

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
December 13, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Marilyn Fryer	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	Brian Brower	City Attorney
	JJ Allen	Assistant City Manager
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Manager
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Steve Guy	City Treasurer
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Tab L. Uno, Caitlin Wall – HAFB Environmental, Mark Loochs – HAFB, Andrew Allred – Youth City Council, Barbara Fisher – HAFB Public Affairs, Ivan Anderson – North Davis Sewer District, Brad Jameson, Gregg Benson, Synde Benson, Steve Worsley, Ron Grayson, Mike LeBaron – Councilmember Elect, Kent Bush – Councilmember Elect, Kevin Cowan – North Davis Sewer District, Kelly & Caryn Ryan, Shannon Smith – HAFB, Chuck Ulrich – Ulrich & Associates, PC

Mayor Wood informed the citizens present that if they would like to comment during Citizen Comments or the Public Hearing there were forms to fill out by the door.

Youth City Councilmember Andrew Allred conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 15, 2011 WORK SESSION, NOVEMBER 15, 2011 REGULAR SESSION, NOVEMBER 29, 2011 JOINT WORK SESSION AND THE NOVEMBER 29, 2011 SPECIAL SESSION

Councilmember Fryer moved to approve the minutes from the November 15, 2011 work session, November 15, 2011 regular session, November 29, 2011 joint work session and the November 29, 2011 special session as written, seconded by Councilmember Sprague. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

UPDATE FROM THE NORTH DAVIS SEWER DISTRICT

Ivan Anderson, Clearfield City's Sewer District Board Representative, presented an update from the North Davis Sewer District and addressed any questions from the City Council. He reported the District's budget year was from January to December and stated the District currently didn't have a proposed budget ready for approval. He stated there had been no previous tax increases or increase of fees for several years.

He reviewed some processes used at the District and indicated there was a need for an increase in fees as well as revenue bonds to meet future growth. He indicated the bond market was favorable and since the District had a favorable rating it would be in its best interest to bond for the needed improvements. He reviewed potential future costs associated with the sewer processes used at the District and requested time with the Council during a work session within the upcoming year in which the issue could be discussed. He expressed appreciation for the Council's support on behalf of the District.

Mayor Wood expressed appreciation to Mr. Anderson's service on the City's behalf for his representation on the Board.

PRESENTATION BY HILL AIR FORCE BASE (HAFB) ENVIRONMENTAL RESTORATION DIRECTORATE

Mark Loochs, Hill Air Force Base (HAFB) stated the Restoration Advisory Board (RAB) desired to make a presentation to Gregg Benson expressing appreciation for his valuable service on the RAB. He reported during Mr. Benson's tenure on the Board he had ensured the Air Force was aware of the City's perspective on the environmental cleanup. He mentioned Mr. Benson had been instrumental in coordinating meetings in which decisions could be made specific to the cleanup efforts. He added Mr. Benson had also shared the City's concerns to the Air Force and expressed appreciation for Mr. Benson's willingness to vocally share his opinion when critical decisions were being made, even when in opposition. He complimented Mr. Benson's attendance at the meetings and trainings and assured the City he had been an outstanding representative. Mr. Loochs presented Mr. Benson with a plaque acknowledging his service on behalf of the HAFB.

Shannon Smith from the Hill Air Force Base (HAFB) Environmental Restoration Directorate updated the Council regarding the indoor sampling program and groundwater contamination cleanup. She displayed a colored map reflecting the plumes and explained the cleanup efforts. She reviewed the contaminants with the Council and referred to a map reflecting the locations of the plumes. She stated additional monitoring wells had been installed and confirmed the plumes were not expanding and reported samples were still being collected. She stated trees had been planted with the intention they would assist in the cleanup and pointed out those locations. She clarified the monitoring systems had not detected further contamination and directed the Council

to refer to information provided in the agenda packet for the proposed timeline and reviewed it with the Council.

Ms. Smith reviewed the indoor air sampling and directed the Council to its handout which reflected the homes in which air sampling had taken place. She confirmed the one positive reading had been determined to come from an indoor source.

PUBLIC HEARING TO RE-OPEN THE 2011-2012 FISCAL YEAR BUDGET

State Law required a public hearing before the City Council approved amendments to the City budget.

Mayor Wood declared the public hearing open at 7:24 p.m.

Bob Wylie, Administrative Services Director, presented amendments for the 2011-2012 Fiscal Year Budget. He reviewed those items which were not included during the budget appropriation process. He indicated those items which were previously discussed during work sessions. He explained additional amendments with the Council.

Mayor Wood asked for public comment.

There were not public comments.

