CENTERVILLE CITY
250 North Main · Centerville, Utah 84014-1824 · (801) 295-3477 · Fax: (801) 292-8034
Incorporated in 1915

interoffice MEMORANDUM

[redacted]

to: Mayor Russell
City Council
cc: Department Heads
Planning Commission
from: Steve Thacker, City Manager S. Thacker
subject: City Manager's Summary of April 16, 2013 Council Meeting
date: April 12, 2013

E.1. **<u>Minutes Review and Acceptance</u>** – The minutes to be approved are enclosed.

E.2. **<u>Summary Action Calendar</u>**

a. Cutler Phase 5 Subdivision – This residential development is ready for termination of its warranty period.

b. Engberson-Taylor Subdivision – This subdivision is ready for commencement of its warranty period.

E.3. **<u>Gun Range Lease</u>** – The Centerville Small Arms Association operates the gun range on the mountainside east of Centerville, pursuant to a long-term lease between the City and the Association. The current 10-year lease expires December 31, 2013. Jim Stephens, President of the Association, has requested an extension of the lease for another 10 years. Recognizing that none of the current elected officials were involved in the approval of the current lease in 2003, staff would like to educate the current Council on the history of this facility and the content of the current lease. Staff will then seek direction from the current Council regarding issues or revisions that should be addressed as a new lease is drafted, assuming the Council wants to continue this partnership. A new lease would be approved in a future Council meeting. The current lease is enclosed.

E.4. **<u>Automated Agenda Management Program</u>** – For the past several months, staff have been evaluating the possibility of going paperless with the City Council meeting materials. That evaluation has included a review of several automated agenda management software programs available to cities. These programs provide other advantages in addition to simply going paperless with meeting materials. Staff will report on what they have learned about these programs.

E.5. **<u>Financial Report</u>** – Blaine Lutz prepared the enclosed Financial Report for the nine-month period ending March 31.

E.6. **<u>Mayor's Report</u>** – The Mayor will report on the Centennial Book Committee's work, Fire Agency issues and preparations for the July 4th celebration.

MAKING Life BETTER Centerville City

E.7. **City Manager's Report** – I will report on the culinary well project, recent GRAMA requests and the anticipated demolition of the Chase Lane property.

E.8. **Miscellaneous Business** – At this time I have not identified any topics under this heading.

E.9. **Closed meeting, if necessary** – At this time I do not know of a need for a closed meeting, but the agenda allows for that possibility.

E.10. **Appointments to City boards, committees, etc.** – The Mayor may make recommendations for appointments to boards and committees.

Potential Agenda Items for May 7, 2013 City Council Meeting (subject to change):

- Accept easements for split of island parcel
- Approve UTA Rail Corridor Use Agreement
- Review Culinary Water Impact Fee Facilities Plan/Analysis
- Presentation of FY 2014 Proposed Budget from City Manager

mlm

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 P.M. ON TUESDAY, APRIL 16, 2013 AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Blaine Lutz, Centerville Finance Director, at 295-3477, giving at least 24 hours notice prior to the meeting.

A notebook containing supporting materials for the business agenda items is available for public inspection and review at City Hall and will be available for review at the meeting. Upon request, a citizen may obtain (without charge) the City Manager's memo summarizing the agenda business, **or may read this memo on the City's website: www.centervilleut.net.**

Tentative Time: - The times shown below are tentative and are subject to change during the meeting.

7:00 **A. ROLL CALL**

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT – Steve Thacker

7:05 **D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.**

E. **BUSINESS**

7:10 1. **MINUTES REVIEW AND ACCEPTANCE** – March 26, 2013 Financial Planning work session; April 2, 2013 work session, April 2, 2013 meeting

7:15 2. Summary Action Calendar
- a. Cutler Phase 5 Subdivision - Terminate warranty period
- b. Engberson-Taylor Subdivision – Commence warranty period

(OVER)

7:15	3.	Briefing and discussion about gun range lease
7:45	4.	Staff report and discussion re automated agenda management program
8:05	5.	Financial report for period ending March 31, 2013
8:15	6.	Mayor's Report a. Centennial Book Committee b. Fire Agency c. July 4th Celebration
8:25	7.	City Manager's Report a. Well Project update b. GRAMA requests c. Chase Lane property demolition
8:35	8.	Miscellaneous Business
8:40	9.	Closed meeting, if necessary, for reasons allowed by state law , including, but not limited to, the provisions of Section 52-4-205 of the Utah Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to *Utah Code Ann.* § 78B-1-137, as amended.
8:40	10.	Possible action following closed meeting, including appointments to boards and committees

F. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

Preliminary Draft

Minutes of the Centerville City Council **work session** held Tuesday, March 26, 2013 at 6:00 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Ronald G. Russell
Council Members	Justin Y. Allen Ken Averett John T. Higginson Sherri Lyn Lindstrom Lawrence Wright
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager (arrived at 8:00 p.m.) Randy Randall, Public Works Director Katie Rust, Recording Secretary
VISITOR	Gary Crane, Layton City Attorney (arrived at 8:00 p.m.)

WHITAKER MUSEUM TOUR

At 6:00 p.m. Mayor Russell, Council members Allen, Higginson, Lindstrom, and Wright, and City Manager Steve Thacker met at the newly reopened Whitaker Museum for a tour and message from the Whitaker Museum Board. The Museum is receiving positive recognition in the historic preservation community. Chair Packer expressed that the Museum is a showplace which contributes to making Centerville a better place. Council members were given a list of Whitaker Museum 2013-14 Goals and budget request. Board members in attendance included Chair Spence Packer, Paul Smith, Nancy Smith, and Bridget Lee. The Council returned to City Hall at 6:40 p.m. to continue the work session.

PRESENTATION BY PUBLIC WORKS DIRECTOR

Randy Randall, Public Works Director, presented the Streets Maintenance Master Plan 2014-2018. He showed maps of streets maintenance that had been scheduled as part of the 2008-2012 Master Plan but was not accomplished due to insufficient budget. Mr. Randall specified causes of street deterioration and explained that if roads are not repaired in a timely manner, the costs for the repairs continue to rise substantially. Arterial streets need to be maintained at a higher quality than the rest of the streets. A high percentage of Centerville streets are currently in acceptable condition, but a large number of streets are approaching the point they will require major work if not maintained. The new Streets Maintenance Master Plan includes city parking lots and trail systems. Mr. Thacker commented that in the future the City may be able to maintain parking lots at City parks with RAP tax funds, if approved by voters. Mr. Randall showed maps of scheduled streets maintenance through 2018, if the maintenance receives sufficient funding.

Staff has estimated the maintenance included in the 2014-2018 Streets Master Plan will cost an average of $1.6 million per year. The City will receive approximately $460,000 for Class C roads from the state, leaving approximately $1.2 million of maintenance to fund. Cost for materials has increased considerably, reducing the buying power of budgeted funds in recent years. Councilman Higginson asked if it would be beneficial to combine with other cities to purchase materials at a lower price. Mr. Randall responded the City would be better off increasing its own volume to get a lower price. Councilman Averett suggested scheduling more of one type of repair in a single year to maximize buying power. Staff agreed that a shift in the schedule might be possible. Mr. Randall stated that Centerville bids the work early in the year, which is the best way to maximize buying power.

