

Minutes of the Centerville **City Council** meeting held Tuesday, March 19, 2024, at 7:00 p.m. with participants present at Centerville City Hall, 250 North Main Street.

MEMBERS PRESENT

Mayor Clark Wilkinson

Council Members
Cheylynn Hayman
Gina Hirst
Robyn Mecham
Brian Plummer
Spencer Summerhays

STAFF PRESENT

Brant Hanson, City Manager
Lisa Romney, City Attorney
Jennifer Robison, City Recorder
Bryce King, Administrative Services Director
Nate Plaizier, Finance Director
Mike Carlson, Public Works Director
Mike Eggett, Community Development Director
Dave Walker, Utilities Manager
Haley Turner, Community Services Manager
Bruce Cox, Parks and Recreation Director
Paul Child, Centerville Police Chief

VISITORS

Dane Stone, South Davis Metro Fire Chief
J.D. Kesler, Parsons Behle & Latimer
Interested citizens

Mayor Wilkinson called the Council meeting to order at 7:10 p.m.

PRAYER OR THOUGHT Mayor Wilkinson

PLEDGE OF ALLEGIANCE

OPEN SESSION

Jacob Adams, spoke in favor of having a skate park in Centerville, and encouraged support for Marshall Harris, a Centerville youth seeking sponsorship.

Tracy James, Centerville resident on 100 South, shared photos of measures taken by Salt Lake City to calm traffic, and suggested that traffic calming measures were needed on 100 South for traffic traveling to trails on the hillside. Mr. James said many children lived on 100 South and played outside, and asked the Council to consider what could be done to calm traffic on 100 South.

Russ Nicholson, Centerville resident on 100 South, expressed support for traffic calming measures on 100 South. He said measures taken to that point had not been sufficient.

Wendy McLaughlin, Centerville resident on 100 South, said she had the largest yard on the street, and children were constantly playing in her yard. Ms. McLaughlin expressed concern that eventually one of the vehicles racing up and down the street would hit a child, and requested help from the City.

1 Ryan Moyes, Centerville resident on 100 South, said his family enjoyed going on walks
2 and hikes. He said there were no sidewalks on 100 South, so his family was forced to walk in the
3 street. Mr. Moyes said the speed of the vehicles on 100 South was a safety concern.

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5 Sheraya Fulton said she had been unable to find water conservation information on the
6 City website, and suggested information regarding native plants would be helpful.

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8 **SOUTH DAVIS METRO FIRE ANNUAL REPORT**
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10 South Davis Metro Fire Chief Dane Stone presented a 2023 Annual Report for South Davis
11 Metro Fire, and answered questions from the Council. City Attorney Lisa Romney explained that
12 fireworks restrictions and a restriction map were included in City Code.

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14 **PUBLIC HEARING – CONDEMNATION OF REAL PROPERTY – 388 NORTH**
15 **MARKETPLACE DRIVE – OWNED BY ARC IHCTVUT001, LLC – PARRISH LANE 400 WEST**
16 **INTERSECTION PROJECT**
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18 City Attorney Lisa Romney explained the City had need to condemn a small portion of
19 property located at 388 North Marketplace Drive for street and right-of-way purposes in
20 connection with expansion and construction of improvements associated with the Parrish Lane
21 and 400 West Intersection Project. The property to be condemned was the last property needed
22 for the Intersection Project. The City and its consultants had tried to negotiate with the property
23 owner to purchase the necessary property, but the parties had been unable to come to an
24 acceptable agreement. The main issue holding up the acquisition was the type of deed to be
25 provided (i.e., special warranty deed vs. warranty deed). Before the City could file a condemnation
26 action in court, the taking must be approved by the Council. Ms. Romney introduced J.D. Kesler
27 with Parsons Behle & Latimer, hired to assist the City with the condemnation action.

28
29 Mr. Kesler explained the area for which the property owner was seeking a fee was
30 approximately 806 square feet (approximately \$29,000), together with a 1,215 square foot
31 temporary public utility easement (approximately \$10,900) and a temporary construction
32 easement (approximately \$17,600). While the City was responsible for the condemnation, UDOT
33 would be the ultimate owner of the fee parcel. Councilmember Summerhays expressed the
34 opinion that the construction easement cost seemed very high. City Manager Brant Hanson said
35 the amounts were based on appraisals, and Councilmember Summerhays said he disagreed with
36 the appraisals. Mr. Hanson said the City had worked with UDOT's appraisal process, since the
37 City was negotiating on UDOT's behalf. Mr. Kesler spoke of the property owner's rights in the
38 situation. He described the process going forward, and said negotiations could continue.

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40 Councilmember Summerhays disclosed that Parsons Behle & Latimer was a tenant in a
41 building owned by his employer, but said he did not personally benefit from the arrangement.

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43 Mayor Wilkinson opened a public hearing at 8:35 p.m., and closed the public hearing
44 seeing no one come forward. Councilmember Summerhays **moved** to approve Resolution No.
45 2024-20 authorizing the condemnation of a portion of certain real property owned by ARC
46 IHCTVUT001, LLC located at approximately 388 North Marketplace Drive for the expansion and
47 construction of improvements associated with the Parrish Lane and 400 West Intersection Project.
48 Councilmember Hayman seconded the motion, which passed by unanimous vote (5-0).

