

1 Minutes of the Centerville City Council meeting held Tuesday, March 1, 2016 at 7:00 p.m. at  
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler

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8 Council Members Tamilyn Fillmore  
9 William Ince  
10 Stephanie Ivie  
11 George McEwan  
12 Robyn Mecham

13  
14 **STAFF PRESENT**

15 Steve Thacker, City Manager  
16 Blaine Lutz, Finance Director/Assistant City Manager  
17 Lisa Romney, City Attorney  
18 Cory Snyder, Community Development Director  
19 Paul Child, Police Chief  
20 Jacob Smith, Assistant to the City Manager  
21 Katie Rust, Recording Secretary

22 **VISITORS**

Interested citizens (see attached sign-in sheet)

23  
24 **PLEDGE OF ALLEGIANCE**

25  
26 **PRAYER OR THOUGHT**

Councilwoman Mecham

27  
28 **OPEN SESSION**

29  
30 Neil Lish – Mr. Lish asked if the Council or staff know who is responsible for throwing the  
31 small advertising newspapers in driveways, and expressed a desire to contact those  
32 responsible and ask that it stop on his property. The Council and staff responded that entities  
33 are not required to register advertising with the city, and they do not know who is responsible.

34  
35 **MINUTES REVIEW AND ACCEPTANCE**

36  
37 The minutes of the February 16, 2016 work session and regular Council meeting were  
38 reviewed. Councilman Ince made a **motion** to approve the minutes of both meetings.  
39 Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

40  
41 **STAFF REPORT AND DISCUSSION REGARDING REPTILES AND EXOTIC**  
42 **ANIMALS IN RESIDENTIAL ZONES**

43  
44 In December of last year, the Community Development Department received a few  
45 complaints regarding a large number of reptiles and other alleged animals owned by James Dix  
46 at residential property (558 Applewood Drive). Lisa Romney, City Attorney, reported that the  
47 Community Development Department investigated the complaints and found no violation of City  
48 Zoning Ordinances. The Community Development Department determined that the ownership  
49 and maintenance of reptiles at the subject location is not specifically regulated or prohibited  
50 under Centerville City Zoning Ordinances. It was concluded that this matter appears to be  
51 primarily an animal control issue. The City has adopted the Davis County animal control  
52 ordinances by reference. Based on initial discussions with the County, it was concluded that  
53 many of the reptiles and animals at the property are exempt from Davis County animal control  
54 ordinances because Mr. Dix has a permit from the Division of Wildlife Resources (DWR) for the  
55 possession of certain reptiles and wildlife. Based on these findings, the Community

1 Development Department has not pursued a zoning enforcement action for the possession and  
2 housing of reptiles at this location. It appears from initial research by staff and discussions with  
3 County and DWR representatives that Mr. Dix is well recognized as an expert in reptiles, and  
4 provides rescue services and training for many governmental entities and enforcement  
5 agencies.  
6

7 Ms. Romney named some of the complaints filed, including the housing of an excessive  
8 number of animals within the home, having aquariums stacked all over the house, concerns  
9 about dangerous reptiles getting out of the house, concerns about a pest control truck parked at  
10 the house on a Saturday, introduction of rodents in the community, unsightly appearance of the  
11 home, smell, and raccoons and other animals sheltered in the residence.  
12

13 Clint Thacker, Director of Davis County Animal Control, stated that he inspected the  
14 home earlier in the day. He said that some of the allegations were true and some were false.  
15 He reported that everything looked healthy and secure, and appeared to be managed in a  
16 professional manner. He said there are a lot of animals, but nothing beyond the number to  
17 cause alarm. Director Thacker stated he has known Mr. Dix for at least 14 years through his  
18 rescue organization, and through Mr. Dix's involvement in providing education and training to  
19 animal control officers nationwide. He confirmed that Mr. Dix has a Certificate of Registration  
20 (COR) from the DWR, and pointed out that City ordinances only specifically regulate numbers of  
21 cats and dogs in a residence. Director Thacker said that, in his opinion, no smell or noise  
22 problems are apparent, and there is nothing to cause alarm. He described some of Mr. Dix's  
23 community education efforts, and expressed gratitude for knowledge Mr. Dix has shared with  
24 children. Mayor Cutler added that Mr. Dix made a presentation in Founders Park during a past  
25 4<sup>th</sup> of July celebration. The Mayor commented that the concern is the appropriateness in a  
26 residential situation, and the possibility that the reptiles will get out. Responding to a question  
27 from Councilman McEwan, Director Thacker stated that Mr. Dix does not receive payment from  
28 the County for his education and rescue efforts.  
29