Mayor Russell suggested continuing at the current funding level for another year or two to see if new options arise, since the only alternative available at this time to increase street maintenance funding is a property tax increase. Mr. Randall stated staff will act on whatever the Council decides, but cautioned that postponed maintenance becomes more expensive to accomplish over time. As streets become "dead" it is financially worthwhile to allow them to stay that way for a few years before rebuilding, since a rebuild costs three times more than an overlay. Mr. Randall mentioned the City is in the process of looking at other master plans, such as the Storm Drain Master Plan. A lot of work needs to be done within the city, and it will be valuable to coordinate the timing of street maintenance with utility work. Steve Thacker expressed hope that with a careful year-by-year review of the streets, a sufficient amount of maintenance might be accomplished for around $1 million per year, rather than the ideal amount of $1.6 million. Mr. Thacker reported the Legislature discussed an option that would provide more funding to the cities for street maintenance. It was not passed this year, but seems to gain more support every year and may be passed in the future.

Mr. Randall showed snow plow maintenance costs for the past four years compared to the trade-in values of the vehicles. The maintenance cost of some of the vehicles is approaching or exceeding the trade-in value. He stated the Public Works Department would like to add a ten-wheel truck with a side-wing plow to the City's fleet. The larger truck would accomplish the work currently done by two snow plows on the larger arterial streets, accomplishing the work more efficiently and cutting down on personnel time. The larger truck could also be used to haul materials year-round.

The Council took a short break from 8:10 p.m. until 8:17 p.m.

PRESENTATION BY LAYTON CITY ATTORNEY

Mr. Thacker introduced Gary Crane, City Attorney for Layton, whom he invited to speak to the Council regarding a possible option for the future of UTOPIA. Mr. Crane has experience working with the Legislature as well as with UTOPIA and the cities involved. The Legislature has said that UTOPIA cannot directly compete with commercial business and must remain wholesale. With that restriction it will take a long time to pay off UTOPIA's debt obligations.

Mr. Crane stated that cities run utility systems well. He suggested each city could set up an enterprise fund (i.e., "Centerville Fiber"), which would take in revenues, retire debt, and cover operating expenses. Under this scenario, UTOPIA would become like a district that would serve the individual entities. The cities would deploy fiber and connect a box to each property, charging a fee from each household or business for the connection. With the infrastructure in place, the commercial end (i.e., provision of telecom services) would be handled by other providers. The cities could use the box at each home to read meters, for 911 service, telecommunications, and wireless services in parks and other public areas. By removing itself from the commercial end, UTOPIA would become a system not constrained by many of the restrictions placed by the Legislature. UTOPIA would maintain franchise agreements with providers to control quality, and individual homeowners would be able to choose how to utilize the services available. The change would allow UTOPIA and the providers to focus on what they do best. The fiber connection would be included in the city utility bill sent to every household. An adjustment or credit would be made for citizens who have already paid the connection fee for UTOPIA. The cities would operate the system the same as all other utilities within the city.

All eleven UTOPIA cities would have to agree with the idea for it to be possible. State law would not need to be changed, and a public vote would not be necessary. However, it will be important to act quickly before State law is amended to make the change impossible. Mr. Crane thinks the model could be put in place within the next year.

Councilman Averett asked why the service providers would want to use the UTOPIA infrastructure. Mr. Crane responded that the UTOPIA infrastructure is superior to what the providers can put in place. Since the end user will be paying for the fiber, he thinks the providers will want to use it. Councilman Averett asked why UTOPIA would not be charging a fee from the provider for use of the fiber. Mr. Crane responded that charging a provider fee would make UTOPIA commercial. The goal would be to stay completely away from the retail end so State restrictions no longer apply. He also feels a provider fee would discourage providers from participating. Utility fees are paid for by the end user.

Mayor Russell thanked Mr. Crane for his presentation and stated he thinks the idea is worth exploring.

ADJOURNMENT

The work session was adjourned at 9:18 p.m. The Council will next meet on Tuesday, April 2 at 5:30 p.m.

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Marsha L. Morrow, City Recorder Date Approved

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Katie Rust, Recording Secretary

Minutes of the Centerville City Council **work session** held Tuesday, April 2, 2013 at 5:37 p.m. in the Centerville City Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Ronald G. Russell
Council Members	Ken Averett John T. Higginson Sherri Lyn Lindstrom Lawrence Wright
MEMBER ABSENT	Justin Y. Allen
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Jacob Smith, Management Assistant Neal Worsley, Centerville Police Chief Bruce Cox, Parks and Recreation Director Katie Rust, Recording Secretary

CITY WEBSITE

Jacob Smith, Management Assistant, presented the new City website to the Council. Information regarding services and departments is easy to access, as well as a City calendar and construction/emergency updates. The website includes a contact form that will allow citizens to submit a comment to the appropriate department or individual without disclosing email addresses. Councilman Averett suggested that City Manager Thacker should be automatically copied on all comments submitted to the City Council. Mr. Thacker added that the Mayor should also be copied on all comments submitted to City Council members. The General Plan and Municipal Code can be accessed on the website, and citizen complaint and code enforcement forms can be printed, signed, and submitted. The Council thanked Mr. Smith for what he has accomplished with the website.

POLICE DEPARTMENT PRESENTATION

Neal Worsley, Centerville Police Chief, presented the Police Department budget and equipment projection for the next three years. He intends to monitor and evaluate neighboring Police Departments' use of a motorcycle for traffic control purposes. If it appears to be cost effective, Centerville may adopt the use of a motorcycle in the future. A year ago Chief Worsley requested that funding for an additional officer be included in the budget. The Council was unable to approve the request due to budget constraints. For FY 2014, Chief Worsley proposes that he present the Council with numbers and data near the end of the calendar year, possibly November, and allow the Council to determine whether or not an additional officer is necessary. Councilman Wright asked the Chief if he has considered using Volunteers in Police Service (VIPS). Chief Worsley expressed some hesitations and concerns, but stated he is willing to look at the option. The cost to hire a new officer, salary and benefits plus equipment, would be approximately $100,000 for the first year and $80,000-$90,000 in subsequent years.

PARKS DEPARTMENT PRESENTATION

Bruce Cox, Parks and Recreation Director, presented the Parks Department budget projections, and explained a few unusual items included for FY 2014. Community Park has problems with irrigation water pressure, and Mr. Cox proposes installing a pump to utilize subdrainage water at the west end of the park as part of the scheduled park expansion. The Federal government has banned further production of T12 fluorescent light bulbs, which are currently used in several of Centerville's public buildings. It will be necessary to retrofit or change-out much of the lighting in City buildings in favor of more efficient lighting.

Mr. Thacker reported on a recent Recreation Department cost analysis. Revenues of the recreation programs cover all of the costs except for salaries for the Recreation Coordinator and Assistant Coordinator, and two baseball program employees. Councilman Averett asked if it would be possible to run the recreation programs with volunteers. Staff responded it has been done in the past with inconsistent results. Councilwoman Lindstrom thanked Mr. Cox for all he does, and added that the Christmas lights in Founders Park are amazing.

ADJOURNMENT

The work session was adjourned at 6:54 p.m.

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Marsha L. Morrow, City Recorder Date Approved

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Katie Rust, Recording Secretary

Minutes of the Centerville **City Council** meeting held Tuesday, April 2, 2013 at 7:06 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Ronald G. Russell
Council Members	Ken S. Averett John T. Higginson Sherri Lyn Lindstrom Lawrence Wright
MEMBER ABSENT	Justin Y. Allen
STAFF PRESENT	Steve Thacker, City Manager Blaine Lutz, Finance Director/Assistant City Manager Lisa Romney, City Attorney Cory Snyder, Community Development Director Katie Rust, Recording Secretary
VISITORS	Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilman Larry Wright

OPEN SESSION

No one wished to comment.

