

1 Minutes of the Centerville **City Council** meeting held Tuesday, April 2, 2024, at 7:00 p.m. with
2 participants present at Centerville City Hall, 250 North Main Street.

3
4 **MEMBERS PRESENT**

5
6 Mayor Clark Wilkinson

7
8 Council Members Cheylynn Hayman
9 Gina Hirst
10 Robyn Mecham
11 Brian Plummer
12 Spencer Summerhays

13
14 **STAFF PRESENT**

15 Brant Hanson, City Manager
16 Lisa Romney, City Attorney
17 Jennifer Robison, City Recorder
18 Whittney Black, Assistant Planner
19 Nate Plaizier, Finance Director
20 Mike Carlson, Public Works Director
21 Mike Eggett, Community Development Director
22 Dave Walker, Utilities Manager
23 Haley Turner, Community Services Manager
24 Bruce Cox, Parks and Recreation Director
25 Lt. Allen Ackerson, Centerville Police Department

26 **VISITORS**

27 J.D. Lauritzen, Wholesome Goods, LLC
28 Interested citizens

29 Mayor Wilkinson called the Council meeting to order at 7:16 p.m.

30
31 **PRAYER OR THOUGHT** Councilmember Mecham

32
33 **PLEDGE OF ALLEGIANCE**

34
35 **OPEN SESSION**

36
37 John Urry, Centerville resident, said he volunteered with a non-profit called Water for the
38 West, trying to soft the water problem in Utah. He said he was a systems engineer, and said he
39 believed the water problem was bigger than the community had been told because of expected
40 growth. Mr. Urry spoke in favor of water-wise landscaping for new construction.

41
42 **ARBOR DAY PROCLAMATION**

43
44 Parks and Recreation Director Bruce Cox reported 2024 was Centerville’s twelfth year as
45 a Tree City USA. He reviewed requirements to qualify as Tree City USA, and encouraged the
46 Council to approve Proclamation 2024-01 to recognize Arbor Day. Mr. Cox provided an update
47 on plans for Arbor Day observance in Centerville.

48
49 Councilmember Plummer **moved** to approve Proclamation 2024-01 declaring April 26,
50 2024 as Arbor Day. Councilmember Hayman seconded the motion, which passed by unanimous
51 vote (5-0).

1 **PUBLIC HEARING – ZONING CODE AMENDMENT – CZC 12.55.110 (FENCES AND**
2 **WALLS)**
3

4 Assistant Planner Whitney Black explained the petitioner desired to amend the Zoning
5 Ordinance regarding fences and walls to accommodate decorative fencing in his client's front
6 yard. The applicant proposed a code amendment to allow fences and/or walls in the front yard to
7 have a maximum height of 10 feet. The amendment request was applied for in response to a code
8 enforcement case that was opened on the property due to a fence/wall and other zoning issues
9 on December 5, 2023.

10
11 Ms. Black explained that current Code limited fences and walls in front and street side
12 yards to 48 inches in height. Staff believed the proposed 10-foot maximum height posed safety
13 concerns with the potential to impede line of sight for drivers, cyclists, and pedestrians. Ms. Black
14 referred to Zoning Code regarding sight-line obstructions, and reported a four-foot maximum
15 height was common among cities in Davis County and throughout the State. Ms. Black reported
16 the Planning Commission reviewed the request and recommended denial. She commented that
17 the definition for fence in current Code did not distinguish between different types of structures in
18 front/side yards, and said the Planning Commission discussed including that issue as a future
19 planning goal. Staff answered questions from the Council about sight triangle restrictions.

20
21 Mayor Wilkinson noted the applicant was not present. He opened a public hearing at 7:37
22 p.m., and closed the public hearing seeing no one come forward.

23
24 Councilmember Hayman commented that the requested increase in maximum height to
25 10 feet felt like taking a hammer to what probably needed a scalpel. Councilmember Summerhays
26 said he suspected there were many situations of non-conforming front/side fences in the City.

27
28 Councilmember Hayman made a **motion** for the Council to deny the request from Bill
29 Richter for a Zoning Code Text Amendment regarding CZC 12.55.110 Fences and Walls, for the
30 following reasons for action. Councilmember Summerhays seconded the motion, which passed
31 by unanimous vote (5-0).

