

Minutes of the Centerville **City Council** meeting held Tuesday, July 19, 2022, at 7:00 p.m. with participants present at Centerville City Hall, 250 North Main Street.

MEMBERS PRESENT

Mayor Clark Wilkinson

Council Members
Gina Hirst
William Ince
George McEwan
Robyn Mecham
Spencer Summerhays

STAFF PRESENT

Brant Hanson, RDA Executive Director
Lisa Romney, City Attorney
Jennifer Robison, City Recorder
Nate Plaizier, Finance Director
Cory Snyder, Community Development Director
Mike Carlson, Public Works Director
Bruce Cox, Parks and Recreation Director
Dave Walker, Deputy Public Works Director
Jacob Smith, Administrative Services Director
Bryce King, Recreation/Events Coordinator
Kevin Campbell, City Engineer

VISITORS

Beth Holbrook
Guy Haskell
Interested Citizens

PRAYER OR THOUGHT

Councilmember Ince

PLEDGE OF ALLEGIANCE

OPEN SESSION

Scott Sappenfield, Centerville resident, said he recently installed a cement strip in the parkstrip on his property, and subsequently learned the cement strip was not allowed by the City and would need to be removed. He said he installed the cement strip because he lived on a hill and wanted to provide a smooth pathway for his parents to access their living space. He said his parents had significant physical handicaps, and materials allowed by the City did not provide a smooth enough pathway to meet his parents' needs. On the basis of safety, not aesthetics, Mr. Sappenfield said he respectfully requested the Council permit cement pathways in parkstrips to accommodate physical disabilities.

UTA MICROTRANSIT PLANS PRESENTATION

Beth Holbrook, Trustee for Utah Transit Authority (UTA), gave a presentation regarding Microtransit plans. Microtransit was intended to: improve flexible mobility options; repurpose underperforming bus routes; expand transit access and service coverage; and provide first and last mile connections. Ms. Holbrook explained services available to Centerville residents through Microtransit beginning August 2022, routes scheduled to be discontinued, and operating days and hours.

1 Ms. Holbrook presented goals for the South Davis County Microtransit Zone: provide
2 better access to Woods Cross FrontRunner Station; build support for and increase transit
3 ridership; promote local economic growth and development; provide low-cost wheelchair
4 accessible rides; improve east-west mobility connections; and test new and emerging
5 technologies.

6
7 Councilmember McEwan challenged the presented Microtransit model for HIPAA
8 violation, and requested that UTA consult the State Privacy Officer and State Auditor. Ms.
9 Holbrook said she knew the model had been reviewed by the State Auditor, and commented that
10 UTA On Demand had been active since November 2019. Ms. Holbrook answered questions from
11 the Council, and spoke of planned FrontRunner double-tracking. Councilmember Mecham said
12 she was excited about the plans shared, and said she was interested in a Centerville FrontRunner
13 stop.

14
15 **PUBLIC HEARING – HASKELL PLAT AMENDMENT – BAMBERGER STATION 2**
16 **SUBDIVISION**
17

18 Community Development Director Cory Snyder explained that the petitioner was
19 requesting, for the second time, a subdivision plat amendment to remove the Bamberger Station
20 2 Subdivision Plat Note 4: "Basements are not approved in the subdivision. All lowest floor
21 elevation allowed shall be above the top back of curb." On February 2, 2021, the City Council
22 denied a similar request made by the petitioner to amend the subdivision to remove Plat Note 4
23 for Lots 2-5. The petitioner desired to construct a basement for Lot 4 of the Bamberger Station 2
24 Subdivision.

25
26 Ms. Snyder provided history of development of the subdivision, and said the petitioner
27 claimed rights under the Subdrain Extension Agreement (SEA) entered into by the City in 2004.
28 He said it was staff's position that the SEA did not create any vested zoning rights or zoning
29 estoppel because the terms of the SEA only provided for the "possibility" of connecting onto a
30 subdrain extension, not a "guarantee" for connection. In order to connect to such subdrain
31 extension, the SEA required the developer to install a subsurface drain system within the
32 Bamberger Station 2 Subdivision, approved by the City in accordance with applicable ordinances.
33 The prior developer never installed such a system. The current petitioner had also not installed
34 or designed a subdrain system acceptable to the City for the Bamberger Station 2 Subdivision.

