIL APARTMENTS PLANNED DEVELOPMENT PDO ZONING APPROVAL AND CONCEPTUAL PLAN ACCEPTANCE TO PROVIDE FOR ALTERNATIVE ARCHITECTURAL CONCEPTS AND REQUIREMENTS FOR COMMERCIAL BUILDINGS WITHIN THE PROJECT AREA

WHEREAS, the City previously adopted Ordinance No. 2014-06 approving the rezone of property located at approximately 1250 West and Parrish Lane in West Centerville, as more particularly described in **Exhibit A,** and accepting the Conceptual Plan for the Legacy Trail Apartments Planned Development; and

WHEREAS, the City has received a petition from the property owner to amend the previous rezone and Conceptual Plan approval set forth in Ordinance No. 2014-06 to provide for alternative architectural concepts and requirements for commercial buildings within the project area; and

WHEREAS, the proposed amendments to the rezone and Conceptual Plan approval set forth in Ordinance No. 2014-06 have been reviewed by the Planning Commission and recommended for approval by the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the rezone and Conceptual Plan approval for the Legacy Trail Apartments Planned Development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Conditions of Rezone and Conceptual Plan Approval.** Rezone approval and acceptance of the Conceptual Plan for the Legacy Trail Apartments Planned Development as set forth in Ordinance No. 2014-06 are hereby amended to revise Condition No. 6 in Section 3 to read as follows:

6.1 Except as otherwise provided in Condition 6.2, the ~~The~~ Commercial and Residential Architectural Concepts, as depicted on the Conceptual Plan, shall accomplish the following:

a. The building design expectation is a village-style design
b. Buildings with full pitched roofs
c. Use of dormers, gables, box windows, and canopies for windows and entryways
d. Garages, balconies and entry portals for residential buildings
e. Pedestrian amenities such as patios, plazas, and enhanced entries for the commercial uses
f. Colors and materials that are consistent with the Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing development or from the template of the Shorelands Commerce Park Design Guidelines.
g. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).

6.2 As an alternative to the Architectural Concepts set forth in Condition 6.1, Commercial Architectural Concepts, may choose to accomplish the following:

a. The building design shall consistent of a flat roof design with parapets to screen roof-mounted equipment.

b. Heavy timber and/or hanging awning features shall be provided for building entry points.

c. The use of colors and materials shall be consistent with the development's originally approved Architectural Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing Development or from the template of the Shorelands Commerce Park Design Guidelines.

d. All buildings shall have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).

e. All other related or associated conditions of the Legacy Trail Development PDO Approval remain in effect with this amendment.

Section 2. **Architectural Concepts Amended.** The Architectural Concepts for the rezone approval and acceptance of the Conceptual Plan for the Legacy Trail Apartments Planned Development as set forth in Ordinance No. 2014-06 are hereby amended to reflect the alternative Architectural Concepts for commercial development within the project as more particularly set forth in **Exhibit B.**

Section 3. **Remaining Provisions**. Except as otherwise specifically amended herein, all other provisions of Ordinance No. 2014-06 shall remain in full force and effect.

Section 4. **Severability**. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. **Effective Date.** Subject to conditions of approval set forth in Section 3, this Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS _____ DAY OF SEPTEMBER, 2015.

ATTEST: **CENTERVILLE CITY**

_____ By: _____

Marsha L. Morrow, City Recorder Mayor Paul A Cutler

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

_____ DATE: _____
MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20___.

PUBLISHED OR POSTED this ____ of _____, 20___.

EXHIBIT A

Rezone Property Description

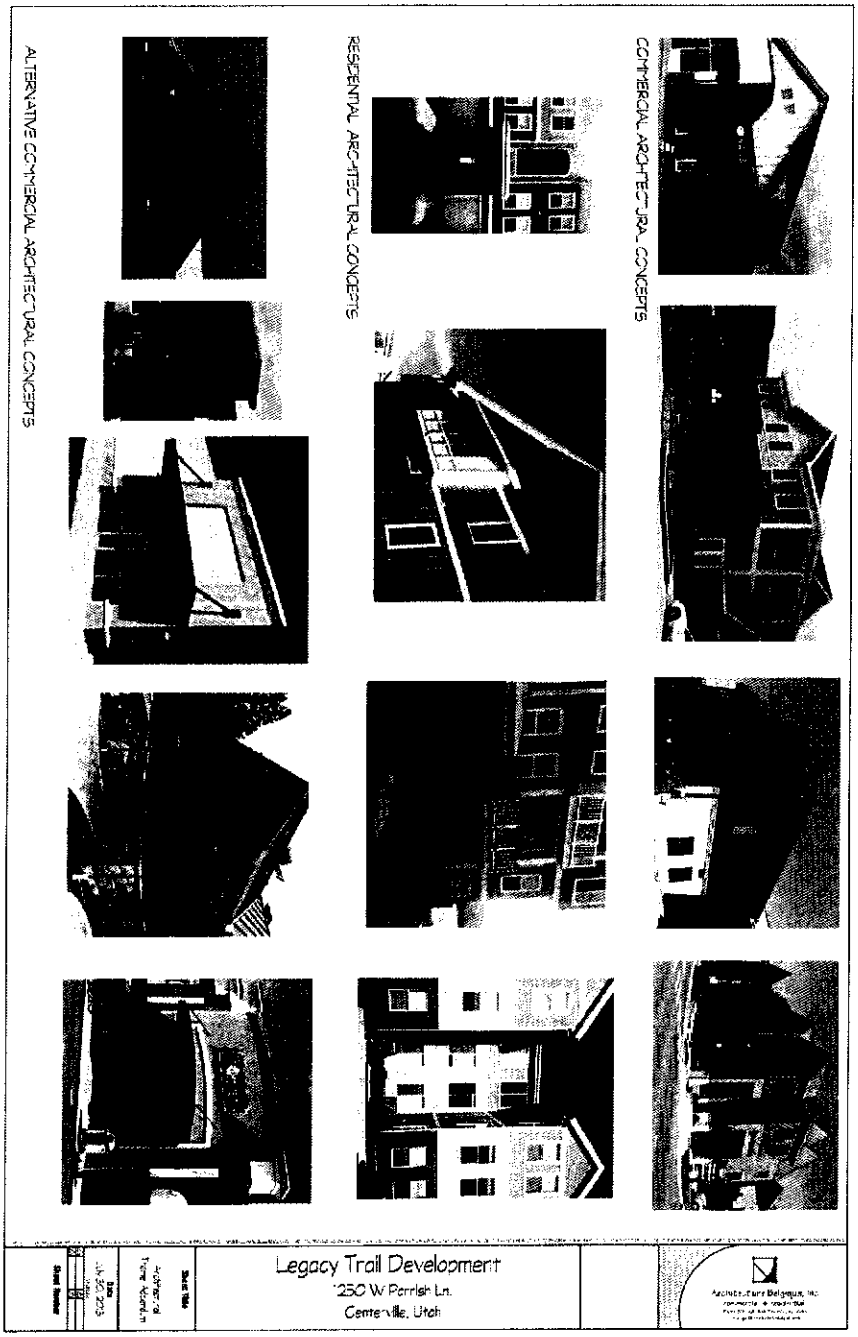
Description of Legacy Trail Property
Overall Description

Beginning at the North Corner of Parcel 4 of the Legacy Crossing Road Dedication as recorded in Entry No. 2562864, Book 5140, Page 619 which point is N0°05'33"W 2,096.72 ft. along the section line and West 1,430.14 ft. from the Southeast Corner of Section 12, T.2N., R.1W., S.L.B.& M. and running thence N0°03'06"E 176.71 ft. along the West Boundary of 1250 West Street to the most southerly point of the property described in final judgement of compensation and condemnation recorded 12/02/2011 as Entry No. 2630277 in Book 5410, Page 170; thence along said property in the following four courses: (i) N20°00'00"W 132.78 ft., (ii) N89 24850'09"W 113.72 ft., (iii) Westerly 197.54 ft. along the arc of a 902.33 ft. radius curve to the right (LC bears N83°33'48"W 197.15 ft.), (iv) N89°36'02"W 138.63 ft. to a point which is S0°01'07"W 232.13 ft. along the Quarter Section Line and East 196.78 ft. and S89°54'34"E 523.75 ft. from the Center of said Section 12; thence N89°54'34"W 110.20 ft. along the Southerly R/W Line of Parrish Lane to the Easterly R/W Line of a Highway know as project No. 0067; thence along said Easterly R/W Line in the following eight (8) courses and distances: (i) Southwesterly 44.11 ft. along the arc of a 84.65 ft. radius curve to the left, chord bears S24°57'58"W 43.61 ft., (ii) S10°02'15"W 156.95 ft., (iii) Southerly 39.52 ft. along the arc of a 591.21 ft. radius curve to the right, chord bears S16°40'25"W 39.51 ft., (iv) S18°34'47"W 251.29 ft., (v) Southerly 112.55 ft. along the arc of a 1,005.91 ft. radius curve to the right, chord bears S21°48'19"W 112.50 ft., (vi) S25°00'19"W 207.09 ft., (vii) Southwesterly 80.82 ft. along the arc of a 315.15 ft. radius curve to the right, chord bears S32°54'50"W 80.59 ft., (viii) Southwesterly 20.21 ft. along the arc of a non-tangent 2,220.14 ft. radius curve to the right, chord bears S26°37'45"W 20.21 ft.; thence N89°43'48"E 413.28 ft. to the Southwest Corner of the Tumbleweed Condominiums, said point being N0°01'07"W 1,560.27 ft. along the Quarter Section Line and N89°07'03"E 702.26 ft. from the South Quarter Corner of said Section 12; thence along the boundary of said Tumbleweed Condominiums in the following two courses: (i) N1°13'17"E 171.07 ft. and (ii) N89°07'03"E 507.87 ft.; thence N0°03'06"E 94.20 ft. along said West boundary of 1250 West Street to the South Corner of said Parcel 4 of Legacy Crossing Road Dedication; thence along the west boundary of said Parcel 4 in the following three courses to the point of beginning: (i) Northwesterly 85.31 ft. along the arc of a 140.00 ft. radius curve to the left (LC bears N17°30'26"W 84.47 ft.), (ii) Northerly 94.39 ft. along the arc of a 77.00 ft. radius curve to the right (LC bears N0°03'06"E 88.59 ft., (iii) Northeasterly 85.31 ft. along the arc of a 140.00 ft, radius curve to the left (LC bears N17°36'38"E 84.47 ft.)