MINUTES REVIEW AND APPROVAL

The minutes of the March 19, 2013 goal setting work session and Council meeting were reviewed. Councilman Wright requested an amendment to the Council meeting minutes, and made a **motion** to approve the Council meeting minutes as amended. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0). Councilwoman Lindstrom made a **motion** to approve the work session minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).

PUBLIC HEARING – REZONING PROPERTY FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW/PLANNED DEVELOPMENT (R-L/PD) AND CONCEPTUAL SUBDIVISION PLAN FOR THE WOODS PARK SUBDIVISION, LOCATED AT APPROXIMATELY 2250 NORTH 800 WEST (TABLED FROM MARCH 19 MEETING) – CONSIDER ORDINANCE NO. 2013-05

The proposed 29-lot development is to be located at 2250 North 800 West, which is on the north end of the City limit line adjacent to the Frontage Road. The applicant desires to develop the property into a Planned Development Overlay (PDO) Subdivision. In order for this to happen, the applicant must receive a zone map amendment to modify the zoning from Agricultural-Low (A-L) to Residential-Low-Planned Development (R-L/PD). Cory Snyder, Community Development Director, gave a brief history of the request and actions taken. Since the matter was last presented to the Council the developer has secured an additional tract of land to the south he desires to include in the PDO review process. The proposed development would include narrower rights-of-way but standard road widths, fencing upgrades around the perimeter, and increased storm drain capacity that would benefit the surrounding area. Mr. Snyder reported the Planning Commission approves of the improved design and the ability to better manage storm drainage. It is not likely the City would achieve the same level of storm drainage upgrades if the property were to remain zoned agricultural. The Planning Commission recommends the Council approve the rezone as well as the PDO. Mr. Snyder reminded the Council that a major consideration with the rezone is the adequacy of facilities. The Planning Commission feels that, with the proposed Development Agreement, the adequacy of facilities requirement is met.

Lisa Romney, City Attorney, reported that staff has worked with the developer and City Engineer Kevin Campbell to determine what needs to be done to handle the storm water on the property. Staff recommends the City enter into an agreement with the developer and property owners that will ensure the adequacy of the drainage facilities prior to approving the rezone. The developer will improve drainage on the property, as well as pay a fair share to improve drainage on the west side of the freeway in the UTA corridor. The City will pay to up-size the improvement to maximize the capacity. Staff feels the Development Agreement provides a win-win situation for the City with the developer paying for a majority of the improvements. Ms. Romney provided the Council with a Section 44 to be added to the Development Agreement, and a new condition #8 to be added to the Ordinance.

Alan Prince, developer of the project, stated he has never been through a more unique process and faced more unique challenges with a development project. He is thrilled to be developing this part of the community, and appreciates the time that has been spent by staff. He feels the development will be a tremendous benefit to everyone involved. Mr. Prince answered questions from the Council about the development.

At 7:46 p.m. Mayor Russell opened a public hearing regarding the proposed rezone and conceptual plan.

Shelley Tew – Ms. Tew is a daughter of the property owner, Val Woods. She thanked the City for the time that has been put into trying to develop the area. Ms. Tew feels the appearance of the property will be improved with the development.

Dee Evans – Mr. Evans has owned the property to the east of the project for 23 years. He has concerns regarding the plan to raise the level of the development property, and asked how far the property will be raised. Staff stated the grade level has not yet been determined. He welcomes the development to a certain extent. He knows that to develop his property he would have to pay to improve the infrastructure, yet there will be a cost to the City for part of the infrastructure costs for the proposed development. Mr. Evans feels some of the benefits in the original plan have been lost, and is concerned that second and third homeowners will not uphold the original rules and restrictions placed by the Homeowners Association. He wants to see a good development that is done properly where families will want to stay. He pointed out the lack of gardening space in the development, and asked the Council to be mindful of others in the neighborhood.

Gene Stewart – Mr. Stewart is a son-in-law of Val Woods. He feels the development project has a good, responsible developer and thanked the City for the time put into the project. He feels it will be something Centerville can be proud of.

Trish Evans – Ms. Evans and her husband own the property to the east of the project. Her biggest concern is related to the type of fencing that will be put between the development project and her property. They raise cattle for beef, and they want children in the development to be protected from their bulls. They are not completely against having development, but would prefer that the property have bigger lot sizes.

Mayor Russell closed the public hearing at 8:05 p.m. The Mayor feels the proposed development is an improvement and recommended moving forward with the project. Councilman Averett commended staff and the developer for addressing many of the concerns raised at previous meetings. He feels it will be a quality development that will enhance that part of the city, benefit the neighbors, and positively impact property values. Councilwoman Lindstrom echoed the Mayor's and Councilman Averett's comments. She thanked the members of the public in attendance and feels the development will be a better project because of comments from the public. Councilman Higginson is pleased with the improvements that have been made to the project. He wants to ensure that the residents neighboring the development are not told to change their use of land when new residents complain about the animal noises and agricultural smells. Councilman Wright expressed concern that not more members of the public were in attendance. He feels the development is an example of why citizens need to be continually engaged and involved in what is going on. Councilman Wright agrees that the development should move forward.

Councilman Averett made a **motion** to approve the Development Agreement between Centerville City, the Wood Trust, William J. Wright and Suzanne B. Wright, and David Ellis for the Woods Park Planned Development (PDO) regarding necessary infrastructure and improvements for development, including the addition of Section 44 as presented by staff. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Councilman Averett made a **motion** to adopt Ordinance No. 2013-05, amending the Centerville City Zoning Map by changing the zoning of approximately 5.31 acres of certain real property from A-L to R-L/PD and accepting Conceptual Subdivision Plan for the Woods Park Planned Development as recommended by the Planning Commission, with the addition of Condition #8 to the Conditions of Approval as follows:

1. This PDO Concept Plan acceptance is subject to approval of the R-L/PD by the City Council.
2. Upon R-L/PD approval by the City, all future development must substantially comply with the Concept Plan booklet, the landscaping plan, and color/materials scheme submitted by the developer to the Planning Commission and City Council, except as amended by the City.
3. Alterations to the City's Zoning or Subdivision Ordinances are acceptable as follows:
    a. May receive up to a 20% density bonus consisting of no more than 29 single-family homes.
    b. May reduce the right-of-way down to 44 feet, or as determined appropriate by the City Engineer.
    c. May eliminate the public sidewalk along one side of the street.
    d. May reduce front yards to 20 feet.
    e. May reduce side yards to 5 feet or 10 feet between units.
    f. May reduce rear yards to 15 feet.
4. This PDO Concept Plan acceptance is amended to include the following:
    a. Provide a connecting pathway from the interior development pathway system to the landscape detention area and the Frontage Road sidewalks.

   b. Switch the interior sidewalk around the island to the outside loop and re-connect the pathways.
   c. Reduce congested driveway (i.e. amount of impervious surface) areas for Lots 1-3 and Lots 19-21 to improve front yard green space and appearance for these units.
   d. Provide secondary landscaped feature areas at Lots 2/3 and Lot 19 (e.g. angling rear yard fence lines), along the Lund Lane frontage.
   e. The building architecture for rear elevations are to be enhanced with additional architectural and material design elements.
   f. All primary buildings and attached accessory building elements are to comply with the approved setbacks.
   g. The use of detached accessory buildings is to be addressed with any preliminary subdivision plan submittal.
   h. Stamped-colored concrete crosswalks are to be added to all designated pedestrian crossing areas within the public right-of-way and must meet City Standards.
   i. Provide increased architectural interest and detail on the perimeter fencing facing the roads.
   j. Trees for privacy added in the landscaping plan along the backs of Lots 9-14.
   k. A plat note added and a seller disclosure provided that this development is next to existing agricultural zoning.
5. As part of any preliminary subdivision submittal, the applicant shall provide a development schedule indicating when the project will begin construction and estimated timeline for build out.
6. This PDO Concept Plan acceptance is subject to all other applicable City Ordinances and other related development applications and approvals.
7. The PDO Concept Plan acceptance is subject to the review and approval of the City Engineer and City Attorney, and subject to applicable City Ordinances.
8. Prior to the effective date of the RL/PD zoning, the Development Agreement regarding required drainage facilities and infrastructure shall be fully executed by the parties and recorded against the Property.