32
33 Reasons for action:
34

- 35 1. The City Council finds that the application does not promote or protect the public
36 health, safety, and welfare of the public.
37 2. The City Council finds that the current code language is consistent with surrounding
38 municipalities in Davis County.
39 3. The City Council finds the application is not consistent with provisions of CZC 12-55-
40 230 regarding visual sight triangles.
41 4. Therefore, the City Council finds that the request for a Zoning Code Text Amendment
42 regarding CZC 12.55.110 Fences and Walls should not be approved.
43

44 **PUBLIC HEARING – ZONE TEXT AMENDMENT – CZC 12.69.020 CANNABIS**
45 **PRODUCTION ESTABLISHMENT STANDARDS**
46

47 Ms. Black said the applicant, J.D. Lauritzen, representing Wholesome Ag, LLC and
48 Wholesome Goods, LLC, (hereinafter referred to as "Wholesome") applied for a Zoning Code
49 Text Amendment to CZC 12.69.020 (Cannabis Production Establishment Standards) regarding
50 the emission of dust, fumes, vapors, odors, or waste into the environment from any cannabis
51 production establishment or facility where growing, processing, or testing of cannabis occurred.
52 The amendment request was applied for in response to a code enforcement case and ongoing

1 complaints regarding odors emanating from the medical cannabis cultivation and processing
2 operation known as Wholesome Goods located at 1041 North 950 West, Suites 300 and 400.
3

4 Ms. Black said the application represented a legislative decision for the Council, and the
5 Council was to consider what action would reasonably promote the public interest, consider
6 concerns of values of other properties, avoid incompatible development, encourage appropriate
7 use and development, and promote the general welfare. Ms. Black reviewed Cannabis Production
8 Establishment Standards with the Council, and said the applicant proposed the Council select
9 one of the following three optional changes to subsection (c):

10
11 Option #1: Add “excessive” to list of emissions;

12
13 (c) There shall be no emission of excessive dust, fumes, vapors, odors, or waste into the
14 environment from any cannabis production establishment or facility where growing,
15 processing, or testing of cannabis occurs.
16

17 Option #2: Delete Subsection (c) entirely; or

18
19 Option #3: Delete Subsection (c) and replace with alternative language

20
21 (c) ~~There shall be no emission of excessive dust, fumes, vapors, odors, or waste into the~~
22 ~~environment from any cannabis production establishment or facility where growing,~~
23 ~~processing, or testing of cannabis occurs.~~ The cannabis production establishment or
24 facility where growing, processing, or testing of cannabis occurs shall be designed to
25 the extent possible in such a way as to filter inside air exchanges to the outside through
26 air filter systems that reasonably limit excessive dust, fumes, vapors, odors, or waste
27 from air that exists the building into the environments.
28

29 Ms. Black said a decision to amend the Zoning Code was within the discretion of the City
30 Council, with consideration of whether the proposed amendment was consistent with the goals,
31 objectives, and policies of the General Plan. Ms. Black said the City classified cannabis production
32 as a Manufacturing, Limited use, permitted in all industrial zones. With most of the industrial uses
33 in the City located on the west side of I-15, staff examined the West Neighborhood Plan. She said
34 goal #6 of the West Neighborhood Plan was to preserve and develop the area for future business
35 and job growth. Commercial and Industrial Development provisions under Section 12-430-1 of
36 the West Neighborhood Plan stated that “Centerville City should provide for the establishment
37 and viability of commercial and industrial services in designated areas of the community.” The
38 potential emissions of odors, dust, fumes, vapors, and waste into the environment from cannabis
39 production establishments in these areas could have a detrimental effect on adjacent businesses
40 and residential areas of the City. Such detrimental effects are inconsistent with the goals,
41 objectives, and policies of the General Plan.
42

43 During recent enforcement actions and from on-going complaints regarding odor
44 emissions into the environment, business owners had communicated to the City how emissions
45 had potential to impact their product, employees, location, and quality of work. All the factors
46 mentioned would impact the viability of commercial and industrial services and future business
47 and job growth within the City.
48

49 Ms. Black said the proposed Zoning Code text amendments were also inconsistent with
50 the protection of residential development within the City. Section 12-420-2(4) of the General Plan
51 provided: “Residential areas should be afforded protection from the impact of more intensive
52 commercial, industrial, and institutional uses and from the visual and noise impacts of major
53 roadways and railways by the creation of protective buffering (transitional uses, landscaping, etc.).”