Containing 12.0222 Acres

EXHIBIT B

Architectural Concepts for
Legacy Trail Apartments Planned Development



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CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT

655 North 1250 West, Centerville, Utah 84014
(801) 292-8232

STAFF REPORT
AGENDA: ITEM 2

PROPERTY OWNER/ APPLICANTS:	**H&S LLC** **FRED HALE/CHAD SALMON** **1778 WEST 1180 SOUTH** **WOODS CROSS, UT 84087** **chad@salmonelectric.com** **fredh@colonialbuilding.com**
PROPERTY:	**SOUTHWEST CORNER/ 1250 WEST PARRISH LANE** *(AKA: LEGACY TRAIL DEVELOPMENT)*
ACREAGE:	**12 ACRES**
ZONING:	**COMMERCIAL VERY-HIGH/(PD)**
APPLICATION:	**PDO ZONE PLAN AMENDMENT – ALLOWING AN ALTERNATIVE COMMERCIAL ARCHITECTURAL DESIGN**
RECOMMENDATION:	**CONSIDER APPROVING THE PROPOSED AMENDMENT**

BACKGROUND/STAFF COMMENT

The petitioners desire to amend the approved project's architectural design schemes and add an alternative commercial design (gas station & two office lots) for the Legacy Trail PDO Master Conceptual Plan. The proposed design change would allow the following:

- *Allow commercial buildings to utilize a flat-roof design to accommodate roof-mounted utility and equipment installation*
- *Allow use of heavy timber design features and elements for commercial buildings*

As the Planning Commission may recall, Lot 1 has previously received conceptual plan acceptance with a directive that the applicant must receive a planned development amendment to allow for their proposed building design (i.e. flat roof and heavy timber elements) for the Maverik Store. Additionally if the amendment is approved, such design could be available for use by Lots 2 & 3, the two commercial lots along 1250 West that frame the roundabout intersection.

STAFF REVIEW AND ANALYSIS

PDO Amendment Procedure, Section 12-41-080(g)

Amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary plan approval (*i.e. conceptual approval associated with the PDO rezone*), as stated in Section 12-41-080.g. Thus, the process to amend the PDO Conceptual Plan (*i.e. preliminary plan*) is to review the changes, notice and hold a public hearing, debate the merits of the request, and make a recommendation to the City Council, whom repeats the same decision-making process.

PDO Purpose & Intent, Section 12-41-010

According to Section 12-41-010, the purpose of the PDO provisions is to allow:

> *"mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations."*

Original PDO Approval - Architectural Design

[redacted] The Commercial and Residential Architectural Concepts, as depicted on the Conceptual Plan, shall accomplish the following:

a. The building design expectation is a village-style design
b. Buildings with full pitched roofs
c. Use of dormers, gables, box windows, and canopies for windows and entryways
d. Garages, balconies and entry portals for residential buildings
e. Pedestrian amenities such as patios, plazas, and enhanced entries for the commercial uses
f. Colors and materials that are consistent with the Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing Development or from the template of the Shorelands Commerce Park Design Guidelines
g. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).

See Figure 1 - Original Commercial Architectural Design Concepts on Page 3

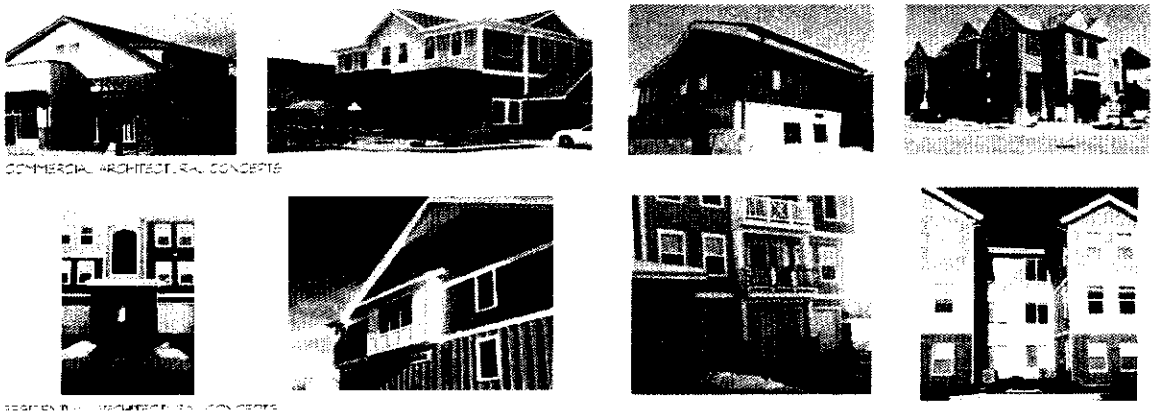


Figure 1- Original Commercial Architectural Design Concepts

Revised PDO Approval - Architectural Design

[*Alternative Commercial Concept Design*] The Alternative Commercial Concept, as depicted for the amendment, would accomplish the following:

a. The building design expectation would allow a flat roof design with parapets to screen roof-mounted equipment
b. Allow a heavy timber and/or hanging awning features for building entry points
c. Reduce the architectural material base using rock, brick, or other like material and allow use of stucco-style materials for the base wainscot
d. Introduce colors not found in the Legacy Crossing Development or allowed in the Shorelands Commerce Park color palette

Figure 2 - Proposed Alternative Commercial Architectural Design Concepts

STAFF RECOMMENDATION

(Suggested Motion for an amendment in regards to the original PDO Approval). I hereby make a motion for the Planning Commission to recommend to the City Council, to approve the petition to amend the Legacy Trails Development's PDO Approval, as follows:

1. *The Alternative Commercial Design Plan Concepts are*:
   a. The building design shall consistent of a flat roof design with parapets to screen roof-mounted equipment.

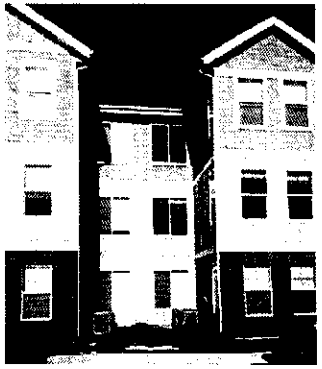
b. Provision of heavy timber and/or hanging awning features for building entry points.
c. The use of colors and materials shall be consistent with the development's originally approved Architectural Conceptual Design Plan, and may also include colors or materials compatible with the Legacy Crossing Development or from the template of the Shorelands Commerce Park Design Guidelines.
d. All buildings to have a substantial architectural material base using rock, brick, or other similar maintenance free design material (*see provision Section 12-63-040.c.2*).
e. All other related or associated conditions of the Legacy Trail Development PDO Approval remain in effect with this amendment.

Suggested Reasons for the Action (Findings):

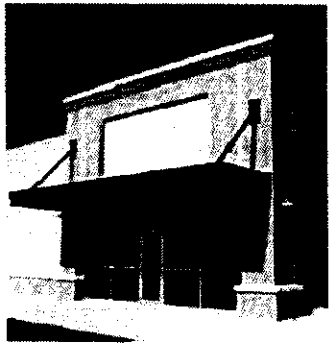
a) The Commission finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
b) The Commission finds that according to Section 12-41-010, the purpose of the PDO provisions is to allow:

   "mixed residential/commercial projects to be developed in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations."
c) The Commission finds that Section 12-41-070 allows for "variations from development standards" from both the Subdivision and Zoning Ordinances.
d) The Commission finds that allowing an alternative commercial design plan facilitates the screening of needed utility and equipment for service to buildings.
e) The Commission finds that the conditions of approval of the Alternative Commercial Design Plan are consistent and compatible with the originally approved Architectural Design Plan of the Legacy Trails Development.

COMMERCIAL ARCHITECTURAL CONCEPTS



RESIDENTIAL ARCHITECTURAL CONCEPTS



ALTERNATIVE COMMERCIAL ARCHITECTURAL CONCEPTS

Architecture Belgique, Inc.

