

CENTERVILLE CITY

250 North Main • Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

Mayor

Ronald G. Russell

City Council

Justin Y. Allen

Ken S. Averett

John T. Higginson

Sherri L. Lindstrom

Lawrence Wright

City Manager

Steve H. Thacker

interoffice MEMORANDUM

to: Mayor Russell
City Council
cc: Department Heads
Planning Commission
from: Steve H. Thacker, City Manager *S. Thacker*
subject: City Manager's Summary of October 1, 2013 Council Meeting
date: September 27, 2013

5:30 Joint City Council/Youth City Council Work Session – The City Council will meet with the Youth City Council in a joint work session. This meeting has become an annual tradition during which the Youth City Council reviews their activity plan for the coming year with the City Council, gets better acquainted and has an opportunity to ask the Council questions about City issues, projects, etc. The Youth City Council is providing the meal.

7:00 Regular City Council meeting

E.1. Minutes Review and Acceptance – The minutes to be approved are enclosed.

E.2 Fee Schedule Amendments re Park Reservation Fees

These amendments to the Fee Schedule do not change the current fees for reserving a park pavilion. These are text amendments which bring the Fee Schedule into harmony with policies and code provisions recently adopted by the City Council.

E.3. Municipal Code Amendments re Garbage Containers – A recent complaint from a citizen revealed the need to amend the City's ordinances pertaining to the placement of garbage containers. The current ordinance is too restrictive in many cases. Staff recommends a more reasonable guideline for placement of garbage cans on city streets.

E.4. Amendments to Title 5 re Revenue and Finance – These are housekeeping changes that will bring this portion of the City's code into harmony with recent state legislation pertaining to the certification of annual financial reports and the permissible accumulated fund balance of the General Fund.

E.5. Discuss Proposed Renewal of Gun Range Lease – On September 17, 2013 the City Council made a field trip to the gun range to look at current conditions and discuss potential lease issues. The current 10-year lease governing the use of the gun range by the Centerville Small Arms Association expires December 31, 2013. Jim Stevens, Association President, will attend this council meeting to participate in the discussion of any pertinent issues pertaining the renewal of the lease. The current lease is attached. Issues the Council may want to discuss could include:

- Remediation requirements and issues
- Designation of permissible shooting areas
- Restrictions on additional development
- Signage
- Hours of operation
- Access policies
- Term of lease renewal

Upon conclusion of this discussion, staff will be seeking direction from the Council regarding the contents of the new lease, which would be drafted and brought to the Council for their consideration at a future meeting.

- E.6. **Mayor's Report** – Mayor Russell may want to address a few topics.
- E.7. **City Manager's Report** – Although I have not yet identified any topics, I may want to report on a few matters under this heading.
- E.8. **Miscellaneous Business** – At this time, no specific topics have been identified.
- E.9. **Closed meeting** – 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 Boards and Commissions** – Mayor Russell may recommend one or more appointments to City boards or committees.

Potential Agenda Items for October 15 regular City Council Meeting (subject to change):

- Discuss stability analysis report for "V" on mountain
- Financial Report for period ending September 30, 2013

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, OCTOBER 1, 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 or at the following link: www.centervillepublic.novusagenda.com/.

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

5:30 Joint City Council/Youth City Council work session

7:00 A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PRAYER OR THOUGHT

Mayor Russell

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.

City Manager Summary Memo

E. BUSINESS

7:05 1. Minutes Review and Acceptance
September 17, 2013 fieldtrip minutes; September 17, 2013 meeting minutes;
September 17, 2013 closed meeting minutes

(OVER)

- 7:10 2. Fee Schedule Amendments regarding Park Reservation Fees
Fee Schedule Amendments regarding Park Reservation Fees – Consider
Resolution No. 2013-23
- 7:10 3. Municipal Code Amendments re Garbage Containers
Consider Ordinance No. 2013-15 regarding Amendments to Section 7-08-080 of
the Centerville Municipal Code regarding Time and Place of Pickup for Garbage
Containers
- 7:20 4. Amendments to Title 5 re Revenue and Finance
Consider Ordinance No. 2013-16 amending various sections of Title 5 of the
Centerville Municipal Code regarding Revenue and Finance, including
provisions for certification of annual financial reports, designation of chief
financial officer and chief administrative officer, and permissible accumulated
fund balance of the General Fund
- 7:30 5. Discuss Proposed Renewal of Gun Range Lease
- 7:45 6. Mayor's Report
- 7:55 7. City Manager's Report
- 8:05 8. Miscellaneous Business
- 8:15 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
- 8:15 10. Possible action following closed meeting, including appointments to
boards and committees

F. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS
REGULAR PUBLIC MEETING AT 7:00 AM ON TUESDAY, October 1, 2013
AT THE CENTERVILLE CITY COMMUNITY CENTER AND CITY HALL COUNCIL CHAMBERS
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- 7:00 A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. PRAYER OR THOUGHT

Mayor Russell

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City Manager Summary Memo

- E. BUSINESS

- 7:05 1. Minutes Review and Acceptance
September 17, 2013 Fieldtrip minutes; September 17, 2013 meeting minutes
- 7:10 2. Fee Schedule Amendments regarding Park Reservation Fees
Fee Schedule Amendments regarding Park Reservation Fees - Consider Resolution No. 2013-23
- 7:10 3. Municipal Code Amendments re Garbage Containers

Consider Ordinance No. 2013-15 regarding Amendments to Section 7-08-080 of the Centerville Municipal Code regarding Time and Place of Pickup for Garbage Containers

- | | | |
|------|-----|---|
| 7:20 | 4. | Amendments to Title 5 re Revenue and Finance
Consider Ordinance No. 2013-16 amending various sections of Title 5 of the Centerville Municipal Code regarding Revenue and Finance, including provisions for certification of annual financial reports, designation of chief financial officer and chief administrative officer, and permissible accumulated fund balance of the General Fund |
| 7:30 | 5. | Discuss Proposed Renewal of Gun Range Lease
Discuss proposed renewal of gun range lease |
| 7:45 | 6. | Mayor's Report |
| 8:05 | 7. | Miscellaneous Business |
| 7:55 | 8. | City Manager's Report |
| 8:15 | 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 |
| 8:15 | 10. | Possible Action following closed meeting, including appointments to boards and committees |

F. ADJOURNMENT

Marsha L. Morrow, MMC
Centerville City Recorder

CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No.

