Minutes of the Centerville **City Council** meeting held Tuesday, February 5, 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 Stephanie Ivie George McEwan Robyn Mecham
MEMBER ABSENT	Tamilyn Fillmore
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Jacob Smith, Management Services Director Mackenzie Wood, City Recorder Paul Child, Centerville Police Chief Cory Snyder, Community Development Director Cassie Younger, Assistant Planner Bruce Cox, Parks and Recreation Director Randy Randall, Public Works Director Kevin Campbell, City Engineer Katie Rust, Recording Secretary
VISITORS	Interested Citizens
PRAYER OR THOUGHT	Mayor Wilkinson

PLEDGE OF ALLEGIANCE

SWEARING IN OF NEW POLICE OFFICERS

Police Chief Paul Child introduced Christine Strong and Jason Shields, two new officers with the Centerville Police Department. Mackenzie Wood, City Recorder, conducted the swearing-in of the new officers. Chief Child also introduced K9 Reyna, who is currently going through K9 Academy.

OPEN SESSION

Dee Evans – Mr. Evans owns property at 551 West Lund Lane. He expressed frustration with drainage issues on his property. Mayor Wilkinson invited Mr. Evans to comment further during Council discussion of the topic later in the meeting.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the January 15, 2019 regular meeting, and the January 22, 2019 work session were reviewed. Councilwoman Mecham requested an amendment to the January 15 Council meeting minutes. Councilman McEwan made a **motion** to accept the January 22, 2019

minutes, and the January 15, 2019 minutes as amended. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

CONTRACT FOR MUNICIPAL ELECTIONS

Davis County provides by-mail election services for cities contracting with the County. The 2019 municipal election cycle begins in May. Mackenzie Wood, City Elections Officer, explained that the services include one polling location on Election Day. Staff recommends the City contract with Davis County for election services. Councilman Ince said he would prefer to run the election as a city, but acknowledged that the cost is prohibitive. A majority of the Council indicated willingness to consider contracting with the County.

PUBLIC HEARING - ZONING CODE AMENDMENT – CZC 12.12 DEFINITIONS – PERMANENT COSMETICS, PERSONAL CARE SERVICE, AND TATTOO ESTABLISHMENT

On January 9, 2019, the Planning Commission reviewed and recommended approval of amendments to the Zoning Code regarding definitions for Permanent Cosmetics, Personal Care Service, and Tattoo Establishment. Cassie Younger, Assistant Planner, explained the request to expand the definition of Personal Care Service to include Permanent Cosmetics. Taylor Davis, applicant, owns a personal care business on Main Street in Centerville. She would like to be able to offer micro blading on eye brows, which is a form of tattooing. There is no differentiation in Centerville code from cosmetic tattooing and regular body tattooing. Ms. Davis has requested that permanent cosmetics be allowed in the Zoning Code under Personal Care so her business does not have to be categorized as a Tattoo Establishment. Ms. Davis explained the certification requirements involved to perform micro blading.

Mayor Wilkinson opened a public hearing at 7:33 p.m., and closed the public hearing seeing that no one wished to comment. Councilman McEwan made a **motion** to approve Ordinance No. 2019-02 regarding amendments to CZC 12.12.040 (Definitions) to add a new definition for "Permanent Cosmetics", and to amend the definitions of "Personal Care Service" and "Tattoo Establishment" to include Permanent Cosmetics within Personal Care Service. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

BUILDING INSPECTION SERVICES REPORT

City Manager Thacker provided a history of building inspection services in Centerville over the last two decades. The City currently pays a monthly invoice to Sunrise Engineering based on the number of hours performing either plan reviews or inspections at hourly rates set in 2007. Cory Snyder, Community Development Director, explained arrangements and rates for building inspection services in cities neighboring Centerville and Davis County. Mr. Snyder said he likes the hourly wage system and the checks-and-balances it provides. He stated there are not a lot of companies that provide building inspection services. Councilman McEwan asked if it would be possible to purchase services from Bountiful City, who has in-house building inspection services. Mr. Snyder said he has not considered that option, but it may be worth discussing. He emphasized that he would like the city to maintain a high level of service. The comparable data presented by Mr. Snyder will be added to NovusAgenda.

UPDATE REGARDING FOOTHILLS PLANNING PROCESS

Mr. Snyder updated the Council on the progress of putting together a plan for City-owned property on the foothills. He anticipates having a recommendation to present by June.

The Trails Committee would like to move forward with a grant application for construction of mountain bike trails. The grant application is due by the end of February. Mr. Snyder expressed the opinion that submitting a grant application at this time would be premature since potential uses and conflicts for the property have not been fully vetted. Bruce Cox, Parks and Recreation Director, reported that Davis County has shown interest in participating financially in the bike trail project. If the grant is awarded, the project must be completed within two years of the contract date, and the property would need to be maintained with that use for at least ten years. Mr. Cox recommended not applying for the grant this year unless the Council intends to accept the grant if awarded.

