

1 Minutes of the Centerville **City Council** meeting held Tuesday, October 1, 2013 at 7:00 p.m. in  
2 the Centerville City Hall Council Chambers, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Ronald G. Russell

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8 Council Members Ken S. Averett  
9 John T. Higginson  
10 Sherri Lyn Lindstrom  
11 Lawrence Wright

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13 **MEMBER ABSENT** Justin Y. Allen

14  
15 **STAFF PRESENT** Steve Thacker, City Manager  
16 Randy Randall, Public Works Director  
17 Lisa Romney, City Attorney  
18 Neal Worsley, Police Chief  
19 Katie Rust, Recording Secretary

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21 **STAFF ABSENT** Blaine Lutz, Finance Director/Assistant City Manager

22  
23 **VISITORS** Jim Stephens, Small Arms Association President  
24 Woody Powell, UT Rifle and Pistol Association President  
25 Interested citizens (see attached sign-in sheet)

26  
27 **PLEDGE OF ALLEGIANCE**

28  
29 **PRAYER OR THOUGHT** Mayor Russell

30  
31 **OPEN SESSION**

32  
33 Mark Gabriel – Mr. Gabriel attended the Council meeting on September 17<sup>th</sup>. He  
34 referred to the financial report presented at that meeting and suggested that the City show  
35 specifically what is happening with deficit spending. City Manager Thacker invited Mr. Gabriel  
36 to contact him for an appointment to explain his request.

37  
38 **MINUTES REVIEW AND APPROVAL**

39  
40 The minutes of the Tuesday, September 17, 2013 fieldtrip, the September 17, 2013  
41 Council meeting, and the September 17, 2013 closed meeting were reviewed. Councilwoman  
42 Lindstrom made a **motion** to approve all three sets of minutes. Councilman Higginson  
43 seconded the motion, which passed by unanimous vote (4-0).

44  
45 **FEE SCHEDULE AMENDMENTS REGARDING PARK RESERVATION FEES –**  
46 **RESOLUTION NO. 2013-23**

47  
48 Lisa Romney, City Attorney, explained the proposed amendments to Park Reservation  
49 Fees. The proposed amendments clarify the refund policy, and eliminate City Council approval  
50 of commercial sales in City parks, consistent with recent changes to Title 8. Councilman  
51 Higginson asked why the City does not give a full refund of pavilion reservation fees in cases of  
52 inclement weather. Mr. Thacker explained that the reservation and refund processes involve

1 administrative time, and expense to prepare pavilions and restrooms. The park pavilion  
2 reservation fee is \$25, which does not fully cover the cost of the reservation to the City. He  
3 explained that the policy also allows the option of rescheduling the pavilion without additional  
4 fee if due to inclement weather.

5  
6 Councilwoman Lindstrom made a **motion** to adopt Resolution No. 2013-23 regarding  
7 amendments to the Fee Schedule for Park Reservation Fees. The motion was seconded by  
8 Councilman Higginson and passed by unanimous vote (4-0).

9  
10 **MUNICIPAL CODE AMENDMENTS REGARDING GARBAGE CONTAINERS –**  
11 **CONSIDERATION OF ORDINANCE NO. 2013-15**

12  
13 Randy Randall, Public Works Director, described a complaint the City recently received  
14 regarding placement of residential garbage containers. Mr. Randall showed photographs of  
15 several neighborhood configurations where it is impossible for property owners to be in  
16 compliance with the current code. The current direction is that garbage containers be placed  
17 next to the driveway opposite the mailbox. Mr. Randall stressed that placement of garbage  
18 containers requires cooperation between neighbors in many neighborhoods. The proposed  
19 amendments to the Municipal Code eliminate reference to driveways and add a provision that  
20 requires garbage containers to be placed in front of the owner's property frontage with the  
21 street, at least 10 feet from any mailbox, unless otherwise directed by the City or its contractor.

22  
23 Councilwoman Lindstrom made a **motion** to approve Ordinance No. 2013-15 regarding  
24 Amendments to Section 7-08-080 of the Centerville Municipal Code regarding Time and Place  
25 of Pickup for Garbage Containers. Councilman Higginson seconded the motion, which passed  
26 by unanimous vote (4-0).