The motion includes the followings findings:

1. The City Council finds that the proposed PDO Concept Plan, with the listed conditions, results in a residential project design and layout that could not be accomplished through conventional zoning.
2. The City Council finds that the PDO request, with the listed conditions, sufficiently addresses the PDO Development Standards found in Section 12-41-080 and the review procedures set forth in Section 12-21-080(e).
3. The City Council finds that the PDO Concept Plan, with the listed conditions, provides sufficient evidence in regard to the project's design and amenities to receive a bonus density of up to 20% [Section 12-480(c)(2)].
4. The City Council finds that the PDO Concept Plan is in harmony with the General Plan's residential base density [Section 12-480-5].
5. The City Council finds that the PDO Concept Plan is in harmony with the General Plan's desire to have future development to occur within small PUDs [Section 12-480-5].

Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

MAYOR'S REPORT

Mayor Russell recommended the appointment of David Hirschi to the Planning Commission to take Ken Holbrook's place effective April 24, 2013. Councilwoman Lindstrom made a **motion** to appoint David Hirschi to the Planning Commission effective April 24, 2013. Councilman Wright seconded the motion, which passed by unanimous vote (4-0).

Mayor Russell recommended Ben Horsley be appointed to the Parks and Recreation Committee. Councilman Higginson made a **motion** to appoint Ben Horsley to the Parks and Recreation Committee. The motion was seconded by Councilman Wright and passed by unanimous vote (4-0). Councilwoman Lindstrom made the observation that a number of individuals on the Parks and Recreation Committee are from the north end of the city, with no representation from the south end. Steve Thacker responded that one appointment on the Committee is still available, and Mayor Russell added that he would be happy to accept applications or recommendations.

Mr. Thacker and the Mayor recently met with Mr. Carlson regarding whether he would be interested in selling his property in the Bamberger neighborhood to the City. Mr. Carlson indicated he would entertain an offer from the City. Councilwoman Lindstrom feels that part of the city is short on park space and would like to see the property preserved for park space.

CITY MANAGER'S REPORT

- At a previous meeting the Council asked staff to obtain information regarding "all-by-mail voting." Syracuse will be using mail-in voting for their primary election and electronic voting for the general election. The mail-in voting will cost approximately 50% more than the electronic voting. Centerville will use electronic voting this year and staff will monitor the success of mail-in voting in Syracuse.
- City Manager Thacker reported on the status of CDBG and WFRC funding applications. Centerville receives a large portion of the funding applied for, which can be credited to Blaine Lutz's understanding of the criteria involved.
- The City recently submitted an application for Federal funding from the Wasatch Front Regional Council to improve bike lanes on the Frontage Road. The application has been recommended by the technical review committee, which usually results in acceptance. The project would be added to a five-year plan and scheduled for 2019. The City will coordinate an overlay of the Frontage Road with this project.
- Mr. Thacker presented a request from a woman desiring to purchase an art print that was donated to the City in 1998. The print is of historical significance to the City and holds a personal significance for her. The Council did not indicate interest in acting on the request. Mayor Russell suggested the woman find out if the print could legally be copied.

MISCELLANEOUS

- Councilwoman Lindstrom made a **motion** to award bids for the miscellaneous water lateral project to Kapp Construction in the amount of $46,173.60 for labor and to Mountain States Supply in the amount of $12,583.42 plus tax (total $13,470.55) for materials, including the condition that the portion that includes the work for Deuel Creek Irrigation be included if they pay the estimated cost up front as a deposit, and then sign a letter of understanding they will pay whatever is owed at the end after actual costs are known. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).

- Councilman Wright mentioned that the Whitaker Museum has missed out on grant opportunities because of the loss of the Centerville Foundation's 501(c)3 status. He asked if the status will be restored and if the Museum could apply for its own 501(c)3 status. Blaine Lutz responded it would take longer for the Museum to obtain its own 501(c)3 status. The attorney handling the matter will be submitting to the IRS to restore the status for the Centerville Foundation.

ADJOURNMENT

At 8:45 p.m. Councilman Wright made a **motion** to adjourn the meeting and move to a meeting of the Redevelopment Agency. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (4-0).

Marsha L. Morrow, City Recorder Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No 2a

Date of City Council Meeting: April 17, 2013

Short Title: Terminate Warranty Period for Cutler Phase 5 Subdivision

Initiated By: City Engineer

Scheduled Time: 7:15 (SAC)

RECOMMENDATION

Approve termination of the warranty period for the Cutler Phase 5 Subdivision and release of all remaining security for the project.

BACKGROUND

Cutler Phase 5 Subdivision, located at 220 West 2150 North, was given final approval by the City Council on November 16, 2010. The City Council commenced the warranty period on December 6, 2011. The City Engineer has inspected this project and recommends the warranty period be terminated. Security (in the form of a cash bond) in the amount of $1,243.50 will be released upon termination of the warranty period.

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No 2b

Date of City Council Meeting: April 16, 2013

Short Title: Commence Warranty Period for Engberson-Taylor Small Subdivision

Initiated By: City Engineer

Scheduled Time: 7:10 (SAC)

RECOMMENDATION

Approve commencement of the warranty period for the Engberson-Taylor Small Subdivision effective April 16, 2013.

BACKGROUND

The Engberson-Taylor Small Subdivision Waiver/Lot Split, located at 483 East 200 South, was given final approval by the Planning Commission on November 12, 2008 and the City Council accepted the easements on June 19, 2009. According to the City Engineer, all public improvements have been completed and he recommends commencement of the warranty period. The amount of security (cash bond) posted for the warranty period will be $1,035.

