Minutes of the Centerville City Council meeting held Tuesday, July 2, 2019, at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor
Clark Wilkinson

Council Members
William Ince (arrived at 7:08 p.m.)
Stephanie Ivie
George McEwan
Robyn Mecham

MEMBER ABSENT
Tamilyn Fillmore

STAFF PRESENT
Brant Hanson, City Manager
Lisa Romney, City Attorney
Mackenzie Wood, Assistant Planner
Leah Romero, City Recorder
Cory Snyder, Community Development Director
Marc Marchant, Streets Supervisor
Paul Child, Centerville Police Chief

VISITORS
Beth Holbrook, Utah Transit Authority
Hal Johnson, Utah Transit Authority
Interested Citizens

PRAYER OR THOUGHT
Councilmember Ince

PLEDGE OF ALLEGIANCE

OPEN SESSION

No one wished to comment.

SWEARING IN OF CITY RECORDER

Mayor Wilkinson welcomed new City Recorder Leah Romero, who was sworn in by former City Recorder Mackenzie Wood.

UTAH TRANSIT AUTHORITY PRESENTATION

Beth Holbrook, UTA Trustee representing Davis, Weber, and Box Elder Counties, updated the Council on UTA projects and goals. She stated that no significant changes are expected to be made to bus routes in Centerville this year. Hal Johnson, a planner with UTA, explained the first phase of a South Davis County transit study.

SUMMARY ACTION CALENDAR

a. End of Warranty Period for C. Johnson Subdivision
b. Street Overlay Projects 2019 bid award
Councilmember Ince made a motion to approve both items on the Summary Action Calendar. Councilmember Mecham seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – ZONING TEXT AMENDMENT – SETBACKS FOR ACCESSORY BUILDINGS IN RESIDENTIAL ZONES – CZC 12.32.300

The City Council recently directed the Planning Commission and staff to review and reconsider accessory building setbacks in residential zones. On June 12, 2019, the Planning Commission reviewed changes suggested by the Council and forwarded the following recommendation:

<table>
<thead>
<tr>
<th>Setback Standards – Rear Yard</th>
<th>R-L</th>
<th>R-M</th>
<th>R-H</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory building (one-story) – Less than 400 square feet⁴</td>
<td>3 feet</td>
<td>3 feet</td>
<td>3 feet</td>
</tr>
<tr>
<td>Accessory building 400 square feet or greater and up to the maximum height allowed by the applicable zone⁴</td>
<td>5 feet</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

⁴Setback is measured from any interior and/or rear lot line
⁵Subject to Applicable Construction Codes

Cory Snyder, Community Development Director, answered questions from the Council. Mayor Wilkinson opened a public hearing at 8:01 p.m.

Alan Arbuckle – Mr. Arbuckle said it would be difficult to fit a vehicle or a boat in a 400 square foot accessory building. He said he has a boat with a tower, and he needs an accessory building with a twelve-foot high opening. Mr. Arbuckle asked the Council to relax the requirements to 500 square feet with a little higher roof.

Jeff Baker – Mr. Baker agreed with Mr. Arbuckle, and said he believes it would help a lot of property owners if they had the option to put in a fire wall and use a three-foot setback. He commented that recreational vehicles continue to get bigger, but yards do not.

Candace Stanford – Ms. Stanford said the ability to do a fire wall and have a smaller setback would be helpful.

Mayor Wilkinson closed the public hearing at 8:10 p.m. Lisa Romney, City Attorney, said she believes the intent of the Planning Commission in specifying a one-story building of less than 400 square feet was to allow a small, low-profile building at the three-foot setback. Mr. Snyder pointed out that 500 square feet instead of 400 square feet can make a big difference to the property owner and what they can fit in the accessory building, and can make a big difference to the neighboring property owner because the bigger it is the more annoying the neighboring structure can be.

Mayor Wilkinson allowed further public comment. Mr. Arbuckle said he is asking the Council to consider allowing a structure greater than 400 square feet with 3-5 foot setbacks with a fire wall. Councilmember McEwan commented that 400 square feet is sufficient to build a one-car garage. Councilmember Mecham suggested comparing setbacks for accessory buildings in...
neighboring cities. Responding to a question from Councilmember McEwan, Mr. Snyder said the issue is largely a value judgement.

Councilmember Ince said he would like the ability to allow smaller setbacks with written neighbor consent. Ms. Romney commented that neighbor consent requirements have been struck down by the courts as inequitable regulation.

Councilmember McEwan made a motion to adopt Ordinance No. 2019-12 regarding accessory building setbacks in residential zones subject to the following findings. Councilmember Ince seconded the motion, but said he does not think he will vote in favor. Councilmember McEwan said he does not think the Council could possibly satisfy everyone, but said he believes the suggested amendment provides more flexibility than is currently available.