30 Sergeant Wyatt Bubak, representing the DWR, stated that Mr. Dix holds a lengthy COR  
31 from the DWR, specifying what animals and how many he may have. The DWR can conduct an  
32 inspection at any reasonable time. Mayor Cutler asked if it is normal to house these types of  
33 animals in residential areas rather than commercial areas. Sergeant Bubak responded that  
34 each individual case is different. The DWR does not regulate location. Compliance with city  
35 codes is the responsibility of the individual. Mr. Dix is unique in the extent of his COR, but is not  
36 unique in holding a COR.  
37

38 Mr. Dix stated he began his reptile rescue program in 1998. He said he has 43 years of  
39 experience in handling wild, dangerous, and venomous reptiles, is very good at what he does,  
40 and has never had an escapee. He explained that multiple animals of the same type are  
41 needed for educational situations for the health and comfort of the animals. Mr. Dix described  
42 some of his rescue and education efforts. He stated it is not his intention to make anyone  
43 uncomfortable, and expressed confidence that the situation is not unsafe. Mr. Dix said all his  
44 animals are housed in secure cages; the rattlesnakes are in locked tanks in a secure room. He  
45 said his mammals (housed at a different location) are very well trained. Mr. Dix described his  
46 intention to move the animals to a vacant shelter in West Valley if discussions with the West  
47 Valley Council go well. He said he will keep the animals (approximately 250 at this time) at the  
48 present location until another location is available. Mr. Dix said his rescue program is a non-  
49 profit operation. He is a plumber by trade. He provided the Council with information packets  
50 (attached to the agenda packet on NovusAgenda).

1 Mayor Cutler stated he feels Mr. Dix provides a valuable service, but that the residential  
2 home is not an appropriate location. Mr. Dix assured the Council that he does not house exotic  
3 animals for which anti-venom is not readily available.  
4

5 Councilwoman Fillmore expressed that, considering the fact that the City has adopted  
6 policies regulating the number of residents and cats and dogs allowed in a home, her inclination  
7 is to make a motion to send the matter to the Planning Commission for consideration. Cory  
8 Snyder, Community Development Director, responded he feels it is more of an animal control  
9 issue than land-use issue. Agricultural animals are regulated in the city because of space  
10 needs. Chickens were introduced in residential areas because of current trends. Mr. Snyder  
11 stated that zoning ordinances can be supportive, but the County animal control ordinance would  
12 be the place to start if a change is desired. He cautioned that regulating pets, hobbies, and  
13 behavior becomes problematic. Councilman McEwan asked if Mr. Dix is required to have a  
14 business license. Mr. Snyder responded that business licenses are reciprocal by State law.  
15 The question is determining the point of business. Mr. Dix commented he holds a business  
16 license issued by Tooele County. Mayor Cutler stated the City will continue to investigate the  
17 situation and look at options. He committed to Mr. Dix that he would contact Mayor Bigelow of  
18 West Valley City and encourage progress regarding the vacant shelter. Mr. Dix said he would  
19 be more than happy to contribute his expertise if the City decides to adopt reptile laws.  
20

#### 21 SOUTH MAIN STREET CORRIDOR PLAN

22  
23 Bruce Pitt, a resident and Centerville business owner, invited the City Council and  
24 anyone interested to contemplate whether or not an assisted living project, particularly on South  
25 Main Street, would bring value and be of substance for the community. He invited them to  
26 investigate sufficiently to make discussions productive without the contention that tends to  
27 surround discussions about South Main Street. He expressed his love for Centerville and said  
28 he has been involved in discussions about South Main Street for quite some time. He said his  
29 family is interested in selling their property on Main Street, but he feels strongly about high  
30 density in Centerville. Mr. Pitt said he has been approached about the possibility of an assisted  
31 living center on Main Street. He pointed out that an assisted living center would not generate a  
32 lot of crime or weekday traffic, but would provide a valuable opportunity for service. He said that  
33 after much contemplation he felt he could get behind the possibility of an assisted living project.  
34 He mentioned the possibility of putting parking underneath the structure to preserve green  
35 space on the surface. Mr. Pitt said he visited a number of assisted living centers, and was  
36 especially impressed with one in Brigham City developed by the Dunn and Larsen families. The  
37 goal of that facility is to have each citizen feel better about themselves every day. Mr. Pitt said  
38 he believes there are many people in Centerville who love the city, want to continue living here,  
39 and want to die here. He expressed a desire to avoid the contention that has always been part  
40 of the South Main Street Corridor (SMSC), and invited everyone to visit the facility in Brigham  
41 City.  
42

