

1 Minutes of the Centerville **City Council** meeting held Tuesday, August 2, 2022, at 7:00 p.m. with
2 participants present at Centerville City Hall, 250 North Main Street.

3
4 **MEMBERS PRESENT**

5 Mayor Clark Wilkinson
6
7 Council Members Gina Hirst
8 William Ince
9 George McEwan
10 Robyn Mecham
11 Spencer Summerhays
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14 **STAFF PRESENT**

15 Brant Hanson, City Manager
16 Lisa Romney, City Attorney
17 Jennifer Robison, City Recorder
18 Cory Snyder, Community Development Director
19 Mike Carlson, Public Works Director
20 Kevin Campbell, City Engineer
21 Bryce King, Recreation/Events Coordinator
22 Lt. Allen Ackerson, Centerville Police Department
23 Officer Justin Cyr, Centerville Police Department
24 Lisa Bednarz, Information Technology Manager

25 **VISITORS**

26 Pastor Austin Glen
27 Youth City Council and families
28 Guy Haskell
29 Ken Stuart, Tom Stuart Construction

30 **PRAYER OR THOUGHT**

Councilmember Hirst, Pastor Austin Glen

31
32 **PLEDGE OF ALLEGIANCE**

33
34 **OPEN SESSION**

35 No comments.

36
37
38 **OATH OF HONOR**

39 Lt. Allen Ackerson introduced new Officer Justin Cyr. Officer Cyr's badge was pinned on,
40 and the Oath of Honor administered.

41
42
43 **YOUTH CITY COUNCIL**

44 Bryce King, Youth Council Advisor, introduced new Youth City Council members. City
45 Recorder Jennifer Robison conducted the swearing-in of the Youth City Council. Youth Mayor
46 Brandon Wallis introduced himself. The Council thanked the Youth City Council for their service.

47
48
49 **PUBLIC HEARING – HASKELL PLAT AMENDMENT – BAMBERGER STATION 2**
50 **SUBDIVISION**

51 This matter was reviewed by the City Council on July 19, 2022, and tabled to the August
52 2 meeting to allow staff to further refine recommended options. At the July 19 meeting, staff
53 proposed two options for managing the subsurface water for Lot 4 of Bamberger Station 2
54 Subdivision, and leaned more toward recommending Option 1 since more staff time had been
55

1 spent analyzing that option. Community Development Director Cory Snyder said staff had refined
2 both options since the July 19 meeting. Option 1 would involve a completely public subdrain
3 system, and Option 2 would involve a mixed public/private system. Mr. Snyder said both options
4 proposed by staff would meet City ordinances.

5
6 Guy Haskell, applicant, said he liked and could comply with Option 2 the way it was
7 presented.

8
9 At 7:28 p.m., Councilmember Ince **moved** to open a public hearing. Councilmember
10 Summerhays seconded the motion, which passed by unanimous vote (5-0). Seeing that no one
11 indicated a desire to speak, Councilmember Summerhays **moved** to close the public hearing at
12 7:29 p.m. Councilmember Mecham seconded the motion, which passed by unanimous vote (5-
13 0).

14
15 City Attorney Lisa Romney suggested adding language to Conditions 4 and 12 of Option
16 2 that would prohibit decks or structures within the public utility easement (PUE). Mr. Haskell
17 commented that the public utility easement took up most of the backyard area, and asked if the
18 restriction could be specific to the area with the lateral subdrain line. Ms. Romney responded that
19 other utilities also ran through the PUE. She commented that sheds were allowed in the PUE.
20 Following discussion, Ms. Romney suggested leaving Conditions 4 and 12 as proposed in the
21 staff report, and adding Condition 18: the manhole and subsurface drain system facilities shall
22 remain open and accessible.

23
24 Councilmember Hirst made a **motion** to approve Option 2, the proposed plat amendment
25 regarding Plat Note 4 of the Bamberger Station 2 Subdivision for the following reasons for action,
26 subject to the following conditions, with the addition of suggested Condition 18. Councilmember
27 McEwan seconded the motion, which passed by majority vote (4-1), with Councilmember
28 Mecham dissenting.