1 Noise, odors, fumes, and other emissions from cannabis production establishments into
2 residential neighborhoods would have a detrimental impact on public health, safety, and general
3 welfare of current and future residents of the City.
4

5 Ms. Black added that Section 12-435-1 of the General Plan provided that buffers should
6 be used between incompatible land uses including, but not limited to, industrial, commercial,
7 residential, and high density or low density uses. As explained in the General Plan, it was not
8 desired that these uses occur in close proximity, but if they did, the adverse impacts of one use
9 on the other shall be mitigated with distance, visual screening, access control, sound control, and
10 other mitigation and buffering techniques. Emissions regulations set forth in the Zoning Code for
11 Manufacturing, Limited and cannabis production establishments accomplishes the desired goals
12 and objectives of the General Plan. Allowing additional noise or emissions from such uses would
13 be inconsistent with such stated purposes and objectives.
14

15 Ms. Black said staff found the proposed Zoning Code Text Amendment was not consistent
16 with other applicable Zoning Code standards regarding industrial and manufacturing zones and/or
17 uses. The definition of Manufacturing, Limited as provided in CZC 12.12.040 (Definitions) was as
18 follows:
19

20 **Manufacturing, Limited:** An establishment engaged in the limited processing,
21 fabrication, assembly and/or packaging of products utilizing processes that:
22

- 23 a) Have no noise, odor, vibration, or other impacts discernible outside a building; and
24 b) Do not violate any applicable noise ordinance.
25

26 Since cannabis production establishments were classified as a Manufacturing, Limited
27 use, such establishments were held to the same emissions standards as any other similarly
28 situated use.
29

30 The established cannabis facility was located in the Industrial-High (I-H) Zone. Zone
31 purposes outlined in CZC 12.30.020 explained standards for uses located in the I-H Zone: "The
32 purpose of the I-H Zone is to provide areas for uses involving processing and assembly of
33 manufactured goods, warehousing, and material storage. Uses which generate excessive noise,
34 vibration, odor, dust, and fumes are excluded from this zone."
35

36 Ms. Black said staff analyzed how the proposed text amendment aligned with the Zoning
37 Code as a whole. She outlined the following six purposes of the Zoning Code as set forth in
38 Section 12-10-030: (a) protect public health, safety, and welfare; (b) promote the prosperity,
39 peace and good order, comfort, convenience, and aesthetics of the City and its present and future
40 inhabitants, and businesses; (c) protect the City tax base; (d) promote economy in government
41 expenditures; (e) protect urban and non-urban development; and (f) preserve and protect property
42 value. Allowing the emissions of dust, fumes, vapors, odors, or waste into the environment from
43 Manufacturing, Light uses, including cannabis production establishments, may create negative
44 impacts that would not promote the stated legislative purposes of the Zoning Code, including, but
45 not limited to, protecting the public welfare, promoting peace, comfort, convenience, and
46 aesthetics of the City and its present and future inhabitants, and businesses, and preserving
47 property values, both commercial and residential.
48

49 Ms. Black summarized that staff and the Planning Commission recommended denial of
50 the proposed Zoning Code Text Amendment as it was not consistent with the General Plan, was
51 not consistent with standards regarding industrial zones and uses in the Zoning Code, and was
52 not consistent with established purposes of the Zoning Code.

Centerville City Council
Minutes of Meeting of April 2, 2024

1 J.D. Lauritzen, applicant, said he was head of legal compliance and government affairs
2 for Wholesome. He said Wholesome was one of six vertically integrated medical cannabis
3 companies in Utah. Mr. Lauritzen said one in four cannabis products sold in Utah was produced
4 at the facility in Centerville, and said Wholesome was proud of the progress they had made as a
5 company. Mr. Lauritzen said lawmakers in Utah had made a specific effort to normalize cannabis
6 as a medicine, as a healthcare alternative, and as a type of business to be run in Utah. He said
7 Wholesome hoped to be a good member and steward of the community. Mr. Lauritzen said the
8 proposal was to find a way to reasonably do business in the City.
9

10 Mr. Lauritzen said the motivation for the proposal was not to stop complaints against the
11 business, but to be allowed to reasonably do business in Centerville. He said the company had
12 spent nearly \$200,000 trying to remove and mitigate the odor issue. Mr. Lauritzen said emissions
13 had vastly improved on most days. He invited members of the Council to visit the facility. He
14 summarized the three proposed text amendment options.
15

16 Mr. Lauritzen said he was speaking that day on behalf of all cannabis businesses in Utah
17 that may choose to locate in Centerville. He said the west side of the City provided a convenient
18 place for such businesses. Mr. Lauritzen said Wholesome was committed to trying to mitigate the
19 odor the best they could, but was trying to reasonably do business and find a way to harmonize
20 what they did with the rest of the community. He said Wholesome placed an air filter unit in one
21 of the two adjacent businesses, and had offered the same to the other adjacent business.
22