Short Title: Mayor Russell

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No.

Short Title: City Manager Summary Memo

Initiated By: City Manager

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ City Manager Summary Memo - October 1, 2013

CENTERVILLE CITY COUNCIL

Staff Backup Report 10/1/2013

Item No. 1.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time: 7:05

SUBJECT

September 17, 2013 Fieldtrip minutes; September 17, 2013 meeting minutes

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ☐ September 17, 2013 Fieldtrip Minutes
- ☐ September 17, 2013 meeting minutes
- ☐ September 17, 2013 closed meeting minutes

PRELIMINARY DRAFT

Minutes of the Centerville City Council Fieldtrip held Tuesday, September 17, 2013 at 5:00 p.m. beginning at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Ronald G. Russell
Council Members	Ken S. Averett John T. Higginson Sherri Lyn Lindstrom

MEMBERS ABSENT

Justin Y. Allen
Lawrence Wright

STAFF PRESENT

Steve Thacker, City Manager
Lisa Romney, City Attorney
Neal Worsley, Centerville Police Chief
Lt. Paul Child, Assistant Police Chief
Jake Alexander, Centerville Police Officer
Katie Rust, Recording Secretary

STAFF ABSENT

Blaine Lutz, Finance Director/Assistant City Manager

VISITOR

James Stephens, President of the Centerville Small Arms Association

COUNCIL FIELDTRIP TO VIEWMONT "V" AND CENTERVILLE GUN RANGE

The Mayor, Council, and members of staff visited the Centerville Gun Range, stopping first to examine the condition of the Viewmont "V" on the hillside. Bryce Trump, son of the man who led the original construction project for the "V" forty years ago, has a desire to coordinate efforts to rehabilitate the "V" and anchor it securely to the hillside. At the July 2, 2013 Council meeting, the Council indicated support for Mr. Trump's plan. Mayor Russell and Councilman Higginson hiked directly up to the "V" for a close look at its condition and erosion of the surrounding land. Steve Thacker, City Manager, stated that Hyrum Alba, a geotechnical engineer, has volunteered his engineering services for the project.

At the Gun Range, James Stephens, President of the Centerville Small Arms Association, described the conflict that frequently arises between pistol and rifle shooters desiring to use the range at the same time. The Association is interested in adding a pistol range on a piece of land downhill from the existing rifle ranges to accommodate both types of shooting at the same time. The Council examined the existing ranges up close, and looked carefully at the public hiking trails going into the canyon to the north of the range. Mr. Stephens expressed with confidence that hikers are not at risk from the range if they are using the main trail. Chief Worsley and Lt. Child commented that the Police Department receives complaints about shooting occurring at a particular location lower on the hillside on County property – outside of Centerville Police Department jurisdiction.

Following the examination and discussion of the gun range, the Police officers provided the opportunity to experience both pistol and rifle shooting. At 6:50 p.m. the group proceeded to City Hall for the regular Council meeting.

PRELIMINARY DRAFT

Centerville City Council
Minutes of Fieldtrip of September 17, 2013

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Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

Minutes of the Centerville **City Council** meeting held Tuesday, September 17, 2013 at 7:05 p.m. in the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor Ronald G. Russell

Council Members Justin Y. Allen (arrived at 7:27 p.m.)
Ken S. Averett
John T. Higginson
Sherri Lyn Lindstrom
Lawrence Wright

STAFF PRESENT

Steve Thacker, City Manager
Blaine Lutz, Finance Director/Assistant City Manager
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

VISITORS

Brett Slater, UDOT Project Manager
Interested citizens (see attached sign-in sheet)

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Steve Thacker, City Manager

OPEN SESSION

Stephanie Ivie – Ms. Ivie is a candidate in the upcoming election for City Council. She reported that approximately half of her campaign signs have disappeared, and expressed frustration at the loss. She asked if there is a way the City could remind citizens that the signs are private property and should be treated with respect. Steve Thacker, City Manager, responded that a comment could be added to the upcoming utility bill. Mayor Russell added that the Police Department should be informed of what has been happening.

WHITAKER MUSEUM BOARD

On September 5th the Utah Division of State History recognized the Whitaker Museum and Centerville City with an Outstanding Contribution Award. Spence Packer, Whitaker Museum Board Chair, presented the framed certificate to the Council and shared photographs of the recognition ceremony. He added that the Museum was also recently mentioned in a magazine article, which has directly prompted visits and contacts from residents outside of the Centerville community. Mayor Russell commended Mr. Packer and the Board, and thanked them for their time and effort.

4th OF JULY CELEBRATION REPORT

Kay Ashton, Chair of the Celebration Committee, reported on this year's successful July 4th activities, which involved the efforts of more than 300 volunteers. Mr. Ashton recognized the organizers of the various activities, and ended his report with a video of celebration highlights. Mayor Russell and the Council thanked Mr. Ashton and his entire committee for their work.

MINUTES REVIEW AND APPROVAL

The minutes of the Tuesday, September 3, 2013 Council meeting were reviewed. Councilwoman Lindstrom made a **motion** to approve the minutes. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0). Councilman Allen arrived at 7:27 p.m., after approval of the minutes.

SUMMARY ACTION CALENDAR

- a. Consider Storm Drain Impact Fee Credit for Woods Park PDO
- b. Fee Schedule Amendment regarding Beer License Fees – Consider Resolution No. 2013-22

Councilwoman Lindstrom made a **motion** to approve both items on the Summary Action Calendar, approving Storm Drain Impact Fee Credit of \$10,840 for the Woods Park PDO for developer installed detention basin improvements and storm drainage easement, and approving Resolution No. 2013-22 amending Section VI of the City Fee Schedule regarding Retail Beer License Fees. Councilman Higginson seconded the motion, which passed by unanimous vote (5-0).