Councilmember Fryer moved to close the public hearing at 7:29 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

CITIZEN COMMENTS

Tab Uno, resident, thanked the Mayor and Council for the opportunity to speak to them tonight. He stated he was representing residents, Syracuse High School Community Council and employees of Utility Trailer regarding the intersection at 700 South and 1000 West. He read a signed petition which suggested federal CDBG funds be used to complete a traffic study at the intersection. He also indicated the petition would be submitted to the City with accompanying letters from Syracuse High School and Utility Trailer in addition to an article from National Geographic magazine regarding teenagers. The article specifically stated teenagers were by nature risk takers and explained the reasons for that. He referred to a diagram displayed on a white board which reflected the intersection pointing out the following:

- 1000 West is not wide enough at the 700 South intersection which would allow a vehicle to pass when someone is attempting to make a left hand turn while traveling north.
- 700 South is the only east/west corridor connecting 1000 West to 2000 West between 300 North and 1700 South.

- The 2007 opening of Syracuse High School compounded traffic congestion between 2:00 p.m. and 3:00 p.m. with the existing traffic created by shift changes at Utility Trailer.
- The planned SR 193 road extension could potentially increase traffic along 1000 West.

He shared some statistics relating to the number of traffic accidents at the intersection and believed they reflected a trend was taking place at the intersection. He requested the City Council consider the intersection improvement project during the future budget process.

Brad Jameson, resident, explained where his home was located in conjunction to the 700 South 1000 West intersection and suggested a center lane could be added on 1000 West to accommodate for a left hand turn lane. He also suggested contact be made with Rocky Mountain Power to determine their willingness to install curb and gutter. He believed a traffic light was not needed and inquired what the City's future plans were regarding 700 South and 1000 West. He expressed frustration as he had discussed the issue with the previous City Planner, Kent Bush, and Councilmember Sprague as well as participated in a discussion during a Planning Commission meeting with no results.

Mayor Wood responded City officials were aware of a recent accident and reported Scott Hodge, Public Works Director, had made contact with property owners located at the intersection to request assistance with compliance to the clear view ordinance. He expressed his opinion the SR 193 extension could potentially alleviate some of the traffic problems as it would be a signalized intersection at 1000 West and 2000 West. He understood the traffic problems associated with a major employer and the shift changes in addition to school letting out at similar times.

Mr. James commented 1000 West not only accommodated vehicular traffic but pedestrians and cyclists also used the road. He believed the road was not wide enough to accommodate all types of traffic. Mayor Wood commented how the CDBG funds were prioritized and believed the concerns expressed by the residents were worthy of consideration in the future.

Mr. Uno thanked the City Council for the street improvements which had taken place in the subdivision as well as the recently installed speed limit signs along 200 South. He pointed out there were residents of other communities which used 1000 West who didn't have the opportunity to sign the petition. He expressed frustration with the replacement of handicapped sidewalk accessibility. Mayor Wood explained decisions regarding the replacement of handicapped accessibility ramps were made at a higher level. Scott Hodge, Public Works Director, emphasized the City was federally mandated to keep those compliant with federal law.

Councilmember Sprague pointed out it was obvious where the Clearfield City boundary ended and Syracuse City began on 700 South because Syracuse had installed curb, gutter and sidewalk in addition to completing street improvements. He believed the City should consider completing those improvements and suggested using Safe Route to School grant funding for the sidewalk improvements.

Steve Worsley, resident, requested information on how each councilmember had voted during the Council meeting on the City's website. Nancy Dean, City Recorder, responded the minutes from the Council meetings, which reflected each councilmember's vote, were on the website. She continued a summary of the City Council meetings would be appearing in the newsletter; although, that article wouldn't reflect each councilmember's vote. She stated it would provide the date of the meeting leading the reader to the appropriate minutes on the website.

CONSENT AGENDA

APPROVAL OF RESOLUTION 2011R-21 MAKING AN APPOINTMENT TO THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY'S (MIDA'S) DEVELOPMENT REVIEW COMMITTEE (DRC)

The Military Installation Development Authority (MIDA) requested the City Council appoint a qualified member to its Development Review Committee (DRC). The objective of the DRC was to advise MIDA on issues relating to the efficient and timely development of the Enhanced Lease Project Area (Falcon Hill) at Hill Air Force Base (HAFB) and to involve cities and counties adjacent to that development in the process.

Mayor Wood referenced the Resolution which recommended Michael McDonald to the Committee and commented MIDA had also addressed this item at their meeting held earlier in the week.

APPROVAL OF RESOLUTION 2011R-19 AUTHORIZING STAFF TO APPLY FOR A RECYCLING MARKET DEVELOPMENT ZONE

The Community Development Department had requested authorization from the Council to apply for a State Recycling Market Development Zone, which focused on recycling as an economic development tool. The zone would assist manufacturing businesses in Clearfield that collected, processed, distributed, or used recycled materials in their manufacturing operations, or compost.

