

Minutes of the Centerville **City Council** meeting held Tuesday, February 2, 2021, at 7:00 p.m. with participants present electronically via Zoom and streamed on YouTube due to infectious disease COVID-19.

MEMBERS PRESENT

Mayor Clark Wilkinson

Council Members Tamilyn Fillmore
William Ince
Stephanie Ivie
George McEwan
Robyn Mecham

STAFF PRESENT

Brant Hanson, City Manager
Lisa Romney, City Attorney
Janet Denison, City Recorder
Jacob Smith, Administrative Services Director
Bruce Cox, Parks and Recreation Director
Cory Snyder, Community Development Director
Mackenzie Wood, Assistant Planner
Kevin Campbell, City Engineer
Marc Marchant, Streets Supervisor
Cameron Woodbury, Public Works Department

VISITORS

Robert Byrnes, Glen Girsberger, Ken Stuart, Rollin Cook,
Guy Haskell, Richard Stapler, Scott Argyle

DETERMINATION

Mayor Wilkinson read aloud a determination regarding electronic meetings without an anchor location due to COVID-19

PRAYER OR THOUGHT

Councilmember Ivie

PLEDGE OF ALLEGIANCE

OPEN SESSION

Ken Stuart – Mr. Stuart thanked the Council and Mayor for action taken during the RDA meeting earlier in the evening.

STAPLER HOME ADDITION – HISTORIC SITE REVIEW

Mackenzie Wood, Assistant Planner, explained the applicants wished to add on to the north side (back) of the Historic Landmark Register Site dwelling at 370 West 400 South (Porter Home). Typically, this matter would be presented and reviewed by the Landmarks Commission. However, the Landmarks Commission did not currently have a quorum to be able to make decisions. Ms. Wood explained the applicants had done several projects on the Porter Home during their ownership and maintained the property to a high standard, maintaining registration on the Historic Landmark Register.

1 Ms. Wood showed proposed design elevations, and explained the recommended
2 condition that the addition have exterior materials different enough from the historic asset that it
3 would be clear where the historic asset ended and the addition began.

4
5 Richard Stapler, applicant, said he was grateful to be able to live in the historic home, and
6 thanked Ms. Wood for the report she put together. Mr. Stapler said he believed the recommended
7 conditions prepared by Staff were acceptable.

8
9 Councilmember Ince **moved** to approve the alterations or modifications of the Historic
10 Register Site located at 370 West 400 South subject to the following conditions and reason for
11 action/finding. Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).

12
13 Conditions:

- 14
15 1. The removal of historic materials or alteration of features and spaces that characterize
16 the asset shall be avoided.
17 2. Chemical or physical treatments, such as sandblasting, that cause damage to historic
18 material shall not be used. The surface cleaning of structures or materials, if
19 appropriate, shall be undertaken using the gentlest means possible.
20 3. The color or construction installation of the brickwork shall be sufficiently different to
21 the historic brickwork, to preserve the historic integrity, to be approved by the Zoning
22 Administrator.
23 4. The addition and adjacent or related new construction shall be undertaken in such a
24 manner that if removed in the future, the essential form and integrity of the historic
25 asset and its environment would be substantially unimpaired.

26
27 Reason for Action:

- 28
29 a. The City Council finds that the proposed addition meets the purpose of CZC 12.49 and
30 12.61 with the above conditions.

31
32 Conclusionary Finding:

- 33
34 1. If the building permit meets the above requirements, the applicant shall have access
35 to the building permit fee reduction incentives found in CZC 12.49.100(b).

36
37 **PUBLIC HEARING – LEGACY CROSSING PDO AND PLAT AMENDMENTS FOR JF**
38 **CAPITAL**

39
40 Community Development Director Cory Snyder explained that the applicants requested a
41 plat amendment to realign the boundary between Lots 2 and 3 of Legacy Crossing at Parrish
42 Lane. The boundary adjustment would also include the vacation and relocation of existing and
43 proposed storm water detention easements to reflect a change to the proposed development
44 layout.

