Minutes of the Centerville **City Council** meeting held Tuesday, January 3, 2023, at 7:00 p.m. with participants present at Centerville City Hall, 250 North Main Street, and electronically.

MEMBERS PRESENT

Council Members	Gina Hirst, Mayor Pro Tem William Ince George McEwan Robyn Mecham Spencer Summerhays
MEMBER ABSENT	Clark Wilkinson, Mayor
STAFF PRESENT	Brant Hanson, City Manager Jennifer Robison, City Recorder Kevin Campbell, City Engineer Jacob Smith, Administrative Services Director Paul Child, Centerville Police Chief Lt. Allen Ackerson, Centerville Police Department Cory Snyder, Community Development Director Mike Carlson, Public Works Director Bryce King, Community Services Manager
VISITORS	Nancy and Bruce Smith Sam Nelson, Stokes Stevenson Bryan Stevenson, Stokes Stevenson Shawn Ferrin, Stokes Stevenson Kraig Gardner, Flock Safety Cameras
PRAYER OR THOUGHT	Councilmember Mecham

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hirst called the meeting to order at 7:09 p.m.

OPEN SESSION

None

PUBLIC HEARING – STREET VACATION – PORTION OF 100 EAST FROM 100 NORTH TO 200 NORTH

City Manager Brant Hanson explained the City received a Petition to Vacate an additional 8 feet of the west side of 100 East public right-of-way between 100 North and 200 North. The Petition was filed by three property owners. Mr. Hanson said staff concluded the additional right-of-way on the west side of 100 East was no longer necessary if the City did not plan to line up 100 East at the intersection of 100 East and 100 North. He said staff recommended the City only vacate any portion of the right-of-way from the west side of the existing sidewalk to the current property boundary line, and recommended retaining a public utility easement over the vacated right-of-way as part of the conveyance to the adjacent property owners. The Petitioners paid the $500 application fee for the Petition to Vacate. The Petitioners would also be responsible for paying all professional services, surveying, engineering, noticing, and recording costs associated with the vacation.

City Engineer Kevin Campbell answered questions from the Council regarding easements. Councilmember Summerhays commented that staff typically did not recommend vacating City property, and asked what was different about the current request. Mr. Campbell explained the current request was a clean-up issue, where the City owned more than the typical amount of right-of-way (66-feet of right-of-way compared to the usual 50-feet of right-of-way from back of sidewalk to back of sidewalk). He said staff did not foresee that the additional right-of-way would be needed by the City in the future. Responding to a comment regarding precedent, Mr. Hanson emphasized that every petition was evaluated independently. Mayor Pro Tem Hirst said she was uncomfortable looking at the issue as it pertained to just three homes, and would prefer to look at the issue throughout the "old town" area. She said she was not comfortable giving up right-of-way, and would not want the City to someday be in the position of needing to buy back vacated right-of-way.

Community Development Director Cory Snyder commented that the intersection in question was not included on the master plan for the City Hall complex area or the Parks Master Plan. Mayor Pro Tem Hirst said she would prefer to wait to see what happened with the planned General Plan update and trails and parks plans. Mr. Snyder said the City had historically taken the approach of dealing with requests and situations in the old town area on a piecemeal basis. Mayor Pro Tem Hirst said she was concerned that 100 East was an access road to the City Hall complex, as well as an elementary school. Mr. Campbell oriented the Council with the subject right-of-way on a City map.

Police Chief Paul Child and Mr. Campbell answered questions about safe walking routes for Centerville Elementary. Mr. Hanson said at some point in the future Centerville would need a new City Hall, which would most likely be built on the current City Hall property. He expressed the opinion that the 7.5 feet of right-of-way in question would not play any role in that future City Hall project.

Councilmember Mecham said she did not believe the Council should inconvenience the petitioning property owners in the old town area on the chance that the City might need the right-of-way 50 years in the future. Mayor Pro Tem Hirst said she disagreed. Chief Child said he did not anticipate the width of 100 East would change if a public safety building were added to the City Hall complex. He expressed the opinion that a public safety building would be better positioned somewhere along Parrish Lane east of the freeway.

Nancy Smith, applicant, said she was surprised by the staff recommendation that the City retain a utility easement over the vacated right-of-way, a suggestion which had not been mentioned to her during the past 22 months of discussions. Ms. Smith said it was her understanding that the City did not have clear title to anything more than a 50-foot road. Based on communications with staff, the applicants had believed it would be worth it to come up with the money to pay for a survey and the City fee. She said the applicants had obtained easement release statements from all utility providers, as required by the State, and none of the utility providers indicated interest in the easement. Ms. Smith said there was no question that the street would remain safer and quieter if it remained a 50-foot-wide street. She said in all the years she had lived in the old town area, she had never seen a 10 or 16-foot easement needed after an easement vacation. Ms. Smith said the applicants did not feel the request was unreasonable.