23 Mr. Lauritzen said Wholesome believed they had done their part, and were willing to do
24 more, and they wanted the City to treat cannabis businesses the same as they might treat other
25 businesses. He said he did not want to get too much into the classification of cannabis facilities
26 as Manufacturing, Limited. He said he wanted Wholesome to be treated with fundamental
27 fairness, as LUDMA required, and commented that the State Legislature had prohibited cities
28 from banning cannabis facilities from locating within their jurisdiction. Mr. Lauritzen said he was
29 aware the odor from cannabis production could be an issue, but was not aware of any evidence
30 suggesting that the odor of cannabis was a threat to public health and safety. He said Wholesome
31 was trying to fit in with the community, understanding that an inherent part of the business would
32 produce some level of odor. Mr. Lauritzen said they were asking for a more reasonable standard.
33

34 Responding to a question from Mayor Wilkinson, Mr. Lauritzen said Wholesome used to
35 have a cultivation facility in Garland, Utah, shared with another licensee, that was closed in June
36 of 2023. He said Wholesome was in the process of standing up an outdoor facility, for which the
37 processing would take place at the indoor facility. He said the plant itself produced a very distinct
38 smell (terpenes), and the higher the level of terpenes, the higher the medicinal value. Mr.
39 Lauritzen said he wished there was a way to produce quality medical cannabis without the smell.
40

41 Mr. Lauritzen stated Wholesome knew the production of cannabis would involve odor, but
42 hoped the way they had designed the facility and their mitigation plan would be enough. He said
43 they found it was not enough, and they had done more, but were hoping to see the ordinance
44 amended to provide something more than a zero-odor tolerance policy for cannabis businesses
45 generally.
46

47 Mayor Wilkinson asked if cannabis businesses elsewhere were able to produce without
48 emitting strong odors. Mr. Lauritzen said because they were an indoor facility, the situation was
49 different from businesses in greenhouses or outdoors in more rural areas. He said he was not
50 aware of any cannabis producer that had not produced some level of odor. Mr. Lauritzen said he
51 did not believe there was a way to completely eliminate the odor emissions.

Centerville City Council
Minutes of Meeting of April 2, 2024

Page 6 of 12

1 Councilmember Plummer said he was aware the odor from cannabis was known to attach
2 to materials, and asked if Wholesome employees wore special clothing, or noticed a problem with
3 the odor sticking to them as they left. Mr. Lauritzen responded employees were required to wear
4 scrubs to meet sanitation requirements, but agreed that cannabis odors stuck to people. He said
5 he believed it very unlikely that the odor would stick to individuals down the road from the facility.
6 He said he did not believe the odor itself could cause health issues.
7

8 Mr. Lauritzen described the fourteen Clean Leaf air filter/scrubber units inside the facility,
9 spoke of additional sealing measures taken between the adjacent businesses, and said
10 Wholesome was prepared to do more. He said he did not believe there was a step that could be
11 taken to completely eliminate the odor. Councilmember Summerhays read aloud from the Clean
12 Leaf website that the air filter units were designed to completely eliminate odor. Mr. Lauritzen said
13 the units had dramatically reduced the odor emissions. He said the company was trying the best
14 they could. Mr. Lauritzen spoke of a \$2 million system used by casinos, and said because of taxes
15 on cannabis and difficulty operating in the black as a cannabis business, \$2 million was too large
16 an outlay. He said they tried to design the facility in a way to eliminate odors, and when that did
17 not work, they moved on to the next option which was Clean Leaf filters. Mr. Lauritzen repeated
18 that Wholesome was prepared to install more Clean Leaf filters, and to install one in the adjacent
19 business.
20

21 Councilmember Summerhays said he wanted every business in Centerville to succeed
22 within the framework of City Code. Mr. Lauritzen said Wholesome had a 15-year lease, and
23 wanted to be in Centerville for the full 15 years. Councilmember Mecham asked if Mr. Lauritzen
24 knew if any other growers were in such close proximity to other businesses. He said he did not
25 know. He said the landlord of the current building had leased to cannabis businesses before and
26 had been aware of what Wholesome produced. He stated Wholesome did their due diligence and
27 made sure everyone involved was aware of the business they would be conducting.
28