27  
28 **AMENDMENTS TO TITLE 5 REGARDING REVENUE AND FINANCE –**  
29 **CONSIDERATION OF ORDINANCE NO. 2013-16**

30  
31 Two of the bills adopted by the 2013 Legislative Session regarding municipal revenue  
32 and finance require amendments to the Centerville Municipal Code. Ms. Romney explained the  
33 proposed amendments and recommended that the Council adopt Ordinance No. 2013-16.

34  
35 Councilwoman Lindstrom made a **motion** to adopt Ordinance No. 2013-16 amending  
36 various sections of Title 5 of the Centerville Municipal Code regarding Revenue and Finance,  
37 including provisions for certification of annual financial reports, designation of chief financial  
38 officer and chief administrative officer, and permissible accumulated fund balance of the general  
39 fund. Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).

40  
41 **DISCUSSION OF PROPOSED RENEWAL OF GUN RANGE LEASE**

42  
43 Steve Thacker, City Manager, introduced Jim Stephens, President of the Centerville  
44 Small Arms Association, and Woody Powell, a former president and current member of the  
45 Centerville Small Arms Association. The current ten-year lease between the City and the Small  
46 Arms Association for the gun range property will expire on December 31, 2013. The Council  
47 and Mayor recently visited the gun range to better understand the layout and use of the  
48 property. Mr. Thacker reviewed the lease document section by section with the Council. Mr.  
49 Stephens pointed out on a map the desired location for a pistol range that the Association would  
50 like to add. Mr. Stephens explained that an increased number of long-distance shooters have  
51 been using the range, reducing the availability for pistol shooters. The proposed location is  
52 already level, and somewhat protected from view by the natural lay of the land. The Association

1 intends to keep the area as natural as possible while providing a good experience for pistol  
2 shooters.

3  
4 Mayor Russell asked if the existing problem could be solved by scheduling some days  
5 specifically for long-range shooting and some days specifically for short-range shooting. Mr.  
6 Stephens responded that the Association would like to make as many people happy as  
7 possible. Councilman Higginson expressed concern with making the existing cut in the  
8 mountain even more visible. Mr. Powell stated that the area is not really visible unless the  
9 viewer is as far west as the Legacy Parkway. There was some discussion about the proximity  
10 of hiking trails near the range and potential risks to hikers.

11  
12 Chief Worsley expressed his support for the Centerville Small Arms Association in their  
13 stewardship of the gun range property. The gun range is heavily used. He stated he would like  
14 to see the Association able to use the land without additional scarring on the hillside. The Chief  
15 referred to the possibility of specifying certain days and times for specific types of shooting. The  
16 majority of rifle shooters shoot from 200 yards. A minority of the shooters shoot from 600 yards.  
17 Chief Worsley is not in favor of the additional pistol range if it involves more scarring on the  
18 hillside. He suggested that small design alterations to the existing shelf may allow pistol  
19 shooters and short-distance rifle shooters to shoot at the same time. Additional areas to shoot  
20 will result in additional land to reclaim upon closure of the range. Chief Worsley recommended  
21 that the City not allow additional cuts into the hillside.

22  
23 Mr. Stephens proposed an additional option. He said that for years people have been  
24 shooting into the hillside just south of the gate below the "V". When the area was tested, no  
25 lead problem was found (according to current EPA standards), despite the 30 years of shooting  
26 at that location. The Association could accommodate small arms shooters right below the "V"  
27 without scarring the hillside. Mr. Stephens agreed with Chief Worsley's desire to keep the  
28 hillside looking nice. Councilman Wright stated he thinks the suggestion to use the land below  
29 the "V" seems acceptable. Chief Worsley mentioned that the road would need to be rerouted so  
30 it doesn't go through the direct line of fire. Mr. Thacker suggested that staff write the lease to  
31 allow the possibility of an additional range, but only with specific approval from the City Council.  
32 Mayor Russell and Councilman Higginson voiced their support of Mr. Thacker's suggestion.  
33 Chief Worsley repeated that the Association has been a great steward of the property.