45
46 In addition, the applicants requested amendment to the PDO Zone approval for Lots 2 and
47 3 as follows:

- 48
49 • Allow additional uses for these lots
50 • Alter storm water system to allow proposed development layout
51 • Modify building material requirements
52 • Modify required parking and allow for a shared parking scenario for these lots

1 Mr. Snyder explained conditions recommended by the Planning Commission to allow the
2 requested vehicle sales uses and parking modification. He said the applicant also submitted a
3 proposed fifth amendment to the Development Agreement. City Attorney Lisa Romney suggested
4 the Council take action on the PDO and Plat Amendment, and table action on the requested
5 Development Agreement amendment to allow time for further revision.

6
7 Responding to a question from Councilmember Fillmore, Mr. Snyder explained that drive-
8 through use would be limited by the PDO approved list of uses, and contractually limited to one
9 in the Development Agreement. Representing the applicant, Glen Girsberger explained the
10 planned location and drive pattern for a drive-through.

11
12 Councilmember Mecham said the Council already received complaints from residents in
13 the development about the parking situation, and asked if the proposed parking modification and
14 shared parking scenario would make the existing problem worse. Mr. Snyder commented that the
15 development as a whole had excess parking. The complaints arose from the issue of
16 convenience. He explained peak and off-peak parking hours for the different uses.
17 Councilmember Fillmore said she believed the shared parking scenario would alleviate the
18 problem to some extent.

19
20 Mr. Girsberger provided clarification regarding the requested shared parking scenario. He
21 stated the applicant did not yet have Lots 2 or 3 leased, but multiple entities had expressed
22 interest.

23
24 *Mayor Wilkinson opened a public hearing at 7:45 p.m., and closed the public hearing*
25 *seeing that no one wished to comment. Councilmember Fillmore moved to approve Ordinance*
26 *No. 2021-03. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).*
27 *Councilmember Fillmore moved to approve the Legacy Crossing PDO Plat Amendment.*
28 *Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).*
29 *Councilmember Ivie moved to table the Fifth Amendment to the Legacy Crossing Development*
30 *Agreement to allow Staff revision. Councilmember Ince seconded the motion, which passed by*
31 *unanimous vote (5-0).*

32
33 **PUBLIC HEARING – BAMBERGER STATION 2 PLAT AMENDMENT**

34
35 Mackenzie Wood explained the applicant requested a plat amendment to remove plat note
36 four in regards to lots 3-5 in Bamberger Station 2 Subdivision. Plat note four stated "basements
37 are not approved in the subdivision. All lowest floor elevation allowed shall be above the top back
38 of curb." In addition to removal of the plat note, the applicant proposed to connect an eight-inch
39 PVC Land Drain pipe to the existing land drain at the rear of the property coming from the cul-de-
40 sac of Paradiso Lane in Florentine Villas. Ms. Wood said Staff advised the Council deny the plat
41 amendment based on recommendation from the City Engineer and Public Works related to
42 problems associated with private lines in backyards. City Engineer Kevin Campbell advised that
43 the applicant would need to install a subdrain main line to be owned by the City to the back of
44 City sidewalk and then along the fronts of the lots in a Public Utility Easement accessible from the
45 City street.

46
47 Councilmember Fillmore asked how the applicant would benefit from a private drain line
48 rather than a public drain line. Ms. Wood explained that with a private line the applicant would
49 only need to build a subsurface drain at the back of the three lots. Mr. Campbell stated installing
50 a subdrain main line to the back of City sidewalk would significantly affect what the applicant could
51 do with one of the lots. He emphasized that Centerville had experienced problems with many
52 private drain lines allowed in the past. Councilmember Ince asked how the City would benefit from
53 allowing the exception to City ordinance.

