

Minutes of the Centerville **City Council** meeting held Tuesday, November 15, 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, City Manager  
Lisa Romney, City Attorney  
Jennifer Robison, City Recorder  
Kevin Campbell, City Engineer  
Nate Plaizier, Finance Director  
Jacob Smith, Administrative Services Director  
Cory Snyder, Community Development Director  
Bruce Cox, Parks and Recreation Director  
Dave Walker, Deputy Public Works Director  
Marc Marchant, Streets Supervisor  
Bryce King, Community Services Manager

**VISITORS**

Dee and Linda Hansen  
Scott Bradshaw  
John and Chali Degrey  
Grant and Yvonne Phillips

**PRAYER OR THOUGHT**

Councilmember McEwan

**PLEDGE OF ALLEGIANCE**

**OPEN SESSION**

None

**PRESENTATION**

Mayor Wilkinson recognized Dee Hansen for 26 years served on the South Davis Sewer District Board as the Centerville representative. Mr. Hansen expressed appreciation for the Centerville City Councils and Mayors during his time of service on the South Davis Sewer District Board, and spoke of many changes at the Sewer District during the time he represented Centerville.

**PUBLIC HEARING – TRANSFER OF GAP PROPERTY – 500 EAST CENTER STREET  
– BRADSHAW AND DEGREY**

City Attorney Lisa Romney shared background regarding a 16.5-foot wide gap property located at approximately 500 East Center Street between the Bradshaw and Degrey properties. Ms. Romney explained that 500 East was originally dedicated to the City by the Centerville Townsite Plat A Survey as 650 East (later renamed as 500 East when Main Street was moved

1 further east). This portion of 500 East was vacated by the City in 1947. Thereafter, in the 1940's  
2 and 1950's, the City conveyed the portion of the vacated right-of-way between 100 North and 300  
3 South equally to the adjacent property owners. Ms. Romney explained that the 650 East right-of-  
4 way was originally designated as a 66' wide right-of-way. Using the "center of the street" doctrine,  
5 most of the conveyances of the vacated right-of-way from the City to the adjacent property owners  
6 deeded 33' to each side. When the vacated right-of-way adjacent to the Bradshaws and Degreys  
7 property was deeded to their predecessors, the City only deeded 24.75 feet. Ms. Romney  
8 explained this was likely due to a legal description error based on the assumption that 650 East  
9 was a 49.5' wide right-of-way rather than a 66' right-of-way. The conveyance left a 16.5' gap  
10 between the Bradshaw and Degrey properties. The Davis County Recorder's Office has indicated  
11 that there is currently no listed owner of the gap and advised the City quitclaim whatever interest  
12 the City has in the gap to the adjacent property owners. Ms. Romney recommended the City  
13 Council authorize the conveyance of the 16.5' gap equally to the adjacent property owners. Ms.  
14 Romney also noted since the City is not technically the owner of the gap property, it is  
15 recommended such property be conveyed to the adjacent property owners without any required  
16 compensation. Such conveyance without compensation is also consistent with the City's previous  
17 conveyance of the 500 East right-of-way to adjacent property owners without compensation and  
18 is supported by the argument that the adjacent property owners have reversionary interest in the  
19 vacated right-of-way since the roadway was never constructed.

20  
21 At 7:24 p.m., Councilmember McEwan **moved** to open a public hearing. Councilmember  
22 Summerhays seconded the motion, which passed by unanimous vote (5-0).

23  
24 Scott Bradshaw, owner of property on the west side of the gap, introduced himself.

25  
26 At 7:25 p.m., Councilmember McEwan **moved** to close the public hearing. Councilmember  
27 Summerhays seconded the motion, which passed by unanimous vote (5-0).

28  
29 Councilmember Hirst **moved** to approve conveyance of gap property by quitclaim deed to  
30 the Bradshaws and Degreys, and authorize the Mayor to sign quitclaim deeds for recording.  
31 Councilmember McEwan seconded the motion, which passed by unanimous vote (5-0).

32  
33 **PUBLIC HEARING – TRANSFER OF REMNANT PROPERTY – 173 NORTH 100 EAST**  
34 **– GRANT AND YVONNE PHILLIPS**

35  
36 City Attorney Lisa Romney explained the proposed transfer of remnant property located  
37 at 173 North 100 East from Centerville City to Grant and Yvonne Phillips and answered questions  
38 from the Council.