29
30 Conditions:

- 31
32 1. The Bamberger Station 2 Subdivision Plat Note 4 may be amended as provided herein
33 to conditionally allow a basement on Lot 4 by filing a new Amended Plat or other lawful
34 means for recording purposes, provided all other conditions of approval are completed
35 and/or satisfied.
- 36 2. Plat Note 4 shall be amended to read as follows: "Except as otherwise provided herein,
37 basements are not approved in this subdivision. All lowest floor elevation allowed shall
38 be above top back of curb. A basement may be allowed for Lot 4 so long as the owner
39 or developer of Lot 4 designs and installs a subsurface drain system that is sufficient
40 to handle the subsurface water impacting Lot 4, complies with applicable City
41 Ordinances, and is approved by the City Engineer."
- 42 3. Add an additional Plat Note 7 to read as follows: "If the owner or developer of Lot 4
43 designs and installs a subsurface drain system as provided in Plat Note 4, the owner
44 of Lot 4 shall be required to sign and record against the property a waiver of liability
45 and indemnification agreement acceptable to the City exempting and indemnifying
46 Centerville City from any liability regarding the construction of a basement on Lot 4
47 and/or the maintenance or existence of the approved subsurface drain system. Said
48 waiver of liability and indemnification agreement shall run with the land and shall be
49 binding on all successors, assigns, and future owners of Lot 4."
- 50 4. Add an Additional Plat Note 8 to read as follows: "If the owner or developer of Lot 4
51 designs and installs a subsurface drain system as provided in Plat Note 4, the owner
52 of Lot 4 shall be prohibited from planting or maintaining any trees within the rear or
53 side yard public utility easements on Lot 4. This prohibition shall run with the land and
54 shall be binding on all successors, assigns, and future owners of Lot 4."

5. The design, approval, and installation of a subsurface drain system for Lot 4 is subject to and contingent upon the feasibility of installing such system in the existing public utility easements given existing utility facilities within the public utility easements, including, but not limited to existing sewer facilities.
6. The Petitioner shall prepare engineered construction drawings for the extension and installation of a main subsurface drainage system and submit the plans to the City for approval.
7. The construction drawings shall depict a manhole box located at the terminus of the existing installed subsurface water drain line within the existing public utility easement.
8. Lot 4 shall be allowed to extend a lateral subsurface water drain line to Lot 4 as acceptable to the City Engineer.
9. The subsurface water lateral to Lot 4 shall be owned and maintained privately by the owner of Lot 4.
10. The construction drawings for the new manhole and lateral extension shall be reviewed and deemed acceptable by the City Engineer.
11. The owner of Lot 4 shall enter into a waiver of liability and indemnification agreement with the City regarding the manhole and subsurface water lateral from the manhole box to Lot 4 in accordance with the required new Plat Note 7.
12. The owner of Lot 4 shall comply with the prohibition on planting or maintaining trees in the rear and side yard public utility easements on Lot 4 in accordance with the required new Plat Note 8.
13. The petitioner shall enter into an improvement agreement with the City and shall post applicable funds and related fees by establishing a bank escrow or cash bond with the applicable bond agreement with regards to the installation of the new manhole box and lateral to Lot 4.
14. The posting of bond agreement and/or fees shall be completed prior to the recordation of the amended subdivision plat.
15. The new manhole and subsurface water lateral for Lot 4 shall be installed by petitioner and shall be dedicated to the City after approval and inspection.
16. The new Amended Subdivision Plat shall be prepared for recording on an acceptable plat linen that is in compliance with CMC 15.09. Subdivision Plat Amendments.
17. This Amended Plat Approval shall expire and have no further force or effect if the approved amended plat is not recorded within 12 months from the date of City Council approval, or as extended in accordance with CMC 15.09.130.
18. The manhole and subsurface drain system facilities shall remain open and accessible.

Reasons for action:

- a. The City Council finds that Plat Note 4 was established to address the lack of installing an adequate subsurface drainage system for the original Bamberger Station 2 Subdivision.
- b. The City Council finds that the primary infrastructure expectation is that all approved subsurface drain systems shall be dedicated to the City after approval and inspection – see CMC 9.06.040.
- c. Nonetheless, the City Council finds that the ‘unless otherwise’ caveat is not a given but is an option if the City Council finds another acceptable means for a subsurface system – see CMC 9.06.020.
- d. The City Council finds that both the Public Works Director and the City Engineer have reviewed the originally submitted proposals listed in the petition for an amendment, which were deemed not acceptable by the City Engineer and the Public Works Director.
- e. The City Council finds that on June 7, 2022 and July 19, 2022, the City Council motioned to table this matter and allow the Applicant and Staff to solidify the aspects of the request being made.