Mr. Thacker commented that the City-owned property on the foothills is a great potential amenity for the City, and the Council and staff need to take a serious look at how to fund the drainage and road improvements that have been discussed. He said he believes it would be possible to complete the first stage of a drainage system in the next year. The unpaved road at the east end of 100 South provides foothill access for a variety of users. The Council and staff expressed appreciation for the work done by the Trails Committee, and discussed the desire to see the mountain bike trail project through to completion when the necessary infrastructure is in place to support the variety of uses. Mr. Cox stated that the Trails Committee has gone to great effort to make sure the planned bike trails would not interfere with existing foothill uses. Councilwoman Ivie pointed out that, although the planned bike trails could be accessed from parking lots at Parrish Lane and Twin Hollows Park, it would not be possible to restrict access at 100 South pending improvements since the 100 South access road is also used by the gun range, ATV operators, and other foothill users.

Responding to a question from Councilman McEwan, Mr. Cox explained that the length of bike trail included in the grant application must be built if grant funds are used, but the trail configuration could change after the grant is awarded. Councilman Ince said he would like to find a way to submit the grant application this year and accomplish the work within two years. Councilman McEwan said he would like to provide staff time to put together an infrastructure plan to support the traffic that will be drawn to the foothills, and apply for the grant next year. Randy Randall, Public Works Director, commented that 100 South will not be accessible for improvements related to foothills access for the next four months because of water line and street projects already scheduled for that road. Councilwoman Mecham said she believes the Trails Committee will be very disappointed. They have put a lot of work into the bike trails plan and they have a lot of momentum.

Councilman McEwan made a **motion** to direct staff to not proceed with the grant application process for 2019, to encourage staff to complete all foothills planning recommendations by the end of May, and direct staff to make a good faith effort to put together a plan to deal with drainage and access issues by next year. Councilwoman Ivie seconded the motion, which passed by majority vote (3-1), with Councilman Ince dissenting.

UPDATE REGARDING WOODS PARK AND DEE EVANS DRAINAGE ISSUES

At the December 18, 2018 Council meeting, Dee Evans brought up a number of complaints regarding the Woods Park Subdivision, particularly regarding drainage issues. In response to the discussion, the Council directed staff to look into the issues and report back to the Council. Randy Randall, Public Works Director, used an aerial image to show the Woods Park drainage system. He said staff feels the drainage system is built to a standard that is reasonable. The curb and gutter in the subdivision direct water to the catch basin. Mr. Randall stated the City does not have an obligation to resolve sprinkler or other water issues between

neighbors. Mr. Randall and City Engineer Kevin Campbell showed with photographs that very little water would flow from the Woods Park Subdivision to the Evans property. The Woods Park drain lines were installed to the proper depths, although some of the inlets were raised when landscaping was put in.

Mayor Wilkinson commented that the City has spent time and money examining the situation and trying to find solutions. He welcomed public comment at 9:05 p.m.

Bill Wright – Mr. Wright owns property at 415 West Lund Lane. He said he and Mr. Evans have been talking to the city about this issue for four years, and he is tired of talking about it. He said they took pictures during a rain storm when ponds had built up on his property, the Evans property, and the Garlick property. They never had that problem before the Woods Park Subdivision. He said the Woods Park subdrains are not draining anything.

Mr. Randall suggested Mr. Wright could add a berm along his west property line like Mr. Evans did. Mr. Randall said another solution would be to add a storm drain system across his and Mr. Evans' properties to tie in with the City subdrain system at Lund Lane. The property owners could also pursue an agreement with the Woods Park HOA to be able to tie into the Woods Park subdrain system. Mr. Wright mentioned additional, unrelated drainage problems on the north side of his property along Lund Lane, with drainage coming from subdivisions to the east and Freedom Hills Park. Mr. Randall responded that the driveway pipe along Lund Lane in front of the Wright and Evans properties is undersized and will need to be enlarged at some point. Mr. Campbell suggested taking elevation measurements at the low points of the Wright and Evans properties as well as along the Lund Lane and Woods Park flow lines to determine which of the three solutions would work best. Mr. Randall commented that the City Attorney would need to help with the question of financial responsibility. Mr. Campbell said he is under the impression that Oakwood Homes would be willing to participate in finding a solution.