Legacy Trail Development
250 W Parrish Ln.
Centerville, Utah

Sheet Title
Architectural
Theme Addendum

Date
July 30, 2015

Sheet Number

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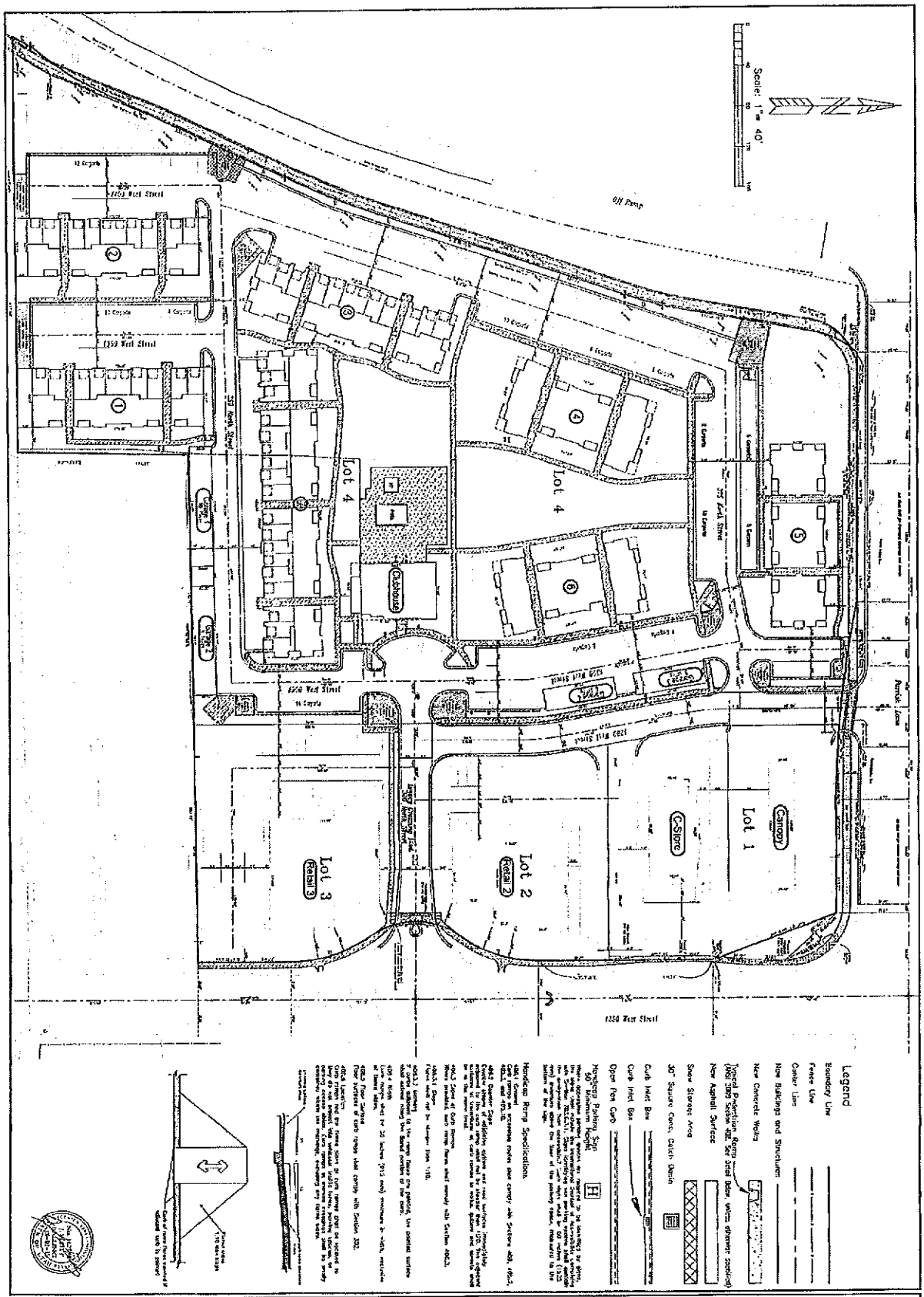

Surveyor	D.K. Balling
Date Surveyed	12-30-13
Drafting	J. S. Balling
Checked By	J. S. Balling
Submittal Date	07-21-15
File Number	

Revisions		
Date	Description	By
05-26-15	Typical for Construction	AB
7-21-15	Add Notes for City Approval	AB

Legacy Trail Apartments

Site Plan

For Fred Hale
c/o Colonial Lumber
Email: fredh@colonialwillmgr.com

530 No. 400 West
Centerville, Utah
Phone: (801) 295-9171

Balling Engineering
Civil Engineering * Surveying * Planning
323 East Pages Lane
P.O. Box 805
Centerville, Utah 84014
Phone: (801) 295-7237
Fax: (801) 299-8419
Email: tom@ballingeng.com

C101

Sheet 5 of 18

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CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 4.

Short Title: Public Hearing re Proposal to Create a Fire District

Initiated By: South Davis Metro Fire Agency Board of Directors

Scheduled Time: 7:25

SUBJECT

RECOMMENDATION

Hold a public hearing on the proposal to create a "local service area" and fire district to replace the current interlocal fire agency serving the south Davis County area.

BACKGROUND

In an earlier meeting, the City Council agreed to begin the public process for possibly creating a fire district with its own taxing authority. This public hearing is a part of the process required by State law. This public hearing will be followed by a 60-day protest period before the Centerville City Council and the governing bodies of the other member entities consider a resolution actually creating the district.

A summary and public notice of the proposal to create a "local service area" and fire district--which would replace the current interlocal fire agency known as the South Davis Metro Fire Agency--has been published in the Clipper newspaper four consecutive weeks. This notice invited the public to attend a public hearing during the September 15 city council meeting and announced a 60-day protest period following that public hearing. The City's utility bill insert at the beginning of September also included a summary of this proposal and announced not only the Sept. 15 public hearing but also an open house on the same evening from 5 to 7 p.m. prior to the regular council meeting.

SDMFA Chief Jeff Bassett, Mayor Cutler and City Manager Steve Thacker will be present during the open house to explain the proposal and answer questions. Visual aids that will be displayed at the open house are attached.

During the public hearing in the Council's regular meeting, SDMFA Attorney Karl Hendrickson and Fire Chief Bassett will be the main presentors--to explain the proposal and answer questions. Karl prepared the attached instructions for conducting the public hearing.

In summary, the primary reason for creating a fire district with its own taxing authority is to enable the financing of capital improvements needed within the existing South Davis service area, including renovation or replacement of the Centerville fire station. The article included in the recent utility bill insert is attached to provide further explanation, along with the attachments already mentioned. **The net financial impact on the owner of an average-value home in Centerville is projected to be $13 - $14 per year.**

ATTACHMENTS:

Description

- Fire District Open House Display Materials
- General Instructions for public hearings on Fire Service Area Creation
- September Utility Insert Fire District Article

South Davis Metro Fire Service District

Proposed Tax District Creation

No Initial Increase in Property Taxes With Creation of Tax District

Impact of SDMFSA Rate on Individual Household

2015 AVG Home Value		2015 Current Rate	Annual Cost Per Home
Bountiful	$274,000	0.000010	$1.51
Centerville	$261,000	0.000010	$1.44
NSL	$291,000	0.000010	$1.60
Woods Cross	$256,000	0.000010	$1.41
West Bountiful	$216,000	0.000010	$1.19
Davis County	$239,000	0.000010	$1.31

**Cities will reduce their tax rate by equal amount*

Facility & Equipment Capital Needs

Centerville – Estimated at $3 Million
Mueller Park – Minimum of $500,000
Foxboro – Minimum of $350,000
Ladder Truck – $1 Million

The projected property tax rate needed to fund current debt service and future capital needs equals 0.000097.

Impact of this tax rate on homes of average value in each city and county equals $12-16 per year.

Why Change to a Taxing District?

Limitations of Interlocal Agreement:

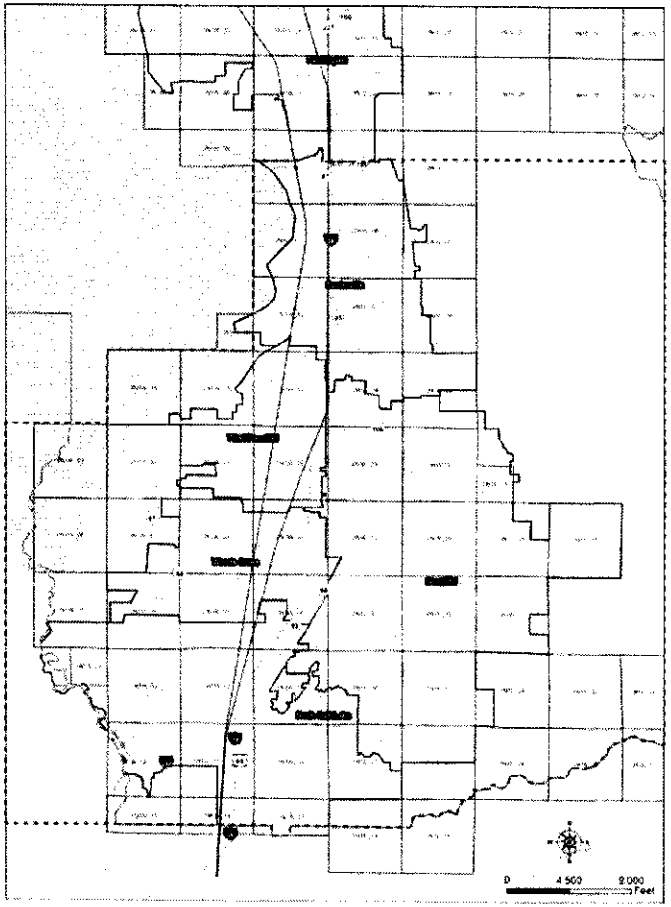
- Financing for future capital improvements is not available because SDMF is not a taxing district.
- Prevents SDMF from refinancing current bond for better interest rate.
- If SDMF does not create a taxing district, the cities and county will have significant increases in their assessments to pay for all the capital needs and for current debt that cannot be paid with impact fees.

Advantages of Tax District:

- Creates a stable and predictable revenue stream to fund current and future capital needs to serve and protect its communities.
- Minimizes fluctuations in assessments to cities & county that will continue to fund operational needs.
- Allows money to be borrowed at low interest rates for capital needs.
- Provides transparency to taxpayers regarding the uses of property tax.
- Direct involvement with citizens.

Moving to a Taxing District Creates the Following Changes:

- All member entities will decrease their city/county tax rate so there is ***no increase initially*** in the total property tax impact.
- District's tax rate will increase in the future to fund capital and debt service needs.



It is economically feasible to provide the proposed services in the new tax district without unreasonable or burdensome annual tax levies.

South Davis Metro Fire Service District

Proposed Tax District Creation

COMPARISON OF INTERNAL CONTROLS/CHECKS AND BALANCES – FIRE SERVICE AREA

MANAGEMENT

SERVICE AREA

- All Final Budget, Taxation, Assessment and Policy Decisions Made by Elected Officials
- City/county Governing Bodies Can Change Board Appointments as Desired
- Budget Process Involves City/County Managers to Develop Recommended Budgets for Board Consideration. Fire Chief Retains Direct Access to the Board on Budget Matters.

INTERLOCAL ENTITY

- All Final Budget, Assessment and Policy Decisions Made by Elected Officials
- City/County Governing Bodies Can Change Board Appointments as Desired
- Budget Preparation Under Control of Fire Chief with Review by City/County Managers

TAXATION

SERVICE AREA

- Taxes Levied for the Sole Purpose of Fire Protection and Emergency Services
- Initial Tax Imposition and Any Tax Increase Subject to Truth in Taxation Procedures Identical to Those Followed by Cities and the County.
- Individual Mailed Notice from County Auditor as Part of the Property Valuation Process
- 1/4 Page Newspaper Advertisement (Published Twice)
- Public Hearing
- The Tax Rate is the Same Across the Service Area

INTERLOCAL ENTITY

- No Direct Tax Authority–Cities and County Must Levy Taxes Within Their Budgets
- Tax Levied for Fire Purposes Included in Aggregate City Tax Levy–Tax May Be Used For a Variety of Purposes
- Entities Must Follow Truth in Taxation Process
- Funding assessments for each city are calculated using a formula based on assessed property values over the previous two years.