29 Councilmember Mecham said she was supportive of Wholesome and of medical
30 cannabis, and had relatives who had benefited from medical cannabis. She said she had been
31 on the west side of the City near the facility earlier that day, and said the smell was very strong
32 and had not seemed to her to be any better. Councilmember Mecham said someone commented
33 when she got home that she stank. She questioned why Wholesome would pick that area when
34 they knew the odor would be difficult to deal with. Mr. Lauritzen responded that locating the facility
35 in a more rural area would increase costs to patients. He said he did not doubt Councilmember
36 Mecham's experience with the odor, but said he knew from personal experience and testing that
37 the odors emitted into the environment had significantly decreased.
38

39 Mayor Wilkinson opened a public hearing regarding Cannabis Production Establishment
40 Standards at 8:16 p.m.
41

42 Bart Blackburn, Centerville resident, said he listened to the last Planning Commission
43 meeting discussion regarding the proposed text amendment. Mr. Blackburn expressed support
44 for Wholesome as a company, and expressed the opinion that a zero tolerance for anything was
45 problematic. He suggested the City establish a realistic measurable standard, and said it was
46 impossible to reach a standard of zero.
47

48 Bryce Anderson said he was a native of Centerville and a co-tenant of the building
49 (Walking Comfort) with Wholesome Co. Mr. Anderson said he agreed with a lot of what had been
50 said. He said he did not believe the topic for discussion that evening related to smells shared
51 within the building, but related to smells leaving the building. Mr. Anderson said the smell still
52 existed and impacted people's lives even with the investment made by Wholesome. He said his
53 employees often went home and showered before they went on with their day because of the

1 strong smell, and said vehicles parked outside of the facility absorbed the smell. Mr. Anderson
2 said he agreed getting rid of the odor would be tough. He said he knew from conversations with
3 Wholesome employees that the technology existed to reduce odor emissions to almost zero; all
4 that was needed was for the investment to take place. Mr. Anderson said Wholesome offered his
5 business one of the scrubber machines, but only if they gave up half of one of their spaces for
6 Wholesome to expand their business. He expressed the opinion that the smell needed to be
7 reduced for the benefit of the city.
8

9 Brad Hendrickson, employee of Walking Comfort, said his vehicle smelled like cannabis
10 every day when he left work, and did not go away right away. He said he understood the request
11 for some tolerance, but stated the odor emissions were illegal. Mr. Hendrickson spoke of difficulty
12 staffing with the odor and related situations occurring.
13

14 Dale Anderson said the smell was like a skunk, and permeated across the freeway. He
15 said he had heard comments from residents of the Smoot Farm Estates area wondering why the
16 area had that smell. Mr. Anderson said the applicant was trying to change the ordinance because
17 they recognized there was a big problem with the odor. He said he had been at the building with
18 Representative Paul Cutler. Mr. Anderson said he did not believe the State fully understood the
19 cannabis growing process. He said he believed the Centerville Wholesome facility was the only
20 indoor facility in close proximity to business and residential. Mr. Anderson said he knew the
21 manager of the other business adjacent to the cannabis facility had given notice because of
22 headaches caused by the smell present in the location all the time. He suggested Centerville
23 would be known for growing marijuana, and expressed the opinion that other such businesses
24 would move to Centerville because the door had been opened.
25

26 Mayor Wilkinson closed the public hearing at 8:27 p.m.
27

28 Mr. Lauritzen said he did not doubt the experiences of the adjacent businesses, but the
29 ordinance applied to odor leaving the facility. He said the issue was ultimately about trying to be
30 treated fairly as a cannabis business, while understanding that other property owners had rights
31 as well. He asked the Council to keep in mind that the comments made were about air passing
32 between adjacent units, not the air outside. He said he was not aware of any businesses that had
33 wanted to locate in the area but chosen not to because of the cannabis odor, and was not aware
34 of any existing businesses closing and leaving because of the odor. Mr. Lauritzen said
35 Wholesome was committed to getting it right, and hoped to be met halfway by the City.
36

37 Councilmember Hirst asked Mr. Lauritzen about the effect on the vehicles parked outside
38 the facility. Mr. Lauritzen said he personally believed the odor the individuals were experiencing
39 was from odor passing between the units, not from odor getting outside the facility. He
40 emphasized he was not aware of any evidence that the smell of cannabis had a negative impact
41 on the health and safety of individuals.
42

43 Councilmember Plummer asked if testing at varying distances from the facility could be
44 integrated into the ordinance. City Attorney Lisa Romney responded the Council could look at
45 multiple alternatives for the ordinance, but the question before the Council that evening was
46 whether they should change the zero tolerance. Councilmember Mecham said she knew from
47 personal experience and from other Centerville residents that the odor could be detected several
48 blocks away. She said it was a pungent odor, and it was affecting the entire area.
49

50 Ms. Romney commented that the proposed Zone Code Text Amendment would apply to
51 any cannabis facility in Centerville, not just the existing business. Responding to a question from
52 Councilmember Plummer, Ms. Romney said there was a cap on the number of licenses that would
53 be granted by the State.