Findings:

a. Section 12.420, Residential Development – The City Council finds that the main or prominent theme of this Section of the General Plan is the suburban residential lifestyle of Centerville City. Low-Density, single-family development is the preferred lifestyle for much of the planned residential areas.
b. The City Council finds that the General Plan is focused on preserving the quality of single-family development.
c. The City Council finds that allowing for accessory uses and buildings is consistent with this desire.
d. The City Council finds that the allowance of accessory buildings is subject to the preferred or acceptable bulk and area standards (e.g. setbacks, heights, etc.) that are adopted by legislative body.
e. Therefore, the City Council finds that the proposed amendments can be deemed acceptable and/or consistent with review factors of Section 12.21.080(e) of Centerville City’s Zoning Ordinance.

Mayor Wilkinson allowed further public comment. Mr. Baker commented that staff said the decision of 400 square feet versus 500 feet is a flexible value judgement, and asked the Council to approve 500 square feet. Councilmember Ivie said she would rather see it at 500 square feet. Councilmember Ivie made a motion to amend the motion to reflect 500 square feet instead of 400 square feet. Councilmember Ince seconded the motion to amend, but said he will not vote in favor of the motion to amend. The motion to amend failed (2-3), with Councilmembers Ivie and Mecham in favor, and Councilmembers Ince and McEwan and Mayor Wilkinson dissenting. The unamended motion passed by unanimous vote (4-0).

PUBLIC HEARING – RENEWAL OF CERTIFICATE OF REGISTRATION WITH DWR FOR URBAN DEER CONTROL AND UPDATES TO URBAN DEER CONTROL PLAN

At a work session on June 18, 2019, the City Council directed staff to pursue the renewal of the City’s Certificate of Registration (COR) with the Division of Wildlife Resources (DWR) for Urban Deer Control. Police Chief Child reported on a recent meeting with the DWR. He said his plan is to continue the existing archery option in areas where it has been successful, with police officers dispatching deer in problem areas utilizing frangible rounds. The COR sets a limit of 100 deer over the three-year period. Councilmember McEwan recommended the Police Department use a compressed shotgun.
The Mayor opened a public hearing at 8:50 p.m., and closed the public hearing seeing that no one wished to comment. Councilmember Ivie made a motion to approve renewal of the Certificate of Registration with the Division of Wildlife Resources and approve the updated Urban Deer Control Plan. Councilmember Ince seconded the motion, which passed by majority vote (3-1), with Councilmember Mecham dissenting.

**MUNICIPAL CODE AMENDMENTS – ARCHERY EXCEPTIONS – CMC 13.03.062**

Ms. Romney explained the recommended Municipal Code Amendment to provide an exception for archers acting within the Urban Deer Control Program. Councilmember McEwan made a motion to approve Ordinance No. 2019-13 regarding the discharge of projectiles to allow for an archery exception under limited circumstances as part of the Urban Deer Control Program. Councilmember Ince seconded the motion, which passed by majority vote (3-1), with Councilmember Mecham dissenting.

**MUNICIPAL CODE AMENDMENTS – EMERGENCY INTERIM SUCCESSORS – CMC 2.01.190**

Applicable State law as set forth in Utah Code Ann. § 53-2a-807 requires the City to designate at least three emergency interim successors and specify their order of succession in the event of a disaster that seriously disrupts normal governmental operations. Ms. Romney explained the proposed ordinance prepared for this purpose.

Following Council discussion, Councilmember Ince made a motion to approve Ordinance No. 2019-11 enacting CMC 2.01.190 of the Centerville Municipal Code designating emergency interim successors and their order of succession in the event of a disaster. Councilmember McEwan seconded the motion, which passed by unanimous vote (4-0).

**PLANNING COMMISSION REPORT**

Mackenzie Wood, Assistant Planner, updated the Council on the most recent Planning Commission meeting.

**MAYOR’S REPORT**

- Mayor Wilkinson reported on a recent Centerville Community Foundation meeting.
- The Mayor expressed the appreciation of the CenterPoint Theatre Board for the recent Gala fundraiser.
- The Mayor reported on a fire danger awareness meeting recently held with community members.
- Councilmember Ince made a motion to support appointment of Mason Kjar to the Landmarks Commission. Councilmember McEwan seconded the motion, which passed by unanimous vote (4-0).

**CITY MANAGER’S REPORT**

- Mr. Hanson said he is excited for the upcoming 4th of July Celebration.
- Construction on the Island View Park Renovation Project will begin on Monday, July 8th.
MINUTES REVIEW AND ACCEPTANCE

The minutes of the June 18, 2019 work session and Council meeting were reviewed. Councilmember McEwan made a motion to accept the minutes. Councilmember Mecham seconded the motion, which passed by unanimous vote (4-0).

ADJOURN AND CLOSED MEETING

At 9:12 p.m., Councilmember McEwan made a motion to adjourn the regular Council meeting and move to a closed meeting in Council chambers to discuss character and competency of individuals, with no intention to return to regular meeting. Councilmember Mecham seconded the motion, which passed by unanimous vote (4-0). In attendance at the closed meeting were: Clark Wilkinson, Mayor; Councilmembers Ince, Ivie, McEwan, and Mecham.

Leah Romero, City Recorder

Date Approved

Katie Rust, Recording Secretary