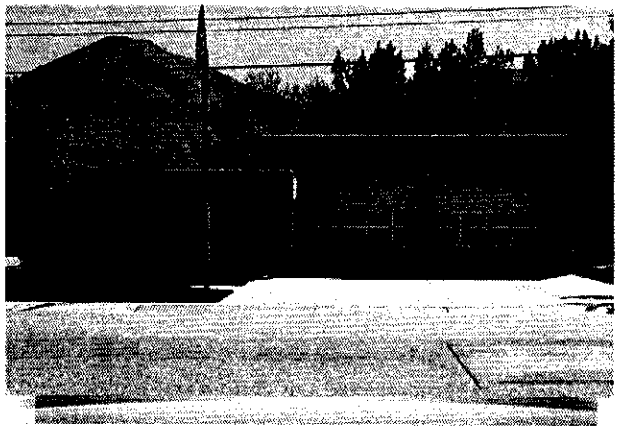
South Davis Metro Fire Service District

Proposed Tax District Creation

STATION REPAIR ISSUES

STATION 83 - CENTERVILLE

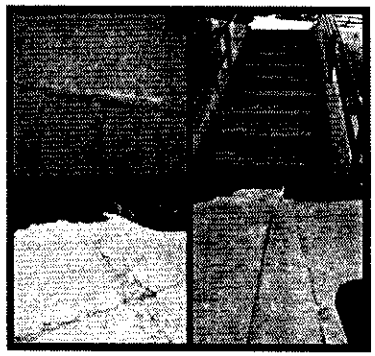
Station Needs to be Replaced

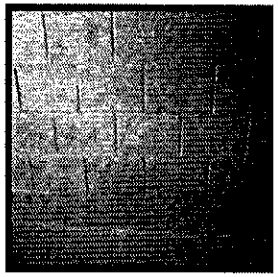


- Not to Seismic Code
- Too Small - Rooms & Bay Door Height
- No Community Rooms
- ADA Non-Compliant
- No Public Restrooms; Employees & Public Use Same Restroom
- Need to Increase Shower Areas for Employees
- No Bio Waste Areas For Employees

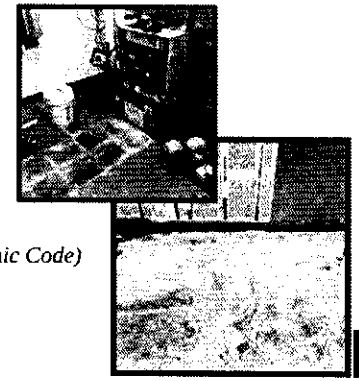
STATION 84 - MUELLER PARK

Parking &
Side Walk Repairs





North Bay Wall
Moisture Leaks Through the Brick

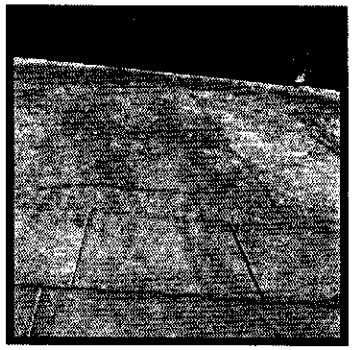


Water Comes Into Building From Main Floor

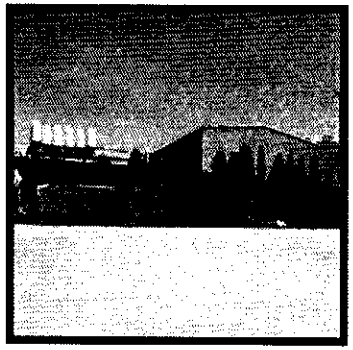
(Station is Not Built to Seismic Code)

STATION 85 - FOXBORO

Front
Apron Repairs



Hazmat Building



GENERAL INSTRUCTIONS FOR PUBLIC HEARINGS ON FIRE SERVICE AREA CREATION

Public Hearings on the Service Area creation should be conducted as the City or County would conduct other public hearings with one exception. UCA §17B-1-210(5) requires that **"At the beginning and end of each hearing concerning a resolution, the governing body shall announce the deadline for filing protests and generally explain the protest procedure and requirements."**

1. Protests must be filed within sixty (60) days after the last public hearing (which occurs on September 15, 2015). The deadline for filing protests is thus November 16, 2015.

2. The protests must be in writing and filed with the City Recorder (for City residents or property owners) or the County Clerk (for those residents or property owners within the unincorporated county area located in the proposed service area (the "included area").

3. Protests may be filed by:

    a. Owners of private real property that is located within the city or included unincorporated county area; and
    b. Registered voters residing within the city or included unincorporated county area.

4. The protest levels required to stop the city or county (as applicable) from proceeding with the creation of the service area are:
    a. `Real Property—covers at least 25% of the total private land area within the city or included unincorporated county area and is equal to at least 15% of the value of all private real property within the city or included unincorporated county area that is located within the proposed district; or
    b. Registered voters within the city or included unincorporated county area equal in number to at least 25% of the number of votes cast in the city or included unincorporated county area for the office of president of the United States at the most recent election prior to the adoption of the resolution.

5. Protests can be withdrawn any time prior to the expiration of the protest period,

CENTERVILLE NEWS UPDATE

September 2015

Proposal to Create Tax District for Fire & Emergency Medical Services

Davis County and the cities of Bountiful, Centerville, North Salt Lake, West Bountiful and Woods Cross have adopted Resolutions proposing the creation of a local district to provide fire protection, emergency medical response and related services. The proposed district would assume the responsibilities of the current South Davis Metro Fire Agency. The Centerville City Council will hold a **public open house to explain the purpose and operation of the district on Tuesday, September 15, 2015 from 5 to 7 p.m. at City Hall. Later that evening, during their regular meeting which begins at 7 p.m., the City Council will hold a public hearing to receive public input on the proposed district.** The public can also learn about this proposal by attending a Fire Prevention Week open house at the Centerville Fire Station on Tuesday, September 8th from 6 to 8 p.m. Following the public hearing on September 15, any registered voter living in Centerville or owner of property in Centerville may file with the City Recorder no later than November 13 a written protest against the creation of the proposed district.

The South Davis Metro Fire Agency (SDMFA)--created in 2004 by an Interlocal Cooperation Agreement among the local governments identified above—consolidated the South Davis Fire District and the Bountiful City Fire Department. The Agreement expressed the intent to eventually create a tax district to replace the SDMFA. The SDMFA is currently funded with assessments to its member entities (the county and five cities), ambulance fees and county property taxes designated for paramedic service. The proposed district would continue to rely on these revenue sources, but would supplement those sources with its own property tax levy to fund future major capital needs and to pay for existing debt that cannot be paid with fire impact fees collected from new development.

The district's initial tax levy would be offset entirely by reductions in the tax levies of the member entities, including Centerville City. After the initial year, the district would follow the Truth-in-Taxation process required by State law to increase the tax levy, as appropriate, for capital needs, including the remodel or replacement of the Centerville fire station. The district's tax levy would also be used to pay for that portion of the existing SDMFA debt that cannot be paid from fire impact fees. The existing debt was incurred to fund the construction of two new fire stations within the SDMFA service area several years ago. One of the primary reasons for creating a district with its own tax levy is to provide capital financing options that are not available to the SDMFA as an interlocal agency—both for financing new facilities and to refinance the existing debt to achieve lower interest rates.

The district's operations budget would continue to be funded primarily from assessments to its member agencies, ambulance fees and paramedic revenue from Davis County. The district would be governed by a board of elected officials similar to the current SDMFA Board—i.e. mayors from each city and a county commissioner. By continuing to assess member entities for most of the operating cost, city councils in each city and the county commission would continue to be involved in holding the district accountable as these entities approve their budget assessments. In future years, the district's tax levy may be used to fund increases in the operations budget (for more firefighters/EMS personnel, for example). Any increase in the district's tax levy, however, would have to comply with the Truth-in-Taxation process.

For more information, see the link on the homepage of the City's website: www.centervilleut.net.

Fire Prevention Week
Open House
Tues-Fri from 6-8pm
September 8-11, 2015

September 8th at ST83
125 South Main St
Centerville, UT 84014

September 9th at ST85
836 West 1100 North
NSL, UT 84054

September 10th at ST82
701 East Eaglewood Drive
NSL, UT 84054

September 11th at ST81
255 South 100 West
Bountiful, UT 84010

Centerville citizens are encouraged to attend the Open House at the Centerville station (September 8) to see firsthand the need to remodel or replace the fire station.

ACTIVITIES INCLUDE:

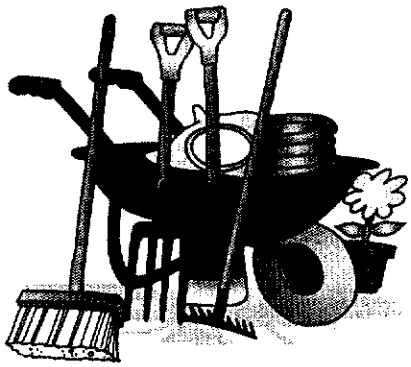
- Fire Prevention Smoke Trailer
- Jr Firefighter Challenge
- Lifeflight/AirMed
- Fire Prevention Handouts
- Face Painting
- Firefighter/Hazmat Demo
- Rope Rescue Demo
- CERT
- Fire Sprinkler House/Trailer
- Highway Patrol
- Smokey the Bear—Forest Service

Request for Feedback about Deer Living in City

City officials would like to hear from residents about the impact of deer living in the community year-round. Several property owners have reported damage to gardens, fruit trees and other vegetation from these "resident" deer. The City Council would like to understand the extent of this condition and related problems before considering whether to take efforts to reduce the number of deer living within the City.