1 Councilmember Mecham referred to the staff and Planning Commission recommendation,
2 and said she agreed the proposed text amendment was not compliant with the General Plan or
3 existing Code. Councilmember Plummer said he had gone to the subject area and not detected
4 a strong odor, and said the company was operating as a legal business. Councilmember Mecham
5 said she would be happy for the company to operate in the community if City ordinance could be
6 met.

7
8 Councilmember Summerhays asked if the Council was comfortable with any of the three
9 options proposed by the applicant. Councilmember Plummer said he believed zero tolerance was
10 very difficult to meet. Councilmember Summerhays commented that all ordinances were “zero
11 tolerance” policies in that either you complied, or you did not. Councilmember Hirst said she
12 wondered what an acceptable level would be if not zero odor emissions, and commented that the
13 Zoning Code would apply to all businesses in an entire zone. She said she was comfortable with
14 the Zoning Code as it stood, partly because of the unknown regarding other industrial businesses
15 that caused odors that could move into Centerville. Ms. Romney clarified that the proposed text
16 amendment would only apply to the cannabis production establishment portion of Code.

17
18 Councilmember Summerhays made a **motion** for the City Council to deny the request for
19 Zoning Code Text Amendment regarding CZC 12.69.020 (Cannabis Production Establishment
20 Standards), with the following reasons for action. Councilmember Mecham seconded the motion.

21
22 Reasons for action:

- 23
24 1. The request is not consistent with the goals, objectives, and policies of Section 12-430
25 of the General Plan regarding the West Centerville Neighborhood Plan.
26 2. The potential emission of odors, dust fumes, vapors, and/or waste into the
27 environment from cannabis production establishments does not preserve and protect
28 the development of the West Centerville Neighborhood area for future businesses and
29 does not foster the establishment and viability of commercial and industrial services in
30 the area.
31 3. The request is not consistent with the goals, objectives, and policies of Section 12-420
32 of the General Plan regarding Residential Development.
33 4. Section 12-420-2 of the General Plan provides that residential areas should be
34 afforded protection from the impact of more intensive commercial, industrial, and
35 institutional uses.
36 5. Noise, odors, fumes, and other emissions from cannabis production establishments
37 into nearby residential neighborhoods just east of I-15 and to the south on the west of
38 I-15 would have a detrimental impact on public health, safety, and general welfare of
39 current and future residents of the City.
40 6. The request is not consistent with other applicable Zoning Code standards regarding
41 industrial and/or manufacturing zones and/or uses, including CZC 12.12.040
42 (Definitions) regarding the definition of “manufacturing, limited” which prohibits such
43 uses from having any “noise, odor, vibration, or other impacts discernable outside a
44 building.”
45 7. By definition under CZC 12.12.040, all “manufacturing, limited” uses including
46 cannabis production establishments are treated similarly with regards to emissions.
47 8. The request is inconsistent with other applicable Zoning Code provisions regarding
48 the purpose of industrial zones as set forth in CZC 12.30.020 (Zone Purposes).
49 9. Existing provisions of the Zoning Code indicate the City’s desire to regulate noise and
50 emissions from “manufacturing, limited” uses and other businesses located in the
51 industrial zones.
52 10. The request is inconsistent with the intent and objectives of the Zoning Code as set
53 forth in CZC 12.10.030 (Purpose) including the intent to protect public health and

