

1 Minutes of the Centerville City Tree Board meeting held Wednesday, June 19, 2024 at 8:00 p.m.
2 at Centerville City Hall, 250 North Main Street, Centerville, Utah.

3
4 **MEMBERS PRESENT**

5 Sara Stettler, Chair
6 Heather Taylor
7 Gary Woodward
8 Scott Zeidler

9
10 **MEMBERS ABSENT**

11 Grant Chavez
12 Linda Porter

13
14 **STAFF PRESENT**

15 Lisa Romney, City Attorney
16 Mike Higgins, Parks Supervisor

17
18 **MINUTES REVIEW AND APPROVAL**

19
20 Minutes of the May 15, 2024 meeting were reviewed. Scott Zeidler made a **motion**
21 to approve the minutes as written. Gary Woodward seconded the motion, which was passed by
22 unanimous vote (4-0).

23
24 **PARKSTRIP AND STREET TREE ORDINANCE AMENDMENTS**

25 **Continue discussion regarding proposed ordinance amendments to Centerville**
26 **Municipal Code Chapter 1.02 (Park strips), Chapter 11.05 (Sidewalk Replacement**
27 **Program), and Chapter 11.06 (Public Utility Easements) prohibiting trees in park strips and**
28 **public utility easements.**

29
30 Lisa Romney, City Attorney, explained at the May 15, 2024 meeting, the Tree Board
31 requested that staff bring back the three proposed amendments to the Tree Ordinance. The
32 proposed amendments are to the Park Strip Ordinance, Sidewalk Replacement Program Ordinance,
33 and the Public Utility Easement Ordinance. The Tree Board previously asked about the Ordinance
34 prohibiting trees in the park strips that are smaller than four feet. Staff thought they had that
35 information from the Tree Study that was completed in 2016. There are over 5,000 issues with
36 trees in park strips that are smaller than four feet, where the tree roots are cracking or lifting the
37 sidewalk.

38
39 Lisa Romney said the proposal is to require a permit for trees in a park strip or in a right-
40 of-way, where the right-of-way is less than four feet wide. Sarah Stettler said she loves trees and
41 the neighborhood next to her had a lot of trees removed by the city which she is unhappy with.
42 Lisa Romney said the City Council must weigh the balance of the cost of the sidewalks that are
43 being damaged by trees and the liability to the city.

1 Sara Stettler suggested a community survey on what the citizens feel about tighter regulations.
2 There will be an open house for the public on what is happening with the Tree Ordinance and why
3 it needs to happen. Mike Higgins explained educating the public on the damage the trees cause
4 needs to be done. He said \$15,000 was spent repairing the Freedom Hills Trail where the
5 Cottonwood Trees have damaged the walking trail.
6

7 Lisa Romney explained that staff prepares ordinances that may be recommended to the
8 City Council, or that City Council may ask staff to review the ordinances. The City Council will
9 review what the Tree Board, staff, and the public has to say. Heather Taylor discussed the four feet
10 or more size of the park strip. Mike Higgins said the Tree Board was created for this issue and the
11 City Council does care what the Tree Board says.
12

13 Gary Woodward suggested a work session with the City Council to discuss the Public
14 Utility Easements and the Sidewalk Replacement Program. Lisa Romney said her opinion is that
15 people who plant trees on city property and that damage city property are liable for the damages.
16 People who plant trees on private property that damage public infrastructure are also liable for the
17 damage. Centerville does not charge citizens for the damage to city property, but other cities do
18 require citizens to pay for damage to public infrastructure. Lisa Romney said the legislation makes
19 it clear about the liability, but it is not imposing the liability on its own. The Public Utility
20 Ordinance was saying that there would be no trees in the public utility easements, which is the ten-
21 foot easement in the front yard. But if there are no easements in a yard, would trees still not be
22 allowed? Currently, since park strips are on property owned by the city, if the city needs to remove
23 a tree, they can do so legally. The goal is to plant trees in the right spot to protect the infrastructure,
24 so that in years ahead they will not have to be removed.
25

