

1 Minutes of the Centerville City Council meeting held Tuesday, July 19, 2016 at 7:00 p.m. at
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5
6 Mayor Paul A. Cutler

7
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 Jacob Smith, Assistant to the City Manager
17 Lisa Romney, City Attorney
18 Cory Snyder, Community Development Director
19 Paul Child, Centerville Police Chief
20 Katie Rust, Recording Secretary

21 **STAFF ABSENT**

22 Blaine Lutz, Finance Director/Assistant City Manager

23 **VISITORS**

24 Chad Wilson, Division of Wildlife Resources
25 Jeff Bassett, South Davis Metro Fire Chief
26 Interested citizens (see attached sign-in sheet)

27 **PLEDGE OF ALLEGIANCE** Kyle Summer, BSA Troop 261

28
29 **PRAYER OR THOUGHT** Councilwoman Mecham

30
31 **OPEN SESSION**

32
33 Rhonda Perkes – Representing Congressman Chris Stewart’s office, Ms. Perkes
34 thanked the Centerville City Council for their work, and stated that the Congressional office staff
35 would be happy to help with any Federal issues that come up. She reported that Congressman
36 Stewart’s office is sponsoring a school supplies drive for school age refugees. Information on
37 the school supplies drive is available on the Congressman’s website. Congressional office staff
38 are scheduled to open a mobile casework office at the South Branch Library in Bountiful on
39 August 9th. Ms. Perkes also stated that Youth City Councils will be invited to meet with the
40 Congressman on August 23rd for a roundtable discussion.

41
42 **MINUTES REVIEW AND ACCEPTANCE**

43
44 The minutes of the June 21, 2016 work session and regular Council meeting were
45 reviewed. Councilwoman Fillmore pointed out a spelling error in the Council meeting minutes,
46 and made a motion to accept both sets of minutes. Councilman McEwan seconded the motion,
47 which passed by unanimous vote (5-0).

48
49 **SUMMARY ACTION CALENDAR**

- 50
51 a. Approve Interlocal Cooperation Agreement between Davis County and Davis County
52 Cities for UPDES General Permit – Resolution No. 2016-21
53 b. Approve Public Improvements Deferral Agreement between the City and Gregory
54 and Audrey Buttars for deferral of installation of certain public improvements related
55 to property located at approximately 160 North 600 East

- 1 c. Correct and Amend City Fee Schedule regarding Culinary Water Rates – Resolution
2 No. 2016-22
3 d. Approve purchase of an F550 Ford truck from Ken Garff Ford in the amount of
4 \$34,502.10 and a 9'2" snowplow from United Sales and Service in the amount of
5 \$6,508.60 for the Parks Department
6

7 Councilwoman Fillmore made a **motion** to approve all items on the Summary Action
8 Calendar, including Resolution No. 2016-21 and Resolution No. 2016-22. Councilman Ince
9 seconded the motion. Referring to item (b) on the Summary Action Calendar, Councilwoman
10 Ivie commented that 90-day notice seems a short amount of time to expect property owners to
11 come up with the money for sidewalk installation. Lisa Romney, City Attorney, responded that
12 90-day notice is standard. The City is typically able to work with property owners and give as
13 much notice as possible. Mr. Thacker added that the Council can change the notice time period
14 if desired. The motion passed by unanimous vote (5-0).
15

16 PUBLIC HEARING – AMENDMENTS TO URBAN DEER CONTROL PLAN

17

18 Last fall the Council adopted an Urban Deer Control Plan with a trap and euthanize
19 option that can be implemented between August 1 and December 31. In March of 2016 the
20 Council was able to add a trap and relocate option, but was advised by the Division of Wildlife
21 Resources (DWR) that trapping would not be practical at times of the year when food is readily
22 available. Steve Thacker, City Manager, presented an archery option for Council consideration,
23 with the advantage that deer would not need to be lured into a trap. The archery could be done
24 with property owner consent and Police Chief approval. Mr. Thacker reported that the DWR is
25 increasing the relocation charge from \$100 to \$200 per deer. In March the Council approved a
26 50/50 cost share arrangement, with property owners responsible for \$50 of the \$100 fee.
27

