

Minutes of the Centerville **City Council Special** meeting held Wednesday, July 1, 2020, at 7:30 p.m. with participants present electronically via Zoom and streamed on YouTube due to the COVID-19 outbreak.

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
Leah Romero, City Recorder

AIR PARADE AGREEMENT

Mayor Wilkinson and Councilmember Ince updated the Council on the planned 4th of July Air Parade. Mayor Wilkinson stated that Bountiful Flight, LLC (dba FLT Academy) had been willing to receive and distribute funds for the planned Air Parade. He reported that the County had offered on June 17th to pay the full \$15,000 for the Air Parade from County tourism funds. A Services and Hold Harmless Agreement between Davis County, Centerville City, and Bountiful Flight, LLC (dba FLT Academy) was subsequently prepared. The Agreement proposed Centerville and Davis County as sponsors of the Air Parade to be organized and operated by Bountiful Flight. Bountiful Flight was to obtain sufficient insurance for the event and to indemnify and hold harmless the County and City.

The Mayor explained that Bountiful Flight was not willing to sign the Agreement as prepared, and the County was not willing to participate without the Agreement, leaving the event without a funding mechanism. Councilmember Ince commented that Bountiful Flight might be willing to move ahead without County involvement, but insurance would still be required, and the \$1,000 collected from each of the cities would not be enough to pay for both the insurance and the skydivers scheduled to participate.

Mayor Wilkinson stated he would continue trying to help the event move forward. Councilmember Fillmore asked how the City handled liability with the annual 4th of July fireworks event. Brant Hanson, City Manager, briefly explained special event coverage. Councilmember Fillmore commented that the Air Parade was organized to take the place of the City's traditional 4th of July celebration, and suggested Centerville City approve additional funds for the Air Parade and facilitate the event funding through the Centerville Community Foundation. Mr. Hanson responded that the Air Parade would involve far more risk than the annual fireworks event, involving several entities over several jurisdictional boundaries. He commented that if Centerville City paid the bulk of the cost and acted as host, Centerville City would take on the bulk of the liability.

Mr. Hanson and Lisa Romney, City Attorney, further explained liability, insurance requirements, and the need to have a formal agreement in place. Mr. Hanson stated that an interlocal agreement was needed between the County and all cities involved clarifying shared

1 liability and responsibility, jointly contracting with Bountiful Flight to provide the service. Each
2 city would need to pay its portion of the cost. Staff stated that, unfortunately, there was not time
3 for such an agreement to take place.
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5 Councilmember Fillmore suggested rescheduling the Air Parade for the evening of the
6 24th of July. Councilmember McEwan commended Councilmember Ince and the Mayor for their
7 efforts to organize such a unique event. Mayor Wilkinson said several mayors of other cities had
8 messaged him during the meeting indicating their cities would be willing to contribute \$2,000.
9

10 The Council discussed trying to coordinate payment and insurance agreements with
11 each of the cities involved within the timeframe available, with the possibility of increasing the
12 revenue for Bountiful Flight. Mr. Hanson said Staff's recommendation was to not proceed with
13 the event. He said another entity (possibly Bountiful Flight) would need to invoice all cities
14 individually, and would need to pay all bills for the event; all cities would need to be listed on an
15 agreement as insured; and Centerville Staff, Utah Local Governments Trust, URMA, and
16 Olympus would all need an opportunity to review the insurance agreement. Councilmember
17 Ince agreed to follow-up regarding insurance. Councilmember McEwan pointed out that
18 Centerville City would still be liable as the organizer. He suggested approving a greater
19 expenditure of City funds (up to the 2020 fireworks budget) to increase the revenue for Bountiful
20 Flight as an incentive for participation in the Services and Hold Harmless Agreement. The
21 possibility of other cities also increasing the amount they contribute was discussed.
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23 Councilmember McEwan **moved** to authorize the Mayor and City Manager to negotiate
24 pricing up to the current budget for fireworks for FY 2021 as a means of incentivizing Bountiful
25 Flight, LLC to accept the Services and Hold Harmless Agreement as written. Councilmember
26 Ivie seconded the motion, which passed by unanimous vote (5-0).
27

28 Councilmember Ivie **moved** to authorize the Mayor to sign the Services and Hold
29 Harmless Agreement between Davis County, Centerville City, and Bountiful Flight, LLC.
30 Councilmember Ince seconded the motion. Ms. Romney pointed out that the Agreement did not
31 list all the other cities involved. She suggested revising the Agreement to state that Bountiful
32 Flight would invoice the different cities. She repeated her recommendation that a formal
33 agreement should be involved. The Council discussed how much money might be necessary to
34 incentivize Bountiful Flight to participate.
35

36 Councilmember Ince made a **motion** to modify the Services and Hold Harmless
37 Agreement between Davis County, Centerville City, and Bountiful Flight, LLC (dba FLT
38 Academy) to reflect payment of \$50,000 to Bountiful Flight, LLC to become the organizer of the
39 event without specifying the exact contributions of each city. Councilmember Ivie seconded the
40 motion, which passed by unanimous vote (5-0).
41

42 **ADJOURNMENT**

43

44 At 9:13 p.m., Councilmember Ivie **moved** to adjourn the meeting. Councilmember
45 McEwan seconded the motion, which passed by unanimous vote (5-0).
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Leah Romero, City Recorder

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Katie Rust, Recording Secretary