#5

General Fund
Unaudited Summary
March 2013 (75% of year)

	This Month	Year to Date	FY 13 Budget	% Budget
Revenues				
Property Tax	$51,114	$955,069	$986,081	96.86%
Fee in Lieu	$6,043	$63,722	$95,000	67.08%
Sales & UseTax	$240,206	$2,380,624	$3,259,500	73.04%
Franchise Taxes	$137,249	$900,973	$1,118,000	80.59%
Licenses & Permits	$11,036	$238,723	$337,250	70.79%
Intergovernmental	$67,104	$443,975	$504,540	88.00%
Charges for Serv.	$173,730	$770,966	$823,325	93.64%
Fines	$35,415	$362,012	$475,000	76.21%
Miscellaneous	$1,743	$20,392	$56,250	36.25%
Transfers/Contributions	$126,000	$175,350	$182,500	96.08%
Total	$849,640	$6,311,806	$7,837,446	80.53%
Expenditures				
City Council	$8,138	$51,103	$101,508	50.34%
Judicial	$16,401	$145,890	$221,060	66.00%
Executive	$25,935	$266,742	$383,648	69.53%
Attorney	$10,365	$72,890	$107,766	67.64%
Finance	$32,585	$373,483	$484,830	77.03%
Attorney Services	$633	$41,470	$55,000	75.40%
Emergency Management	$141	$8,703	$8,400	103.61%
Fire	$0	$592,955	$794,172	74.66%
Elections	$0	$0	$0	0.00%
Youth Council	$6,500	$7,000	$7,000	100.00%
Police	$200,910	$1,573,219	$2,148,316	73.23%
Liquor Law	$0	$5,740	$20,000	28.70%
School Xing	$5,696	$37,328	$52,099	71.65%
DARE	$6,764	$65,366	$99,648	65.60%
K-9	$54	$1,407	$2,250	62.53%
Animal Control	$0	$11,648	$23,300	49.99%
PW Admin	$20,737	$197,479	$273,713	72.15%
Streets	$40,158	$493,752	$668,858	73.82%
Street Projects	$9,441	$223,754	$724,000	30.91%
GIS	$10,250	$58,630	$88,192	66.48%
Engineering	$6,502	$66,608	$86,500	77.00%
Parks	$31,377	$393,884	$742,842	53.02%
Community Events	$0	$1,402	$23,650	5.93%
Parks & Rec Facility	$1,076	$6,372	$10,910	58.41%
Maint Facility	$3,974	$31,494	$32,790	96.05%
Maint Facility Storage	$743	$4,182	$6,210	67.34%
City Hall	$9,237	$94,087	$119,151	78.96%
Community Dev.	$20,082	$193,957	$285,376	67.97%
Building Inspection	$3,790	$46,074	$121,550	37.91%
Transfers - Non Dep.	$73,080	$314,223	$314,223	100.00%
Total	$544,569	$5,380,842	$8,006,962	67.20%

Use/Contribtion to Fund balance (Revenues Over/Under Expenditures)	$930,964	$	(169,516)

Fund Balance at Beginning of Year (est.)	$1,156,052
Fund Balance estimate 3/31/2013	$2,087,016
Projected Fund Balance %	**28.80%**

Source: Current Centerville City financial statements. May be subject to change

Special Revenue Funds
(Unaudited)
March 31, 2013

	This Month	Year to Date	FY 13 Budget	% Budget
Component Units				
RDA				
Revenues	$1,183,771	$1,491,065	$1,555,990	95.83%
Expenditures	$384,352	$508,590	$1,361,490	37.36%
Fund Balance at Beginning of Year (est.)		$244,971		
Fund Balance estimate 3/31/2013		$1,227,446		
MBA				
Revenues	$0	$1,143	$1,300	87.92%
Expenditures	$0	$1,143	$1,300	87.92%
Fund Balance at Beginning of Year		$0		
Fund Balance estimate 3/31/2013		$0		

Special Revenue Funds

	This Month	Year to Date	FY 13 Budget	% Budget
Recreation				
Revenues				
Recreation	$0	$24,966	$84,000	29.72%
Youth Baseball/Softball	$510	$510	$28,000	1.82%
Concession Sales	$0	$209	$30,000	0.70%
Other	$0	$30,000	$30,000	100.00%
Total Revenues	$510	$55,685	$172,000	32.38%
Expenditures				
Recreation	$3,687	$67,301	$124,770	53.94%
Concessions	$0	$298	$22,135	1.35%
Youth Baseball/Softball	$510	$510	$31,925	1.60%
Total Expenditures	$4,197	$68,109	$178,830	38.09%
Revenue Over/Under Expend	$ (3,687)	$ (12,424)	$ (6,830)	
Balance at Beginning of Year (est.)		$26,598		
Fund Balance estimate 3/31/2013		$14,174		

Source: Current Centerville City financial statements. May be subject to change

Debt Service Funds
March 31, 2013 (Unaudited)

Debt Service	This Month	Year to Date	FY 13 Budget	% Budget
City Hall				
Revenues	$0	$76,875	$76,875	100.00%
Expenditures	$0	$76,226	$76,875	99.16%
Reserved Fund Balance		$60,596		
Fund Balance estimate 3/31/2013		$649		

Sales Tax (DCAC)	This Month	Year to Date	FY 12 Budget	% Budget
Revenues	$0	$212,618	$1,517,488	14.01%
Expenditures	$0	$152,693	$1,517,488	10.06%
Reserved Fund Balance		$28,896		
Fund Balance estimate 3/31/2013		$88,821		

Source: Current Centerville City financial statements. May be subject to change

Capital Project Funds
(Unaudited)
March 31, 2013

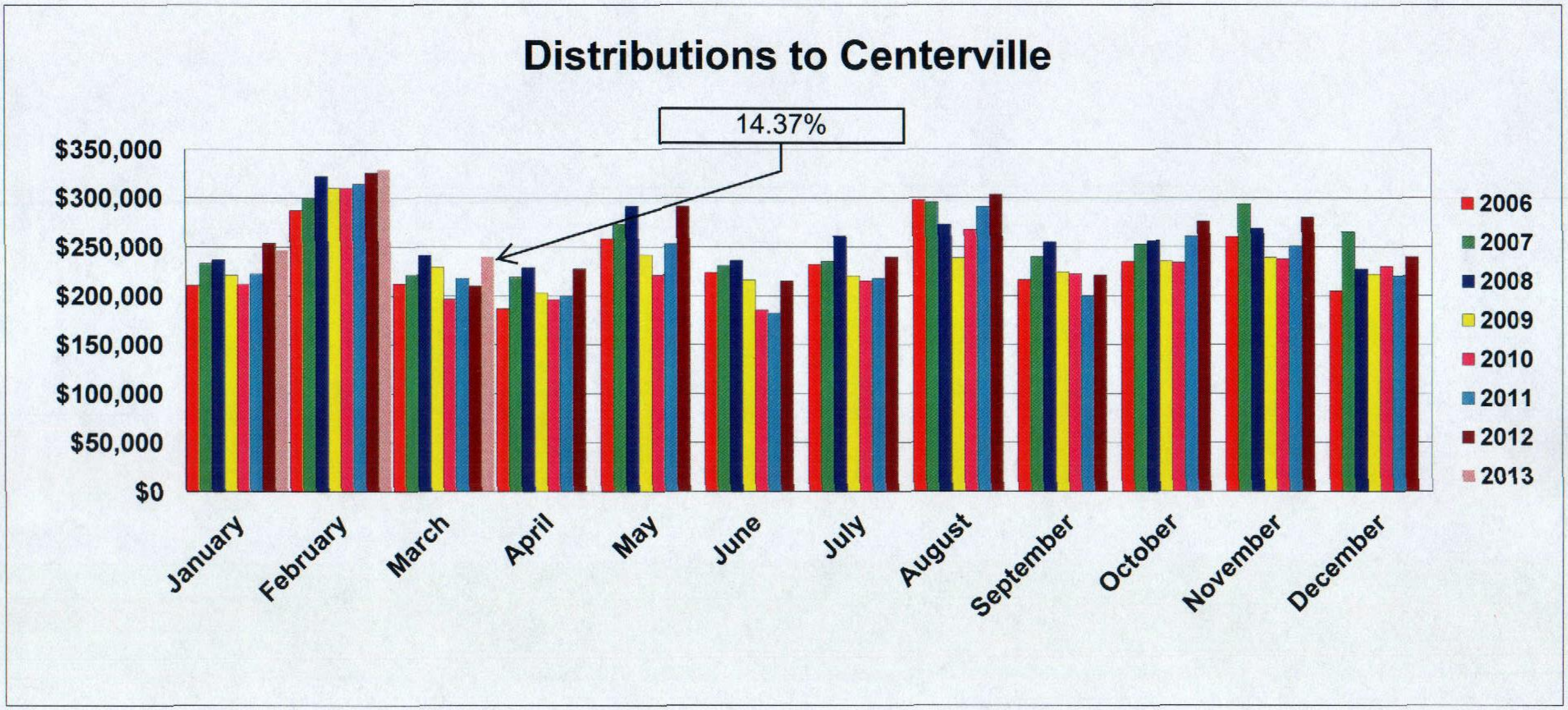
	This Month	Year to Date	FY 13 Budget	% Budget
Capital Improvement				
Storm Drain				
Revenues:				
Fund Balance			$27,794	
Impact Fees	$0	$8,320	$10,000	83.20%
Grants	$0	$0	$0	0.00%
Other	$171	$625	$75	833.33%
Total Revenues	$171	$8,945	$37,869	23.62%
Expenditures	$0	$0	$37,869	0.00%
Fund Balance at Beginning of Year (est.)		$36,011		
Fund Balance estimate 3/31/2013		$44,956		
Park				
Revenues:				
Fund Balance			$160,962	
Impact Fees	$2,400	$102,000	$42,000	242.86%
Transfer	$0	$0	$0	0.00%
Grants	$0	$0	$0	0.00%
Other	$0	$0	$0	0.00%
Total Revenues	$2,400	$102,000	$202,962	242.86%
Expenditures	$30,453	$84,650	$202,962	41.71%
Fund Balance at Beginning of Year (est.)		$297,073		
Fund Balance estimate 3/31/2013		$314,423		
Capital Projects Fund				
Revenues:				
Fund Balance			$47,120	
Transfers	$228,980	$379,977	$379,977	100.00%
Other	$0	$0	$500	0.00%
Total Revenues	$228,980	$379,977	$427,597	100.00%
Expenditures	$35,641	$344,550	$427,597	80.58%
Balance at Beginning of Year		$47,120		
Fund Balance estimate 3/31/2013		$82,547		