**MUNICIPAL CODE AMENDMENTS – PARK REGULATIONS – BOUNCE HOUSES
AND PETTING ZOOS – CMC 8.02.100 AND CMC 8.02.105**

The City previously adopted rules and regulations regarding the use of City parks as set forth in Chapter 8.02 (City Parks) of the Centerville Municipal Code. The regulations currently allowed bounce houses and similar uses within City parks. Parks and Recreation Director Bruce Cox said such uses created significant liability issues and often caused damage to the grass and other City property during delivery, set up, and use. Mr. Cox said staff recommended the City prohibit such uses in City parks, and added that many other cities already prohibited such uses. In addition to prohibiting bounce houses and similar inflatables, staff recommended specifically prohibiting animal rides and petting zoos, which also created liability for the City and damage to City property.

Councilmember Summerhays asked if the liability and possible damage issues could be mitigated with a waiver and a use fee. Responding to questions from the Council, Mr. Cox explained the City would be able to have inflatable products at a City-sponsored event such as the 4th of July celebration where the City would pay staff to monitor each product, number of users and set-up location would be monitored, and emergency personnel would be on-site.

Ms. Romney explained staff were trying to be proactive. She spoke of the time and cost involved in repairing damaged lawn. She commented that City parks were intended to be used by everyone, yet the damage and subsequent cost were incurred by a localized private use. Ms. Romney also spoke of liability involved with bounce houses and similar inflatables.

Councilmember Mecham said she had frequently seen inflatable products in the different City parks, and said she suspected not everyone had gone to City Hall and requested approval. She asked about enforcement of the proposed Code amendments. Councilmember Hirst said she knew many Centerville residents, who paid property taxes, did not have yards and chose to utilize City parks for birthday parties. Councilmember Summerhays responded the property taxes enabled residents to use City parks in the intended way, not in any way they wanted. Mr. Cox repeated that neighboring cities already did not allow such uses.

Mayor Wilkinson expressed the opinion that the ordinance as written seemed very controlling and limiting. Councilmember Summerhays said he appreciated the proactive approach from a safety standpoint, and said he would not want to wait until someone was injured to amend the Code.

Mr. Cox mentioned limitations that could be imposed to minimize damage and liability. Mr. Hanson spoke of the cost to the user involved with the limitations, and commented that only a limited portion of the population would have access, which was not the intention of City parks. Mr. Hanson also spoke of the potential liability costs. Mayor Wilkinson mentioned risks involved with skiing, and asked if the City required Ski School participants to sign a waiver.

Councilmember Hirst commented that the City 4th of July celebration had involved some inflatable products in recent years, but not bounce houses specifically. She suggested perhaps not all inflatable products needed to be prohibited, and said she would like more time to understand further. Mr. Cox mentioned difficulty of enforcement.

Councilmember Hayman asked about animal rides and petting zoos. Mr. Cox spoke of the need to fix broken sprinklers, clean up unhealthy waste left behind, and containment challenges. He pointed out that police officers driving by would not know if a group had a permit or not, or whether permit conditions were being met. The Council and staff discussed different amusement apparatuses. Councilmember Hirst spoke of amusement apparatuses allowed at school events,

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1 despite the school district having been sued over many situations, and said she would want to
2 see more evidence of liability to the City. Mr. Cox responded that school events were monitored
3 by PTA representatives, school staff, school district employees, and adult volunteer chaperones,
4 which was not the case in City parks.

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6 Mr. Hanson suggested the Council table the issue, and send the proposed ordinance to
7 URMA for review and recommendation. Councilmember Hirst said she was not opposed to
8 amending the Code, but did not want to take away all possibilities for fun.

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10 Councilmember Hirst **moved** to table Ordinance No. 2024-05 pending more information
11 from URMA. Councilmember Mecham seconded the motion, which passed by unanimous vote
12 (5-0).

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14 **MINUTES REVIEW AND APPROVAL**

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16 Councilmembers commented that February 20, 2024 minutes were not available for
17 review at the link provided. Mayor Wilkinson requested that February 20, 2024 minutes be
18 included for review with the next meeting agenda.

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20 **APPOINTMENT**

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22 Mayor Wilkinson recommended appointment of Heather Taylor to the Tree Board.
23 Councilmember Hirst **moved** to provide Council consent. Councilmember Summerhays
24 seconded the motion, which passed by unanimous vote (5-0).

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26 **FINANCIAL REPORT**

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28 A monthly financial report for February 2024 was included with the agenda for review.

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30 **COUNCIL LIAISON DISCUSSION**

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32 Councilmember Summerhays updated the Council regarding South Davis Recreation
33 District and the Centerville Trails Committee.

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35 **MAYOR REPORT**

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 - Mayor Wilkinson provided an update regarding South Davis Metro Fire.
 - Mayor Wilkinson reported on preparations for the upcoming 4th of July celebration.

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40 **CITY MANAGER REPORT**

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 - Mr. Hanson reported on the bid process for Community Park pickleball courts, and reported on negotiations with Momentum for glass recycling. He said the cost of a glass recycling dumpster through Momentum may be higher than expected.
 - Mr. Hanson provided an update on the General Plan update process.
 - The City Manager spoke of bills that did and did not pass the recent Legislative Session. He suggested further discussion at a future work session.

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49 **ADJOURNMENT AND CLOSED MEETING**

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51 At 9:32 p.m., Councilmember Hirst **moved** to go into closed session in Council Chambers
52 with no intent to return to open session for discussion of the character, professional competence,
53 or physical or mental health of an individual, and pending or reasonably imminent litigation and

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attorney-client matters privileged under Utah Code 78B-1-137. Councilmember Hayman seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed session: Mayor Clark Wilkinson; Councilmembers Hayman, Hirst, Mecham, Plummer, and Summerhays; City Manager Brant Hanson, City Attorney Lisa Romney; City Recorder Jennifer Robison, and Police Chief Paul Child.

DocuSigned by:
Jennifer Robison

4/3/2024 | 4:29 PM MDT

Jennifer Robison, City Recorder

Date Approved

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