28 Chief Child described the thorough efforts that would be involved in ensuring the archery
29 is done ethically and safely. The Police Chief would be responsible for evaluating and
30 appointing hunters on a case-by-case basis. Councilman McEwan recommended restrictions
31 require tree stand shots at a downward angle, and include no engagement over 40 yards.
32 Councilwoman Fillmore commented that the urban deer are so tame to human interaction she
33 imagines archers will easily be able to get close.
34

35 At 7:24 p.m. Mayor Cutler opened a public hearing.
36

37 Aaron Albiston – Mr. Albiston stated he is a pro-staff member at Wild Arrow Archery and
38 a Centerville citizen. He was the only volunteer authorized to use lethal force for urban deer
39 control last December. In the eight days allowed for the program in December 2015, he was
40 able to kill and harvest three deer (two on Christmas Eve and one on New Year's Eve). He
41 donated his personal time and equipment for the service. Mr. Albiston said he enjoys and
42 appreciates deer, but understands that control is necessary. Responding to Councilman
43 McEwan's suggestion that archers take the shots from tree stands, Mr. Albiston recommended
44 in August and September, when food is plentiful, archers be allowed to take open, ethical shots
45 when opportunities present themselves, with scenarios defined by the Police Chief. Councilman
46 McEwan clarified that his suggestion would be to limit the possibility of a skipped shot, and Mr.
47 Albiston agreed.
48

49 Doug Hancey – Mr. Hancey stated he lives in Centerville near the Rigby property. He
50 has spent hundred of dollars trying to protect his plants from deer, but the deer are still eating
51 everything. He encouraged the City to take advantage of some of the ethical options available
52 to mitigate the urban deer problem. He encouraged Council members to look at the problem

1 from a public protection point of view, as well as the impact on citizens trying to supplement
2 their food supply through gardening.

3
4 Marian Jensen – Ms. Jensen commented that deer seem to be everywhere, and she
5 would appreciate anything the City can do to bring the urban deer population under control.

6
7 Bill Rigby – Mr. Rigby said the urban deer are a huge problem, and he is excited about
8 the archery option. The deer are not scared of people. He stated he would appreciate any and
9 all help to at least thin the herd.

10
11 The Mayor closed the public hearing at 7:38 p.m. Chad Wilson with the DWR stated it is
12 his understanding that the archery option has made a huge difference in Highland City. Mr.
13 Albiston stated he participated in the archery program in Highland, and explained the positive
14 outcome resulting from the predator/prey situation. Mr. Wilson commented that the earlier the
15 City begins the program, the more confidence they can have that resident deer are targeted.

16
17 Mayor Cutler briefly reopened the public hearing, and Mr. Hancey encouraged the
18 Council to consider the archery option over the trapping option. He commented that setting the
19 traps is time consuming and expensive, and archers would be able to eliminate the problem
20 quickly.

21
22 Councilwoman Fillmore said she would prefer to give property owners multiple options
23 by leaving the trapping option in place, and she would not be opposed to sticking with the 50/50
24 cost-share despite the increased cost. Mayor Cutler agreed that multiple options give property
25 owners flexibility. Councilman McEwan stated he thinks archery will be the quickest and most
26 successful option. He is in favor with the condition that shots are ethical and safe. Mr. Wilson
27 advised that DWR regulations only allow residents to be charged up to \$50 of the relocation fee,
28 and relocation is not worth the time and expense if only a few deer are relocated. Mayor Cutler
29 suggested relocation could remain an option to be managed within constraints set by the DWR.

30
31 Councilman McEwan made a **motion** to approve proposed amendments to the City's
32 Urban Deer Control Plan to add archery as an approved method for lethal deer removal, and
33 changing the language for the relocation option to indicate the City will pay \$150 of the \$200 per
34 deer relocation fee, with applying property owners responsible for \$50. Councilwoman Ivie
35 seconded the motion, which passed by majority vote (4-1), with Councilwoman Mecham
36 dissenting. Councilwoman Mecham said she knows something needs to be done, but she is
37 looking into other options.