39  
40 By way of history, Ms. Romney explained that the portion of 100 East between 100 North  
41 and 200 North was originally dedicated to the City by the Centerville Townsite Plat A Survey. The  
42 City vacated the western side of 100 East between 100 North and 200 North through Ordinance  
43 No. 87-10 and Ordinance No. 88-20. In 1987, the City sold a portion of the vacated right-of-way  
44 to the Browns who owned the property adjacent to and south of the Phillips property. Ms. Romney  
45 noted that based on current case law in effect at the time, the City required the Browns, as abutting  
46 property owners to the right-of-way, to pay adequate compensation to the City for the vacated  
47 right-of-way in the amount of \$850. Ms. Romney further explained that in 1997, the City  
48 transferred the portion of the vacated right-of-way located adjacent to the Smith's property to the  
49 Smiths. Ms. Romney noted the City did not obtain compensation for the vacated right-of-way from  
50 the Smiths because such property was transferred as part of a Settlement Agreement entered  
51 into by the parties to settle disputes regarding property boundaries. Ms. Romney noted that the  
52 vacated right-of-way in front of the Phillips' house has never been transferred and remains in  
53 ownership of the City. The Phillips have requested the City transfer ownership of this property

1 which encompasses most of their front yard. Based on the most recent case law regarding the  
2 vacation of public rights-of-way obtained by Federal Townsite Act, Ms. Romney noted the City  
3 holds such land in trust for the inhabitants of the City and upon vacation of the right-of-way, such  
4 property generally reverts to the abutting property owners. Ms. Romney clarified the City can,  
5 however, require compensation for such land upon vacation of the right-of-way under certain  
6 circumstances, such as if the City owns fee simple title to the right-of-way by deed or if the street  
7 existed before the abutting lands were occupied or subdivided. Ms. Romney noted the City does  
8 not appear to own the remnant parcel by deed and there is insufficient evidence in the record to  
9 determine whether 100 East was dedicated to public use before the abutting properties were  
10 occupied. Absent the lack of a deed or additional historical facts and evidence regarding  
11 occupation of the land adjacent to or encompassing the right-of-way at the time of acquisition,  
12 Ms. Romney stated the abutting property owners likely have a reversionary interest in the  
13 underlying fee of the land after the street was vacated and therefore the City need not and may  
14 not obtain adequate compensation for the transfer of the property to the Phillips. Assuming such  
15 reversionary interest exists, the property should vest in the abutting property owner upon vacation  
16 of the street. Ms. Romney recommended deeding the remnant parcel by quitclaim deed to the  
17 Phillips as recommended in the Staff Report.

18  
19 At 7:35 p.m., Councilmember McEwan **moved** to open a public hearing. Councilmember  
20 Hirst seconded the motion, which passed by unanimous vote (5-0). Seeing that no one wished to  
21 comment, Councilmember McEwan **moved** to close the public hearing at 7:36 p.m.  
22 Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0).

23  
24 Councilmember Ince **moved** to approve conveyance of remnant property to Grant and  
25 Yvonne Phillips, as Trustees of the Grant and Yvonne Revocable Trust, and authorize the Mayor  
26 to sign the quitclaim deed for recording. Councilmember Mecham seconded the motion, which  
27 passed by unanimous vote (5-0).

28  
29 **PUBLIC HEARING – PARRISH CREEK SUBDIVISION PLAT AMENDMENT – LOTS 1,**  
30 **3, AND 4, PARRISH CREEK BUSINESS PARK, 1050 NORTH 950 WEST**

31  
32 Community Development Director Cory Snyder presented the requested subdivision plat  
33 amendment to realign and combine three lots in the Parrish Creek Subdivision to finalize  
34 amendments approved previously by the City. Mr. Snyder answered questions from the Council,  
35 and said staff recommended approval.

36  
37 At 7:41 p.m., Councilmember Ince **moved** to open a public hearing. Councilmember  
38 Mecham seconded the motion, which passed by unanimous vote (5-0). Seeing that no one  
39 stepped forward to comment, Councilmember Summerhays **moved** to close the public hearing at  
40 7:42 p.m. Councilmember Hirst seconded the motion, which passed by unanimous vote (5-0).