CHASE LANE PUMP STATION

City Manager Thacker explained the recommended bid awards for the Chase Lane Pump Station. Councilwoman Lindstrom made a **motion** to award bid for purchase of the pump to Nickerson Company, Inc. in the amount of \$31,295, and to award bid for installation of utilities to the site to M.C. Green & Sons in the amount of \$23,654.50 (for labor) and the Mountain States Supply in the amount of \$12,363.03 for water line materials. The motion was seconded by Councilman Wright and passed by unanimous vote (5-0).

PARRISH & MAIN INTERSECTION PROJECT

City Manager Thacker gave a brief history of the Parrish Lane/Main Street intersection project. Brett Slater, UDOT Project Manager, explained that the contract limit of \$150,000 for design work from ESI Engineering has been reached due to the protracted design process for the project. UDOT recommends a contract with H W Lochner, Inc. to complete the design tasks, with ESI working as a subconsultant under their supervision. Mr. Slater described the process for obtaining additional funding (state and federal funds) for this project, if needed, when an updated project cost estimate is known. Centerville will remain responsible for a match of 6.77% of the Federal funding. Mr. Slater stated he hopes to obtain construction bids during the winter, with construction beginning next May or June. Mr. Thacker asked if construction could begin in April to ensure Main Street is ready for the City's 4th of July celebration. Mr. Slater responded it would depend on the weather next spring.

Councilman Allen made a **motion** to approve a contract between Centerville City and H W Lochner, Inc. in the maximum amount of \$69,669.04 to finalize the design, prepare the advertising bid package and advertise the project. Councilwoman Lindstrom seconded the motion, which passed by majority vote (3-2), with Council members Allen, Higginson, and Lindstrom voting in favor, and Council members Averett and Wright dissenting.

PRELIMINARY DRAFT

1 Mr. Slater reported on a meeting held recently with property owners affected by the
2 intersection project who have not accepted the purchase offers made by the UDOT Right-Of-
3 Way Agent. Mr. Slater told the Council that the property owners indicated they would feel more
4 comfortable if Steve Thacker, City Manager, were present during future negotiations. Mr. Slater
5 expressed respect for the honorable and honest way Mr. Thacker has handled the situation.
6

7 **AMENDMENTS TO TITLE 8 OF CENTERVILLE MUNICIPAL CODE REGARDING** 8 **PUBLIC PROPERTY** 9

10 As part of the City's comprehensive code recodification project and as a follow up to
11 recently adopted park reservation policies, staff has reviewed and analyzed the provisions of the
12 existing Title 8 of the Centerville Municipal Code regarding public property, parks and cemetery
13 regulations. Lisa Romney, City Attorney, explained the proposed amendments to Title 8.
14 Councilman Wright suggested adding the sale of illegal drugs to the list of prohibited activities.
15 Councilwoman Lindstrom expressed concern about restricting anyone over the age of six from
16 entering a restroom for the opposite sex. She suggested allowing exceptions for family
17 situations. Mayor Russell suggested adding the phrase "or family members who need to be
18 accompanied by an adult" to the list of exceptions.
19

20 Councilwoman Lindstrom made a **motion** to approve Ordinance No. 2013-14 adopting
21 amendments to Title 8 of the Centerville Municipal Code regarding Public Property, including
22 Chapters related to General Provisions, Parks and Playgrounds, and Cemetery Regulations,
23 and including the amendments to Section 8-02-140 regarding restroom facilities adding "or
24 family members", and Section 8-02-150(d) adding "illegal drugs." Councilman Averett seconded
25 the motion, which passed by unanimous vote (5-0).
26

27 **FINANCIAL REPORT** 28

29 Blaine Lutz, Finance Director/Assistant City Manager, presented a financial report for the
30 two months ending August 31, 2013.
31

32 **MAYOR'S REPORT** 33

- 34 • Mayor Russell presented the South Davis Metro Fire District financial report, and
35 informed the Council that the positions of Deputy Fire Chief and Fire Marshall have
36 been combined. He reported the Fire District is in the process of working through
37 staffing issues to better handle the overwhelming number of paramedic calls it has
38 been receiving.
- 39 • The Mayor represents Centerville on the UIA Board and Blaine Lutz represents the
40 City on the UTOPIA Board. The two boards agreed to create an independent
41 commission "... to review the current status of UIA/UTOPIA and its long-term
42 direction." Mr. Lutz explained the revenue sources for UIA and UTOPIA.
43 Councilman Wright indicated a desire to see a current business plan. Mayor Russell
44 and Mr. Lutz reported that revenues have been sufficient to cover the reduced
45 operating expenses for the last couple of months, making an assessment to the
46 cities unnecessary.
- 47 • Blaine Lutz reported on a Davis County meeting held on September 5th regarding the
48 WFRG Regional Broadband Project. Councilman Wright asked if an effort has been
49 made to communicate the statewide desire to have access to broadband to the
50 Legislature. Mr. Lutz responded that those present at the meeting were encouraged
51 to talk to their Legislators. City Manager Thacker reported on a meeting he attended

at which Google General Manager Kevin Lo stated that existing copper and cable infrastructure cannot be updated to accommodate future demand. Fiber optic cable will not become obsolete since fiber and wireless connections are complimentary. Homeowners will want the fiber to their home to support the desired amount of wireless activity. Councilwoman Lindstrom commented that she feels the climate of response is changing. Mr. Lutz stated he thinks there will be an increase in public sector and private sector cooperation.