If you are experiencing problems from the presence of deer within the City limits, or would like to comment about this matter, you are invited to **send an email** to urbandeer@centervilleut.com **or attend an open house on Wednesday, September 9 from 5:30 to 7:00 p.m.** at City Hall to talk with City staff about your situation. The City Council will consider this feedback during their regular meeting on September 15 (which begins at 7 p.m.) and hold a public hearing on whether to adopt an ordinance prohibiting the intentional feeding of deer within the city limits. The City Council will also decide whether the deer-related problems are significant enough to prepare an "Urban Deer Control Plan" which would be the subject of another public hearing tentatively scheduled for their October 6 regular meeting. That Plan—including the proposed method for reducing the number of deer--would require the approval of the Utah Division of Wildlife Resources.

To review the proposed Ordinance prohibiting the feeding of deer, see a link on the homepage of the City's website, www.centervilleut.net.



FALL CLEANUP

SATURDAY, OCTOBER 17, 2015

Centerville City is offering a fall cleanup service to residents to dispose of household garbage and yard debris. This service is provided on a **pre-pay registration** basis. The City will be picking up boxed, bundled or containerized debris, as well as furniture and appliances, on **Saturday, October 17, beginning at 6:00 a.m.** Items to be picked up must be placed on the curb by Friday evening.

The fee will be **$20.00 per 3 cubic yards** (a standard pick-up truck load).
The deadline for registration is **Thursday, October 15.**

Restrictions:

- All debris must be boxed, bundled, or placed in containers in such a manner that they can be easily picked up.
- Each box, bundle, or container must weigh no more than 100 pounds.
- The following will not be picked up: Loose rocks, sod, gravel, bricks, blocks, miscellaneous building materials, tires, car parts, batteries and hazardous/toxic waste.
- Only 3 cubic yards (a standard pick-up truck load) will be picked up for each $20.00 fee.
- Refrigerators and freezers must have Freon removed and a certificate from a licensed technician must be provided.

For more information call Centerville City Hall at (801) 295-3477

CENTERVILLE CITY 2015 FALL CLEANUP

NAME _____ PHONE _____

ADDRESS _____ AMOUNT ENCLOSED $ _____

Check items you need to have picked up:

☐ Yard Debris ☐ Furniture/Appliances ☐ Refrigerator/Freezer

Please deliver or mail this form with check or money order for $20.00 for each 3 cubic yards to:

Centerville City Hall
250 North Main
Centerville, UT 84014

Pre-pay Registration Deadline is October 15

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 5.

Short Title: Public Hearing - Municipal Code Amendments - Section 7-02-022 - Prohibiting Feeding or Attracting Wild Animals

Initiated By: Mayor Cutler and Staff

Scheduled Time: 8:00

SUBJECT

Consider Ordinance No. 2015-17 Enacting Section 7-07-022 of the Centerville Municipal Code Prohibiting the Feeding or Attracting of Wild Animals.

RECOMMENDATION

Approve Ordinance No. 2015-17 Enacting Section 7-07-022 of the Centerville Municipal Code Prohibiting the Feeding or Attracting of Wild Animals. If approved, then direct staff to proceed with the development of an Urban Deer Plan to be the subject of a later public hearing.

BACKGROUND

The City Council previously considered this matter at the City Council meeting held on August 18, 2015. The City Council tabled action and directed Staff to hold a public open house on the matter and to schedule a public hearing before the City Council. An amended version of Ordinance No. 2015-17 is attached reflecting suggested changes to the proposed ordinance to eliminate references and restrictions on feeding or attracting wild turkeys.

As reported in the earlier council meeting, Mayor Cutler, City Manager, Police Chief and Utah Division of Wildlife Resources (DWR) employees met on July 27 with four property owners impacted by deer which reside on their land year-round ("resident deer"). These owners are seeking the City's help in reducing the number of resident deer, which feed on their gardens, orchards and other vegetation. Several years ago City officials and the DWR met with several other property owners in a different part of the City about the same problem. At that time, DWR reps were experimenting with deer control programs in Bountiful City and Highland City, but were not ready to expand their assistance to other cities.

As of August 1, 2015, the DWR has authority to assist other Utah cities with deer control problems, subject to regulatory requirements and guidelines. In summary, a city must develop an "Urban Deer Plan" and solicit public comment before DWR will allow implementation of the plan. The attachment summarizes the requirements and process. The initial requirements include the passage of an ordinance prohibiting the feeding of deer, elk and moose.

Per the Council's direction at their August 18 meeting, public comment regarding the presence and impact of deer in the city was solicited via an article in the utility bill insert at the beginning of September. Residents were given the opportunity to submit comments via email to a special email address, urbandeer@centervilleut.com or by attending an open house on September 9. Approximately 60 residents

responded--about 90 percent of these describing damage or personal safety concerns, and expressing support for taking action to reduce the number of deer. The emails were forwarded to the Mayor and all Council Members. A listing of emails received is attached. Also attached are all written comments submitted at the open house. Staff will display at the council meeting an aerial photo/map of the City illustrating the locations of those submitting comments.

If the City Council approves the attached ordinance, they then need to decide whether to direct staff to submit an application to the DWR for a Certificate of Registration (COR). Upon receipt of the COR, the City will proceed with the development of an Urban Deer Plan in consultation with the DWR. The draft plan must be the subject of another public hearing before it is implemented. .

ATTACHMENTS:

Description

- Ordinance No. 2015-17-Deer Feeding
- Deer Feeding Rule
- Comments via mail and open house
- Email Comment Tracking Sheet

ORDINANCE NO. 2015-15

AN ORDINANCE ENACTING SECTION 7-02-022 OF THE CENTERVILLE MUNICIPAL CODE PROHIBITING FEEDING OR ATTRACTING WILD ANIMALS

WHEREAS, the Centerville City Council finds that supplemental feeding of deer in urban or residential areas can have negative effects, such as over-browsing of local vegetation and ornamental plants by deer populations, increasing the number of deer-vehicle collisions, lowering the instinctive fear deer have towards humans and domestic animals, and artificially increasing birth rates resulting in higher deer population size and concentrations; and

WHEREAS, the Centerville City Council desires to enact Section 7-02-022 of the Centerville Municipal Code prohibiting the intentional feeding of deer and other wildlife within City limits in order to avoid and prevent the negative impacts of such supplemental feeding of deer populations; and

WHEREAS, the Centerville City Council has determined that the proposed enactment of Section 7-02-022 of the Centerville Municipal Code is in the best interest of the public health, safety and welfare and will help protect deer populations from the negative effects of supplemental feeding in urban and residential areas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Enactment**. Section 7-02-022 the Centerville Municipal Code prohibiting the feeding or attracting of wild deer, elk, or moose is hereby enacted to read in its entirety as follows:

7-02-022. Feeding Wild Deer, Elk, or Moose Prohibited.

(a) It shall be unlawful for any person to place, distribute, or allow the placement of food, grain, minerals, or similar substances within City limits when it attracts wild deer, elk, or moose in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

(b) Subsection (a) does not apply to:

(1) public employees or authorized agents acting within the scope of their employment for public safety or wildlife management purposes;

(2) normal agricultural or livestock operation practices; or

(3) recreational feeding of wild song birds, hummingbirds, or passerine birds, unless a previous warning by the City to cease or modify feeding practices is disregarded and continued practices attract wild deer, elk, or moose in such numbers or circumstances to cause property damage, endanger any person, or create public health concerns.

Section 2. **Severability**. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. **Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 4. **Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 15th DAY OF SEPTEMBER, 2015.

CENTERVILLE CITY

By:_____
Mayor Paul A. Cutler

ATTEST:

_____
Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Averett	_____	_____
Councilmember Fillmore	_____	_____
Councilmember Higginson	_____	_____
Councilmember Ivie	_____	_____
Councilmember Wright	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

_____ DATE: _____
MARSHA L. MORROW, City Recorder

RECORDED this ____ day of _____, 20___.

PUBLISHED OR POSTED this ____ of _____, 20____.

Urban Deer Control Rule R657-65 Summary

Procedure:

1. Municipality must:
    a. Demonstrate deer are causing significant damage or threatening public safety
    b. Pass an ordinance prohibiting deer, elk and moose feeding
    c. Provide proof of $1,000,000 general liability insurance
    d. Agree to provisions of the Utah Governmental Immunity Act
    e. Provide estimate of population of resident deer, and target number of deer after removal efforts
2. Municipality applies for Certificate of Registration (COR) and demonstrates completion of #1a-e above
3. Municipality will develop an urban deer plan with input from the following:
    a. Utah Division of Wildlife
    b. Public
    c. Interested businesses and organizations
    d. local, state and federal governments
4. Urban deer plan must address at a minimum:
    a. Lethal methods of take that may be used to remove deer and conditions under which each may be employed
    b. Conditions and restrictions of baiting and spotlighting
    c. Persons eligible to perform deer removal activities and requirements imposed on them
    d. Locations and time periods of deer removal activities
    e. Tagging requirements
    f. Protocols for carcass removal and disposal
    g. Procedures for returning antlers to Division of Wildlife
    h. Seek Division authorization on any live capture and relocation component of the plan.
    i. Estimate of population and target population objective
5. Municipality will hold a public meeting to take and consider input on the draft plan before implementation
6. Plan is appended to the COR, which is valid for three years

A

September 8, 2015

To: Centerville City Mayor and City Council Members

From: Craig & Carol Fornelius, 45 East 200 South, Centerville, UT 84014

Subject: Urban Deer Feedback

We are responding to your request for feedback regarding the deer population in the city of Centerville.