41  
42 Councilmember Summerhays **moved** to approve the plat amendment for the Parrish  
43 Creek Subdivision with the following conditions and for the following reasons for action.  
44 Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

45  
46 **Conditions:**

- 47  
48 1) Adjust/combine Lots 1, 3, and 4, as depicted with the plat amendment application  
49 submittal.  
50 2) All easements shall be vacated and/or relocated, as deemed applicable by the City  
51 Engineer and City Attorney that renders the amendment consistent with City and State  
52 Laws.

- 3) The applicant shall obtain South Davis Sewer District Approval for the vacated and/or relocated sewer easement.
- 4) A final linen plat, which complies with the City's Subdivision Plat format of CMC 15.04.030, shall be prepared, and submitted to the City Recorder and shall be deemed acceptable by the City Engineer and City Attorney, prior to recording the amended plat.
- 5) The final linen plat shall be recorded at the Davis County Recorder's Office to solidify the plat amendment approval within one year of the City's approval.

Reasons for action:

- a. The City Council finds that the desire of the applicant to adjust/combine the lot boundaries in accordance with the Approved PDO Amendment and Final Site Plan Approvals, establishes a "good cause" for considering the plat amendment.
- b. Since the lots and easements were intended to serve the development that is owned by the Petitioner, the City Council finds that the non-materially injured standard appears to have been achieved.

**CDBG GRANT APPLICATION – ADA PEDESTRIAN RAMPS**

Administrative Services Director Jacob Smith explained the City applied to Davis County for the 2022 CDBG Program to receive funds for improvements to ADA pedestrian ramps within the City. As part of the application process, the City was required to submit a resolution from the governing body indicating support for the ADA pedestrian ramp project, as well as support for applying for CDBG Program funds. Resolution No. 2022-27 was prepared for that purpose. Streets Supervisor Marc Marchant expressed support for applying for CDBG Program funds, and answered questions from the Council. Councilmember McEwan suggested putting together information to explain to citizens that ADA standards had changed, necessitating a change in pedestrian ramps.

Councilmember Ince **moved** to approve Resolution No. 2022-27 supporting the ADA pedestrian ramp project and submitting an application to Davis County for 2022 CDBG Program funds. Councilmember Mecham seconded the motion, which passed by unanimous vote (5-0).

**SUMMARY ACTION**

1. Public Works Vehicle Purchase – 926 M Cat wheel loader from Wheeler Machinery for \$164,090.00.
2. Rocky Mountain Monument and Vault – Contract to build new Niche Wall for \$27,500.

Councilmember Hirst **moved** to approve both summary action items listed above. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

**MINUTES REVIEW AND APPROVAL**

Minutes of the November 1, 2022 Work Session and City Council Meeting were reviewed. Councilmember McEwan **moved** to accept the minutes as recorded. Councilmember Hirst seconded the motion, which passed by unanimous vote (5-0).



**APPOINTMENT**

Mayor Wilkinson recommended appointment of Gina Hirst as Centerville representative on the South Davis Sewer District Board. Councilmember Summerhays **moved** to approve Resolution No. 2022-28 appointing Gina Hirst to the South Davis Sewer District Board of Trustees. Councilmember McEwan seconded the motion, which passed by unanimous vote (5-0).

**FINANCIAL REPORT**

A monthly financial report was included with the meeting agenda for review.

**CITY COUNCIL REPORT**

Councilmember Hirst provided an update regarding Deuel Creek Irrigation Company. She encouraged residents to comment during the UDOT I-15 Environmental Impact Study public input period. Councilmember Ince suggested the Council discuss enforcement of water restrictions at a future meeting.

**MAYOR'S REPORT**

- Mayor Wilkinson encouraged Councilmembers to submit questions and concerns to forward to State Legislators in anticipation of the next Legislative Session.

**CITY MANAGER REPORT**

- Centerville Festival of Lights was scheduled for Monday, November 28, 2022 at 6:00 p.m. at Smith Park.
- Mr. Hanson reported on a recent cyber security training he attended.

**ADJOURNMENT AND CLOSED MEETING**

At 8:12 p.m., Councilmember McEwan **moved** to adjourn the Council meeting and move to a closed session for the purpose of discussing the purchase or sale of real property, and deployment of security personnel, devices, or systems, with no intent to return to open meeting. Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0). Present at the closed meeting were: Councilmembers Hirst, Ince, McEwan, Mecham, and Summerhays; Brant Hanson, City Manager; Lisa Romney, City Attorney; and Jennifer Robison, City Recorder.

  
Jennifer Robison, City Recorder

12-6-2022  
Date Approved

