Minutes of the Centerville **City Council** meeting held Tuesday, September 15, 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 (left at 10:05 p.m.) Tamilyn Fillmore John T. Higginson Stephanie Ivie Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Bruce Cox, Parks and Recreation Director Paul Child, Police Chief Kevin Campbell, City Engineer Jacob Smith, Management Assistant Katie Rust, Recording Secretary
STAFF ABSENT	Blaine Lutz, Finance Director/Assistant City Manager
VISITORS	Jeff Bassett, South Davis Metro Fire Chief Karl Hendrickson, South Davis Metro Fire Attorney Interested citizens (see attached sign-in sheet)
PLEDGE OF ALLEGIANCE	Cub Scout Pack 3519
PRAYER OR THOUGHT	Reverend Loren Pankratz, The Bridge Community

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the September 1, 2015 Council meeting were reviewed. Councilwoman Fillmore requested an addition to the minutes. Councilman Wright made a **motion** to accept the minutes as amended. Councilman Averett seconded the motion, which passed by unanimous vote (5-0).

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

Steve Thacker, City Manager, answered questions regarding the street sweeping bid. Councilwoman Fillmore suggested the City explore the possibility of cost saving by contracting with a neighboring city, as previously suggested by Councilman Higginson. Councilman Higginson agreed to discuss the possibility with Bountiful representatives, and made a **motion**

to accept both items on the Summary Action Calendar. Councilwoman Fillmore seconded the motion. Councilman Wright suggested the street sweeping contract include quality control and recourse for the City if the work performed is not deemed complete or sufficient. Mr. Thacker agreed to discuss quality control with the Public Works Department. The motion passed by unanimous vote (5-0).

PUBLIC HEARING – PLANNED DEVELOPMENT OVERLAY AND CONCEPTUAL PLAN AMENDENT – LEGACY TRAIL APARTMENTS – 1250 WEST PARRISH LANE – ORDINANCE NO. 2015-20

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. Cory Snyder, Community Development Director, explained the request to allow a flat roof alternative for the commercial component. Councilman Averett stated he feels the request makes sense from a commercial standpoint.

At 7:22 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to comment. Councilman Averett made a **motion** to approve Ordinance No. 2015-20 amending the PDO 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, with the following findings. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Findings:

a) The Council finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
b) The Council 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 Council finds that Section 12-41-070 allows for "variations from development standards" from both the Subdivision and Zoning Ordinances.
d) The Council finds that allowing an alternative commercial design plan facilitates the screening of needed utility and equipment for service to buildings.
e) The Council 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.

PUBLIC HEARING REGARDING PROPOSAL TO CREATE A FIRE DISTRICT

Karl Hendrickson, Attorney for the South Davis Metro Fire Agency, explained that following the public hearing a 60-day protest period would commence, during which any registered voter living in Centerville, or any owner of property within Centerville, may file a written protest regarding creation of a fire district with the City Recorder prior to the end of business on November 16, 2015. The levels of protest required to block creation of a district are 25% of the number of votes cast within the City at the last Presidential Election, or protest of property owners representing at least 25% of the private land area within Centerville, representing at least 15% of the total land area assessed valuation. Fire Chief Bassett reported

that open houses were held at the fire stations during Fire Prevention Week, in addition to the open house held at City Hall prior to the Council meeting. He gave a brief history of the South Davis Metro Fire Agency (SDMFA) and explained the original intention to create an independent district within five years of creation of the SDMFA. The current movement toward creating a district has been driven by the inability of the SDMFA to obtain financing to meet considerable capital needs.

At 7:32 p.m. Mayor Cutler opened a public hearing.

David Youngberg, Centerville – Mr. Youngberg asked if creation of an independent taxing district is a common method of financing fire services. Mr. Hendrickson responded that there are several fire districts within the State. Chief Bassett added that the concept of combining municipal fire departments to provide better service is common. Mr. Youngberg asked what would happen if one of the cities involved votes against a district. Mayor Cutler responded that all mayors involved have agreed that creation of a district needs to be done in a unified manner. Mr. Hendrickson added that if there is sufficient protest within a city to block creation, the remaining entities could proceed with creating a district, and the city that opted out could contract with the district for fire services. Mr. Thacker pointed out that, because the opted-out city would not have a district tax levy imposed, the city's annual assessment would have to include their part of the debt service. Mr. Youngberg asked the Mayor, as Centerville's representative, to make sure this is the best means of financing fire services to ensure a continued high level of service. The Mayor thanked Mr. Youngberg, and stated that a number of options were explored by the Board, with an independent taxing district being determined as the best alternative to benefit all equally.