1 Guy Haskell, applicant, said he recently purchased lots 3 and 4, and wanted to be able to
2 build homes with basements. He stated his intention was to install a drain line at the back of the
3 lots that would be owned by the City. He said running the line to the front of the properties would
4 cause the line to go straight through the building space on lot 5, which he did not own. Mr. Haskell
5 said he wanted to tie the drain line into the existing land drain stubbed at the neighboring
6 Florentine Villas, and build homes with basements as was allowed at Florentine Villas. Scott
7 Argyle, engineer for the applicant, said the fact that much of the existing 18-foot rear-yard
8 easement was unoccupied led him to believe the original intention was for the land drain to go in
9 the back. Mr. Argyle suggested a different pipe material could be used to preclude tree roots and
10 other materials from causing maintenance problems. He said he believed a rear line would be
11 doable.

12
13 Mr. Campbell repeated that City Staff did not recommend putting the drain line at the rear
14 of the lots. Mr. Snyder clarified that the City did not want to accept ownership of a drain line in the
15 rear easement. Ms. Romney explained that basements were allowed at Florentine Villas because
16 a complete subdrain system was installed at time of development. The subject property had a
17 high water table, and did not have a complete subdrain system.

18
19 Councilmember Mecham said she lived in the subject area for a time and experienced
20 flooding in her basement on multiple occasions. She said she supported Staff's recommendation.

21
22 Mayor Wilkinson opened a public hearing at 8:15 p.m., and closed the public hearing
23 seeing that no one wished to comment. Cameron Woodbury with the Public Works Department
24 *emphasized that lack of City access for maintenance was the biggest issue with a drain line in*
25 *the rear yards.*

26
27 Councilmember Fillmore said she trusted Staff and the existing ordinance.
28 Councilmember Fillmore **moved** to deny the plat amendment of the Bamberger Station 2
29 Subdivision based on Staff recommendation regarding problems associated with private drain
30 lines in back yards. Councilmember McEwan seconded the motion. He said he could not see any
31 upside for the City to override existing ordinance in this particular case. The motion passed by
32 unanimous vote (5-0). Ms. Romney said Staff were willing to meet with the applicant to discuss
33 options.

34
35 **INTERLOCAL AGREEMENT – DAVIS COUNTY ANIMAL CONTROL SERVICES –**
36 **AMENDMENT NO. 6**

37
38 City Manager Brant Hanson introduced Rollin Cook with Davis County Animal Control
39 Services. Mr. Cook said his goal was to make sure Davis County Animal Control was improving
40 the services provided. He expressed willingness to communicate and respond to citizen questions
41 and concerns. Responding to a question from Councilmember Mecham, Mr. Cook said Davis
42 County Animal Control did not have enough resources to continue to respond to residential wildlife
43 calls. Councilmember McEwan said he knew raccoons were an ongoing problem in the
44 community, and encouraged Mr. Cook to evaluate how many additional full-time employees would
45 be needed and consider raising rates accordingly in order to provide wildlife response services.

46
47 Councilmember Ince said he thought the increase in cost for 2021 was significant,
48 especially with the wildlife response service no longer offered. Mr. Hanson said, based on his
49 experience, the City received very good service for the cost. Mr. Cook offered to send additional
50 data to the City Manager to share with the Council.

1 Councilmember McEwan **moved** to approve Resolution No. 2021-05 amending the
2 amounts Centerville City would pay for animal control services in calendar year 2021.
3 Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).
4

5 **TREE TRIMMING BID AWARD**

6
7 Marc Marchant, Streets Supervisor, explained the recommendation to award bid to
8 Diamond Tree Experts for storm clean-up from the September 9, 2020 wind storm at three
9 locations in Centerville. Jacob Smith, Administrative Services Director, explained funding sources
10 for the storm clean-up. Responding to a question from Councilmember Ince, Mr. Marchant spoke
11 of ongoing maintenance efforts at the 950 North Frontage Road location.
12