34  
35 The Council discussed the fact that citizens use shotguns on County property not far  
36 from the Centerville gun range. Councilman Higginson expressed a desire to discuss  
37 enforcement options with the County. The current lease agreement specifies that the primary  
38 use of the range and facilities will be during daylight hours on weekdays, Saturdays, and  
39 holidays. Mr. Thacker asked Mr. Stephens if the two Sundays per year allowed in the lease for  
40 specific competitions are still sufficient. Mr. Stephens responded that two Sundays are  
41 sufficient. Chief Worsley stated that he lives very near the Centerville range. When he has  
42 heard shooting during closed hours of the range and had Police Officers check the property, the  
43 sound has been from the Bountiful Lions Club gun range.

44  
45 Mr. Thacker asked Mr. Stephens if he feels Section 15 of the lease agreement  
46 adequately addresses remediation. Mr. Stephens stated that the recommended methods of  
47 remediation could be included in the lease agreement. Lisa Romney commented that the study  
48 resulting in the recommended methods of remediation was conducted in 1999. Councilman  
49 Higginson asked if the Association has been setting funds aside to pay for remediation of the  
50 property in the future. Councilman Wright suggested that the Association establish a cyclical  
51 remediation schedule. Mr. Stephens responded that the stone on the mountainside is  
52 limestone, which binds the lead and apparently prevents harmful contamination. Lisa Romney

1 has recommended to the Association that a small amount be placed in an escrow account  
2 periodically to finance future remediation. Mayor Russell recommended the City do more  
3 research regarding remediation. Councilman Higginson stated the Council is in favor of the  
4 Association staying on the hillside, and would like to ensure the agreement is right for  
5 Centerville. Staff will draft a new lease agreement and bring it back to the City Council.  
6

7 **MAYOR'S REPORT**

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9 Mayor Russell reported that Mary Ellen Smoot was recently honored at a Landmarks  
10 Commission event. He also commented on the success of the earthquake disaster exercise  
11 held on Saturday, September 28<sup>th</sup>.  
12

13 **CITY MANAGER'S REPORT**

- 14  
15 • Steve Thacker, City Manager, reported that the Parks Committee plans to reach out  
16 to the community to gather opinions regarding the planned 6-acre expansion to  
17 Community Park. The Parks Committee will follow-up with an open house on  
18 November 19<sup>th</sup> to discuss the use of the land with the public. They also plan to hold  
19 an open house in the spring to discuss the use and needs of all City parks.  
20 • A ribbon-cutting ceremony to officially open the newly paved portion of the D&RGW  
21 Trail will be held on October 12<sup>th</sup> at 10:00 a.m. at the Davis County Fairground Event  
22 Center.  
23 • The first Council meeting in November will be held on Wednesday, November 6<sup>th</sup>,  
24 due to municipal elections on November 5.  
25

26 **APPOINTMENT**

27  
28 Mayor Russell recommended that Alan Peterson be appointed to the Trails Committee.  
29 Councilman Wright made a **motion** to appoint Alan Peterson to the Trails Committee.  
30 Councilman Higginson seconded the motion, which passed by unanimous vote (4-0).  
31

32 **MISCELLANEOUS**

33  
34 Councilman Higginson referred to a Wall Street Journal article reporting that a  
35 telecommunications company in Texas intends to construct a fiber network. He feels the debate  
36 about whether or not we should have UTOPIA is past. The City should embrace it and figure  
37 out what can be done to make it more beneficial for residents and the City in general.  
38

39 **ADJOURNMENT**

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41 At 8:22 p.m. Councilwoman Lindstrom made a **motion** to adjourn the meeting.  
42 Councilman Averett seconded the motion, which passed by unanimous vote (4-0).  
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47 Marsha L. Morrow, City Recorder

10-15-2013  
\_\_\_\_\_  
Date Approved

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50 \_\_\_\_\_  
51 Katie Rust, Recording Secretary  
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