

Minutes of the Centerville **City Council** meeting held Tuesday, December 7, 2021, at 7:15 p.m. with participants present at Centerville City Hall, 250 North Main Street.

MEMBERS PRESENT

Mayor Clark Wilkinson

Council Members Tamilyn Fillmore
William Ince
Stephanie Ivie
George McEwan
Robyn Mecham

STAFF PRESENT

Brant Hanson, City Manager
Lisa Romney, City Attorney
Jennifer Hansen, City Recorder
Jacob Smith, Administrative Services Director
Nate Plaizier, Finance Director
Mike Carlson, Public Works Director
Cory Snyder, Community Development Director
Paul Child, Centerville Police Chief
Lt. Allen Ackerson, Centerville Police Department
Bryce King, Recreation Coordinator
Marc Marchant, Streets Supervisor

VISITORS

Rob Sant, Lewis Young Robertson & Burningham
Jon Haderlie, Larson & Company
Kirk Nigro, Business Manager, Rocky Mountain Power
Marcus Arbuckle, Keddington & Christensen
Interested citizens

PRAYER OR THOUGHT Councilmember Ince

PLEDGE OF ALLEGIANCE

OPEN SESSION

Kathy Wendell, Centerville resident, said she was pleased Centerville City had chosen to include a niche wall at the City Cemetery, and expressed interest in the possible addition of veteran privileges.

PUBLIC HEARING – PORTER-WALTON COMMUNITY REINVESTMENT PROJECT AREA PLAN

The City Council, acting as the Redevelopment Agency Board, received a presentation and held a public hearing regarding proposed creation of a Porter-Walton Community Reinvestment Project Area (CRA) earlier in the evening. Rob Sant with Lewis Young Robertson and Burningham stated creation of the Porter-Walton CRA for Young Powersports would result in a net benefit of more than \$3 million to the City, and a net benefit of more than \$5 million to all of the taxing entities.

Mayor Wilkinson opened a public hearing at 7:25 p.m., and closed the public hearing seeing that no one wished to comment.

1 Councilmember McEwan **moved** to approve Ordinance No. 2021-26 adopting the RDA
2 approved project area plan for the Porter-Walton Community Reinvestment Project Area and
3 directing noticing of the adoption of the plan as required by State law. Councilmember Fillmore
4 seconded the motion, which passed by unanimous vote (5-0). Councilmember Ivie said she would
5 rather the project sustain itself without help from the City, but she was glad to see the project
6 happen.

7
8 **PUBLIC HEARING – POSITION, JOB VALUE, AND PAY SCHEDULE AMENDMENTS**
9 **– POLICE DEPARTMENT INCREASES**

10
11 Police Chief Paul Child spoke of difficulty attracting and hiring new quality officers in the
12 current market with the current Police Department wage scale. At the November 16, 2021
13 meeting, the Council requested that staff prepare proposed amendments to the Position, Job
14 Value, and Pay Schedule for certain Police Department positions. Chief Child said proposed
15 Ordinance No. 2021-21 was prepared following that direction. He stated the proposed
16 compensation increases would put the Centerville Police Department in a better position to hire
17 and retain quality officers.

18
19 Mayor Wilkinson opened a public hearing at 7:30 p.m., and closed the public hearing
20 seeing that no one wished to comment. Councilmember Ince expressed support, and **moved** to
21 approve Ordinance No. 2021-21. Councilmember Ivie seconded the motion. Councilmembers
22 expressed support and appreciation for the officers in the Centerville Police Department.
23 Councilmember Ince **amended the motion** to include a December 1, 2021 effective date.
24 Councilmember Ivie seconded the amended motion. The amended motion passed by unanimous
25 vote (5-0). Councilmembers expressed appreciation for Public Works Department employees as
26 well.

27
28 **FY2021 AUDIT REPORT**

29
30 Finance Director Nate Plaizier recognized and thanked City Finance Department staff. Jon
31 Haderlie with Larson & Company presented an independent Audit Report for FY2021. He reported
32 the opinion issued was clean with no findings. Mr. Haderlie advised Councilmembers that they
33 should be involved in preparing and discussing the Fraud Risk Assessment with City
34 management. He also advised that any fees implemented by the Council should be proportionate
35 to the service provided, with careful documentation. Mayor Wilkinson commented that the Internal
36 Audit Committee reviewed the FY2021 Audit Report the previous week.