Councilmember McEwan **moved** to open a public hearing at 8:02 p.m. Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0). Councilmember McEwan **moved** to closed the public hearing at 8:03 p.m. Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0).

Councilmember McEwan read aloud from State Code, and pointed out that to deny the request the Council would need to define a material injury that would be caused by the vacation. He stated he did not believe the Council could claim a material injury for a future plan that did not exist. Mayor Pro Tem Hirst said she was looking at the broader issue and questioning whether the Council wanted to open a "can of worms". Councilmember Mecham responded the can of worms was opened long ago. Councilmember Mecham said she was comfortable based on the positive staff recommendation.

Mayor Pro Tem Hirst suggested tabling for a few weeks to give her time to do more research. Councilmember McEwan asked staff if it was appropriate for the Council to attempt to look holistically at the entire old town site against one requested vacation. Mr. Snyder responded the easement was currently public property, and there was no obligation to vacate public property. Councilmember Summerhays asked Mr. Snyder if he anticipated the City would need the subject easement 25 or 50 years in the future. Mr. Snyder expressed the opinion that the subject residential neighborhood would have a holistic life survival long into the future. He pointed out the neighborhood began as a duplex zone that changed over time to single-family residential. He commented that many communities had a 60-foot street easement standard. Mr. Snyder expressed the opinion that 50-foot-wide streets contributed to the feel of the old town area. He expressed the opinion that trying to widen roads in the old town area would cause damage to the neighborhood. He said the long-standing policy had been to limit Main Street influence to a half-block, and pointed out the easement in question was a full block away from Main Street. A majority of streets in Centerville had a 50-foot-wide easement.

Mr. Snyder summarized that staff was willing to give up ownership of the right-of-way for the benefit of the property owners in terms of setback measurement, but wanted to preserve the easement where another potential utility might occur. Mr. Campbell said the recommendation to preserve utility easement came from the Engineering Department. If the property were redeveloped in the future, a utility easement would be granted to the City.

Councilmember McEwan made a **motion** that the three proposed Quitclaim Deeds terminate text after "more or less" (after the legal description). Councilmember Ince seconded the motion. Councilmember McEwan said he saw the vacation and the utility easement as separate issues. Mr. Campbell recommended retaining a utility easement on the 7.5 feet from back of sidewalk, with or without potential future development. Councilmember Ince said the Council discussed the issue a few months ago in closed session and made the decision to move forward. That decision was communicated to the applicants, who then paid the City fee. The motion passed by majority vote (3-2), with Councilmembers Mecham, Ince, and McEwan in favor, and Councilmembers Summerhays and Hirst opposed.

Councilmember McEwan **moved** to approve the Quitclaim Deeds as amended, contingent upon verification of the legal description by the City Engineer. Councilmember Ince seconded the motion. Councilmembers Summerhays and Hirst said they were not comfortable giving up the utility easement flexibility. Councilmember McEwan said he did not believe flexibility would be given up since future development would trigger a utility easement. Mr. Snyder explained utility limitations in the absence of a utility easement. The motion passed by majority vote (3-2), with Councilmembers Mecham, Ince, and McEwan in favor, and Councilmembers Summerhays and Hirst opposed.

MEMORANDUM OF UNDERSTANDING – STOKES STEVENSON AND WEST BOUNTIFUL – DEVELOPMENT OF TRINITY PROPERTY

Community Development Director Cory Snyder explained Stokes Stevenson Centerville Flex, LLC was under contract to purchase approximately 16.85 acres of real property that was currently part of the existing Trinity Steel development. A portion of the property to be developed was located within Centerville at approximately 1250 West 200 South, zoned Industrial Very-High (I-VH). A portion of the property was located within West Bountiful at approximately 640 West 2300 North, zoned Light Industrial (L-I) under the West Bountiful Zoning Code. Stokes Stevenson intended to develop the property as an industrial flex warehouse project.

Mr. Snyder presented a proposed Memorandum of Understanding between Stokes Stevenson, Centerville City, and West Bountiful City – a non-binding agreement that would provide an outline and understanding of development issues created by the multi-jurisdictional status of the project. Responding to a question from Councilmember Summerhays, City Manager Brant Hanson said there had been preliminary discussion of potential boundary realignment. The Council and staff discussed topics that would be addressed later with an interlocal agreement. Mr. Hanson stated the West Bountiful City Council approved the Memorandum of Understanding at their last meeting.