Source: Current Centerville City financial statements. May be subject to change

Enterprise Funds
(Unaudited)
March 31, 2013

	This Month	Year to Date	FY 13 Budget	% Budget
Water				
Revenues:				
Impact/construction Fees	$654	$205,217	$230,000	89.22%
Water Sales	$141,111	$1,343,350	$1,712,800	78.43%
Bond Revenue	$0	$235,538	$1,810,000	13.01% *
Other	$1,190	$18,411	$41,500	44.36%
Total Revenues	$142,955	$1,802,516	$3,794,300	47.51%
Expenditures				
Operating/Dep/Debt	$76,724	$1,253,515	$1,825,684	68.66%
Capital Improvement	$10,333	$167,389	$2,158,900	7.75%
Total Expenditures	$87,057	$1,420,904	$3,984,584	35.66%
Unresrestricted Cash Beginning of Year (est.)		$349,955		
Fund Balance estimate 3/31/2013		$3,600,848		
Sanitation				
Revenues:				
Collection Fees	$53,896	$480,805	$626,645	76.73%
Recycling fees	$13,199	$116,734	$148,400	78.66%
Green Waste fees	$6,177	$55,371	$65,600	84.41%
Other	$420	$5,400	$4,700	114.89%
Total Revenues	$73,692	$658,310	$845,345	77.87%
Expenditures:				
Disposal	$27,758	$194,018	$280,000	69.29%
Collection	$23,467	$188,864	$252,350	74.84%
Recycling	$13,519	$107,584	$143,800	74.82%
Green Waste	$2,851	$22,736	$24,000	94.73%
Other	$7,291	$72,989	$180,050	40.54%
Total Expenditures	$74,886	$586,191	$880,200	66.60%
Unresrestricted Cash Beginning of Year		$18,680		
Fund Balance estimate 3/31/2013		$90,799		
Drainage				
Revenues	$46,794	$377,316	$559,500	67.44%
Operating Expenditures	$22,643	$337,424	$502,490	67.15%
Capital Expenditures	$2,860	$2,860	$52,140	5.49%
Total Expenditures	$25,503	$340,284	$554,630	61.35%
Unresrestricted Cash Beginning of Year		$91,168		
Fund Balance estimate 3/31/2013		$128,200		
Telecommunications				
Revenues	$17,848	$179,760	$330,000	54.47%
Contractual obligations	$38,152	$169,392	$330,000	51.33%
Total Expenditures	$38,152	$169,392	$330,000	
Unresrestricted Cash Beginning of Year		$2,452		
Fund Balance estimate 3/31/2013		$12,820		
Whitaker Trust				
Beginning fund balance				
Revenues	$9,015	$29,802	$37,365	79.76%
Expenditures	$1,261	$16,925	$37,365	45.30%
Fund Balance at Beginning of Year		$5,571		
Fund Balance estimate 3/31/2013		$18,448		

Source: Current Centerville City financial statements. May be subject to change



Distributions to Centerville
14.37%
$350,000
$300,000
$250,000
$200,000
$150,000
$100,000
$50,000
$0
January
February
March
April
May
June
July
August
September
October
November
December
2006
2007
2008
2009
2010
2011
2012
2013

CENTERVILLE CITY COUNCIL

Staff Backup Report

Item No. 3

Date of City Council Meeting: April 16, 2013

Short Title: Gun Range Lease

Initiated By: Jim Stephens, President, Centerville Small Arms Association

Scheduled Time: 7:15 (30 min.)

RECOMMENDATION

Allow staff to brief the Council regarding the history of the gun range and the current lease and answer questions from the Council about the use of this site. The City Council should then give staff any pertinent direction to be considered when drafting a new lease between the City and the Centerville Small Arms Association.

BACKGROUND

The gun range on the mountainside east of Centerville is located on property owned by Centerville City. The Centerville Small Arms Association, a nonprofit organization, has operated this gun range under a series of long-term leases dating back to the 1960s. The current 10-year lease was approved on December 19, 2003 and expires December 31, 2013. The Association would like to renew the lease for another 10 years. The current lease is enclosed.