CITY MANAGER'S REPORT

- Steve Thacker, City Manager, reported that staff is looking at options for putting park pavilion reservations online. Staff is also looking at the possibility of making business license renewal available online.
- The Governor's Office recently requested that Utah cities undertake a review of business regulations. Centerville sent letters during the summer to almost 50 businesses inviting them to submit comments, concerns, or complaints regarding the City's regulations and processes. At this time only one letter has been returned to the City, containing only positive comments. Mr. Thacker feels the City has significantly improved business regulations in recent years.
- The Police Department's K-9 drug-sniffing dog, Joker, was recently diagnosed with severe hip dysplasia. The costs of replacing Joker versus rehabbing Joker through surgery were analyzed, and it is recommended that surgery be done. This matter was on several news channels on September 12th, and as a result several donations have been received at City Hall. The donations will cover the costs of surgery and help to cover the rehab expenses.
- Mr. Thacker explained that property owners are charged a subdrain fee of either \$2 or \$6 depending on location. A recent subdrain fee audit revealed that approximately 240 residences that should have been charged \$6 have been charged \$2. The City does not intend to back-charge, but will correct the error in future billing. Staff will be establishing a link between the GIS mapping system and the City's front office to prevent the error from happening again.

APPOINTMENT

Mayor Russell recommended Melissa Smith be appointed to the Parks and Recreation Committee. Councilwoman Lindstrom made a **motion** to appoint Melissa Smith to the Parks and Recreation Committee. Councilman Wright seconded the motion, which passed by unanimous vote (5-0).

CLOSED MEETING

At 9:13 p.m. Councilman Wright made a **motion** to go into a closed session of the City Council to discuss pending litigation and the purchase of real property, after a brief recess. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0). In attendance were: Ronald G. Russell, Mayor; Council members Allen, Averett, Higginson, Lindstrom, and Wright; Steve Thacker, City Manager; Blaine Lutz, Finance Director; Lisa Romney, City Attorney; and Katie Rust, Recording Secretary.

The Council returned to open meeting at 9:42 p.m.

PRELIMINARY DRAFT

Centerville City Council
Minutes of Meeting of September 17, 2013

Page 5

ADJOURNMENT

At 9:42 p.m. Councilman Wright made a **motion** to adjourn. Councilwoman Lindstrom seconded the motion, which passed by unanimous vote (5-0).

Marsha L. Morrow, City Recorder

Date Approved

Katie Rust, Recording Secretary

PRELIMINARY DRAFT

(Not for public dissemination)

Minutes of the **Centerville City Council closed meeting** held Tuesday, September 17, 2013 at 9:20 p.m. in the Centerville City Hall 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
Lisa Romney, City Attorney
Katie Rust, Recording Secretary

ELLISON VERSUS CENTERVILLE CITY LAWSUIT

Lisa Romney, City Attorney, updated the Council on the Ellison versus Centerville City lawsuit. The City is represented in this matter by Dennis Ferguson of Williams and Hunt. A motion for summary judgment was filed based on the claim that the City is protected by the Governmental Immunity Act. The judge partially granted and partially denied the motion for summary judgment. The Plaintiff has not made a settlement offer at this point.

PURCHASE OF MAIN STREET PROPERTY FOR INTERSECTION PROJECT

Steve Thacker, City Manager, updated the Council on the progress of purchasing right-of-way on Main Street for the Main/Parrish intersection project. Mr. Thacker asked if the Council is comfortable allowing UDOT and Mr. Thacker to negotiate closure. Council members Allen and Lindstrom directed Mr. Thacker to be as generous as he feels allowable. Mayor Russell commented he feels the City should be more than fair. Councilman Higginson agreed. Councilman Averett stated that as a realtor he feels putting the house on the northeast corner of the intersection closer to the street will diminish the property value. Councilman Averett feels that fair compensation would be up to twice the proposed amount for the corner property. Councilman Allen thanked Mr. Thacker for his work on the project.

ADJOURNMENT

At 9:41 p.m. Councilman Wright made a **motion** to adjourn the closed meeting and return to open session of the Council meeting. The motion was seconded by Councilwoman Lindstrom and passed by unanimous vote (5-0).

PRELIMINARY DRAFT

(Not for public dissemination)

City Council of Centerville

Minutes of Closed Meeting of September 17, 2013

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Marsha L. Morrow, City Recorder

Date Approved

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Katie Rust, Recording Secretary

CENTERVILLE CITY COUNCIL

Staff Backup Report 10/1/2013

Item No. 2.

Short Title: Fee Schedule Amendments regarding Park Reservation Fees

Initiated By: City Attorney

Scheduled Time: 7:10

SUBJECT

Fee Schedule Amendments regarding Park Reservation Fees - Consider Resolution No. 2013-23

RECOMMENDATION

Adopt Resolution No. 2013-23 regarding amendments to the Fee Schedule for Park Reservation Fees.

BACKGROUND

In conjunction with the adoption of the Park Pavilion Reservation Policies and amendments to Title 8 regarding Parks, a few changes to the Fee Schedule are required to reflect the new policies and provisions. The proposed amendments to the Fee Schedule are minor amendments and do not propose or reflect any increase in park reservation fees. The proposed amendments eliminate the reference to City Council approval for sales within the parks. This matter is now addressed in the Park Pavilion Reservation Policies which generally prohibit commercial sales in parks, unless conducted in connection with a City-sponsored event or as otherwise approved by the Parks and Recreation Director in accordance with policy provisions. The amendments also revise the refund policies to allow refunds for cancellations up to 7 days prior to the reservation in accordance with the Park Pavilion Reservation Policies and clarify reservation fees and deposits for all-day use. Staff recommends approval of Resolution No. 2013-23 amending Section VII of the Fee Schedule regarding Park Reservation Fees.