13 Councilmember Ince made a **motion** to award tree trimming bid to Diamond Tree Experts
14 in the amount of \$93,000 for storm clean-up from the September 9, 2020 wind storm.
15 Councilmember Mecham seconded the motion, which passed by unanimous vote (5-0).
16

17 **MUNICIPAL CODE AND FEE SCHEDULE AMENDMENTS – UPRIGHT HEADSTONE** 18 **MONUMENTS**

19
20 On January 19, 2021, the City Council directed Staff to prepare an ordinance repealing
21 the provisions of Ordinance No. 2018-14 which prohibited upright headstone monuments in
22 certain Plats of the Centerville Cemetery. The proposed amendments would allow upright
23 headstone monuments in Plats A, B, C, and E. Upright headstone monuments would be
24 *prohibited in Plat D due to slope and topography issues. Minor amendments were also*
25 recommended to the Centerville Fee Schedule to correctly reference areas of the City Cemetery
26 where upright headstone monuments would be allowed.
27

28 Councilmember Ince **moved** to approve Ordinance No. 2021-02 regarding Municipal
29 Code Amendments to CMC 8.03.240 and CMC 8.03.250 allowing the installation of upright
30 headstone monuments for burial spaces in certain Plats of the City Cemetery, and approve
31 Resolution No. 2021-04 regarding Fee Schedule Amendments to CFS 6.010 regarding upright
32 headstone monuments. Councilmember Ivie seconded the motion, which passed by unanimous
33 vote (5-0). Councilmember McEwan emphasized that the change was possible because the City
34 Cemetery had no more burial spaces available.
35

36 **CEMETERY NICHE WALL DISCUSSION**

37
38 City Manager Brant Hanson said he had reviewed records of discussions regarding a
39 cemetery niche wall that took place prior to his time with Centerville City. He said the previous
40 City Manager, Steve Thacker, had recommended paying for a niche wall from the General Fund,
41 with the amount refunded with proceeds from niche sales. Mr. Hanson said he liked the idea
42 suggested by Mr. Thacker of creating a cemetery master plan with a niche wall included, and said
43 he supported the suggestion to pay for a niche wall from the General Fund.
44

45 Parks and Recreation Director Bruce Cox said the City received a bid from Rocky
46 Mountain Monument & Vault in August 2018 for construction of a niche wall for a total cost
47 between \$24,745 and \$27,745, depending on material selected for the plates. He said Rocky
48 Mountain Monument & Vault was willing to honor the August 2018 bid amount. Mr. Cox said he
49 was in the process of receiving additional bids, and suspected an even better-quality product
50 could be purchased for less than the top Rocky Mountain Monument & Vault bid. Mr. Cox
51 recommended the Council approve purchase of a niche wall up to the highest amount bid by
52 Rocky Mountain Monument & Vault, without specifying a supplier.

1 Mr. Cox showed photographs of niche walls, and said he believed a very nice cremation
2 garden could be created at the Centerville Cemetery. He said he learned from speaking to
3 representatives of different mortuaries that cremation numbers had increased in recent years. Mr.
4 Cox suggested moving forward with the purchase of one niche wall to be placed at the City
5 Cemetery in a position that would look nice independently, but would also look nice with the
6 addition of more niche walls in the future if desired.

7
8 Councilmember Ince **moved** to direct Staff to put together a cemetery master plan that
9 would accommodate four or six niche walls, but start with one niche wall, not to exceed \$27,745.
10 Councilmember Fillmore seconded the motion, which passed by unanimous vote (5-0). Mr. Cox
11 said he was quoted a timeframe of approximately four months. Councilmember Ince asked how
12 many burial spaces had been sold over the years for which the City did not have owner contact
13 information. Mr. Cox said he believed the City had contact information for most sold burial spaces.
14 Councilmember Ince requested information from Staff regarding the City's ability to reclaim burial
15 spaces with no contact information available.