38
39 **PUBLIC HEARING – GENERAL PLAN AMENDMENTS – BICYCLE & NON-**
40 **MOTORIZED VEHICLE PATHWAYS AND TRAILS MASTER PLAN MAP**

41
42 The Planning Commission has reviewed and recommended approval of the proposed
43 amendments to the General Plan regarding bicycle and non-motorized paths and the Centerville
44 Trails Master Plan Map. Existing language in the General Plan discourages certain classes of
45 bike lanes within the city. The proposed amendments would update the Plan to be consistent
46 with current goals of the Trails Committee.

47
48 At 7:56 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing
49 that no one wished to comment.

50
51 Referring to the Trails Master Plan Map, Councilman McEwan said he feels it would be
52 asking for trouble to label Parrish Lane a bike trail going over the freeway overpass,
53 encouraging bike traffic in the wrong place. Mr. Thacker commented that the pedestrian bridge

1 is 10-feet wide to accommodate bike traffic as well as pedestrians. Ms. Romney pointed out that
2 the dashed line on the Map at Parrish Lane over the overpass is labeled a "proposed bike lane",
3 meaning the Trails Committee would like for Parrish Lane to have a designated bike trail at
4 some point in the future. Councilman McEwan responded that when UDOT is ready for an
5 overpass rebuild they can look at the possibilities, but he would not want to include even a
6 dashed line on Parrish Lane at this point. As liaison to the Trails Committee, Councilwoman
7 Mecham commented that the Trails Committee was asked to designate where they would
8 someday like to have dedicated bike trails. Mr. Thacker said the Parks and Recreation Director
9 has given him the impression that a dedicated east/west bike lane on Parrish Lane is a high
10 priority for the Trails Committee.

11
12 Councilwoman Fillmore made a **motion** to approve Ordinance No. 2016-21 as
13 presented. The motion died for lack of second. Councilwoman Ivie expressed a desire for the
14 Council to meet with the Trails Committee to discuss their vision. She said she would also like
15 to personally walk the pedestrian bridge and see how it feels. Councilwoman Mecham said she
16 agrees with updating the map, but would like the Council to meet with the Trails Committee to
17 discuss what they want. Mayor Cutler encouraged the Council to support the work done by the
18 Trails Committee and pass the proposed Ordinance. Councilwoman Ivie said that as a former
19 liaison to the Trails Committee she feels the lines were drawn wherever without a lot of thorough
20 consideration. Councilman Ince stated he is extremely frustrated with bicyclists exercising
21 equal right-of-way on roads. He expressed the opinion that society is putting a lot of money into
22 creating bike lanes, and no one uses them. Mr. Snyder pointed out that Maverik is building a
23 bicycle facility partially funded by the City as a trail connection on the corner of Parrish Lane and
24 1250 West. He said he thinks most people recognize that the pedestrian bridge is shared-use,
25 and advised the Council to remember State vehicle motor laws and the regional efforts and
26 funding being put into improving alternative transportation safety. Councilwoman Ivie stated she
27 is not a biker, so it would be beneficial to meet with the Trails Committee to discuss how to
28 present information to the biking community. Mayor Cutler said he would like to include
29 information in the City newsletter regarding safely sharing roadways.