35
36 Mr. Snyder said staff maintained the position that the three subsurface drain design
37 options proposed by the petitioner did not meet City ordinance. He recommended an alternative
38 option to have the petitioner install a publicly owned and maintained main subsurface drainage
39 system beginning at a point along 160 West connecting directly in line with the subsurface line
40 between the two lots of the Florentine Villa Subdivision to the west. This option would allow a
41 manhole to be placed within the 160 West right-of-way and tie into the manhole in the cul-de-sac
42 to the west. Such installation would be dedicated to the City and would meet City ordinance. A
43 second alternative option, not recommended by staff, was also included in the staff report. If the
44 Council chose to allow the second alternative option, Mr. Snyder suggested the Council table the
45 matter to allow staff time to fully identify parameters and responsibilities.

46
47 Mr. Snyder addressed arguments submitted by the petitioner's attorney, and emphasized
48 that he did not believe the argument of zoning estoppel applied because the initial permit issued
49 for Lot 4 was for a slab-on-grade structure. The property was purchased by the petitioner with the
50 Plat and Plat Note in place.

51
52 Responding to a question from Councilmember Hirst, Mr. Snyder explained that the
53 alternative option recommended by staff would require participation of the owner of Lot 5. Whether

1 the lateral line would be located in the backyard or in 160 West was questioned. City Attorney
2 Lisa Romney said she believed the recommended alternative option would involve putting the
3 lateral and manhole in the 160 West public right-of-way, not the backyard. Mr. Snyder suggested
4 consulting the City Engineer for clarification.
5

6 Guy Haskell, petitioner, said he had been trying to find a property to meet the needs of his
7 family for several years. He said he purchased Lots 3 and 4, and noticed Plat Note 4 during the
8 due diligence period. Mr. Haskell referred to statements that the preferred time to install a land
9 drain was at the time of development, and stated no land drain was available to the subdivision
10 at that time. A land drain was installed two years later with development of Florentine Villas. Mr.
11 Haskell explained his family's situation and the need to have a basement apartment with a
12 separate entrance on Lot 4. He said he and his attorney were unable to find a City ordinance
13 disallowing manholes in a backyard. Mr. Haskell showed multiple options on a drawing, and said
14 the alternative option recommended by staff would not work for him. He emphasized that a
15 geotechnical engineer found that the groundwater table would be 38 inches below the desired
16 basement floor. Mr. Haskell said he had built many homes with land drains and sump pumps. He
17 said his preferred option would be to not install a land drain system, but install a sump pump
18 system with a basement based on recommendations of the geotechnical engineer.
19

20 Responding to a question from Councilmember Hirst, Mr. Haskell said the geotechnical
21 engineer work was done in February or March. Ms. Romney referred to an email received earlier
22 that day from Mr. Haskell's attorney requesting reasonable accommodation under the Fair
23 Housing Act, and asked if that request was intended to be combined with the Plat Amendment
24 request. Mr. Haskell said he had wanted the City to understand his situation. Ms. Romney said it
25 was unclear if the requests were meant to be tied or could be handled separately. Mr. Haskell
26 said he felt he had met City ordinances.
27

28 Councilmember McEwan **moved** to open a public hearing, and Councilmember Hirst
29 seconded the motion. Mayor Wilkinson opened a public hearing at 8:32 p.m.
30

31 John Walton, Centerville resident, said he lived at Lot 15 of the Florentine Villas
32 development. He said he had deep family roots in Centerville, including two terms personally
33 served on the Planning Commission. Mr. Walton said he was aware of the subdrain stub in his
34 backyard when he bought the property, but was told by Ivory Homes that it would never be used
35 because the properties adjacent to the back could not have basements. He expressed respect
36 for the City officials, and said he and his wife would abide by whatever decisions they made. Mr.
37 Walton requested that if the Council approved use of the subdrain stub in his backyard, that a
38 time limit be placed on when the connecting work would need to be done and the fence replaced.
39 He said he was frustrated with the backyard mess. Mr. Walton said he was also disappointed by
40 the lack of communication from the petitioner, and said he had never even met Mr. Haskell.
41

42 Councilmember McEwan made a **motion** to close the public hearing, and Councilmember
43 Summerhays seconded the motion. Mayor Wilkinson closed the public hearing at 8:37 p.m.
44

45 Mr. Haskell said that because of the location of the subdrain stub, he did not believe Mr.
46 Walton's fence and yard would be impacted. He emphasized that at the outset, he had no intention
47 of excavating the property as deeply as became necessary to remove the large trees and roots.
48 He said he had been above board with everything and did not try to "pull a fast one". Responding
49 to a question from Councilmember Summerhays, Mr. Haskell said he did not want to accept the
50 alternative option recommended by staff because he believed it would ruin the neighboring lot in
51 terms of building options.