37
38 **SUMMERHILL LANE PDO – FINAL SUBDIVISION PLAT**

39
40 On November 16, 2021, the City Council held a public hearing on the proposed Final
41 Subdivision Plat for Summerhill Lane PDO. After the public hearing and discussion of the matter,
42 the Council tabled action on the Final Subdivision Plat until the December 7 meeting.

43
44 Councilmember McEwan **moved** to approve the Final Subdivision Plat and Plans for the
45 Summerhill Lane Subdivision consisting of approximately 17.24 acres at about 2125 N. Main
46 Street, subject to the following conditions and with the following reasons for action.
47 Councilmember Ivie seconded the motion.

48
49 **Conditions:**

- 50
51 1. The Developer shall depict on the Final Subdivision Plat the easement area along
52 the northern boundary of the subdivision potentially affecting Lots 120-134 and as
53 previously shown on the Preliminary Subdivision Plat and labeled as "Disputed"

- 1 Easement Area 1" and the disputed prescriptive easement over and across Lot 120
- 2 as shown on the Preliminary Plat and labeled as "Disputed Easement Area 2."
- 3 2. The Developer shall designate such easement areas with the following description:
- 4 "Disputed Easement Area 1" and "Disputed Easement Area 2," as previously
- 5 described on the Preliminary Subdivision Plat, along with the notation "See, Note 2
- 6 regarding Notice of Claim of Interest."
- 7 3. Revise Note 2 to read: "A Notice of Claim of Interest was Recorded in the Davis
- 8 County Recorder's Office on March 30, 2021, as Entry 3365360, Book 7727, Pages
- 9 2144-2190, potentially affecting Lots 120-134 as more particularly designated on this
- 10 plat as the Disputed Easement Areas."
- 11 4. The Developer shall enter into a long-term Storm Water Facilities Management Plan,
- 12 if applicable.

13
14 Reasons for Action:

15
16 Approval of the Final Subdivision Plat and Plans for Summerhill Lane Subdivision is
17 based on the following findings of the City Council:

- 18
- 19 a) On November 17, 2020, the City approved a PDO Rezone and Conceptual Plan for
- 20 the Summerhill Lane Subdivision as more particularly reflected in Ordinance No.
- 21 2020-13.
- 22 b) On October 27, 2021, the Planning Commission reviewed the Summerhill Lane Final
- 23 Subdivision Plat and recommended approval of the same with conditions.
- 24 c) Pursuant to CMC 15.04.060, the City Council is not bound by the recommendations
- 25 of Staff or the Planning Commission and may set its own conditions and
- 26 requirements so long as such conditions and requirements are consistent with
- 27 applicable provisions of the Centerville Subdivision Ordinance.
- 28 d) Pursuant to CMC 15.04.060, the City Council is authorized to impose reasonable
- 29 conditions on Final Subdivision Plat approval as recommended by Staff and the
- 30 Planning Commission or on the City Council's own initiative so long as such
- 31 conditions and requirements are consistent with applicable provisions of the
- 32 Centerville Subdivision Ordinance.
- 33 e) The City Council finds the Final Subdivision Plat is consistent with the approved PDO
- 34 Rezone and Conceptual Plan approval and associated terms and conditions of that
- 35 approval.
- 36 f) The City Council finds the Final Subdivision Plat is in conformity with the
- 37 requirements of the Centerville Subdivision Ordinance and other applicable
- 38 ordinances of the City, including, but not limited, to CMC 15.04.030.
- 39 g) The City Council finds the Final Subdivision Plat conforms with the Preliminary
- 40 Subdivision Plat as concluded and recommended by the Planning Commission and
- 41 as set forth in applicable Staff Reports.
- 42 h) The City Council finds there is substantial evidence in the record to support
- 43 designating the disputed easement areas on the final plat as set forth in the above
- 44 conditions as "existing or proposed easements" in accordance with CMC
- 45 15.04.030(m).
- 46