ATTACHMENTS:

Description

- ☐ Resolution No. 2013-23 - Park Fees

RESOLUTION NO. 2013-23

**A RESOLUTION AMENDING SECTION VII OF THE CENTERVILLE
CITY FEE SCHEDULE REGARDING PARK RESERVATION FEES**

WHEREAS, the City Council recently adopted Park Pavilion Reservation Policies and Application Forms regarding use and reservation of park facilities and amendments to Title 8, Chapter 2 regarding Parks and Playgrounds; and

WHEREAS, the City Council desires to amend the City Fee Schedule to reflect the new provisions regarding use and reservation of park facilities as more particularly provided herein; and

WHEREAS, the City Council has determined that the amendments to the City Fee Schedule are reasonable and necessary to provide consistency with applicable City Ordinances.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF CENTERVILLE, UTAH, AS FOLLOWS:

Section 1. Amendment. The City Council hereby amends Section VII of the City Fee Schedule regarding park reservation fees to read as follows:

VII. CEMETERY & PARK FEES

* * *

B. PARK RESERVATION FEES RENTAL

* * *

	<u>Up to 5 Hours</u>	<u>All-Day (More than 5 Hours)</u>
1. Resident	<u>\$25.00</u>	<u>\$50.00*</u>
2. Non-Resident	<u>\$50.00</u>	<u>\$100.00*</u>
3. Refund Policy	<u>Full Refund less \$10 if Finance Department is Notified 14 Days or more in advance^f The City may refund park reservation fees according to the following:</u>	

- a. If notice of cancellation is received by the Centerville City Finance Department (Business Office) seven (7) or more days prior to said park reservation, a full refund less \$10.00, will be issued by the City. No refund will be issued if reservation is cancelled less than seven (7) days in advance.

- b. If a reservation is made within the seven-day non-refund period, no refund will be issued if said reservation is cancelled.
- c. In cases where inclement weather (this refers to precipitation, not temperature) requires cancellation, upon notification of the Finance Department by the next business day and upon approval by the Parks and Recreation Director, a refund of 50% will be issued by the City, or alternately, fee may be applied to another reservation.

* All-day use: Reservation fees ~~Fees double~~ if the size of the group exceeds the pavilion capacity and the reservation is for more than 5 hours. ~~for Groups larger than bowery capacity.~~ Arrangement must be made with the Parks and Recreation Director before an all-day reservation is made and a Park Pavilion Reservation Addendum must be filled out to reserve a pavilion for more than 5 hours for a group that exceeds the pavilion capacity. A deposit and a ~~Additional~~ fees may be assessed to cover additional costs, such as porta-potties, garbage dumpsters, security, barricades, etc.

~~City ordinance does not allow anything to be sold in a City park without City Council pre-approval.~~

~~f. No refund will be issued if reservation is cancelled less than 14 days in advance. In cases where inclement weather (this refers to precipitation, not temperature) requires cancellation, upon notification of Finance Department by the next business day and upon approval by the Parks and Recreation Director, a refund of 50 percent will be issued by the City; alternatively, the fee may be applied to another reservation.~~

* * *

Section 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 1st DAY OF OCTOBER, 2013.

ATTEST:

CENTERVILLE CITY

Marsha L. Morrow, City Recorder

By: _____
Mayor Ronald G. Russell

CENTERVILLE CITY COUNCIL

Staff Backup Report 10/1/2013

Item No. 3.

Short Title: Municipal Code Amendments re Garbage Containers

Initiated By: Staff

Scheduled Time: 7:10

SUBJECT

Consider Ordinance No. 2013-15 regarding Amendments to Section 7-08-080 of the Centerville Municipal Code regarding Time and Place of Pickup for Garbage Containers

RECOMMENDATION

Approve Ordinance No. 2013-15 regarding Amendments to Section 7-08-080 of the Centerville Municipal Code regarding Time and Place of Pickup for Garbage Containers.

BACKGROUND

Staff has recently had to deal with a complaint regarding the location of garbage containers. In reviewing applicable provisions of Section 7-08-080, it was determined that some minor amendments would help clarify where garbage containers should be located. The proposed amendments eliminate reference to driveways in Subsection(a) and also add a provision that requires garbage containers to be placed in front of the owner's property frontage with the street, at least 10 feet from any mailbox, unless otherwise directed by the City or its contractor. Staff recommends approval of these minor amendments to Section 7-08-080 and adoption of Ordinance No. 2013-15.

ATTACHMENTS:

Description

- ☐ Ordinance No. 2013-15 - Garbage Containers

ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING SECTION 7-08-080 OF THE CENTERVILLE MUNICIPAL CODE REGARDING TIME AND PLACE OF PICKUP FOR GARBAGE CONTAINERS

WHEREAS, the City Council previously enacted Title 7, Chapter 8 regarding Solid Waste and Recycling services within the City; and

WHEREAS, the City Council desires to amend Section 7-08-080 of the Centerville Municipal Code regarding the time and place of pickup for garbage, green waste and recycling containers to clarify acceptable location of containers; and

WHEREAS, the City Council has determined that the proposed amendments to Section 7-08-080 of the Centerville Municipal Code is in the best interest of the public health, safety and welfare and will help clarify acceptable location of garbage, green waste and recycling containers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 7-08-080 of the Centerville Municipal Code regarding the time and place of pickup for garbage, green waste and recycling containers is hereby amended to read in its entirety as follows:

7-08-080. Time and Place of Pickup.

(a) ~~Unless otherwise specifically directed by the City, its agents or contractors, all solid waste and recyclable materials subject to collection by the City, its agents or contractors, shall be placed in approved containers as defined herein, which containers shall be placed on the edge of the street adjacent to the owner's property, at least ten (10) feet away from any mailbox, next to the driveway on the opposite side of the driveway approach from the mailbox, but in no event within ten (10) feet of the mailbox, and with the container's wheels as close to the curb as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. Unless otherwise specifically directed by the City or its contractor, green waste containers shall be placed in the same location as is required for solid waste and recycling containers. When snow or street construction prevents placing of the container against the curb, the container shall be placed not over two (2) feet from the edge of said snow or construction and in a manner that will not obstruct traffic or unduly impede the snowplowing activities of the City.~~

(b) Containers shall not be placed or permitted to block driveways or through traffic.

(c) Until otherwise provided by regulation, containers must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to 6:00 a.m. on the day of collection.

(d) All empty containers must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied.

(e) Those physically unable to wheel containers to curbside may arrange with the City, its agent or contractor, for special pickup.