1 City Engineer Kevin Campbell said he believed the option recommended by staff would
2 involve a private manhole over the top of the present stub, and would not encumber Lot 5. Ms.
3 Romney commented that staff discussed many options and put considerable time into trying to
4 propose the best possible option.

5
6 Councilmember McEwan **moved** for the City Council to table action on the Haskell Second
7 Plat Amendment to the Council's next meeting on August 2, 2022. This motion was made to allow
8 the City time to determine whether the applicant's request for reasonable accommodation needed
9 to be decided with the Second Plat Amendment application and/or to allow the City time to conduct
10 a meaningful review of the request for reasonable accommodation. This motion was not intended
11 to constitute a denial of the request for reasonable accommodation or the Plat Amendment
12 application, but merely a delay to provide the City appropriate time for meaningful review of the
13 request. Councilmember Summerhays seconded the motion, which passed by unanimous vote
14 (5-0).

15
16 **REQUEST FOR DEFERRAL OF INSTALLATION OF PUBLIC IMPROVEMENTS – 950**
17 **NORTH 100 EAST**
18

19 Public Works Director Mike Carlson explained the staff recommendation to approve the
20 proposed Public Improvement Deferral Agreement for property located at 952 North 100 East. He
21 said the City was currently indecisive regarding where the sidewalk would go. There was currently
22 sidewalk on the south side of the lot behind curb and gutter, and no sidewalk on the north side
23 extending through three additional properties to Chase Lane. Two power poles, a communication
24 box, and a fire hydrant and water source complicated placement of sidewalk. If the two properties
25 to the north were to install sidewalk, a two-foot retaining wall, as well as tree removal, would be
26 necessary.

27
28 Councilmember Mecham said she had visited the property and agreed with staff's
29 recommendation to approve the proposed Deferral Agreement. The Council and staff discussed
30 possible challenges to future enforcement of deferral agreements. Councilmember McEwan
31 expressed interest in gathering traffic data for the subject portion of 100 East.

32
33 Councilmember Mecham **moved** to approve the deferral of public improvements for
34 property located at 950 North 100 East and enter into a Deferral of Public Improvements
35 Agreement. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

36
37 The Council took a break at 8:58 p.m., and returned at 9:06 p.m.

38
39 **MUNICIPAL CODE AMENDMENTS – CONCRETE WALKWAY IN PARKSTRIPS – CMC**
40 **11.02 AND CMC 9.02.240**
41

42 In response to a citizen comment made during the open session of a previous Council
43 meeting, the City Council requested that staff look into allowing limited concrete in parkstrips in
44 order to provide a walkway from the street to the sidewalk. Concrete was currently not permitted
45 in parkstrips. Mr. Carlson said staff determined that a concrete strip no longer than 5 feet would
46 be acceptable for single-family residential lot parkstrips, with placement parameters, and not to
47 exceed 50% of the total length of parkstrip. It was staff's recommendation that no colored concrete
48 be allowed, and in the event the concrete needed to be removed, the property owner would be
49 responsible for the cost of replacement. Mr. Carlson recommended the City require citizens to
50 acquire a parkstrip permit before placing a concrete strip. He said he was sympathetic to the
51 needs of aging and handicapped citizens, and said he believed the proposed amendments made
52 sense and were the right thing to do.

1 Responding to a question from Councilmember McEwan, City Attorney Lisa Romney said
2 she did not believe City standards and specifications would allow for a curb cut in addition to a
3 concrete strip in the parkstrip. Councilmember Mecham said the intent of the concrete strip was
4 to provide a level place for individuals to get in and out of a vehicle along the curb, not to create
5 an ADA ramp to the street. Councilmember McEwan said he would want the ordinance to specify
6 that curb cuts would not be allowed. Councilmember Hirst asked if colored concrete needed to be
7 prohibited if property owners were responsible for replacement. Mr. Carlson said staff felt
8 prohibiting colored concrete would protect the City from additional expense if the City ended up
9 paying for replacement.