16
17 **INTERLOCAL AGREEMENT – DAVIS COUNTY ELECTION SERVICES – 2021**
18 **MUNICIPAL ELECTION**
19

20 Centerville City contracted with Davis County to conduct municipal elections. Staff
21 explained Davis County prepared an Interlocal Agreement regarding the terms and conditions for
22 providing election services for the upcoming 2021 election cycle. The cost for these services
23 would be \$17,152.16 per election, with a potential total cost of \$34,304.32 for both a Primary and
24 General Election.

25
26 Councilmember Ivie expressed disappointment that the County had decided to go with the
27 vote-by-mail option. She said the most recent election had not increased her confidence in by-
28 mail voting. Councilmember Mechem said she agreed. Councilmember McEwan expressed
29 support for ranked choice voting. Mayor Wilkinson said he found the ranked choice voting option
30 intriguing. Mr. Hanson said he had heard many concerns related to ranked choice voting, and
31 said he knew the County was not against ranked choice voting, but would prefer for it to be
32 implemented at the State level.

33
34 Councilmember Fillmore **moved** to approve Resolution No. 2021-07 approving an
35 Interlocal Agreement with Davis County for election services for the 2021 municipal elections.
36 Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

37
38 **MINUTES REVIEW AND ACCEPTANCE**
39

40 Minutes of the January 19, 2021 Work Session and Council Meeting were reviewed.
41 Councilmember Ince **moved** to accept both sets of minutes. Councilmember Ivie seconded the
42 motion, which passed by unanimous vote (5-0).

43
44 **CITY COUNCIL REPORT**
45

46 Councilmember Ivie stated the Landmarks Commission did not have a quorum and had
47 been unable to meet. She said the Whitaker Museum Board would meet later in February.

48
49 **MAYOR'S REPORT**
50

- 51
52
53
- Mayor Wilkinson spoke of COVID-19 vaccinations available for individuals over the age of 70.
 - The Mayor reported on a recent Council of Governments (COG) meeting.

- Mayor Wilkinson and Councilmember Ince provided an update on Legislative issues that would impact Centerville. The Council discussed scheduling a special Council meeting to approve resolutions related to specific bills. Mr. Hanson suggested resolutions may be premature for some of the issues. He encouraged the Council to continue individually lobbying Legislators. The Council discussed the process for scheduling a special meeting.
- Mayor Wilkinson updated the Council on the status of Centerville Mobile Estates, and expressed gratitude for the support of the community.
- The Mayor recommended appointment of Eric Johnson and Cheri Phelps to the Trails Committee. Councilmember McEwan **moved** to give advice and consent to the appointments recommended by the Mayor. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

CITY MANAGER'S REPORT

- Brant Hanson provided an update on Legislative issues that would impact Centerville.
- Mr. Hanson updated the Council regarding a sign for Lee Skabelund Memorial Nature Park. Staff discussed the need to confirm the precise name of the park.
- Mr. Hanson explained the Staff recommendation to hold the annual spring green waste clean-up at Community Park. Councilmembers Ivie and Mecham said they believed a drop-off location needed to be provided on the south side of the City as well. Referring to clean-up efforts after the September 2020 wind storm, Administrative Services Director Jacob Smith explained the City was only able to receive Federal disaster reimbursement for efforts hosted on public property. Clean-up efforts hosted on private property (e.g., church property) were not eligible for reimbursement. Councilmember McEwan said he agreed a drop-off location should be provided on the south end of the City for the spring clean-up. Mr. Hanson said the issue would be included on the next meeting agenda for discussion.
- The City Manager said Fire Chief Stone was scheduled to discuss paramedic services with the Council at the February 16, 2021 meeting.

ADJOURNMENT

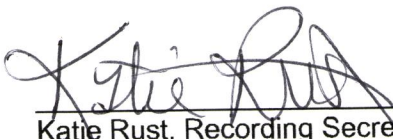
At 10:00 p.m., Councilmember Ince **moved** to adjourn the meeting. Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).



Janet Denison, City Recorder

Feb. 16, 2021

Date Approved



Katie Rust, Recording Secretary