(f) It shall be unlawful to park a vehicle upon a public street within the City during the hours of solid waste and recycling service pickup on said street in a manner that interferes with access thereto by the solid waste, green waste, and recyclable materials collection vehicle.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective twenty (20) days after publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 1st DAY OF OCTOBER, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Allen	_____	_____
Councilmember Averett	_____	_____
Councilmember Higginson	_____	_____
Councilmember Lindstrom	_____	_____
Councilmember Wright	_____	_____

CENTERVILLE CITY COUNCIL

Staff Backup Report 10/1/2013

Item No. 4.

Short Title: Amendments to Title 5 re Revenue and Finance

Initiated By: City Attorney

Scheduled Time: 7:20

SUBJECT

Consider Ordinance No. 2013-16 amending various sections of Title 5 of the Centerville Municipal Code regarding Revenue and Finance, including provisions for certification of annual financial reports, designation of chief financial officer and chief administrative officer, and permissible accumulated fund balance of the General Fund

RECOMMENDATION

Adopt Ordinance No. 2013-16 amending various sections of Title 5 of the Centerville Municipal Code regarding Revenue and Finance, including provisions for certification of annual financial reports, designation of chief financial officer and chief administrative officer, and permissible accumulated fund balance of the general fund.

BACKGROUND

The Utah Legislature adopted various bills in the 2013 Legislative Session regarding municipal revenue and finance. Two specific bills require amendments to the Centerville Municipal Code. H.B. 330 adopted the Political Subdivision Financial Reporting Certification Act which requires all annual financial reports to include a certification from the chief financial officer and the chief administrative officer of the City. The proposed amendments to Sections 5-01-030, 5-01-040 and 5-02-060 of the Centerville Municipal Code address the certification requirements as enacted by H.B. 330. S.B. 158 amended the percentage of excess fund balance that a municipality may keep in its general fund. The percentage was increased from 18% to 25%. The proposed amendments to Section 5-03-130 of the Centerville Municipal Code address the increase in the permissible accumulated fund balance for the general fund in accordance with the provisions of S.B. 158. Copies of H.B. 330 and S.B. 158 are attached for your reference.

ATTACHMENTS:

Description

- ☐ Ordinance 2013-16 to Title 5
- ☐ H.B. 330
- ☐ S.B. 158

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 5 OF THE CENTERVILLE MUNICIPAL CODE REGARDING REVENUE AND FINANCE, INCLUDING PROVISIONS FOR CERTIFICATION OF ANNUAL FINANCIAL REPORTS, DESIGNATION OF CHIEF FINANCIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER, AND PERMISSIBLE ACCUMULATED FUND BALANCE OF THE GENERAL FUND

WHEREAS, the City has previously adopted Title 5 of the Centerville Municipal Code regarding Revenue and Finance; and

WHEREAS, the City desires to update and amend various provisions of Title 5 in accordance with recent State law amendments regarding municipal revenue and finance; and

WHEREAS, the updates are in specific response to State law amendments and updates adopted by the State of Utah pursuant to H.B. 330 and S.B. 158 of the 2013 General Session of the Utah State Legislature; and

WHEREAS, the City desires to amend specific provisions of Title 5 as more particularly set forth herein and finds that such amendments are in the best interest of the public health and safety and will bring Centerville's revenue and finance provisions into compliance with State law requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. Amendment. Section 5-01-030 of the Centerville City Municipal Code regarding the Budget Officer is hereby amended to read in its entirety as follows:

5-01-030. Budget Officer.

The City Manager, as appointed by the Mayor with the approval of the City Council, is the Budget Officer of the City and shall perform all duties required of such position as set forth in the Uniform Fiscal Procedures Act and/or the Uniform Accounting Manual. The City Manager is also hereby designated as the Chief Administrative Officer of the City for purposes of Utah Code Ann. § 11-50-202, as amended, regarding certification of annual financial reports.

Section 2. Amendment. Section 5-01-040 of the Centerville City Municipal Code regarding the Finance Director is hereby amended to read in its entirety as follows:

5-01-040. Finance Director.

Pursuant to *Utah Code Ann.* § 10-6-157, as amended, the City has created the position of Finance Director as set forth in Title 3. The Finance Director shall perform the financial duties of the City Recorder as set forth in the Uniform Fiscal Procedures Act and the financial administrative duties of the director of finance as prescribed in the Uniform Accounting Manual. The Finance Director shall not assume the duties of the City Treasurer. The Finance Director is also hereby designated as the Chief Financial Officer of the City for purposes of *Utah Code Ann.* § 11-50-202, as amended, regarding certification of annual financial reports.

Section 3. Amendment. Section 5-02-060 of the Centerville City Municipal Code regarding the Annual Financial Reports is hereby amended to read in its entirety as follows:

5-02-060. Annual Financial Reports.

Within 180 days after the close of each fiscal period, the City Finance Director shall present to the City Council an annual financial report prepared in the manner prescribed in the Uniform Accounting Manual. Each annual financial report shall contain the information required by *Utah Code Ann.* § 10-6-150, as amended, and shall be certified in accordance with *Utah Code Ann.* § 11-50-201, as amended. The requirement under this Section to present an annual financial report may be satisfied by presentation of the audit report furnished by the independent auditor, if the financial statements included are appropriately prepared and reviewed with the governing body. Copies of the annual financial report or audit report furnished by the independent auditor shall be filed with the State Auditor and shall be filed as a public document in the Office of the City Recorder.

Section 4. Amendment. Section 5-03-130 of the Centerville City Municipal Code regarding the Fund Balances is hereby amended to read in its entirety as follows:

5-03-130. Fund Balances.

(a) All Funds. The City may accumulate retained earnings or fund balances, as appropriate, in any fund in accordance with applicable provisions of the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

(b) General Fund. Accumulated fund balances in the General Fund are restricted to purposes permitted by law. Any fund balance in excess of five percent (5%) of the total revenues of the General Fund may be utilized for budget purposes. Except as otherwise provided in the Uniform Fiscal Procedures Act or the Uniform Accounting Manual, any accumulated fund balance in the General Fund shall not exceed twenty-five

eighteen percent (25.18%) of the total estimated revenue of the General Fund. If the fund balance at the close of any fiscal period exceeds the amount permitted herein, the excess shall be appropriated in the manner provided in *Utah Code Ann.* § 10-6-117, as amended.