10
11 Councilmember McEwan referred to language in the proposed amendment requiring that
12 a concrete strip could only be installed in a parkstrip if a connecting walkway from the parkstrip
13 and sidewalk to the front or side door already existed. He spoke of the possibility of a homeowner
14 desiring to install both a walkway from a door and a connecting concrete strip in a parkstrip, and
15 said he would want the homeowner to be able to install both at the same time, rather than needing
16 to install the walkway from the door before applying for a parkstrip permit. The Council and staff
17 discussed revisions to the proposed language.

18
19 Councilmember Ince made a **motion** to approve Ordinance No. 2022-15 regarding
20 amendments to Centerville Municipal Code 11.02 (Parkstrip and Parkstrip Trees) regarding
21 limited concrete walkway in parkstrips and CMC 9.02.240 (Water Meters), as revised during the
22 meeting. Councilmember McEwan seconded the motion, which passed by unanimous vote (5-0).

23
24 **MUNICIPAL CODE AMENDMENTS – STORMWATER OBSTRUCTIONS – CMC**
25 **16.04.040**
26

27 In February 2022, the City received a letter from the Utah Department of Environmental
28 Quality regarding a review of the City's proposed green waste collection services. As part of the
29 review, it was recommended the City amend Section 16.04.040 of the Centerville Municipal Code
30 to eliminate Subsection (d) which provided an unauthorized exemption for City clean up periods.
31 Deputy Public Works Director Dave Walker answered questions from the Council.

32
33 Councilmember Hirst **moved** to approve Ordinance No. 2022-06 amending Section
34 16.04.040 of the Centerville Municipal Code regarding prohibited storm water obstructions.
35 Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

36
37 **PERSONNEL POLICIES AMENDMENTS – DR. MARTIN LUTHER KING JR. DAY –**
38 **CPP 4.090**
39

40 In 2000, the Utah Legislature renamed Human Rights Day to Dr. Martin Luther King, Jr.
41 Day. Ms. Romney said staff recommended the City Council rename the officially designated City
42 holiday of Human Rights Day to Dr. Martin Luther King, Jr. Day to be consistent with the Utah
43 state law designation.

44
45 Councilmember McEwan **moved** to approve Resolution No. 2022-22 amending Section
46 4.090 of the Centerville Personnel Policies to rename Human Rights Day to Dr. Martin Luther
47 King Jr. Day. Councilmember Summerhays seconded the motion, which passed by unanimous
48 vote (5-0).

49
50 **PICKLEBALL COURTS**
51

52 As requested by the Council at a previous meeting, Parks and Recreation Director Bruce
53 Cox presented additional concept designs for pickleball courts at Porter-Walton Park. City

1 Manager Brant Hanson expressed a desire to engage a landscape engineer when the Council
2 made a decision regarding location. The Council discussed location options that had been
3 considered in the last year. Councilmember McEwan suggested the City should request input
4 from the County regarding shared parking between the Library and Porter-Walton Park if the
5 Council was serious about locating pickleball courts at Porter-Walton Park.

6
7 Councilmember McEwan said that in his experience, the noise associated with pickleball
8 courts was created by the participants, not the balls hitting the rackets. The Council discussed
9 noise generated at basketball courts versus pickleball courts. Councilmember Mecham said she
10 did not want to set the City up for noise-related law suits. She said she wanted to install pickleball
11 courts, but wanted to make sure they were installed in a way that the courts would not need to be
12 shut back down shortly after opening. Councilmember McEwan said given existing precedents,
13 he would only be able to support the Community Park option. Councilmember Ince said he had
14 concerns about the noise even at Community Park. Councilmember Mecham said she wished
15 the City could partner with local businesses to obtain land on the west side of the City for a
16 pickleball complex.