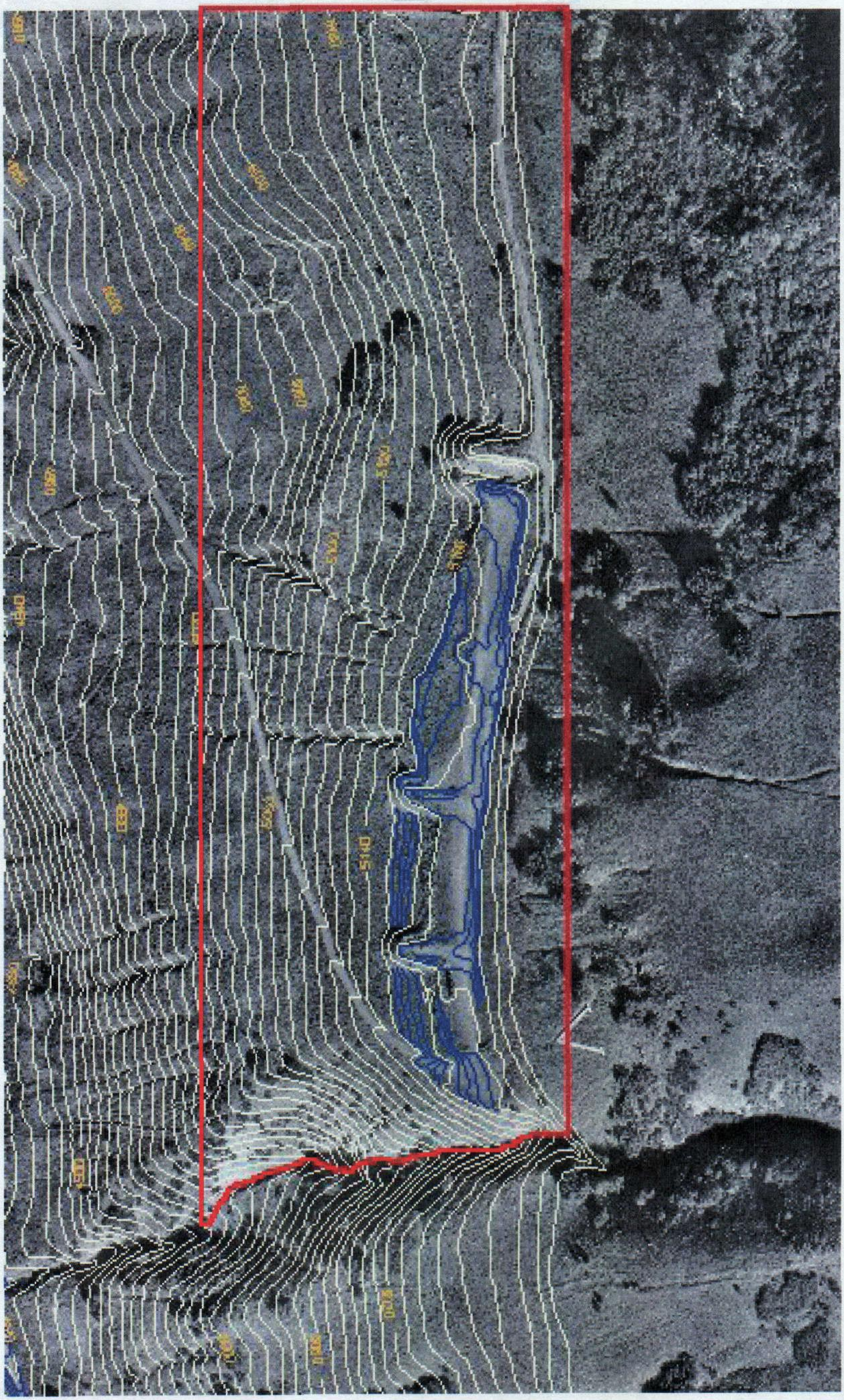
Staff propose the lease renewal process include an initial briefing and discussion of this matter at the April 16 Council meeting with approval of a new lease scheduled for a later meeting. Staff will not draft a new lease document until directed to do so by the City Council. The purpose, therefore, of the April 16 discussion is to educate the City Council regarding the history of the use of this site, the current lease contents and to seek direction that should be considered as staff draft a new lease, assuming the Council wishes to continue this partnership. Staff recommend the Council carefully read the existing lease, making notes of any issues they wish to discuss at the April 16 meeting. Also enclosed is a map showing the portion of the City's property that is covered by the boundary description on page 2 of the enclosed lease. Staff would like the Council to discuss specifically the following issues and give pertinent direction, along with any other issues they wish to discuss:

- Is the area covered by the lease still appropriate?
- Are the insurance requirements in Section 5 still adequate?

- Does the use of the facility by law enforcement and the public continue to justify no lease fee for use of the site?
- As currently allowed in Section 13, is the Council still willing to allow some limited use on Sundays?
- Are the grounds for early termination, as stated in Section 14, still appropriate?
- Are the remediation requirements in Section 15 still adequate?

Staff will have recommendations for revisions in some sections of the lease.

Jim Stephens, current President of the Centerville Small Arms Association, will attend the Council meeting, along with Police Chief Neal Worsley, to participate in this briefing and discussion.



1/4/13: Spoke w/Jim Stephens. 538-7275
He will call me again in April
and schedule time w/CC. - ST

MEMORANDUM OF LEASE AGREEMENT

THIS MEMORANDUM OF LEASE AGREEMENT is entered into this 19 day of December, 2003, by and between CENTERVILLE SMALL ARMS ASSOCIATION, a Utah non-profit corporation, herein called "Association", and CENTERVILLE CITY, Municipal Corporation, herein referred to as "City,"

WITNESSETH:

WHEREAS, the Centerville Small Arms Association, a nonprofit organization, has constructed and is operating a rifle and pistol range on the premises of Centerville City as hereinafter described; and

WHEREAS, it is contemplated that said range shall be under the supervision of the Association but may be used by other similar clubs and organizations and by the City Police and other Police Departments as herein provided; and

WHEREAS, the Association is desirous to continue to use an area of land within the limits of Centerville City for the encouragement of organized rifle and pistol shooting among citizens of the United States who are residents in our community, with a view toward a better knowledge on the part of such citizens of the safe handling and proper care of firearms, as well as improved marksmanship;

WHEREAS, the City is desirous of fostering a location for its citizens to have proper marksmanship and firearm safety training, to enhance the opportunities for its citizens to receive formal organized training, to reduce the discharge of firearms at unauthorized locations, and to obtain the services of an organization to provide such facilities and services at no cost to the City;

WHEREAS, the City is further desirous of fostering the development, maintenance and provision of facilities through the provisions of this lease whereby the City's police department and other public safety departments will have an enhanced place to conduct firearms training and qualifications needed for meeting the City's needs for the protection of the general public; and

WHEREAS, the Association has the further object and purpose of forwarding the development of those characteristics of honesty, good fellowship, self-discipline, team play and self-reliance which are the essentials of good sportsmanship and the foundation of true patriotism; and

NOW THEREFORE, in consideration of the premises and the mutual covenants herein contained, the City and Association agree as follows:

1. The City hereby leases to the Association for the purpose of operating a rifle and pistol range on the following premises in Centerville City, Davis County, Utah:

> That portion of the Northeast Quarter of Section 17, Township 2 North, Range 2 East, Salt Lake Meridian, lying below the 5,300-foot level and extending approximately 700 feet West to a steep incline, and covering about 2,200 feet in a north/south direction from the north boundary of Section 17 to a ravine on the South.

This agreement shall be deemed nontransferable to any third party without the City's prior written consent; and at such time as the Association is disbanded, this agreement shall become null and void. A reorganization of the Association to obtain tax exempt status shall not be considered a transfer or disbandment.

2. This parcel will be used as a small arms firing range. Arms used will be limited to small arms of less than .50 caliber fired from the shoulder, pistols, revolvers, and black powder muzzle loading rifles of any caliber. It may have multiple firing lines at distances of 25,

50, 100, 200, 300, 500, and 600 yards, shooting bench locations at the 200 and 300 yard firing lines, with target butts. It may also include a small bore range for .22 caliber firing and for zeroing big game rifles. The Association has not and will not authorize its members to discharge shotguns on this range due to the anticipated cost of any associated lead cleanup upon closure of the range.

3. (a) The Association will maintain, except during winter months, in cooperation with the City, a passable access road from the existing lower gate to a cleared parking area behind the firing points, in the location and design as presently constituted.

(b) The Association will maintain the drainage culverts installed at the Association's expense along the roadway from the lower gate to the shooting range premises in their current locations for the purpose of improving drainage on the premises.