(c) Capital Improvement Fund. Within a capital improvement fund, the City Council may, in any budget period, appropriate from estimated revenue or fund balance to a reserve for capital improvements for purposes set forth in the Uniform Fiscal Procedures Act and the Uniform Accounting Manual.

Section 5. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 6. Effective Date. This Ordinance shall become effective upon publication or posting, whichever is sooner.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 1st DAY OF OCTOBER, 2013.**

CENTERVILLE CITY

By: _____
Mayor Ronald G. Russell

ATTEST:

Marsha L. Morrow, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Allen	_____	_____
Councilmember Averett	_____	_____
Councilmember Higginson	_____	_____
Councilmember Lindstrom	_____	_____
Councilmember Wright	_____	_____

FINANCIAL REPORTING AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to political subdivisions to require certification of certain financial reports.

Highlighted Provisions:

This bill:

▸ enacts Political Subdivision Financial Reporting Certification, including:

- defining terms;
- requiring a specific form of certification of annual financial reports by the chief administrative officer and chief financial officer; and
- providing for the designation of the chief administrative officer or chief financial officer.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-50-101, Utah Code Annotated 1953

11-50-102, Utah Code Annotated 1953

11-50-201, Utah Code Annotated 1953

11-50-202, Utah Code Annotated 1953

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 11-50-101 is enacted to read:

32 **CHAPTER 50. POLITICAL SUBDIVISION FINANCIAL REPORTING**
33 **CERTIFICATION**

34 **Part 1. General Provisions**

35 **11-50-101. Title.**

36 This chapter is known as "Political Subdivision Financial Reporting Certification."

37 Section 2. Section 11-50-102 is enacted to read:

38 **11-50-102. Definitions.**

39 As used in this chapter:

40 (1) "Annual financial report" means a comprehensive annual financial report or similar
41 financial report required by Section 51-2a-201.

42 (2) "Chief administrative officer" means the chief administrative officer designated in
43 accordance with Section 11-50-202.

44 (3) "Chief financial officer" means the chief financial officer designated in accordance
45 with Section 11-50-202.

46 (4) "Governing body" means:

47 (a) for a county, city, or town, the legislative body of the county, city, or town;

48 (b) for a local district, the board of trustees of the local district;

49 (c) for a school district, the local board of education; or

50 (d) for a special service district under Title 17D, Chapter 1, Special Service District

51 Act:

52 (i) the governing body of the county or municipality that created the special service
53 district, if no administrative control board has been established under Section 17D-1-301; or

54 (ii) the administrative control board, if one has been established under Section
55 17D-1-301.

56 (5) (a) "Political subdivision" means any county, city, town, school district, community
57 development and renewal agency, special improvement or taxing district, local district, special

service district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act, or other governmental subdivision or public corporation.

(b) Notwithstanding Subsection (5)(a), "political subdivision" does not mean a project entity, as defined in Section 11-13-103.

Section 3. Section 11-50-201 is enacted to read:

Part 2. Certification Required

11-50-201. Certification by chief administrative officer and chief financial officer required.

For an annual financial report of a political subdivision to be considered complete on and after July 1, 2013, the following certifications shall be included with the annual financial report:

(1) Under penalty of perjury, I, [officer's name] certify that the [annual financial report] of [political subdivision] for the year ended [date] fairly presents in all material respects the financial condition and results of operations of [political subdivision].

[signature], Chief Administrative Officer.

(2) Under penalty of perjury, I, [officer's name] certify that the [annual financial report] of [political subdivision] for the year ended [date] fairly presents in all material respects the financial condition and results of operations of [political subdivision].

[signature], Chief Financial Officer.

Section 4. Section 11-50-202 is enacted to read:

11-50-202. Designating chief administrative officer -- Designating chief financial officer.

(1) (a) The chief administrative officer of a political subdivision is:

(i) the individual appointed as the chief administrative officer of the political subdivision in accordance with statute; or

(ii) if a chief administrative officer is not appointed in accordance with statute, the individual designated as the chief administrative officer by the governing body of the political subdivision.

86 (b) In designating a chief administrative officer under this Subsection (1), the
87 governing body shall designate the individual who holds a managerial or similar position to
88 perform administrative duties or functions for the political subdivision.

89 (2) (a) The chief financial officer of a political subdivision is:

90 (i) the individual appointed as the chief financial officer of the political subdivision in
91 accordance with statute; or

92 (ii) if a chief financial officer is not appointed in accordance with statute, the individual
93 designated as the chief financial officer by the governing body of the political subdivision.

94 (b) In designating a chief financial officer under this Subsection (2), the governing
95 body shall designate the individual who has primary responsibility for preparing the annual
96 financial report.

MUNICIPAL GENERAL FUND AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: John Knotwell

LONG TITLE

General Description:

This bill amends the percentage of excess fund balance that a municipality may keep in its general fund.

Highlighted Provisions:

This bill:

► amends the percentage of excess fund balance that a municipality may keep in its general fund from 18% to 25%.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-6-116, as last amended by Laws of Utah 2010, Chapter 378

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-6-116** is amended to read:

10-6-116. Accumulated fund balances -- Limitations -- Excess balances --

Unanticipated excess of revenues -- Reserves for capital improvements.

(1) Cities are permitted to accumulate retained earnings or fund balances, as appropriate, in any fund. With respect to the general fund only, any accumulated fund balance is restricted to the following purposes:

30 (a) to provide working capital to finance expenditures from the beginning of the budget
31 period until general property taxes, sales taxes, or other applicable revenues are collected,
32 thereby reducing the amount [which] the city must borrow during the period, but this
33 Subsection (1)(a) does not permit the appropriation of any fund balance for budgeting purposes
34 except as provided in Subsection (4);

35 (b) to provide a resource to meet emergency expenditures under Section 10-6-129; and

36 (c) to cover a pending year-end excess of expenditures over revenues from an
37 unavoidable shortfall in revenues. This provision does not permit the appropriation of any
38 fund balance to avoid an operating deficit during any budget period except as provided under
39 Subsection (4), or for emergency purposes under Section 10-6-129.