Dan Loewen, Centerville – Mr. Loewen asked for further explanation regarding the Agency's inability to bond. Mr. Hendrickson responded that part of the difficulty with interlocal entities is that every participant can depart when they wish, and every participant's contribution is subject to having funds to appropriate, raising the level of risk to the point that banks are not willing to finance. A district, with ongoing taxing ability, can better guarantee payment of debt over time.

Michelle Morris, Centerville – Ms. Morris asked the Council to support creation of a fire district. She expressed that Centerville has put a lot of time and resources into emergency preparedness, and being able to support fire services is at the top of the list.

Dale McIntyre, Centerville – Mr. McIntyre asked what percentage savings would have been obtained if the SDMFA had been able to refinance. Chief Bassett responded that it would depend on the interest rate. The bond is financed at just over 4%. When refinancing was considered a few years ago the interest rate was around 2%, which would have provided significant savings. The current balance of the bond is approximately $3.4 million. Mr. Thacker clarified that the anticipated bond issue would not occur for almost two years, and it would include refinancing the existing debt only if the interest rate is favorable.

The Mayor closed the public hearing at 7:41 p.m. Mr. Hendricks repeated that protests must be submitted in writing to the City Recorder by registered voters living in Centerville or owners of property within Centerville prior to end of business on November 16, 2015. Councilman Wright stated that he wants citizens to understand that if a district is created they would no longer have protest capability. Mr. Hendrickson responded that the statute is silent regarding referendum, but he thinks, in all likelihood, that a referendum would be possible, based on his analysis of cases out of the Utah Supreme Court. Councilman Wright pointed out that protest after creation of a district would require 25% of the entire district, compared to 25% of each individual city during the protest period.

Assessments to the cities would continue following creation of an independent district. Councilman Wright expressed his desire to ensure that citizens are not taxed twice for fire services, and stated he would like to reduce property tax on the City's end as much as possible, recognizing that levies from the district would continue to increase over time. For the benefit of everyone present, Mayor Cutler explained that the City would reduce property taxes in the initial year to keep the impact cost-neutral for citizens. The levy would be increased in subsequent years to meet capital needs and to pay the portion of existing debt that cannot be paid by impact fees. The expected levy increase after the initial year is currently estimated at $13-$14 per year for an average home in Centerville. Mayor Cutler stated that the issue was discussed within the Fire Board, and a majority of the cities wanted the levy to start out small. Mr. Thacker stated that cities could decide to reduce taxes in future years to compensate for increased levies, but the ability to pay city fire assessments would also reduce. Councilman Wright stated that he supports funding fire services and the need to be able to respond to any kind of emergency, but he is concerned about how the taxes are structured.

Councilman Averett asked about the costs to the SDMFA associated with the protest period. Mr. Hendrickson responded that if protest levels are sufficient to terminate the process, the process is terminated for at least two years. Mayor Cutler stated that the County is considering not joining the district, with the intention to contract with the district for fire services. The County (and any city that does not join) would not have a seat on the Board, and would be responsible to pay its share of existing debt up front. Mr. Hendrickson also pointed out that the capital needs of any non-member entity may not be included in a future bond issue. Centerville's portion of the existing debt is approximately $700,000. Councilwoman Fillmore pointed out that a majority of the SDMFA's current capital needs are associated with Centerville, and if Centerville were to opt out, the capital needs costs would possibly not be covered by the district. Councilwoman Ivie commented that the City would begin the new situation without a fire station and fire trucks. The Council appeared to be in agreement that it would be beneficial for Centerville to participate in the proposed district. Councilman Wright suggested that a volunteer Fire Corps could be beneficial, and stated he feels a drone would be a good investment.