Adam Lenhard, City Manager, explained adoption of the Resolution would allow many of the businesses located in Clearfield City the opportunity to be eligible for a State Tax credit.

APPROVAL OF ORDINANCE 2011-12 ADOPTING A DAYTIME CURFEW ORDINANCE TO PROHIBIT LOITERING OF A MINOR CHILD DURING SCHOOL HOURS

Similar to neighboring cities, Clearfield Police Department desired to establish and enforce a Daytime Curfew Ordinance to allow a peace officer to inquire and verify a minor's age and reason for being in a public place or other restricted place within the City limits during the normal school hours for the school said minor is required to attend; and

upon violation, take minor into custody and either transport or release to the minor's school or approved school board designee.

Mayor Wood reminded the Council this had been previously discussed during the November 29, 2011 work session. He pointed out neighboring cities had adopted a daytime curfew ordinance.

APPROVAL OF THE AWARD OF BID TO PERFORM CONSTRUCTION SERVICES FOR THE INSTALLATION OF UTILITIES ON THE NORTH SIDE OF 700 SOUTH STREET FROM STATE STREET TO SOUTH MAIN STREET AS PART OF THE UDOT SR-193 BRIDGE AND ROADWAY WIDENING PROJECT

Bids were received from ten construction companies to install utilities (culinary water, sanitary sewer and storm drain) on the north side of 700 South Street from State Street to South Main Street. The lowest responsible bid was received from Brinkerhoff Excavating, with a bid of \$1,111,090.40. The City had an agreement with UDOT for reimbursement of the costs associated with this project. The City Engineer reviewed the bids.

APPROVAL OF RESOLUTION 2011R-22 MAKING AN APPOINTMENT TO THE NORTH DAVIS FIRE DISTRICT (NDFD) ADMINISTRATIVE BOARD

Recent legislation required the City to appoint elected officials to special districts which impose taxes and fees. Councilmember Fryer had been providing representation for the City. Mayor Wood recommended appointing Councilmember Elect Mike LeBaron as the City's representatives to the North Davis Fire District (NDFD) Administrative Board.

Councilmember Murray inquired if the Daytime Curfew Ordinance would be holding the minor children responsible or the parents responsible. Greg Krusi, Police Chief, responded the minor child would be in violation of the ordinance; therefore, the parent would be responsible. He continued the child would be cited as opposed to the parent, but it would be the parent's responsibility for the child to proceed through the Juvenile Court System.

Brian Brower, City Attorney, commented there could be instances in which a parent could be cited and held responsible if the parent were involved in promoting the behavior. He continued the advantage provided to the School Resource Officers (SRO) would be to take the minor child to his/her appropriate school.

Councilmember Shepherd stated he had completed research which reflected the Home School Association had filed a lawsuit regarding these types of ordinances. Mr. Brower responded there was an exception in the ordinance specific for home schooled children as long as proper procedures and documentation were followed by the legal guardians or parents. Mr. Shepherd responded the basis for the lawsuits was tied to discrimination and expressed concern with

future liabilities. Mr. Brower reminded the Council of the work session in which SRO Pledger had explained the basis for the ordinance was to eliminate the loitering at the skateboard park.

Councilmember Murray expressed concern about the potential of a home school teenager participating in activities at the skateboard park during school hours and enforcement of the ordinance. She believed the City was small enough the officers would use discretion in enforcement and commented about the exemptions in the ordinance.

Mayor Wood asked the Council if there were any items which needed to be removed from the consent agenda. There were no items removed.

Councilmember Young moved to approve the consent agenda items presented by staff as listed above and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Fryer. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

SCHEDULED ITEMS

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2011

Chuck Ulrich of Ulrich & Associates, P.C. presented Clearfield City's Comprehensive Annual Report (CAFR) for the year ending June 30, 2011 and addressed any questions the Council had concerning the report. Mr. Ulrich provided a handout summarizing the audit and shared a few highlights of the report with the Council. He indicated the City received a clean opinion which meant the auditors found the financial statements fairly reflected the City's financial position and was in accordance with General Accepted Accounting Principles (GAAP). He reported the City would be required to expend some of the fund balance as it exceeded the percentage which was allowed by State Code. He complimented the City for its fiscal responsibility as the expenditures in the General Fund were lower than expected. He reported all other fund balances were healthy and indicated the City had reduced its debt by two million seven hundred thirty eight thousand dollars.

Councilmember Murray moved to accept Clearfield City's Comprehensive Annual Financial Report for the year ending June 30, 2011, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

MAYORAL APPOINTMENTS

Due to the results of the 2011 Municipal Election it was necessary to make new assignments to various boards and commissions for members of the City Council. Mayor Wood referred to a

document which had been distributed reflecting his proposed appointments and read it to the Council.