40 (2) The accumulation of a fund balance in the general fund may not exceed [~~18%~~] 25%
41 of the total estimated revenue of the general fund.

42 (3) If the fund balance at the close of any fiscal period exceeds the amount permitted
43 under Subsection (2), the excess shall be appropriated in the manner provided in Section
44 10-6-117.

45 (4) Any fund balance in excess of 5% of the total revenues of the general fund may be
46 utilized for budget purposes.

47 (5) (a) Within a capital improvements fund, the governing body may, in any budget
48 period, appropriate from estimated revenue or fund balance to a reserve for capital
49 improvements for the purpose of financing future specific capital improvements, under a
50 formal long-range capital plan adopted by the governing body.

51 (b) The reserves may accumulate from fiscal period to fiscal period until the
52 accumulated total is sufficient to permit economical expenditure for the specified purposes.

53 (c) Disbursements from these reserves shall be made only by transfer to a revenue or
54 transfer account within the capital improvements fund, under a budget appropriation in a
55 budget for the fund adopted in the manner provided by this chapter.

56 (d) Expenditures from the above appropriation budget accounts shall conform to all
57 requirements of this chapter relating to execution and control of budgets.

CENTERVILLE CITY COUNCIL

Staff Backup Report 10/1/2013

Item No. 5.

Short Title: Discuss Proposed Renewal of Gun Range Lease

Initiated By:

Scheduled Time: 7:30

SUBJECT

Discuss proposed renewal of gun range lease

RECOMMENDATION

Discuss issues pertinent to the renewal of the lease of the gun range property and give direction to staff regarding the drafting of a new lease.

BACKGROUND

The City Council went on a field trip on September 17 to the gun range and spoke there with Jim Stephens, President of the Centerville Small Arms Association (current leasee) about some of the issues. It was agreed that any pertinent issues would be discussed at the October 1 regular City Council meeting. The current 10-year lease agreement—which expires December 31, 2013—is attached.

Staff suggest the following issues for Council discussion, along with any others identified by Council Members:

- Remediation requirements and issues
- Designation of permissible shooting areas
- Restrictions on additional development
- Signage
- Hours of operation
- Access policies
- Term

ATTACHMENTS:

Description

- ☐ Current Gun Range Lease

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

DOCUMENT SCANNED

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.

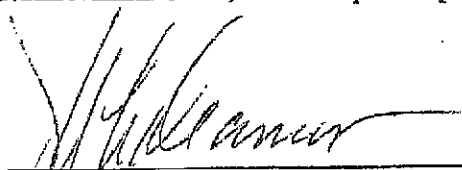
WITNESS THE HANDS of the parties hereto the day and year first above written.

CENTERVILLE SMALL ARMS ASSOCIATION

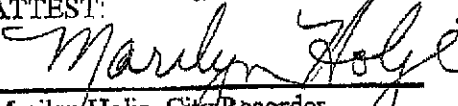
By: William H. Wang

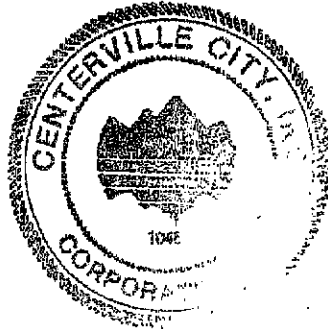
CENTERVILLE CITY, A Municipal Corporation

By:


Michael L. Deamer, Mayor

ATTEST:


Marilyn Holje, City Recorder



CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No. 6.

Short Title: Mayor's Report

Initiated By:

Scheduled Time: 7:45

SUBJECT

RECOMMENDATION

BACKGROUND

No topics identified in advance.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No. 7.

Short Title: Miscellaneous Business

Initiated By:

Scheduled Time: 8:05

SUBJECT

RECOMMENDATION

BACKGROUND

No topics identified in advance.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No. 8.

Short Title: City Manager's Report

Initiated By:

Scheduled Time: 7:55

SUBJECT

RECOMMENDATION

BACKGROUND

No topics identified in advance.

CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No. 9

Short Title: 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

Initiated By:

Scheduled Time: 8:15

SUBJECT

RECOMMENDATION

BACKGROUND

CENTERVILLE CITY COUNCIL

**Staff Backup Report
10/1/2013**

Item No. 10.

Short Title: Possible Action following closed meeting, including appointments to boards and committees

Initiated By:

Scheduled Time: 8:15

SUBJECT

RECOMMENDATION

No recommendations at this point from Mayor regarding appointments to boards and committees, but agenda allows for that possibility.

BACKGROUND



COMMUNITY SERVICE STATEMENT OF INTEREST AND QUALIFICATIONS

MAKE
BETTER

Centerville City

RGR
ST
BC

PERSONAL INFORMATION

Name: ALAN PETERSON Phone: 801 298 2519
Address: 1379 N. Brookhurst Circle Centerville Cell: 801 209 5567
Email: apflyingleap@gmail.com 84014 Work: 801 209 5567
How long have you lived in Centerville? 15 month/years
Occupation: FILM MAKER
Company: Flying Leap Films, Inc.
Address of Company: 1379 N Brookhurst Circle, Centerville, 84014

Approved
to TC
10-1-13

COMMUNITY SERVICE AREAS OF INTEREST

TRAILS COMMITTEE

PREVIOUS COMMUNITY SERVICE

DAVIS COUNTY REPUBLICAN PARTY SENATE CHAIR

CENTERVILLE CITY CORP.

SEP 19 2013

RECEIVED

FORMAL EDUCATION AND TRAINING

BOUNTFUL HIGHT '81 UNIVERSITY of UTAH B.A. '87

MISCELLANEOUS SKILLS AND ABILITIES

Centerville Trails Pin

PERSONAL AND PROFESSIONAL REFERENCES

Denise Cox, Trails Chair

Signature

Date

18 Sept 13