30
31 Councilman McEwan stated he cannot support the proposed language because it
32 includes encumbering new businesses with the expense of bike stands and other elements. He
33 expressed the opinion that a hobby should not become the responsibility of business owners to
34 support. Mr. Snyder responded that those elements are required in the Parrish Lane Guidelines
35 and the Main Street Plan. He said he gets the sense that an irritation is overriding the balance
36 of decisions that have already been made. Mr. Snyder reminded the Council that State laws are
37 in place that govern bikers' rights. Ms. Romney pointed out that the proposed language only
38 suggests the City should look at adopting zoning ordinances that are more specific to bike
39 elements. Councilwoman Mecham stated she trusts the Trails Committee, and would like the
40 Council to meet with the Trails Committee for discussion and understanding. Mr. Thacker
41 commented that the Council already has work sessions scheduled for the next three months.
42 The Council supported the possibility of meeting with the Trails Committee during the
43 Committee's regular meeting in August. Councilwoman Mecham made a **motion** to table
44 approval until the Council has a chance to meet with the Trails Committee. Councilwoman Ivie
45 seconded the motion. Chief Child confirmed that bicyclists are allowed on the roadways, but
46 are required to obey every traffic law that a car has to abide by. He agreed that mixing bicycle
47 and automobile traffic on the overpass would not be a good idea, and added that there will be
48 far less pedestrian traffic on the pedestrian bridge than automobiles on the overpass. The Chief
49 also pointed out that pedestrian and bicycle traffic is already mixed on the Legacy Parkway
50 Trail. The motion to table passed by unanimous vote (5-0).

1 **PUBLIC HEARING – ZONING CODE AMENDMENTS – CONSTRAINED LANDS**
2

3 In their goal-setting process earlier this year, the City Council agreed to consider the
4 possibility of revising provisions of the Zoning Code regarding how sensitive lands are
5 accounted for in determining the density of a residential development. On June 22, 2016, the
6 Planning Commission reviewed the proposed amendments to Section 12.12.040 of the
7 Centerville Zoning Code regarding Definitions, including constrained land, developable land,
8 and gross density, for purposes of calculating residential development density. The Planning
9 Commission does not have a recommendation on the proposed amendments because the
10 motion to approve the proposed changes did not receive a majority vote of the Commission to
11 pass. Mr. Snyder explained that the proposed amendments would have very little practical
12 application, and would not have prevented the development on the Hafoka property. He
13 explained that most remaining constrained land in the City is within the Hillside Overlay, already
14 protected by the Hillside Plan.
15

16 The Mayor opened a public hearing at 8:36 p.m. and closed the public hearing seeing
17 that no one wished to comment. Councilman Ince said one of his goals as a Council member is
18 to try to reduce the amount of regulation. Based on the information presented, Councilman Ince
19 proposed the Council not accept the proposed ordinance. Councilman McEwan made a
20 **motion** to deny Ordinance No. 2016-22. Councilman Ince seconded the motion, which passed
21 by unanimous vote (5-0).
22

23 The Council took a break at 8:40 p.m. returning at 8:53 p.m.
24

25 **WAIVER OF PROTEST AGREEMENT BETWEEN THE CITY AND RICHARD AND**
26 **CAROL CARLSON FOR PROPERTY LOCATED AT APPROXIMATELY 200 NORTH 500**
27 **EAST**
28

29 The Council discussed the request for a Waiver of Protest Agreement for the deferral of
30 installation of sidewalk related to new construction on the property located at 200 North 500
31 East owned by Richard and Carol Carlson. Mr. Thacker explained staff's recommendation to
32 require sidewalk for the property considering sidewalk has been required for several similar
33 properties in the area in recent years. Staff acknowledges the absence of sidewalk on either
34 side of the property, but believes that realistically sidewalk will be put in gradually over time. He
35 stated that, if the Council is inclined to grant the Waiver, staff recommends requiring a Deferral
36 Agreement in addition to the Waiver of Protest Agreement so that the only option is not just the
37 creation of a special improvement district. Staff also recommends the site be built in a way that
38 preserves space for sidewalk in the future. Mr. Thacker showed on a map the subject area
39 where sidewalk has been installed since construction of the debris basin and removal of the
40 area from the flood plain.
41