Sam Nelson and Bryan Stevenson with Stokes Stevenson said they did not have anything to add regarding the Memorandum of Understanding. Mr. Stevenson said he was excited about the project and looking forward to working with Centerville City.

Councilmember McEwan **moved** to authorize the City Manager to execute the non-binding Memorandum of Understanding with Stokes Stevenson. Councilmember Ince seconded the motion. Councilmember Summerhays commented that the City had not yet revisited the Master Plan, and expressed the opinion that the subject property would be a perfect location for transit-oriented development (TOD) and a future FrontRunner stop. The motion passed by unanimous vote (5-0).

FLOCK SOFTWARE SERVICES AGREEMENT – POLICE DEPARTMENT

Kraig Gardner with Flock Safety Cameras oriented the Council with equipment and services provided by Flock Safety Cameras. Lt. Allen Ackerson explained the request to approve a 30-day pilot program with Flock Safety Cameras. He said the Police Department had identified eleven locations in Centerville for pilot program camera placement, with the understanding that the number of cameras would probably reduce to five after the 30-day period. The cost was $2,500 per year per camera, with a $350 per camera install fee, for an estimated total of $15,000 - $17,500 per year. Cameras would remain the property of Flock Safety Cameras, and all maintenance would be covered by Flock.

Councilmember McEwan expressed support for giving the Police Department the option to contract for up to eleven cameras. He said he was confident that data collected by the technology would replace a lot of police leg-work. Councilmember Ince suggested private companies could perhaps donate money to the Police Department in exchange for placement of a Flock camera. Responding to a question from Councilmember Mecham, a Flock representative said data did not support the need to keep information gathered by the cameras for more than 30 days. Mr. Hanson said he believed the cameras would allow the Police Department to be more effective and more efficient with their time.

Councilmember Summerhays **moved** to approve participation in the Flock Safety Cameras pilot program. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

The Council took a break at 9:29 p.m., and returned at 9:38 p.m.

REAL ESTATE PURCHASE CONTRACT AND FUNDING – DAVID NASH REVOCABLE TRUST PROPERTY – 1000 NORTH FIRE BREAK ROAD

The City Council previously authorized the City Manager and Mayor to negotiate and enter into a Real Estate Purchase Contract (REPC) with the owners of the David Nash Revocable Trust Property located at approximately 1000 North Fire Break Road. The City entered into a REPC with the owners with an agreed upon purchase price of $205,000, plus all closing costs to be paid by the City. City Manager Brant Hanson said staff recommended the Council ratify approval of the RESPC and approve funding for purchase of the property.

Councilmember Summerhays **moved** to ratify approval of the Real Estate Purchase Contract and approve funding for purchase of approximately 32.82 acres of property located at approximately 1000 North Fire Break Road from the David Nash Revocable Trust. Mayor Pro Tem Hirst seconded the motion, which passed by unanimous vote (5-0). The Council thanked Councilmember Summerhays and staff for their efforts in negotiating the purchase. Councilmember McEwan said he believed information explaining the purchase and recognizing those involved should be included in the City newsletter after the transaction closed.

MINUTES REVIEW AND APPROVAL

Minutes of the December 6, 2022 Work Session and City Council Meeting were reviewed. Councilmember McEwan **moved** to approve both sets of minutes. Councilmember Mecham seconded the motion, which passed by unanimous vote (5-0).

FINANCIAL REPORT

A monthly financial report for November 2022 was included with the meeting agenda for review.

CITY COUNCIL REPORT

Councilmember Summerhays provided updates on the Centerville Trails Committee and the South Davis Recreation District. Mayor Pro Tem Hirst updated the Council regarding the South Davis Sewer Board.

MAYOR'S REPORT

None

CITY MANAGER REPORT

- Mr. Hanson said he had received bids from a couple groups for completion of a market analysis for the west side of the City. He said he was also interested in a leakage analysis.
- Council photographs were scheduled for February 7, 2023.
- Mr. Snyder said the Planning Commission planned to set goals for 2023 at their next meeting. A joint work session would be scheduled with the City Council to review and discuss those goals. Mr. Snyder said he believed the West Centerville Neighborhood Plan needed to be reviewed. The Council and staff discussed the planned market analysis, potential for TOD, and taking a holistic approach with an update.

ADJOURNMENT

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

Jennifer Robison
Jennifer Robison, City Recorder

1-17-2023
Date Approved

CENTERVILLE CITY, INC.
1848
CORPORATE SEAL