43 Councilwoman Mecham asked Mr. Pitt how many beds he would anticipate for the  
44 proposed facility and the size of the building. Mr. Pitt responded that he would like her to visit  
45 the Brigham City facility and experience the environment that can be created. Councilman  
46 McEwan stated he feels taking a public body out of a public setting gives the appearance of  
47 impropriety. He said he does not have a problem with the concept of an assisted living facility,  
48 but he does not want to give the impression of giving special access. Mr. Pitt asked if the  
49 Planning Department or another neutral party could be sent to obtain information and report  
50 back to the Council. Mayor Cutler said it is not uncommon for the City Council to have a  
51 fieldtrip. A fieldtrip would be noticed as a public meeting, with the public welcome to join the  
52 Council. The Council also has the ability to send staff. Mr. Pitt said the only way he can think of  
53 to bypass the hurt feelings that have come out of the SMSC process is for those interested to

1 take a look at what can be done in an up close, personal way. Councilwoman Mecham asked if  
2 a video could be made of the inside and outside of the building to present in public meeting. Mr.  
3 Pitt responded that a video could be made, but would not portray the emotions that can be  
4 experienced in person. He said he was not completely sold on the idea until he personally  
5 visited the Brigham City facility.  
6

7 Councilwoman Ivie said she is concerned with the idea of voting on something just  
8 because she feels like it without being able to justify the vote in some other way. She said she  
9 would be more comfortable if a video were presented in open meeting. Councilwoman Ivie said  
10 that, like many other people, she has limited time and does not have the flexibility to take a  
11 fieldtrip to Brigham City. Mayor Cutler commented that an assisted living facility project would  
12 require changes to the zoning ordinance. Councilwoman Ivie said she knows there are strong  
13 feelings about the size of buildings on Main Street and appropriate uses, and said without fairly  
14 concrete size definitions she cannot determine whether she would be in favor of the idea. Mr.  
15 Pitt repeated his desire for the Council and citizens to personally see the facility in Brigham City  
16 to experience what is possible. Councilwoman Ivie responded that buildings have to externally  
17 fit their location. She said she believes if being inside the building is required to have a positive  
18 feeling, it would not be a good fit for the community. She said she thinks the idea is a good one,  
19 but may not work in the proposed location if it does not harmonize with the neighbors. Mr. Pitt  
20 suggested the Council talk to the Brigham City Council and community to hear how the existing  
21 facility was received. Councilman McEwan complimented Mr. Pitt for letting everyone be on the  
22 same factual basis as the proposal is put together. He added that he believes specific numbers  
23 will be needed to begin discussions and gauge the community's reaction. Mr. Pitt expressed  
24 willingness to follow the established process, and repeated his desire to resolve issues early in  
25 the process to prevent contention.  
26

27 Mr. Snyder stated that, in his experience, land owners bear the burden of research in a  
28 potentially controversial project, typically doing high-level investigation and holding  
29 neighborhood meetings before presenting to the City. He said he would not want the Council to  
30 be cornered into feeling committed, bypassing the public process. The developers need to put  
31 time into investigating the possibilities. Mr. Pitt expressed his commitment to following the  
32 established process, and his desire to visit with the citizens about the exciting possibilities.  
33 Councilwoman Ivie cautioned Mr. Pitt that a zoning change for an assisted living facility is a sore  
34 subject for many citizens because of a previous situation, in which a zoning change was made  
35 on the assumption of an assisted living facility, but ending with a very different result. A majority  
36 of the Council seemed to be in agreement that it would be acceptable for staff to visit the  
37 Brigham City facility.  
38