- 1 f. The City Council finds that in response to the tabling, the City Staff again reviewed the
2 request and determined that there are other previously unidentified options for a
3 subsurface drainage system that could feasibly be constructed in a manner consistent
4 with the ordinances of the City.
- 5 g. The City Council finds that the identified alternative option reduces the need for
6 cooperation of other existing property owners to alleviate/mitigate any harm to persons
7 and property.
- 8 h. Therefore, the City Council finds sufficient basis to amend Plat Note 4 of the
9 Bamberger Station 2 Subdivision Plat in a limited manner with the conditions to ensure
10 compliance with applicable City ordinances.
- 11 i. The City Council additionally finds that the Subdrain Extension Agreement does not
12 guarantee the installation of a subsurface drainage system for the Bamberger Station
13 2 Subdivision, only the possibility of installing such a system.
- 14 j. The City Council finds that under the terms of the Subdrain Extension Agreement, any
15 subsurface drainage system installed for the Bamberger Station 2 Subdivision must
16 meet current City ordinances, including, but not limited to, CMC 9.06 (Subsurface
17 Water).
- 18 k. The City Council finds that the Petitioner has not designed or installed a subsurface
19 drain system for the Bamberger Station 2 Subdivision acceptable to the City and/or in
20 accordance with applicable City ordinances, including, but not limited to, CMC 9.06
21 (Subsurface Water).
- 22 l. The City Council finds that the Petitioner has not submitted a completed and/or
23 acceptable application for a subsurface drain system for the Bamberger Station 2
24 Subdivision in accordance with City ordinances, including, but not limited to, CMC
25 9.06.050.
- 26 m. The City Council finds that the Petitioner has not reasonably relied in good faith on the
27 terms and conditions of the Subdrain Extension Agreement to support his argument
28 for zoning rights or zoning estoppel.
- 29 n. The City Council finds that the City has not arbitrarily enforced its ordinances regarding
30 applicable requirements for installation and approval of subsurface drain systems.
- 31 o. The City Council finds that CMC 9.06.060 provides "[no] subsurface drain system shall
32 be approved by the City which does not comply with the standards and requirements
33 set forth herein.

34
35 **PUBLIC HEARING – PLANNED DEVELOPMENT OVERLAY AMENDMENT –**
36 **PARRISH CREEK BUSINESS PARK – 1160 NORTH 950 WEST**
37

38 Community Development Director Cory Snyder said the applicant planned to move
39 forward with construction of Lots 1, 3, and 4 of the Parrish Creek Business Park. The applicant
40 indicated in their submittal that the Fire Marshall maintained the total occupancy in the park was
41 limited to 124,000 square feet based on his interpretation of Code. The original plan called for
42 146,801 feet of building space. Mr. Snyder said the applicant desired to move forward with what
43 they were currently allowed to build, reserving space to possibly add another building in the future.
44 The area on the plan designated for outdoor storage was the potential future building site. The
45 Planning Commission reviewed the application and voted to recommend approval with conditions.

46
47 Ken Stuart with Tom Stuart Construction, representing the applicant, said the initial
48 approval of the subdivision included three smaller buildings on the north end of the Parrish Creek
49 Business Park totaling 146,000 feet (approved by the City Council and Fire Department at the
50 time). He said the applicant disagreed with the current Fire Marshall's interpretation of Code
51 regarding the limitation to 124,000 feet. He said the applicant's objective was to convince the Fire
52 Marshall and get as much square footage in the project as possible. Mr. Stuart said the applicant
53 proposed surrounding the outdoor storage area with chain link fence because they did not want
54 to go to the expense to screen with a more expensive fencing option, to then turn around and
55 take it out into order build the desired future building. He said the current Fire Marshall was in the

1 process of retiring, and the applicant believed they had a good chance of convincing the new Fire
2 Marshall of their argument.

3
4 At 7:50 p.m., Councilmember McEwan **moved** to open a public hearing. Councilmember
5 Hirst seconded the motion, which passed by unanimous vote (5-0). Seeing that no one wished to
6 comment, Councilmember McEwan **moved** to close the public hearing. Councilmember Hirst
7 seconded the motion, which passed by unanimous vote (5-0).

8
9 Councilmember Hirst **moved** to approve Ordinance No. 2022-16 regarding amendments
10 to I-H/PD Zoning and associated Conceptual Site Plan for the Parrish Creek Business Park
11 Planned Development (PDO) located at approximately 1160 North 950 West. Councilmember
12 Ince seconded the motion, which passed by unanimous vote (5-0).

13
14 **PUBLIC HEARING – CERTIFICATE OF REGISTRATION – DEER CONTROL PLAN**

15
16 Every three years Centerville was required to renew the Certificate of Registration (COR)
17 for the City's urban deer control plan with the Department of Wildlife Resources (DWR). The
18 current COR expired at the end of July 2022. Lt. Allen Ackerson said he believed the City had
19 seen great results from the urban deer control program.