17
18 Mr. Cox said he believed staff would be able to provide fairly accurate cost estimates for
19 the courts themselves, but the cost of grading and other elements of the project would involve
20 expertise of a landscape engineer. Councilmember McEwan **moved** to direct staff to develop a
21 plan with conceptals for pickleball courts inside Community Park, with the stipulation that the
22 funding proposal not involve use of General Fund or reserves, and with a budget of \$10,000 for
23 the effort. Councilmember Ince seconded the motion. Responding to a question from
24 Councilmember Hirst, Mr. Cox said staff contacted UDOT when drawing up preliminary plans and
25 received confirmation that the proposed location at Community Park would not be impacted by
26 the planned I-15 expansion project.

27
28 Mayor Wilkinson expressed support for adding pickleball courts in Centerville, and
29 expressed support for fundraising to make pickleball courts possible. He said he would not
30 support drawing from the General Fund or reserves. The **motion passed** by unanimous vote (5-
31 0).

32 33 **SUMMARY ACTION**

- 34
35 1. Barrus Cove Subdivision – Bond Reduction #3 and End of Warranty
36 2. Bid Award – Hogan Waterline Parts
37 3. Bid Award – Hogan Waterline Labor
38 4. Bid Award – Hogan Site Storm Drain & Legacy Crossing Lots 2 & 3 Storm Drain
39 5. Bid Award – Hogan Storm Drain Materials – pipe
40 6. Bid Award – Hogan Storm Drain Materials – manholes

41
42 Councilmember Hirst made a **motion** to approve Bond Reduction #3 and End of Warranty
43 for Barrus Cove Subdivision in the amount of \$36,125.00; award bid for Hogan Waterline Parts to
44 Mountainland Supply in the amount of \$90,697.64; award bid for Hogan Waterline Labor to Hogan
45 Construction in the amount of \$286,734.50; award bid for Hogan Site Storm Drain & Legacy
46 Crossing Lots 2 & 3 Storm Drain to Hogan Construction in the amount of \$128,572.00; award bid
47 for Hogan Storm Drain Materials (pipe) to Oldcastle Precast in the amount of \$68,116.40; and
48 award bid for Hogan Storm Drain Materials (manholes) to Geneva Pipe in the amount of
49 \$16,879.69. Councilmember McEwan seconded the motion, which passed by unanimous vote (5-
50 0).

1 **MINUTES REVIEW AND APPROVAL**

2
3 Minutes of the June 21, 2022 Work Session and City Council Meeting were reviewed.
4 Councilmember McEwan **moved** to approve the minutes as presented. Councilmember Hirst
5 seconded the motion, which passed by unanimous vote (5-0).
6

7 **APPOINTMENT**

8
9 Mayor Wilkinson recommended appointment of Bob Brown to the Whitaker Museum
10 Board. Councilmember Hirst **moved** to support the appointment of Bob Brown to the Whitaker
11 Museum Board. Councilmember Mecham seconded the motion, which passed by unanimous vote
12 (5-0).
13

14 **FINANCIAL REPORT**

15
16 Finance Director Nate Plaizier presented a financial report for the last quarter of FY 2022.
17 He emphasized that the numbers were preliminary and may adjust as further information was
18 received. Mr. Hanson spoke of the desire to improve documentation of loans between
19 redevelopment areas.
20

21 **CITY COUNCIL REPORT**

22
23 Councilmember Summerhays provided an update regarding the South Davis Recreation
24 District and Centerville Trails Committee, and answered questions from the Council.
25 Councilmember McEwan reported a test pool in Davis County tested positive for West Nile Virus,
26 and reminded everyone to use mosquito repellent.
27

28 **MAYOR'S REPORT**

- 29
30 • Mayor Wilkinson reported on a recent South Davis Metro Fire District Board meeting.
31 • Mayor Wilkinson reported there was not yet a final determination regarding cause of
32 the recent hillside fire.
33 • A community service day was scheduled for September 10, 2022.
34 • Mayor Wilkinson mentioned the recent opening of a new business in Centerville.
35

36 **CITY MANAGER'S REPORT**

- 37
38 • Mr. Hanson reported that staff did their best to reschedule the 4th of July Parade that
39 was cancelled due to the hillside fire. He said not many participants responded as
40 being available.
41

42 **ADJOURNMENT**

43
44 At 11:12 p.m., Councilmember McEwan **moved** to adjourn the meeting. Councilmember
45 Summerhays seconded the motion, which passed by unanimous vote (5-0).
46

47
48 *Jennifer Robinson*
49 _____
50 Jennifer Robinson, City Recorder

8-2-2022

Date Approved