- 1 safety; to promote the prosperity, peace and good order, comfort, convenience, and
2 aesthetics of the City and its present and future inhabitants, and businesses; and to
3 protect property values.
- 4 11. The request is not consistent with the standards for the applicable zoning or use
5 designation for cannabis production establishments as described in CZC 12.12.040
6 (Definitions) and CZC 12.30.020 (Zone Purposes).
- 7 12. The request does not comply with the approval standards outlined in CZC
8 12.21.080(e), specifically regarding consistency with the goals, objectives, and
9 policies of the General Plan.
- 10 13. The City is authorized under Utah Code § 10-8-84 to pass ordinances as are
11 necessary and proper to provide for the safety, preserve the health, and promote the
12 comfort and convenience of the City and its inhabitants, and for the protection of
13 property in the City.
- 14 14. The regulation of the emission of dust, fumes, vapors, odors, and waste into the
15 environment from a cannabis production establishment is necessary and proper to
16 provide for the safety, preserve the health, and promote the comfort and convenience
17 of the City and its inhabitants, and for the protection of property in the City in
18 accordance with Utah Code § 10-8-84.
- 19 15. The City is authorized under Utah Code § 10-9a-528 (Cannabis Production
20 Establishments...) to enact land use regulations regarding cannabis production
21 establishments so long as such regulations are not in conflict with the Cannabis
22 Production and Pharmacies Act and the Utah Land Use, Development, and
23 Management Act.
- 24 16. The regulations set forth in Section 12.69.020 of the Centerville Zoning Code
25 prohibiting the emission of dust, fumes, vapors, odors, or waste into the environment
26 from any cannabis production establishment or facility are not in conflict with provisions
27 of State law and are lawful land use regulations regarding such uses in accordance
28 with Utah Code § 10-9a-528.
- 29 17. The City is authorized under Utah Code § 4-41a-406 (Local Control) to enact land use
30 regulations regarding cannabis production establishments and requires applicants for
31 land use permits to operate cannabis production establishments to comply with the
32 land use requirements and application processes of the City in accordance with the
33 Utah Land Use, Development, and Management Act.
- 34 18. The request to allow certain emission, however limited, of dust, fumes, odors, or waste
35 into the environment from any cannabis production establishment does not reasonably
36 promote the public interest or conserve the values of properties within the City
37 including adjacent commercial uses and nearby residential uses.
- 38 19. It is in the City's best interest and in the best interest for the general welfare of its
39 citizens and businesses to regulate and restrict the emission of dust, fumes, odors, or
40 waste into the environment from cannabis production establishments.

41
42 Councilmember Plummer said he would support the motion because he did not believe
43 the term "excessive" was adequately defined in the proposal. The **motion to deny passed** by
44 unanimous vote (5-0).

45
46 **INSTALLATION AND PURCHASE AGREEMENT WITH GENEVA COMMUNICATIONS**
47 **AND CONTROLS, LLC AND END USER AGREEMENT WITH VERKADA, INC. FOR**
48 **SECURITY CAMERAS AND SOFTWARE SERVICES**
49

50 Ms. Romney explained the desire to update security cameras and software system for
51 public buildings and facilities throughout the City. She said staff recommended entering into an
52 Installation and Purchase Agreement with Geneva Communications and Controls, LLC for the
53 installation of the new camera system. The City would also enter into an End User Agreement

1 with the camera manufacturing company Verkada, Inc. for long-term camera and software
2 integration. She said Geneva Communications and Controls, LLC was under State Contract, and
3 therefore exempt from formal bidding procedures. Ms. Romney explained the proposed
4 agreements to the Council and answered questions. She recommended entering into the
5 agreement with Geneva for a ten-year term. Mr. Hanson said staff would bring back a budget
6 amendment for Council review.

7
8 The Council discussed the possibility of placing cameras to monitor access to the hillside
9 bowl area. Councilmembers Hayman and Summerhays expressed support. Councilmember
10 Plummer expressed concern with privacy issues.

11
12 Councilmember Summerhays **moved** to approve Installation and Purchase Agreement
13 with Geneva Communications and Controls, LLC, and End User Agreement with Verkada, Inc.
14 for Security Cameras and Software Services, requiring a budget amendment as discussed,
15 including the ten-year license option and additional camera for the bowl, subject to changes
16 pursued by legal counsel. Councilmember Hayman seconded the motion, which passed by
17 unanimous vote (5-0).

18 **BID AWARD – COMMUNITY PARK PICKLEBALL COURTS**

19
20
21 Parks and Recreation Director Bruce Cox said the City applied for a Land and Water
22 Conservation Fund grant to help pay for the Community Park pickleball court project. One of the
23 requirements of the grant was that construction could not start until the grant award contract was
24 in hand. He expressed the opinion that the City would most likely receive the grant. The grant was
25 reviewed by the State, and referred on to the National Park Service. Mr. Cox reported he did not
26 know the exact timeframe for notification of the grant award because the National Park Service
27 was currently short staffed and behind on awarding grants. He said the application was for a
28 matching grant in the amount of \$250,000 for pickleball courts, with an additional \$150,000 for
29 playground equipment.