Trish Evans – Ms. Evans and her husband own the farm property directly east of the Woods Park Subdivision. She said the "pond" shown by staff is a pasture where they have grazed cattle for years. It was never meant to be a pond. Drainage from Woods Park has destroyed the grazing land. Ms. Evans said she and her husband built a berm at their own expense to prevent Woods Park water from coming onto their property. She said they cannot afford the cost of removing Woods Park drainage from their property. Ms. Evans said she and her husband expressed concerns when the development was first discussed, and were assured that the subdivision would be responsible for its own water.

Mr. Snyder said the Evans did express concern about storm water issues from the beginning. Staff has shown that the Woods Park Subdivision has infrastructure to take care of its drainage. Most of the water on the Evans' property is from their property and properties to the east. Mr. Campbell commented that the Evans' property is lower than surrounding properties. Some of the water that used to be able to flow west off the Evans' property is trapped and no longer able to flow west. Ms. Evans stated they do not want a big drain running down the middle of their pasture.

Dee Evans – Mr. Evans said developments to the east of his property have caused drainage issues for his property. He stated that property owners in the Woods Park Subdivision just west of his property water too much and flood his property. He showed photographs of his property, and said he feels he has proof that some of the water on his property is coming from

the Woods Park Subdivision. He also stated that a no-climb fence was not installed on the street in the Woods Park Subdivision that dead-ends at his property, as promised.

Councilman McEwan asked staff the legal obligation of a property owner to provide drainage for a neighboring property owner who has enjoyed free drainage if ownership or development status changes. Lisa Romney, City Attorney, responded that property owners are generally required to handle all their own water from their property as part of development and to also allow for the natural drainage course of water from neighboring properties. The question is what might constitute natural drainage in this area. Staff has shown that much of the Evans' property is lower than surrounding property and that the natural drainage course of water has been altered with development. The Woods Park Subdivision has been required as part of development approval to provide for the proper drainage of water from the project and to also handle additional water coming from the creek along Lund Lane. Ms. Romney noted that the city is not responsible for damage caused by private property owner sprinkler issues or watering practices. Mr. Randall added that the city does not get involved in private matters between property owners. The development was built to the specifications for the project, removing the city from obligation for a fix. The city can be part of the solution if it chooses. Mr. Campbell added that the city does not regulate private property landscaping. It is possible that property levels and inlet boxes were raised with landscaping. Staff clarified that the irrigation company is responsible for enforcing irrigation water use restrictions.

Councilman McEwan stated that, although the city can offer advice, the situation sounds like an issue between property owners. He asked what enforcement Weber Basin Water Conservancy District would use in response to the over-watering. Mr. Randall responded that Weber Basin would most likely not turn off access to the water. Mr. Campbell said in his opinion, the simplest solution would be an agreement with Oakwood and the Woods Park HOA to run a drainage connection to the Evans and Wright properties. Councilman McEwan said he is comfortable with the city making a recommendation to all parties, and then stepping out of the matter with no further involvement. He said he would not want the city to obligate itself further to any party. A majority of the Council members indicated agreement.

FINANCIAL REPORT

Given the late hour, Mr. Thacker recommended the Council postpone the financial report until the seven-month financial report is presented at the next Council meeting. The Council agreed.

The Council took a break at 10:22 p.m., and returned at 10:35 p.m.

MAYOR'S REPORT

- Mayor Wilkinson updated the Council on the concept of potentially cost-sharing with Fruit Heights for cemetery space in Fruit Heights with discounted burial costs for Centerville citizens. Councilmembers Mecham and Ivie said they think there will be pushback from citizens who think Fruit Heights is too far away. Mayor Wilkinson commented that, unless land in Centerville is donated for cemetery use, the cost of land and infrastructure is prohibitive. Mr. Cox commented that Fruit Heights is interested in learning from Centerville's experience in operating a municipal cemetery. The Council discussed the need to gauge community interest in a partnership with Fruit Heights.
- A work session is scheduled for March 19, 2019 for municipal budget training.

- Councilwoman Ivie made a **motion** to nominate Councilman McEwan to serve as Mayor Pro Tem. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

CITY MANAGER'S REPORT

- Mr. Thacker updated the Council on actions recently taken by the Planning Commission.
- UTOPIA representatives are scheduled to update the Council at the March 5, 2019 Council meeting.
- Councilwoman Ivie made a **motion** to authorize use of funds received by the Police Department above the budget amount, with the understanding that a budget amendment will occur later in the fiscal year for the additional expenditures relating to those additional revenues. Councilman Ince seconded the motion, which passed by unanimous vote (4-0).

ADJOURNMENT

At 11:15 p.m., made a **motion** to adjourn the Council meeting and reconvene the RDA meeting, with no intention to return to regular meeting. Councilwoman Ivie seconded the motion, which passed by unanimous vote (4-0).

Mackenzie Wood, City Recorder

02/19/2019
Date Approved

Katie Rust, Recording Secretary