47 Councilmember McEwan said he felt strongly that both disputed easements should be on
48 the Final Subdivision Plat. Councilmember Mecham said she agreed, and said she wanted the
49 Council to cover the bases for future citizens, the Packer Family, and Symphony Homes.
50 Councilmember Fillmore asked the City Attorney if she believed the proposed motion could be
51 seen to represent a statement of opinion. City Attorney Lisa Romney said that, in her opinion, the
52 proposed motion represented a better option than the recommendation made by the Planning

1 Commission and the developer that would require the developer to provide notice of the disputed
2 easements to potential buyers. Community Development Director Cory Snyder answered
3 questions regarding differences between the proposed motion and the motion recommended by
4 the Planning Commission.
5

6 Councilmember Fillmore said Reason for Action (h) seemed to her to cross the line in
7 giving an opinion on the disputed easement matter, and said she was uncomfortable including
8 Reason for Action (h). Councilmember McEwan responded that he believed an evidentiary
9 threshold was needed to set a precedent. The Council discussed Reason for Action (h). Ms.
10 Romney said she believed the proposed language addressed what the Council wanted to
11 address. She advised that the Council did need to make a finding that there was evidence in the
12 record to support designating the disputed easements on the Final Plat, with a connection back
13 to City ordinance. The **motion passed** by unanimous vote (5-0).
14

15 **SUMMERHILL LANE PDO – STORM WATER FACILITIES MAINTENANCE**
16 **AGREEMENT**
17

18 Ms. Romney explained that the proposed Storm Water Facilities Maintenance Agreement
19 was required in accordance with Section 4.2.5 of the Utah Pollutant Discharge Elimination System
20 (UPDES) Permit for MS4 Systems. The Agreement would be recorded against the subject
21 property and would run with the land as an on-going obligation. The Agreement would also require
22 the property owner to provide the City with an annual maintenance certification.
23

24 Councilmember McEwan **moved** to approve the Storm Water Facilities Maintenance
25 Agreement between Centerville City and Summerhill Lane, LLC. Councilmember Ince seconded
26 the motion, which passed by unanimous vote (5-0). Councilmember Ince asked what the City
27 could do to ensure the storm water system was maintained. Mr. Snyder explained that the
28 continuous design of the storm water system from Main Street to Frontage Road would be
29 beneficial. He said there would still be surface water issues from time to time, but the main storm
30 water management would be in place.
31

32 **ROCKY MOUNTAIN POWER FRANCHISE AGREEMENT AND POLE ATTACHMENT**
33 **USE AGREEMENT**
34

35 Ms. Romney explained that the most recent five-year extension of the Rocky Mountain
36 Power Franchise Agreement would expire December 31, 2021, and reported that staff had
37 negotiated a new franchise agreement with Rocky Mountain Power. Ms. Romney explained that
38 the proposed 10-year Pole Attachment Use Agreement would allow the City to attach items to
39 Rocky Mountain Power poles. Kirk Nigro, Business Manager with Rocky Mountain Power,
40 answered questions from the Council.
41

42 Councilmember McEwan spoke of not being able to find a route out of the City to access
43 a medical facility following a severe wind storm because of downed power lines on City streets,
44 and asked if Rocky Mountain Power would be willing to work with the City to place some of the
45 power lines on arterial roads underground to protect egress routes. Mr. Nigro said he would take
46 the comments back to Rocky Mountain Power and follow up.
47

48 Councilmember Ince **moved** to approve updated Rocky Mountain Power Franchise
49 Agreement as set forth in Ordinance No. 2021-22. Councilmember Ivie seconded the motion,
50 which passed by unanimous vote (5-0). Councilmember Ince **moved** to approve the Power Pole
51 Attachment Agreement. Councilmember Ivie seconded the motion, which passed by unanimous
52 vote (5-0).