26 Scott Zeidler asked about the ten-foot rule. Lisa Romney explained the ten-foot rule is a
27 PUE (Public Utility Easement) that spans ten feet from the property line, which usually starts at
28 the yard-edge of the sidewalk. If citizens can be educated about trees in park strips, it will save the
29 city money years down the road. Heather Taylor said she called the Utah State Extension Service
30 tree people about the PUE Ordinance, and the Park Strip Ordinance, and they said the Ordinance
31 seemed extreme, but none of the employees would give a definite answer on how wide the parking
32 strip should be to include trees, because it depends on the type of soil and sub material that is used
33 under the sidewalk, as well as how it is watered. She suggested a marketing campaign on how to
34 plant and water trees. Lisa Romney said the PUE is protecting other utilities, not just the city
35 utilities. Heather Taylor also asked do we create a mix of ordinances if trees are limited in certain
36 areas, or if there is a PUE rule that the citizen is responsible for damages to the sidewalk by a tree.
37 Lisa Romney explained wherever the tree is, if it damages someone else's property, the owner of
38 the tree is responsible for the damage. Gary Woodward said a tree list was compiled several years
39 ago of trees that are compatible for park strips and small areas.
40

41 Scott Zeidler said the city will not if big trees are placed in small spaces. There is a right-
42 of-way easement on the other side of the sidewalk, but it cannot be seen. The owner of the tree
43 usually does not have awareness the tree root is in a utility until there are problems.

1 Sara Stettler asked if Mark Marchant is open to leaving trees in place that are not causing problems.
2 Heather Taylor talked about a neighbor where the trees in a park strip were removed by the city,
3 but the roots were not ground out and now there are sucker trees on their lawn that they are unhappy
4 with. The city had three tree companies they were contracting with, and she will try to find out
5 who the tree company was that did not remove the trunk. Mark Marchant needs to be notified of
6 this, as the trunk and roots should have been ground out. Lisa Romney said it is the city's
7 recommendation to remove the trees when the street is being resurfaced, so that there are not
8 problems with the trees years down the road.

9
10 Scott Zeidler said he is interested in the benefits of tall trees. He likes the trees that are in
11 the back of the CenterPoint Legacy Theatre, and by the trail on the north side of Chick-Fil-A. He
12 is hesitant to exclude all trees on the city developed resources. He has seen trees in his
13 neighborhood suffer because of being in small spaces like park strips. He is not in favor of trees in
14 four-foot or less park strips in residential areas. Gary Woodward said he is comfortable with not
15 planting trees in new park strips. Heather Taylor said her understanding is the city's road
16 replacement projects have a goal of doing everything needed, so as not to come back again for 20
17 years. Mike Higgins, Parks Supervisor, said the city has growing pains, and the city has learned
18 from their mistakes in the past, and they are trying to move forward in a better direction. He is in
19 favor of no trees in parks strips that are four feet or under.

20
21 Heather Taylor made a **motion** that the Tree Board recommends no trees will be allowed
22 in park strips that are under six feet wide. Meaning, no new plantings allowed and the city is
23 allowed to remove any tree, though they are stating they will not assertively remove trees unless
24 they are a "problem," or if it is on a road-replacement project. The Tree Board recommendation is
25 it does not agree with placing limitations on tree planting distance on the other side of the sidewalk.
26 The Tree Board recognizes the PUE Ordinance is well stated that the resident is liable for damages
27 to infrastructure below and above ground. Gary Woodward seconded the motion, which was
28 passed by a vote of (3-1). Sarah Stettler was the dissenting vote. She stated she is uncomfortable
29 with the park strip limitation.

30
31 Lisa Romney will talk with the city manager to see if he would like a joint work session
32 with the City Council to discuss the ordinances and to bring the city council up to knowledge on
33 State statues and utility rights-of-way. The tree voucher chapter needs to be discussed. Lisa
34 Romney will keep the Tree Board informed of any decisions the City Council makes, and if they
35 want to have a work session.

36
37 Sara Stettler asked the Tree Board to listen to the Webinar Presentation. Suggestions were
38 made to pay for attendance from the budget. Scott Zeidler said he would get a recording of a similar
39 presentation, or the man could perhaps be brought here to give a presentation. Lisa Romney said
40 to be aware the man is from back east and the laws are different here. Heather Taylor said she
41 would like to see the tree list improved, and she also read the sections on the sidewalk and utility
42 easements and made corrections.

NEXT MEETING

The next Tree Board meeting will be held on Tuesday, August 21, 2024 at 8:00 p.m. at City Hall.

ADJOURN

At 10:12 p.m., Sara Stettler made a **motion** to adjourn. Gary Woodward seconded the motion, which was passed by unanimous vote (4-0).

Jennifer Robison
Jennifer Robison, City Recorder

11-20-2024
Date Approved

Connie Larson
Connie Larson, Recording Secretary