- We have a far greater RAT population problem than we do deer!
- We have a far greater speeding population on 200 South, than deer, since Centerville City and UDOT created a thoroughfare from 400 East to 300 West along 200 South and Bamberger Way, wherein commuters and shoppers just have to make an immediate right-hand turn on Main Street, and an immediate left-hand turn onto Bamberger Way. These roads were to accommodate residential traffic, but are now being used by speeding commuters and shoppers. The shoppers/commuters, and speeders that use our driveway to make U-turns are a far greater problem than any deer.
- For some reason the deer have chosen our property at 45 East 200 South in which to give birth, nurse in a particular hiding spot, and sleep, rest, and raise their fawns.
- We do NOT feed the deer, but they do east most of our rose flowers of which we used to have many until the Fire Station behind us killed the weeds along their fence line, thus killing all our climbing rose bushes on the other side of their fence.
- We do have empathy for those that grow their magnificent gardens, which is one of the major reasons and enticements for the deer to reside in our neighborhood. It is also why we have such a huge rat problem. However, there are numerous measures that can be taken by the farmers to protect their crops, which would not kill the deer. The measures we are taking is to replace some of our flowers with deer resistant flowers, and in future years, we think we will attempt to grow more flowers in containers on our porches.
- There is NO WAY you can relocate the deer, AS THEY DIE WHEN TRANQUILIZED, and it is

important for the residents in the city to be informed of this fact. We contacted the Department of Fish and Game three years ago to tranquilize a big buck in our yard that had TV cable all wrapped around its antlers and wrapped numerous times around one of its legs and foot. They came to kill the deer and we chose to let it live, but it died the next year in our neighborhood from Gangrene in its leg.

- We have personally rescued two fawns to keep them from dying. This year it was a twin. The mother left one in our yard and took the other across the street shortly after their birth. The one in our backyard became distressed and ran out front looking for its mother, but when a loud, speeding truck traveling down our street went by, the fawn ran and hid in a flower bed in the undergrowth in our front yard. When the fawn's mother came back several hours later it searched all over our back yard, but was not able to find its fawn. After the fawn remained in our front flower bed for five hours, we searched on the internet how to handle and transfer the fawn across the street where its twin was staying with its mother. We put on rubber gloves, took a clean towel and rubbed it in the grass in our yard, and then covered the fawn, picked it up and delivered it across the street close to its twin. It wasn't until a week later that we saw both twins with their mother. We pray for these deer that they don't get killed, and almost every day we watch them run back and forth across 200 South and all around our neighborhood. We have grown to love the deer, who remain wild and untouchable and we would mourn their death by any manner.

- The deer in Centerville have been part of this community and our neighborhood far longer than we have, and the unpredictable weather and winter conditions have forced the deer in some years down into the valley so they could survive. We are extremely opposed to having the deer killed.

B

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Dona Dixon DATE: 9/10/2015

CITY OF RESIDENCE: Centerville Island View area

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): No

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I am in favor of the deer. The deer were here before we were. We have enough laws and I am not in favor of a law about feeding them. I have had no bad problems with the deer.

C

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Glen Stacey DATE: 9/9/15

CITY OF RESIDENCE: Centerville 594 N. 400 E.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE):

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I no longer have a desire to plant a garden. The deer eat everything. This includes Rose bushes, grapes & grape vines, bark on the trees anything that is green. I have tried sprays, which is a limited deterrent. This Spring I counted in excess of 40 piles of deer droppings in my back yard alone. If this was a winter issue I could understand the deer being down in our yards. These deer are urbanized - they have no fear!! They are becoming a driving hazard. Gene Manwaring in my area hit a deer on 400 E just a few days ago. The deer left the scene of the accident apparently unhurt - $3000 damage. Enough is enough!!

D

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Kristy Rigby DATE: Sept 9 2015

CITY OF RESIDENCE: centerville 1656 N. Main

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

The deer are living in our yard with a mother and 2 babies. They are in our field everyday where we grow our vegetables that we sell. Our tomatoes our eaten off all the new growth, so there are no new vegetables growing. They eat the peppers also not to much of the squash.

D

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: William Dee Rigby DATE: Sept 9 2015

CITY OF RESIDENCE: Centerville 1656 N. Main

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

Deer ARE presenting A problem on our from eating Plants of Tomatoes And the Fruit and the ~~Hay~~ Hay

E

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Bert Robbins DATE: 9/9/2015

CITY OF RESIDENCE: Centerville, UT 362E. 100N.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

It is impossible to grow a garden or many varities of flowers, esp. tulips. When we moved here 23 years ago the deer were not a problem but in the intervening years it has grow considerably worse.

We moved here, and bought the lot with the intention of being able to grow a garden and raising fruit - this unavailable now

F

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Jay Hainsworth DATE: 9/9/2015

CITY OF RESIDENCE: 471 N. 100 E. Centerville

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

We have deer in our backyard daily. They eat our garden plantings from spring to fall. I clean up their droppings on a daily bases. Last Sunday Evening my son picked up Ten piles. Each day there are at least one or two piles.

Our neighbor Bruce Widdison had to put up a 6' fence to protect his garden. We have spent many hours and much money trying to protect our garden, but they still come every night. They are more than a problem. They cause great damage.

(over)

The following neighbors have talked to me about the deer problem:

- Widdison 131 E. Parrish
- Larsen 112 E. 500 N.
- Forwer 501 N. 400 E.
- S. Hainsworth 91 E. Parrish
- Johnson 67 E. Parrish
- Leatham 222 E. 500 N.

G

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: John Parrish DATE: 9/9/2015

CITY OF RESIDENCE: 686 N. 400 E.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE):

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

There are 3 bucks that are regularly in our yard year round. They are a danger our young children because they have no fear of people and when they won't leave the pathway that we use to get from the garage to the house. We litterely have to carry our children to house. Help me keep my children safe.

There at all hours of the day.

H

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Julie Parrish DATE: 9/9/2015

CITY OF RESIDENCE: 669 N. 500 E.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE):

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

The deer have destroyed my garden, eating peas, beans, tomatoes, grapes, potatoes. They also ate my new fruit trees! We have tried blood meal and ~~coyote~~ coyote urine, neither of which are effective. I have seen four bucks, some does and fawns. They are a menace! They jump fences at will and there seems to be no way to prevent them from getting into the back yard

I

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Joyce Merrill DATE: 9/9/15

CITY OF RESIDENCE: Centerville 569 E. Sheridan

ARE YOU REPRESENTING A GROUP OR ENTITY? YES NO

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

The deer need to go! They eat all the garden, flowers and rub against the trees and kill them. It's not fair that we have to pay extra for fencing and other items to try and protect what we can. They rub against the bushes and leave ticks. The 5 point buck will not back down and will approach you. I could go on & on but I think you get how we feel.

J

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Carlene Sharp DATE: Sep 9, 2015

CITY OF RESIDENCE: 2142 N. Main

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

There is a herd of 4 or 5 that live in my backyard. I can go outside and they don't leave.

K

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Tom Clay DATE: _____

CITY OF RESIDENCE: Centerville S/E Jennings

ARE YOU REPRESENTING A GROUP OR ENTITY? YES NO

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

Deer ate his geraniums, currently eating his tomatoes and all of his grapes see pictures

By my garden

L

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Bill Rigby DATE: 9/9/2015

CITY OF RESIDENCE: Centerville 1616 N. Main

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

~~Deer~~ Deer problem. I have 15-20 every evening in my alfalfa field on Jennings Lane. I have two single fawns and a set of twin fawns in my yard. This spring we had a diseased deer that stood in place for 3 day, then ~~a~~ DNR came and shot it. I have sheep and am concerned about disease spreading. We have never seen this many deer in the 44 years I have been in Centerville. As a farmer ~~we~~ I cannot have this competition for crops. They eat our tomatoes, zucchini, beats, alfalfa. I planted ~~winter~~ austrian peas as a green manure and the deer cleaned the field. We need help.

M

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: INES CAHOON DATE: 9/9/15

CITY OF RESIDENCE: CENTERVILLE 505 W. 400 So.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

LIVING IN TOWN YEAR ROUND THERE IS A NEW DEVELOPMENT TO THE NORTH IT IS PUSHING THE DEER SOMEWHERE

I THINK IT COULD USE SOME EFFECTIVE CONTROL. I HAVE AN IDEA

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

N

NAME: Rulon Duncan DATE: Sep 9, 2015

CITY OF RESIDENCE: Centerville #1054 N. 300 E. also a co-owner of Duncan-Hollist property 316 East 100 North Centeville

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I have been a Centerville resident For over 70 years. In the early years deer were only seen during severe winters (eg. 1949) In 2007, I attempted to grow a garden at our Family property 316 East 100 North Centerville Each year the deer problem has worsen Finally I gave up! My broher-in-law has attempted to grow a garden this year-same problems A year round herd resides on the property owned by the Hockings ≈ 355 East Center (no one has lived in home for years). He promotes the herd by the habitat - water feed and safety.

About three years ago Bill Nelson and I met with Centerville City Staff, Police Chief Worsley and DWR to discuss the problem. No action taken. I recommend capture and relocation of year round herds. Create a ordinance to prohibit Feeding and providing a sanctuary For the deer.

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Robert L. Hollist DATE: 9 Sep 2015

CITY OF RESIDENCE: Centerville 316 E 100 North

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

One fence hop away from herd of 10 now 12 with fawn twins — on property line on the South Grape vines, apple tree, Cherrie tree and roses all severly impacted and lower branches of trees with all leaves nearly gone — I have to put out repellent and protect my garden.

Do like in Bountiful: trap and transport To Box Elder County.

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Christy L. Best DATE: Sept 9 2015

CITY OF RESIDENCE: Centerville 20 N 300 E

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): —

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

There is a resident deer herd in my neighborhood, consisting of as many as 14 deer (varies) - their refuge is the vacant yard 2 houses up on Center Street where they have been fed & allowed to breed. They eat everything in my yard - even my peaches & peach leaves & leave their droppings all over my grass. I have seen several incidents where they have nearly been hit by cars, both on 1st North & Center Street. I have spent money on fencing, netting & deer repellent & I am fed up with this situation!

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Carole McIntyre via Stephanie Ire DATE: 9 Sept 2015

CITY OF RESIDENCE: Centerville 617 E. Parrish

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

3 bucks regularly in the backyard. Fruit trees are chewed about 5 feet up from the ground. Grapes also eaten. They jump over the fence to the neighbor's. The fence is now broken.

Would love to share the meat with a successful hunter.

Q

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Kenny Knight DATE: Sept 9 2015

CITY OF RESIDENCE: 320 so. 200 E.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I have had 10 to 12 deer at one time in my yard.
They have ruined 4 new peach trees at $40.00 each

Q

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

NAME: MarNell Knight DATE: 9/9/15

CITY OF RESIDENCE: 320 South 200 East

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

The deer have been a problem - they have been eating the tomatoes, peaches, grapes, Strawberries, Corn, peaches, flowers etc, etc., etc.