PUBLIC HEARING – MUNICIPAL CODE AMENDMENTS – SECTION 7-02-022 – PROHIBITING FEEDING OR ATTRACTING WILD ANIMALS – ORDINANCE NO. 2015-17

Mr. Thacker described discussions and steps taken over the last two years regarding the City's deer problem. The Department of Wildlife Resources (DWR) now has the ability to assist municipalities with deer problems, provided the feeding or attracting of deer, moose, and elk is prohibited. Bruce Cox, Parks and Recreation Director, stated that 39 email comments and 22 in-person comments were received by the City. Fifty-five of those comments represent citizens having issues or problems with urban deer. Five of the remaining comments expressed a desire to not take any action. The concerns voiced by citizens primarily related to nuisance issues, damage to gardens and landscaping, and safety concerns. Many comments expressed that deer problems are increasingly getting worse and have become severe in the last few years. Mr. Cox said he feels the citizens who commented in favor of not taking action may not understand that the problem is not seasonal - the animals remain in the City year-round.

At 8:12 p.m. Mayor Cutler opened a public hearing.

Dale McIntyre, Centerville – Mr. McIntyre stated that a group of deer living a block away from his home on 200 South frequently eat from his garden. He read aloud a portion of the proposed Ordinance, and asked if, as a licensed bee keeper with many plants that are attractive to bees, he will be required to remove the plants that might also attract deer. Councilman

Wright emphasized the need to be specific regarding what constitutes intentionally attracting deer. Mr. McIntyre related an experience regarding a dead deer in his neighborhood last year.

Todd Jones, Centerville – Mr. Jones asked if there is any way to resolve the problem without involving the DWR. Councilwoman Ivie responded that the DWR owns all deer within the State, and any control attempts must involve the DWR. Mr. Jones stated he dislikes laws or ordinances that do not have teeth, and asked if the Council really wants police officers to go around writing "feeding deer" tickets. He asked if the DWR has given any indication of what would happen as far as natural selection goes if the city were to experience a heavy winter rather than the recent mild winters.

Ms. Romney commented that enforcement of the proposed Ordinance would most likely be pursued under the City's civil enforcement procedures, but could also be enforced as a criminal violation. Councilman Wright stated he feels the Ordinance should be specific regarding what is considered "intentional" feeding of deer.

The Mayor closed the public hearing at 8:20 p.m. Councilman Averett disagreed with Councilman Wright stating that he approves of the existing language, and feels common sense should be allowed to prevail. He also pointed out that code enforcement in Centerville is complaint driven; the Council is not going to direct the Police Chief to have police officers go door to door and search citizens' yards. Councilman Wright responded he feels that laws should be as specific as possible to prevent subjective interpretation.

The Council discussed specific language in proposed Ordinance No. 2015-17 as well as what constitutes responsible feeding of birds, and directed staff to make desired changes to the Ordinance. Councilman Wright made a **motion** to adopt Ordinance No. 2015-17 as amended by the Council, including the following finding. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

Finding:

a) The Council finds that the urban deer situation is causing significant damage to property and causing concern for public safety within the community.

Councilman Wright suggested that the sportsmen involved be allowed to retain the meat. Mayor Cutler suggested allowing staff to work with the DWR to put together a recommendation. Councilman Wright made a **motion** to direct staff to apply for a Certificate of Registration with the DWR to initiate the process of preparing an urban deer control plan. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0). Councilman Wright thanked Mr. Thacker for taking the lead on this issue, and thanked the Mayor for allowing the public to comment prior to taking action.

The Council took a break at 8:36 p.m., returning at 8:44 p.m.

POTENTIAL ACTION RELATED TO PEDESTRIAN BRIDGE PROJECT

Mr. Thacker updated the Council regarding the Pedestrian Bridge Project, explaining that the proposed fencing satisfies wind-load requirements, but does not meet AASHTO (American Association of State Highway and Transportation Officials) live-load standards, rendering the Betterment Agreement between the City and UDOT void. Because the I-15 Project is a "design-build" contract, the contractor, not UDOT, is responsible for ensuring compliance with AASHTO standards. Mr. Thacker stated that UDOT has given the City the option to take over administration of the sidewalk project on the east side of the freeway as well

as the bridge fencing project. UDOT would prefer to pay the City a lump sum for all of the work, including an administrative percentage, an engineering fee, and a contingency percentage. Mr. Thacker stated that staff does not want to enter into a contract accepting a lump sum without first bidding the project, a stipulation to which UDOT has agreed. Kevin Campbell, City Engineer, further clarified funding details, and stated that the City may be able to receive some savings for the fencing by bidding directly to the fencing companies. The sidewalk project and the fencing project would most likely have separate bids. Staff has the sidewalk project bid ready to advertise.