20
21 At 7:59 p.m., Councilmember Ince **moved** to open a public hearing. Councilmember
22 Summerhays seconded the motion, which passed by unanimous vote (5-0). Councilmember
23 McEwan suggested posting statistics showing success of the urban deer control plan and the
24 benefit to the community in the form of reduced deer/vehicle accidents on social media. Seeing
25 that no one wished to comment, Councilmember Ince **moved** to close the public hearing at 8:02
26 p.m.

27
28 Councilmember Ince **moved** to approve COR# 2COLL10457 and the attached Deer
29 Control Plan. Councilmember McEwan seconded the motion, which passed by unanimous vote
30 (5-0).

31
32 **PERSONNEL POLICIES AMENDMENTS – COMPENSATION SCHEDULE – CPP**
33 **4.010, 13.010, 16.060**

34
35 As part of the FY 2023 Final Budget, the City Council adopted an updated Compensation
36 Schedule. The new Compensation Schedule listed the salary range for positions within the City
37 organization and eliminated references to job value for such positions. Given the elimination of
38 the reference to Job Value, City Attorney Lisa Romney said staff recommended amending various
39 sections of the Personnel Policies to rename Job Value and Compensation Schedule to
40 Compensation Schedule. Proposed Resolution No. 2022-23 was drafted for that purpose.

41
42 Councilmember Ince **moved** to approve Resolution No. 2022-23 amending various
43 sections of the Centerville Personnel Policies to rename the Job Value and Compensation
44 Schedule to Compensation Schedule. Councilmember McEwan seconded the motion, which
45 passed by unanimous vote (5-0).

MOTOROLA SOLUTIONS EVIDENCE LIBRARY CLOUD CONTRACT

Lt. Ackerson explained the proposed one-year contract with Motorola Solutions to provide cloud-based storage on Evidence Library Cloud for Watchguard in-car and body-worn camera videos. He said the contract would allow the Police Department to move away from the current on-site Watchguard server, which was 4 years old, experiencing major issues, and needing to be replaced. Evidence Library Cloud would afford the Department unlimited video storage on the secure and backed up Microsoft Azure cloud platform, and uploaded videos would integrate into the new report management system Motorola Flex, due to go online in June 2023. City Manager Brant Hanson said he believed the proposed contract with Motorola Solution was the best option for the Police Department at that time. Councilmember McEwan expressed agreement, and advised Lt. Ackerson to carefully review backup provisions of the contract. Lt. Ackerson answered questions from the Council regarding other options available. Ms. Romney commented that Evidence Library Cloud would help with the many public requests for video footage received by the City. The Council discussed the possibility of recovering data from the current Watchguard server.

Councilmember Hirst **moved** to approve signing the contract and payment of \$14,865.00 to Motorola Solutions for Evidence Library Cloud. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

MINUTES REVIEW AND APPROVAL

Minutes of the July 19, 2022 Work Session and City Council Meeting were reviewed. Councilmember McEwan **moved** to accept the minutes as recorded. Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0).

CITY COUNCIL REPORT

Councilmember Mecham said the upcoming scheduled UTOPIA meeting had been cancelled. Councilmember McEwan provided an update regarding the Mosquito Abatement District.

MAYOR'S REPORT

- Mayor Wilkinson said Centerville would participate in the National Day of Service on September 10. The Council discussed the possibility of placing an informational banner in front of City Hall or other City properties, similar to the banner at the Centerville Library. Staff mentioned the need to establish clear policy regarding promotion and advertising for non-profit organizations.
- The annual CenterPoint Theatre gala was scheduled for October 29, 2022.

CITY MANAGER'S REPORT

- Mr. Hanson asked if the Council wanted to hold a second open house to address public questions regarding the proposed property tax increase and water rate increase. A majority of the Council responded in favor of scheduling an open house on August 16.
- Mr. Hanson reported the Centerville home recently involved in a house fire had been deemed a dangerous building. An insurance assessment was not yet complete.
- The City Manager reported an offer had been made and accepted for the position of Assistant Planner.
- Staff answered questions from the Council regarding the July hillside fire.

CLOSED MEETING AND ADJOURNMENT

At 8:52 p.m., Councilmember McEwan **moved** to adjourn the Council meeting and go into a closed meeting in Council Chambers to discuss the character and competence of individuals as provided by State law, with no intention to return to open meeting, Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed meeting were: Mayor Clark Wilkinson; Councilmembers Hirst, Ince, McEwan, Mecham, and Summerhays.

Jennifer Robison

Jennifer Robison, City Recorder

8-16-2022

Date Approved