30
31 City Engineer Kevin Campbell reported bids received for the pickleball project, and
32 recommended the Council award the project to Parkin Tennis Courts in the amount of
33 \$799,285.00, subject to receipt of the grant. Staff would bring back a budget amendment for
34 Council approval at a future meeting. Mayor Wilkinson said he had a hard time moving forward
35 with a project for which \$500,000 was budgeted if the final cost was \$800,000. Mr. Campbell
36 recommended that notice to proceed not be signed until the City was ready to proceed with the
37 project.

38
39 Councilmember Summerhays **moved** to award the pickleball court project to Parkin
40 Tennis Courts in the amount of \$799,285.00, subject to acceptance of the Land and Water
41 Conservation Fund grant and full execution of final grant contracts.

42
43 The Council discussed the planned project. The motion died for lack of second.
44 Responding to a question from Councilmember Hayman, Councilmember Summerhays said he
45 would not be comfortable moving forward with the project if the City were paying the full \$800,000,
46 with \$500,000 having been budgeted, but was comfortable moving forward with the addition of
47 \$250,000 in grant funds. Councilmember Plummer said he did not oppose pickleball courts in
48 general, but said he was not in support of the planned location of the courts. Mayor Wilkinson and
49 Councilmember Summerhays spoke of the number of citizens who had attended meetings
50 expressing a desire for the City to provide pickleball courts, and described the process for
51 selecting the planned location. Councilmember Mecham emphasized that the location was
52 included in the grant application, and could not be changed without losing the grant funds.

1 Councilmember Hirst said she was comfortable moving forward with the project at the current bid
2 amount if the grant was received.
3

4 Councilmember Summerhays **moved** to authorize the Mayor to sign a notice of award
5 and/or notice to proceed for Parkin Tennis Courts in the amount of \$799,285.00, subject to receipt
6 and acceptance of the Land and Water Conservation Fund grant of \$250,000 and full execution
7 of grant contracts. Councilmember Mecham seconded the motion. Councilmember Plummer said
8 he would support the motion because of the work that had gone into the project preceding his
9 time on the Council. Councilmember Hayman said she felt the same. The motion passed by
10 unanimous vote (5-0).
11

12 **SUMMARY ACTION**

- 14 1. Vehicle Purchase – purchase of International CV truck body for Public Works in the
15 amount of \$62,407.83.
- 16 2. Bid Award to PNL Construction in the amount of \$301,467.50 for Briarwood Drive
17 Culinary Waterline & Storm Drain.
- 18 3. Bid Award to Ferguson Waterworks in the amount of \$67,939.95 for Briarwood Drive
19 Culinary Waterline Materials.
20

21 Councilmember Hayman **moved** to approve the Summary Action items as listed above.
22 Councilmember Summerhays seconded the motion, which passed by unanimous vote (5-0).
23

24 **MINUTES REVIEW AND APPROVAL**

25
26 Minutes of the February 20, 2024 Work Session and City Council Meeting, and March 19,
27 2024 Work Session, City Council Meeting, and Closed Session were reviewed. Councilmember
28 Hirst **moved** to approve all five sets of minutes. Councilmember Mecham seconded the motion,
29 which passed by unanimous vote (5-0).
30

31 **COUNCIL LIAISON DISCUSSION**

32
33 Councilmember Hirst provided updates on Deuel Creek Irrigation, South Davis Sewer
34 District, and the Parks and Recreation Committee.
35

36 **MAYOR REPORT**

- 37
- 38 • Mayor Wilkinson spoke of the Council Budget Retreat held March 26 and 28, 2024.
- 39 • Mayor Wilkinson reported on recent events in the community.
40

41 **CITY MANAGER REPORT**

- 42
- 43 • Mr. Hanson thanked the Council and staff for their participation in the recent Budget
44 Retreat.
- 45 • Mr. Hanson spoke of an upcoming Utah League of Cities and Towns (ULCT)
46 conference.
47

48 **ADJOURNMENT**

49
50 At 9:53 p.m., Councilmember Hayman **moved** to adjourn the meeting. Councilmember
51 Summerhays seconded the motion, which passed by unanimous vote (5-0).
52
53

Centerville City Council
Minutes of Meeting of April 2, 2024

1
2
3

DocuSigned by:
Jennifer Robison
744B22DE1D2445C
Jennifer Robison, City Recorder

4/18/2024 | 2:39 PM MDT

Date Approved

DS