They run in the street, causing accidents or near accidents. a car is not the best way to kill deer. The deer is hurt also. We need to be responsible to the wild life too.

The neighbors and myself have seen the deer get spooked near our drive way and the deer jumped over our car — this could will cause me major repair.

R

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Stephanie Ivie DATE: 9 Sept.

CITY OF RESIDENCE: 595 S. 700 E.

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I watch them go down the street into the Cemetery. (up to a dozen at a time)
I watch them jump the fence into the park. One got stuck on the top of the chain link fence and struggled for quite a while.
The deer don't seem afraid of people anymore.
I want to eat a couple.

S

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: ① Bruce 6. Pitt DATE: 9/10/2015

CITY OF RESIDENCE: Centerville

ARE YOU REPRESENTING A GROUP OR ENTITY? (YES) NO

NAME OF GROUP/ENTITY (IF APPLICABLE): Ricks Creek Subdivision

Others in Group
② Jason Pitt family
③ Travis Johnson family
④ John Robinson family
⑤ Todd Steiner family

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I have spent over 4,000.00 in fencing to try and keep the deer from distroying our 20x140 garden and 50 fruit Trees. It hasn't been successful. The problem is not with the migration deer, but it is with the deer that have been born on our property and never leave. I presently have 2 does with twin fawns and 2 other does that never leave the 9 acre subdivision. We can't feed 8 deer and have anything left.

T

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: Jane Hatch DATE: Sept 9, 2015

CITY OF RESIDENCE: 480 E 200 No Centerville

ARE YOU REPRESENTING A GROUP OR ENTITY? YES (NO)

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I find deer in the yard almost daily. They eat everything! We haven't really had a good garden for years. They are hard to scare away. They just stand and look at you! Deer droppings everywhere. OK to eliminate rather than move - give meat to people who like it. Hate to let the kids play in the yard.

They also eat from our ward's community garden - roughly 6th E & between 1st & 2nd North.

U

CENTERVILLE CITY
URBAN DEER OPEN HOUSE COMMENT FORM

NAME: DOUG & JUDY HANCEY DATE: 9-9-15

CITY OF RESIDENCE: CENTERVILLE 112 E. JENNINGS LANE

ARE YOU REPRESENTING A GROUP OR ENTITY? YES NO

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

I usually bottle 80 quarts of tomatoes - 0 this year no rose blooms - they eat the blooms & plants. They eat blooms of fruit trees & later the fruit peaches, apples, asian pears. Leaves of trees also. They ate the top off the beets.

They broke off a wooden fence post that is 8" x 8" & two feet in the ground.

V

CENTERVILLE CITY

URBAN DEER OPEN HOUSE COMMENT FORM

CHARLY BANGERTER FARMS

NAME: DOUG HANCEY FOR ALAN BANGERTER DATE: 9-9-15

FARMER TOP OF JENNINGS LANE

CITY OF RESIDENCE: Citadel Property

ARE YOU REPRESENTING A GROUP OR ENTITY? YES NO

NAME OF GROUP/ENTITY (IF APPLICABLE): _____

I WOULD LIKE TO SUBMIT THE FOLLOWING COMMENTS:

Deer EAT Corn, Zuchini for Commercial Farmer.
Break Down Fences.

Urban Deer Open House
Sent Emails

Name	Address	Email #	Deer Control?
Adams, Myron	480 E 200 S	4	No
Allred, Keith	445 E Parrish	30	Yes
Argyle, Wayne	100 S 600 E	19	Yes
Brown, Terry	672 E 700 N	12	Yes
Campbell, Saxtyn		14	No
Coxey, Steve and Kathy	406 N 400 E	2	Yes
Davis, Jamee	265 Canyon Way	10	No
Espenschied, Bryan	355 S 600 E, 322 S 600 E, 532 Sheridan	16	Yes
Espenschied, DaNielle	532 Sheridan Cir	13	Yes
Farnsworth, David	610 East Center	31	Yes
Hawkes, Lee	220 E 100 N	23	Yes
Hinerman, Connie (daughter of My	SLC	26	No
Hout, Robert & Elaine	790 E 200 S	17	Yes
Jacobson, Stewart & Marg	354 E 100 N	18	Yes
Jensen, Marian	1738 N Main	28	Yes
Johnston, Mary N	468 W 950 N	27	No
Marcantelli, Kristine	470 E 100 N	20	Yes
Marshall, Cindy	530 E 400 S	8	Yes
Moriyama, Carolyn	538 E Deer Hollow Cir	21	Yes
Penrose, Steve and Kathryn	45 W 1850 N	9	Yes
Randall, Greg	1825 N 81 E	25	Yes
Rollins, Joe and Kay	118 S 100 E	1	Yes
Schultz, Sheila	590 E 200 S	6	Yes
Shaffer, Paul	275 N 500 E	15	Yes
Skabelund, Lee	466 E 200 S	24	Yes
Steed, Joan	660 E 200 N	3	Yes
Summerhays, Spencer	427 S 75 W	11	Yes
Trump, Erin	493 Sheridan Cir	7	Yes
Turner, Bill and Jana	540 E 200 S	32	Yes
Widdison, Bruce & Ramona	131 E 400 N	29	Yes
Winn, Alan & Sandra	570 E 200 S	22	Yes
Wiseman, Brenda	570 E 100 S	5	Yes

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 6.

Short Title: Potential action related to pedestrian bridge project

Initiated By: City Manager

Scheduled Time: 8:30

SUBJECT

RECOMMENDATION

Allow City Manager to update the Council on this matter, make recommendations and seek the Council's direction.

BACKGROUND

UDOT has asked if the City is interested in taking charge of the project to install sidewalk on the east side of the pedestrian bridge, along the north side of Parrish Lane. UDOT offered this possibility after receiving a cost proposal from the I-15 project contractor for this work. Upon reviewing a cost estimate provided by the City Engineer showing a substantial potential cost savings if the City were to solicit bids for this work, UDOT asked the City Manager if Centerville City would like to assume this responsibility. UDOT would pay the full actual cost of the engineering and construction work plus an administrative fee--minus any fencing betterment cost to be paid by the City.

More recently UDOT has reported that the I-15 project contractor would like to be released from the obligation to install the fencing on the pedestrian bridge and along the north side of Parrish Lane west of the freeway. This fencing work was suspended when City staff discovered the fencing was not being installed per the anchoring requirements provided by the City Engineer. About that same time, UDOT informed the contractor that the fencing did not meet AASHTO standards. In other words, the anchoring did not meet the City's specifications, and the fencing materials did not meet AASHTO requirements. UDOT is now asking if the City is willing to administer a bidding process for upgraded fencing--not only along the east-side sidewalk, but also on the pedestrian bridge and west of I-15 along the new sidewalk connecting to the 1250 West Parrish Lane intersection.

The City Manager has asked the City Engineer to investigate fencing options and costs, which would then be reviewed with the City Council. The City Manager has also asked UDOT how quickly they could draft an agreement that would transfer these responsibilities to the City. As of the writing of the staff report, the City Manager is still waiting for a response from UDOT. The Sept. 15 council meeting and RDA meeting agendas are both showing the potential for action relating to these matters.

CENTERVILLE

Staff Backup Report
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Item No. 7.

Short Title: Financial Report for period ending August 31, 2015

Initiated By: Blaine Lutz, Finance Director/Assistant City Manager

Scheduled Time: 8:50

SUBJECT

RECOMMENDATION

BACKGROUND

Blaine Lutz, Finance Director/Assistant City Manager, prepared the attached report for the two-month period ending August 31, 2015. Either he or the City Manager will be present to answer questions.

ATTACHMENTS:

Description

- Interim Report 8/2015

General Fund
Unaudited Summary
August 31, 2015

17%

	This Month	Year to Date	FY 16 Budget	% Budget
Revenues				
Property Tax	$7,533	$16,038	$1,031,826	1.55%
RDA Increment	$0	$0	$164,412	0.00%
Fee in Lieu	$10,156	$17,253	$95,000	18.16%
Sales & UseTax	$354,333	$692,202	$3,750,500	18.46%
Franchise Taxes	$126,488	$217,772	$1,330,000	16.37%
RAP Tax (10%)	$3,695	$6,560	$38,850	16.89%
Licenses & Permits	$83,985	$150,827	$358,075	42.12%
Intergovernmental	$98,669	$98,669	$549,800	17.95%
Charges for Services	$71,539	$79,481	$997,175	7.97%
Fines	$27,864	$81,812	$535,000	15.29%
Miscellaneous	$300	$2,001	$50,750	3.94%
Transfers/Contributions	$65,828	$65,828	$2,000	3291.40%
Total	$850,390	$1,428,443	$8,903,388	16.04%
Expenditures				
City Council	$4,270	$18,925	$95,202	19.88%
Judicial	$16,869	$32,528	$230,289	14.12%
Executive	$30,711	$58,316	$416,504	14.00%
Attorney	$11,417	$22,631	$172,701	13.10%
Finance	$60,080	$101,531	$535,191	18.97%
Attorney Services	$472	$967	$31,000	3.12%
Emergency Management	$1,139	$1,139	$16,000	7.12%
Fire	$0	$219,615	$878,460	25.00%
Elections	$28	$62	$16,272	0.00%
Youth Council	$0	$0	$7,000	0.00%
Police	$252,167	$415,500	$2,422,433	17.15%
Liquor Law	$194	$638	$20,400	3.13%
School Xing	$1,131	$1,131	$55,285	2.05%
DARE	$7,506	$15,012	$90,073	16.67%
K-9	$120	$120	$2,250	5.33%
Animal Control	$1,723	$1,723	$22,000	7.83%
PW Admin	$25,558	$47,118	$296,784	15.88%
Streets	$46,996	$74,340	$776,970	9.57%
Projects	$4,769	$4,769	$705,000	0.68%
GIS	$6,635	$13,117	$102,534	12.79%
Engineering	$10,438	$20,032	$86,500	23.16%
Parks	$80,036	$143,829	$857,144	16.78%
Community Events	$0	$0	$23,650	0.00%
Parks & Rec Facility	$984	$1,014	$13,760	7.37%
Maint Facility	$4,545	$5,625	$50,250	11.19%
Maint Facility Storage	$716	$716	$6,360	11.26%
City Hall	$10,991	$15,684	$214,095	7.33%
Community Dev.	$21,728	$43,577	$309,579	14.08%
Building Inspection	$5,125	$5,183	$80,600	6.43%
Transfers - Non Dep.	$75,480	$75,480	$272,226	27.73%
UTOPIA -Pledges	$37,823	$37,823	$248,876	15.20%
UIA Assessment	$0	$0	$0	0.00%
Total	$719,651	$1,378,145	$9,055,388	15.22%
Use/Contribtion to Fund balance (Revenues Over/Under Expenditures)		$ 50,298	$ (152,000)	
Fund Balance at Beginning of Year		$1,134,338		
Fund Balance estimate 8/31/2015		$1,184,636		
Projected Fund Balance %		**14.98%**		