Councilman Wright made a **motion** to grant staff fast-track authority to move forward with the bid process for the east-side sidewalk project, with fence design issues to be presented to the Council. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). Mr. Thacker stated that at least 75% of the lump sum would be paid to the City up front. Councilwoman Fillmore expressed appreciation for UDOT's willingness to add active transportation elements to the I-15 project.

Mayor Cutler asked Council members Fillmore and Wright to work with Mr. Campbell to select fencing. Councilwoman Fillmore expressed the goal to obtain essentially the same fence design, compliant with AASHTO standards, within budget. Mr. Campbell added that the challenge will be finding a stock fence rather than a custom fence that is compliant with ASHTO standards and within budget.

RDA MEETING

At 9:06 p.m. Councilman Higginson made a **motion** to adjourn to a meeting of the Centerville Redevelopment Agency. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson, Vice Chair; Directors Averett, Fillmore, Ivie, and Wright; Steve Thacker, Executive Director; Lisa Romney, City Attorney; Jacob Smith, Management Assistant; and Katie Rust, Recording Secretary.

The Council returned to regular meeting at 10:05 p.m., at which time Councilman Averett left the meeting.

DESIGN WORK FOR FOUNDERS PARK

Following discussion, the Council agreed to proceed with the Grassli Group for professional landscape architect services for a design plan for the Founders Park west end, with initial funds ($1,000) to be drawn from the Parks Budget.

FINANCIAL REPORT

The Council reviewed the financial report for the period ending August 31, 2015.

MAYOR'S REPORT

Mayor Cutler reported that Centerville now has a UTOPIA/UIA take-rate of almost 30%, with over 1,300 subscribers. He commented that the subscriber base in Tremonton significantly increased after the Tremonton City Council placed information about UTOPIA in a few utility mailers. The Mayor stated he has asked UTOPIA to put together a possible insert for a future Centerville utility mailer. The UIA Board intends to move forward with issuing bonds in the amount of approximately $26 million. The interest rate will be similar to bond rates received by the UIA in the past. Mayor Cutler stated he is optimistic that city assessments will end. He stated he does not anticipate any continuing relationship between UTOPIA and Macquarie. The

Council asked Mayor Cutler to find out whether any bills from Macquarie were issued and paid by UTOPIA, and whether Centerville was ever charged by UTOPIA for Phase One. Neither entity has formally cancelled the existing relationship.

CITY MANAGER'S REPORT

Mr. Thacker stated he will send two articles he will draft for the newsletter regarding the Parks Capital Improvement Plan and the Street Maintenance Plan to the Council for review.

MISCELLANEOUS

The TZRO in place on Main Street will expire in November 2015. The Planning Commission is scheduled to review the proposed Public Space Plan in September, with the anticipation that the Plan will be presented to the Council in October, along with other recommended edits to the South Main Street Corridor overlay zone ordinance.

ADJOURNMENT

At 10:29 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow

Marsha L. Morrow, City Recorder

10-6-2015

Date Approved

Katie Rust

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL MEETING

Tuesday, September 5, 2015
7:00 p.m.

NAME (PLEASE PRINT)	ADDRESS**
[illegible] Youngberg	269 E 1200 N Centerville
Sapphira Smith	738 W 1900 N centerville
Dan Loewen	1559 N Homestead Cir
STEVE ALLEN	133 Rock Manor Dr
Chris & Michelle Morris	83 W 550 S
Hilarie Rueckert	
Henry Rueckert	
Landon Jeppesen	
Ethan Rogers	
Robert Klein	
Cadru Rigby	
JAKE Arbuckle	
Loren Pankratz	111 W 650 N
Dale McIntyre	centerville
TODD & CONNIE JONES	1453 N. 400 E.
Bruce Cox	1575 N. 369 W.
Melissa Biggs	
BRIAN ZAITZ	135 E CENTER HL

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