4. The Association will work with the City, Davis County, and Weber Basin Water Conservancy District in constructing or causing to be constructed needed improvements along the roadway leading to the shooting range premises for the purpose of enhancing safety along the roadway. The City, the County, and/or Weber Basin Water Conservancy District will be responsible for obtaining and providing all necessary permits and construction materials.

5. The Association will save, protect and hold harmless the City, its elected and appointed officials, employees, volunteers and agents from and against any liability, loss or claims whatsoever for injury to persons or property arising from the use or occupancy of said range by the Association, its members, guests, or anyone using said facilities by or under the direction of the Association and/or its members, and will furnish said City a liability insurance policy (with City, its elected and appointed officials, employees, volunteers and agents named as additional insureds) with reasonable limits specified by the City, but not less than $2 million

in the aggregate, to protect it against liability for such loss or damage. The City shall give a six-month written notice if it requires coverage to exceed $2 million. A current certificate of coverage shall be maintained with the City Recorder at all times.

6. The Association agrees at all time to maintain and exhibit range safety signs at the lower and upper gates and along the roadway in accordance with NRA range safety practices and as approved by the City Council. Range safety flags will be flown from the flag poles on the range during all Association events. The Association also agrees to post and maintain proper lookouts and/or range officers at all times during Association events when the firing is not directly into a hillside where the visibility from point of discharge to point of impact is limited.

7. During organized events, the Association will operate and maintain at or adjacent to the range portable sanitary toilets meeting the requirements of the U.S. Forest Service and the City, and may also construct a small building for storage of target materials and for fire fighting tools.

8. The Association will maintain the existing fire break along the east boundary of the range or as otherwise specified by the U.S. Forest Service.

9. The Association shall not at any time use or permit its members or guests to use any tracer or incendiary ammunition on the range.

10. The Association will at all times maintain said range and facilities in good order and condition and will not at any time permit firing by the Association or its members or invitees toward places of habitation.

11. The City Police Department may use the rifle and pistol range facility for training

its personnel at its own risk, responsibility and cost. The City Police Department will continue to assist with control and security of the facilities, and the Association will assist the City Police Department in providing a storage facility for police use and in the maintenance of target uprights for police use. A joint shooting calendar will be prepared at the beginning of each year scheduling major events and coordinating shooting activities between the Association and the City Police Department. Other law enforcement agencies may be allowed to use the range, provided such use is coordinated and arranged through the City Police Department and the Association. The City Police Department shall have first priority to use the range during week days when there are no previously scheduled Association events for those days.

12. The Association will make the range available to other similar organizations under the direction of the Association or for contests and like purposes and for use of the public generally on such days and at such times as may be agreed to by both the City and the Association subject to reasonable rules and safety requirements; provided, however, that the Association will at any time the range is in use for any such scheduled shooting activity have present a qualified range officer and if used by others, shall require the same to be provided by such organizations. By February 1 of each year, an annual schedule of user fees shall be submitted by the Association to the City Manager for approval by the City. The fee schedule will be deemed approved unless objection is received by the Association within thirty (30) days after receipt of the schedule by the City. User fees may be charged to help defray the cost of insurance, toilet facilities, garbage removal, and in developing, maintaining, and improving the range and related facilities. As part of such services the Association agrees to hold at least three hunter sight-in days prior to the major hunting season, and at least one additional public shooting day during the summer, at a nominal fee for City residents and reasonable fees for other non-

Centerville residents.

13. The parties hereto understand that the primary use of the range and facilities will be during the daylight hours on weekdays, Saturdays, and holidays. No night time firing will be permitted and no range lights will be installed and operated without the prior express approval of the City. The Association agrees that the range facilities shall be closed to Association shooting activities on Sunday, except for two Sundays per year. These Sunday events will be conducted in conjunction with the Utah State High Power Service Rifle Championship and the Utah Regional High Power Rifle Championship. Such closure shall not prevent non-shooting activities, such as construction, maintenance, clean up, and the like. Permission for Sunday use as herein provided may be withdrawn by the City Council upon written notice given at least ninety (90) days prior to any scheduled match if the City Council determines that such use is unduly noisy or otherwise harmful to the peace or general welfare of the City.

14. Notwithstanding anything to the contrary herein expressed, the City expressly reserves the right to cancel or terminate the privileges herein granted and/or the use of its property for range purposes: 1) upon prior written notice when, in the reasonable opinion of the City, the Association has breached any of the terms or provisions of this Agreement and such breach is not corrected by the Association within sixty (60) days after receipt of such notice (it being understood, however, that the Association will use its best efforts to cure any breach as soon as practicable after receipt of the notice of breach); and 2) upon six (6) months prior written notice when the City Council has determined following a public hearing that the use of the property as a shooting facility is no longer in the public interest, constitutes a nuisance, or there

is another higher priority use for the leased premises or in the vicinity. In the absence of such termination by the City, the lease and privileges herein granted shall continue until December 31, 2013, but such privileges may be further extended by mutual agreement of the parties hereto. Upon termination of this Agreement, the Association shall remove its equipment, improvements, and facilities within a reasonable period of time, and the City will cooperate with the Association (without cost to the City) in locating an alternative range site, if practicable.

15. The Association agrees, upon termination or expiration of this Lease or dissolution of the Association, to remediate and stabilize the lead found in the high power backstop berms and target sign berm (Items No. 1, 2 and 4 of the Wojcik Technical Services Study dated June 24, 1999 and previously supplied to the City) at its sole cost and expense, as required by local, state or federal environmental regulations applicable to the uses contemplated in the following sentence. This commitment is based on the representation of the City that the site will remain open space for recreational use, including but not necessarily limited to a park, golf course, picnic areas and/or hiking/biking trail. The Association further agrees that it shall defend, indemnify and hold the City harmless from and against all direct or indirect costs, claims, obligations, liability and damages as a result of a breach of any of the covenants set forth within this paragraph, including, without limitation, any consultant or attorneys' fees incurred in the investigation or defense of any claim against the City relating to the presence of any lead in the high power back stop berms in violation of local, state or federal environmental regulations resulting from the Association's operations.

16. This Agreement shall never be construed as creating a joint venture, partnership, or other relationship whereby any of the parties hereto may be held for the acts of either omission or commission of the other party hereto. Upon request, the Association agrees to

report on its activities to the City Council in any regular scheduled public meeting.

17. The Association agrees that if it hires any employee or undertakes any project for compensation, the Association shall comply with all of the provisions of Section 202(1) to (7) inclusive of Executive Order No. 11246, as amended, (30 F.R. 12319), which are incorporated herein by reference.

18. The Association agrees that it will not discriminate in any manner in the use, occupation or benefit of the leased premises on the basis of race, color, creed, sex, marital status, religion or national origin.

19. In order to promote the use of the range by the residents of Centerville, the City will permit the Association to list its events, event results, use schedule, and a map to the range on the City's web site, and will assist the Association in developing a suitable format and web presentation to accomplish this objective. The Association will further actively solicit and encourage use of the range by Centerville hunter education instructors, Centerville Boy Scout and Girl Scout organizations and church groups within the Centerville area, for purposes of firearms safety, hunter education, merit badge, and other similar uses to foster safe firearms handling and to meet various organizational requirements.

WITNESS THE HANDS of the parties hereto the day and year first above written.

CENTERVILLE SMALL ARMS ASSOCIATION

By: William H. Weng

CENTERVILLE CITY, A Municipal Corporation

By: ______________________________
Michael L. Deamer, Mayor

ATTEST: Marilyn Holje
____
Marilyn Holje, City Recorder