Source: Current Centerville City financial statements. May be subject to change

Capital Projects
Unaudited Summary
August 31, 2015

	This Month	Year to Date	FY 16 Budget	17% % Budget
Capital Improvement				
Storm Drain				
Revenues:				
Fund Balance				
Impact Fees	$1,994	$3,559	$25,000	14.24%
Grants	$0	$0	$0	0.00%
Other	$84	$85	$75	113.33%
Total Revenues	$2,078	$3,644	$25,075	14.53%
Expenditures	$0	$0	$0	0.00%
Fund Balance at Beginning of Year		$96,884		
Fund Balance estimate 8/31/2015		$100,528		
Park				
Revenues:				
Fund Balance				
Impact Fees	$92,565	$160,448	$125,000	128.36%
Transfer	$0	$0	$0	0.00%
Grants	$0	$0	$0	0.00%
Other	$0	$0	$400	0.00%
Total Revenues	$92,565	$160,448	$125,400	127.95%
Expenditures	$65,828	$65,828	$0	0.00%
Fund Balance at Beginning of Year (est.)		$0		
Fund Balance estimate 8/31/2015		$94,620		
Capital Projects Fund				
Revenues:				
Fund Balance			$315,400	
Transfers - General	$37,822	$37,822	$255,466	14.81%
RDA additional increment	$0	$0	$163,000	0.00%
Other	$0	$0	$0	0.00%
Total Revenues	$37,822	$37,822	$733,866	5.15%
Expenditures				
UTOPIA Pledge	$37,822	$37,822	$453,876	8.33%
Street Projects	$180,620	$195,659	$315,400	62.04%
Total Expenditures	$218,442	$233,481	$769,276	30.35%
Balance at Beginning of Year		$315,400		
Fund Balance estimate 8/31/2015		$119,741		

Source: Current Centerville City financial statements. May be subject to change

RDA/Special Revenue
Unaudited Summary
August 31, 2015

	This Month	Year to Date	FY 16 Budget	17% % Budget
RDA				
Revenues	$38,816	$45,024	$1,651,000	2.73%
Expenditures	$5,947	$120,357	$1,651,000	7.29%
Fund Balance at Beginning of Year		$376,987		
Fund Balance estimate 8/31/2015		$301,654		
Recreation				
Revenues				
Recreation	$0	$0	$77,000	0.00%
Youth Baseball	$0	$0	$36,000	0.00%
Concession Sales	$0	$0	$20,000	0.00%
Other	$41,000	$41,000	$41,000	100.00%
Total Revenues	$41,000	$41,000	$174,000	23.56%
Expenditures				
Recreation	$20,921	$42,463	$116,062	36.59%
Concessions	$403	$403	$20,000	2.02%
Youth Baseball/Softball	$2,241	$2,241	$36,000	6.23%
Total Expenditures	$23,565	$45,107	$172,062	26.22%
Revenue Over/Under Expend	$ 17,435	$ (4,107)	$ 1,938	
Balance at Beginning of Year (est.)		$35,239		
Fund Balance estimate 8/31/2015		$31,132		
Sales Tax Debt Service (DCAC)				
Revenues	$0	$0	$1,567,088	0.00%
Expenditures	$0	$0	$1,567,088	0.00%
Reserved Fund Balance		$0		
Fund Balance estimate 8/31/2015		$0		
Whitaker Trust				
Beginning fund balance				
Revenues	$34,480	$34,480	$39,320	87.69%
Expenditures	$4,651	$6,085	$37,680	16.15%
Fund Balance at Beginning of Year		$15,198		
Fund Balance estimate 8/31/2015		$43,593		

Source: Current Centerville City financial statements. May be subject to change

Enterprise Funds
Unaudited Summary
August 31, 2015

	This Month	Year to Date	FY 15 Budget	17% % Budget
Water				
Revenues:				
Impact/construction Fees	$43,291	$64,573	$230,500	28.01%
Water Sales	$170,645	$341,290	$1,945,267	17.54%
Bond Revenue	$0	$0	$0	0.00%
Other	$4,943	$12,668	$66,000	19.19%
Total Revenues	$218,879	$418,531	$2,241,767	18.67%
Expenditures				
Operating/Dep/Debt	$90,072	$184,831	$2,033,967	9.09%
Capital Improvement	$13,020	$24,580	$325,000	7.56%
Total Expenditures	$103,092	$209,411	$2,358,967	8.88%
Unresrestricted Cash Beginning of Year		$614,018		
Estimate Net Cash provded by operations		$823,138		
Sanitation				
Revenues:				
Collection Fees	$57,971	$115,942	$708,000	16.38%
Recycling fees	$14,633	$29,266	$176,000	16.63%
Green Waste fees	$7,553	$15,106	$87,000	17.36%
Other	$210	$420	$7,500	5.60%
Total Revenues	$80,367	$160,734	$978,500	16.43%
Expenditures:				
Disposal	$28,226	$56,452	$311,000	18.15%
Collection	$20,865	$41,730	$245,000	17.03%
Recycling	$14,523	$29,046	$164,000	17.71%
Green Waste Disposal	$3,075	$6,150	$33,000	18.64%
Other	$7,686	$22,529	$185,750	12.13%
Total Expenditures	$74,375	$155,907	$938,750	16.61%
Unresrestricted Cash Beginning of Year		$57,141		
Estimate Net Cash provded by operations		$61,968		
Drainage				
Revenues	$102,660	$205,320	$1,246,940	16.47%
Operating Expenditures	$35,601	$110,905	$722,839	15.34%
Capital Expenditures	$29,276	$34,564	$604,101	5.72%
Total Expenditures	$64,877	$145,469	$1,326,940	10.96%
Unresrestricted Cash Beginning of Year		$151,871		
Estimate Net Cash provded by operations		$211,722		
Telecommunications				
Revenues:				
Connection Fees	$30,295	$60,590	$270,000	22.44%
Transfers - GF	$0	$0	$0	100.00%
Total Revenues	$30,295	$60,590	$270,000	22.44%
Expenditures:				
Utility Service charges	$27,878	$55,756	$257,000	21.69%
UIA operating assessment	$0	$0	$0	0.00%
Operating service charge	$1,515	$3,030	$13,000	23.31%
Total Expenditures	$29,393	$58,786	$270,000	21.77%
Unresrestricted Cash Beginning of Year		$9,339		
Estimate Net Cash provded by operations		$11,143		

Source: Current Centerville City financial statements. May be subject to change

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 8.

Short Title: Mayor's Report

Initiated By: Mayor Cutler

Scheduled Time: 9:00

SUBJECT

a. UTOPIA/UIA financial reports

RECOMMENDATION

BACKGROUND

a. Mayor Cutler will provide highlights and answer questions about the latest financial reports from UTOPIA/UIA, which should be attached by Monday.

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 9.

Short Title: City Manager's Report

Initiated By: City Manager

Scheduled Time: 9:10

SUBJECT

a. Update re water main under I-15

RECOMMENDATION

Allow City Manager to report on matters that may be of interest to the City Council, including an update about the future construction of a water main under I-15.

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 10.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 9:20

SUBJECT

RECOMMENDATION

No topics are currently showing under this heading.

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 11.

Short Title: Closed meeting, if necessary, for reasons allowed by state law, including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code Ann. § 78B-1-137, as amended

Initiated By:

Scheduled Time: 9:25

SUBJECT

RECOMMENDATION

At this time staff do not know of a need for a closed meeting, but the agenda allows for that possibility.

BACKGROUND

CENTERVILLE
CITY COUNCIL
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Item No. 12.

Short Title: Possible action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 9:25

SUBJECT

RECOMMENDATION

Mayor Cutler may recommend appointments to City committees/boards.

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
9/15/2015

Item No. 13.

Short Title: Adjourn to RDA meeting

Initiated By:

Scheduled Time: 9:25

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE
CITY COUNCIL
Staff Backup Report
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Item No.

Short Title: Items of Interest (i.e., newspaper articles, items not on agenda); Posted in-meeting information

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

REDEVELOPMENT AGENCY OF CENTERVILLE CITY AGENDA

NOTICE IS HEREBY GIVEN THAT THE REDEVELOPMENT AGENCY OF CENTERVILLE CITY WILL HOLD A PUBLIC MEETING AT 9:25 P.M. ON TUESDAY, SEPTEMBER 15, 2015 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL CHAMBERS, 250 NORTH MAIN, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the Centerville Redevelopment Agency Board may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

Tentative
Time:

9:25 **A. NEW BUSINESS**

1. Proposed Development of Lot 2 of Centerville Gateway Subdivision - Island Parcel - Marketplace Drive and Parrish Lane
   a. Consider Conceptual Site Plan for development of dental office on Lot 2 of the Centerville Gateway Subdivision
   b. Discuss potential RDA contribution for upgraded landscaping and/or entry feature for Lot 2 of Centerville Gateway Subdivision
   c. Consider Fourth Amendment to the ADL for the Centerville Gateway Subdivision
   d. Consider Assignment and Assumption Agreement for the sale and purchase of Lot 2 of the Centerville Gateway Subdivision

2. Potential action related to pedestrian bridge project

3. 1250 West Parrish Lane Intersection Improvement
   a. Update re traffic signal project
   b. Update re landscaping design services

B. ADJOURNMENT

Steve H. Thacker
Executive Director