MUNICIPAL CODE AND FEE SHCEUDLE AMENDMENTS – CMC 8.03 – CEMETERY REGULATIONS FOR NICHE WALLS

The City Council previously approved the construction and installation of a Niche Wall in the City Cemetery. Ms. Romney recommended certain amendments to the Centerville Municipal Code and Fee Schedule to provide regulations and fees governing the use and sale of niche spaces. Responding to questions from the Council, Ms. Romney stated existing City ordinance limited the number of cremated remains allowed in each niche space to one. Councilmember Mecham said she remembered the Parks and Recreation Director saying two sets of remains would fit in each niche space. Ms. Romney recommended the Council approve proposed Ordinance No. 2021-24, with the understanding that an amendment could be adopted if desired following additional discussion of the question.

Councilmember McEwan referred to previous conversations regarding the possible addition of a columbarium at Freedom Hills Park specifically for veterans. He said he would not want to charge a transfer fee to move inurned veteran remains from the City Cemetery to Freedom Hills Park, and suggested adding language to that effect. City Manager Brant Hanson suggested the Council add such an amendment if and when it became necessary. Councilmember Fillmore said she would want a full design plan submitted for Council review and approval.

Councilmember Mecham asked that staff bring back information regarding the possibility of allowing two sets of remains per niche space in a timely manner. Councilmember Ince **moved** to approve Ordinance No. 2021-24 adopting Centerville Municipal Code Amendments regarding Cemetery Regulations to address the new Niche Wall in the City Cemetery, and approve Resolution No. 2021-40 adopting Centerville Fee Schedule Amendments regarding Cemetery Fees to address new Niche Wall and Niche Spaces in the City Cemetery, with recognition that allowing a second set of remains per niche space and associated Fee Schedule amendments would be discussed. Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).

ANNUAL MEETING SCHEDULE FOR 2022

The Council reviewed a proposed meeting schedule for calendar year 2022. Councilmember McEwan **moved** to adopt Resolution No. 2021-41 approving the annual meeting schedule for the City Council for calendar year 2022. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

MINUTES REVIEW AND ACCEPTANCE

Minutes of the November 16, 2021 Canvass of Election, Work Session, City Council Meeting, and Closed Session were reviewed. Councilmember McEwan **moved** to adopt all four sets of minutes as recorded. Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).

CITY COUNCIL REPORT

Councilmember McEwan said he did not have new information to report.

MAYOR'S REPORT

- Mayor Wilkinson provided an update regarding Davis Council of Governments (COG) road project grants.

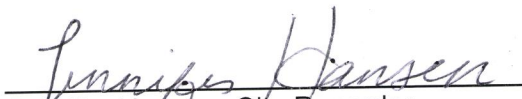
- The Mayor thanked the Parks and Recreation Department for Christmas lights, thanked Event Coordinator Bryce King for the Employee Christmas Party, and thanked all those who helped with Christmas events.
- Mayor Wilkinson said he recently attended South Davis Metro Fire District training.
- An open house for outgoing Councilmembers Fillmore and Ivie was scheduled for January 4, 2022.
- A majority of Councilmembers agreed with scheduling a meeting with Legislators on January 11, 2022.

CITY MANAGER'S REPORT

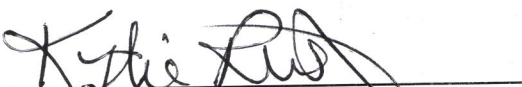
- Mr. Hanson provided an update on Utah Transit Authority (UTA) projects, and said a further update would be available in January.
- Mr. Hanson reported that Chipotle would be upgrading and moving into the currently vacant Dairy Queen property.
- Community Development Director Cory Snyder recently submitted to Wasatch Front Regional Council for a grant to assist with an update of the Centerville General Plan. Councilmember Ince suggested inviting public participation in the update process.
- Mr. Hanson said he would follow up on a sign for Skabelund Park.
- City Recorder Jennifer Hansen reported an RDA-ACB meeting would be scheduled for December 21, 2021 prior to the regular Council meeting.

ADJOURN

At 9:10 p.m., Councilmember Ince **moved** to adjourn the meeting. Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).


Jennifer Hansen, City Recorder

12-21-2021
Date Approved


Katie Rust, Recording Secretary