42 Carol Carlson, applicant, asked for clarification regarding the proposed Deferral
43 Agreement. Mr. Thacker explained that a Deferral Agreement allows the Council to require
44 sidewalk to be installed if at some point the City decides it makes sense for the property. The
45 City currently holds similar deferral agreements with more than 40 property owners. Ms.
46 Carlson stated that considering the lack of sidewalk on surrounding properties, sidewalk would
47 look silly. She said they are happy to put it in when the rest of the neighborhood installs
48 sidewalk. Councilman McEwan expressed support for the Deferral Agreement, and stated he
49 would like to increase the notification period from 90 days to at least 180 days because of the
50 financial impact on property owners. Mr. Thacker pointed out that situations could arise when
51 the City would need to act sooner and would be unable to give 180 days notice. Councilman
52 McEwan suggested setting the notification period at 180 days, with the option for the City to act
53 sooner with repayment by property owners deferred until the end of the 180 day period.

1 Councilwoman Ivie made a **motion** to approve a Waiver of Protest Agreement for the
2 deferral of installation of certain public improvements related to new construction on the
3 property located at approximately 200 North 500 East, subject to conditions listed in the staff
4 report which includes requiring a Deferral Agreement – changing the 90-day notification period
5 to a 180-day notification period as discussed. Councilwoman Fillmore seconded the motion,
6 which passed by unanimous vote (5-0).

7
8 **SOUTH MAIN STREET CORRIDOR PUBLIC SPACE PLAN**
9

10 Referring to the discussion held during the joint work session with the Planning
11 Commission prior to the regular meeting, Councilman McEwan made a **motion** directing staff to
12 give notice that a public hearing regarding Councilwoman Mecham's suggestion of four-foot
13 park strip and six-foot sidewalk along the South Main Street Corridor (SMSC) with no other
14 elements will take place at the next Council meeting. Councilwoman Ivie seconded the motion.
15 City Attorney, Lisa Romney, cautioned the Council about making a motion or discussing in
16 substance a matter that is not listed on the agenda. Councilwoman Fillmore expressed a desire
17 to be respectful of the process and the time spent by the Planning Commission. Councilwoman
18 Fillmore also noted that a similar level of report and data are needed and feedback obtained for
19 any new proposed plan. Councilman McEwan explained the intent to offer two options on
20 opposite ends of the spectrum for discussion and public comment. Councilwoman Fillmore
21 suggested including SMSC property owners in the discussion. Ms. Romney suggested the
22 Council direct staff to schedule this matter and provide notice of a public hearing for the August
23 2nd meeting. After the public hearing on August 2nd, the Council can thereafter discuss this
24 matter and provide direction to staff to prepare desired revisions and an ordinance for approval
25 at the following meeting. Councilman McEwan **restated his motion** directing staff to prepare
26 graphics that will encompass an alternate plan for the SMSC Public Space Plan including a
27 four-foot wide park strip and a six-foot wide sidewalk for review. Councilwoman Ivie seconded
28 the motion, which passed by unanimous vote (5-0).

29
30 **ACCESSORY BUILDING SETBACKS AND FLAG LOT ORDINANCE AMENDMENTS**
31

32 Councilwoman Ivie made a **motion** to table this agenda item to a meeting in September.
33 Councilwoman Fillmore seconded the motion, which passed by majority vote (4-1), with
34 Councilman Ince dissenting.

35
36 **AWARD BID FOR FRONTAGE ROAD CULVERTS PROJECT**
37

38 Councilman McEwan made a **motion** to award bids to Kapp Construction in the amount
39 of \$361,704.40 for labor and to Oldcastle Precast in the amount of \$16,828 (plus \$1,194.79 tax)
40 for materials for the Frontage Road Culverts Project. Councilman Ince seconded the motion,
41 which passed by unanimous vote (5-0).

42
43 **MAYOR'S REPORT**
44

- 45
- 46 • Mayor Cutler said he anticipates a ribbon cutting ceremony for the pedestrian bridge
47 in late August or early September when temperatures have cooled.
 - 48 • The Mayor reported he is making progress on obtaining remote controls for school
49 crossing signs for crossing guards.
 - 50 • Mayor Cutler requested feedback from Council members regarding the recent 4th of
51 July parade and celebration.
 - UTOPIA financial reports are available on NovusAgenda.