#### 39 **CITIZEN REQUEST REGARDING ACTIVE GREEN SPACE**

40  
41 Brita Johnson, a citizen of Centerville, expressed the concern that City ordinances do  
42 not differentiate between active and passive green space in development requirements. She  
43 referred to the development occurring on Porter Lane (Hafoka property), and stated she feels  
44 active and passive green space should be differentiated to guide future development, and  
45 suggested perhaps the City could be divided into specific zones. Ms. Johnson explained she is  
46 a contract paralegal trained to look for ways to mitigate risk. She suggested Centerville  
47 examine what sister cities have done to avoid ambiguity that could be challenged regarding  
48 green space.  
49

50 Mr. Snyder explained how green space is calculated, and expressed the opinion that the  
51 Hafoka property with the wetlands area was an anomaly within the city. He said the only other  
52 place that might require active and passive green space to be differentiated is the hillside. If the  
53 city were to consider annexation on the hillside, differentiation would be helpful, but he said he

1 does not feel it is a wide-spread issue in Centerville. As a former Planning Commissioner,  
2 Councilman Ince said he feels the Hafoka situation would have been different if the location of  
3 the wetlands on the property had been different. Mr. Snyder responded he feels it is a matter of  
4 perspective.  
5

6 Mr. Snyder described densities in Centerville prior to 2003, and since 2003, as well as  
7 parks and open space requirements, and Park Impact Fees. He described the balance to be  
8 found between impact fees and density. Passive open space requirements exist in all City  
9 zones. The City does not require active space, and Mr. Snyder stated the long-term viability of  
10 active space inside developments is questionable. He explained that active space is used as a  
11 density bonus in all other South Davis cities. Most communities do not make active space a  
12 priority in their ordinances. Mr. Snyder repeated that most sensitive property in the city will be  
13 on the hillside and shore lands. Ms. Johnson pointed out that developable space runs out over  
14 time, and she expressed confidence that even the hillside will be developed eventually. She  
15 expressed a desire for the City to lay ground work for development.  
16

17 Councilman McEwan made a **motion** to direct the Planning Commission to consider  
18 how active versus passive space is calculated in relation to sensitive lands. Councilwoman  
19 Mecham seconded the motion, which passed by unanimous vote (5-0).  
20

21 The Council took a break from 9:23 p.m. to 9:32 p.m.  
22

### 23 **SOLID WASTE COLLECTION CONTRACT**

24

25 Blaine Lutz, Finance Director/Assistant City Manager, reported that the City's contract  
26 with ACE for solid waste and recycling collection will expire June 30, 2016. The Council could  
27 choose to either put the contract out for bid, or renegotiate with ACE. Mr. Lutz emphasized that  
28 quality of service is important with solid waste collection. He stated that ACE has always  
29 provided excellent service and continues to do so, and stated that staff does not feel any  
30 collector could provide better service. ACE has indicated willingness to negotiate an extension  
31 or renewal of the contract. The bid process would need to begin right away, if the Council  
32 chose to go out for bid. Mr. Lutz explained that the cost of recycling is up in the air right now,  
33 and predictions would be difficult. He recommended the City enter into discussions with ACE to  
34 renegotiate the contract for an extension. A new service provider would most likely want at  
35 least a five year commitment. The last full RFP for solid waste collection in the city was in 2003.  
36

37 Councilwoman Fillmore commented she remembers a work session last year with ACE  
38 representatives, and comparative data prepared by staff. She said that, following the work  
39 session, she was confident in the decision to renew the contract with ACE. Mr. Lutz stated he  
40 could update the comparisons. Councilwoman Mecham expressed her opinion that ACE does a  
41 wonderful job. The Council and staff discussed the bid process. City Manager Thacker stated  
42 that whether the Council chooses to renegotiate or open a bid, the City's recycling fee is  
43 expected to increase. Mr. Thacker commented that last year Councilman Higginson, as the  
44 City's liaison to the Waste District, mentioned the Waste District may add the ability to sort  
45 recycling from regular garbage at the burn plant, which would make home garbage/recycling  
46 separation unnecessary. Councilman McEwan said, considering the amount of time since the  
47 last full RFP, it would be worth going out for bid. Councilwoman Fillmore pointed out that a lot  
48 of staff time is required to conduct the analysis of expenses and benefits associated with a bid.  
49 Mr. Thacker suggested the Mayor and two Council members participate in a subcommittee to  
50 review data and make a recommendation to the full Council. The Mayor and Council members  
51 Ince and McEwan agreed to work with staff.