Councilmember Murray inquired about the difference between the Building Authority and the Housing Authority. Mayor Wood responded the Building Authority would be involved in constructing buildings of a municipal nature. Brian Brower, City Attorney, added prior to constructing the current City Hall the Building Authority was probably involved. Nancy Dean, City Recorder, commented the Building Authority issued bonds to renovate the old City Hall. Mr. Brower stated the Housing Authority would be involved with the Davis County Housing Authority in providing housing for low-income residents. Ms. Dean added the Housing Authority had previously been involved with initiating revenue bonds for large housing complexes within the City. Mr. Brower commented the Housing Authority also owned property within the City.

Councilmember Sprague expressed his opinion this agenda item should be considered and voted on by the newly elected councilmembers. He continued it was his recollection this action generally took place after the new councilmembers had been sworn in. Brian Brower, City Attorney, explained the urgent need for the appointments to take place during this meeting and indicated the elected members of the Council could abstain from voting. He continued the current councilmember had the authority to vote on the item. Councilmember Fryer expressed her opinion the vote of the Council would be affirming the Mayor's recommendations. Councilmember Sprague continued to express his concern the councilmembers elect wouldn't have a voice on this agenda item.

Councilmember Shepherd moved to approve the Mayor's appointments and authorize his signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd and Young. Voting NO – Councilmember Sprague.

APPROVAL OF RESOLUTION 2011R-23 AMENDING THE 2011-2012 FISCAL YEAR BUDGET

Councilmember Sprague moved to approve Resolution 2011R-23 amending the 2011-2012 Fiscal Year Budget and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Fryer. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

APPROVAL OF AN EASEMENT FOR ROCKY MOUNTAIN POWER ADJACENT TO THE POWER SUB-STATION LOCATED AT 610 SOUTH 1000 WEST-TABLED

Rocky Mountain Power was upgrading the service from their power sub-station located at 610 South 1000 West, and needed to place power poles on City property to the east and north of the

sub-station. A property appraisal had been conducted to establish a fair value for the easement. The value identified in the appraisal is \$13,500.

Councilmember Shepherd moved to table the consideration of approval of an easement for Rocky Mountain Power located at approximately 610 South 1000 West until additional information could be obtained, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

APPROVAL OF THE FINDINGS, CONCLUSIONS AND DETERMINATION FROM THE BUSINESS LICENSE APPEAL HEARING HELD ON NOVEMBER 1, 2011

Brian Brower, City Attorney, reminded the Council it met on November 1, 2011 to hear an appeal regarding a decision made by the City's Business License Official as it related to the Good Landlord Program. He continued the findings, conclusions and determination had been prepared from the audio recording, evidence presented and deliberations by the Council. He requested approval or changes from members of the Council.

Councilmember Sprague clarified the appeal was specific to Clearfield Mobile Home Park. Mayor Wood clarified it was the business license appeal hearing specific to the Clearfield Mobile Home Park. Councilmember Sprague inquired about possible changes related to the property and wondered if the City would want to work with the property owner. He believed the fine to be excessive and suggested it be a lower amount. Mayor Wood requested each councilmember express their opinion as it related to the issue.

Councilmember Young agreed with Councilmember Sprague's position; however, didn't believe setting aside the Good Landlord requirements would be in the best interest of the City. He also didn't want to create a contentious relationship and didn't believe the decision would make any difference regarding future redevelopment of the property.

Councilmember Fryer believed either the owner or manager should have attended the meeting if they cared about the proceedings and believed the non-attendance reflected how the owner/manager viewed the Good Landlord Program. She also expressed concern that the owner/manager didn't live at the mobile home park.

Councilmember Sprague commented there was a poor relationship between the City and representatives of the mobile home park for a very long time and the decision specific to the amount of the fine was only contributing to that in a negative way.

Mr. Brower stressed the Council was being asked if the findings, conclusions and determinations accurately reflected what took place at the hearing. If any part of the document didn't reflect what a councilmember believed to have taken place based on presented evidence or testimony then the drawn conclusions should be modified. He pointed out approval of the agenda item

would not preclude the Council from giving further direction to staff to negate the fine or penalty associated with the hearing. He emphasized approval of the agenda item would be for acceptance of the document if it accurately reflected the proceedings of the hearing similar to approval of the minutes from Council meetings.

Councilmember Sprague inquired about the necessity of the Council's involvement at this time if it approved the agenda item that evening. Mr. Brower pointed out the action by the Council taken the night of November 1, 2011 upheld the decision of the Business License Official, which was reflected in the documentation being considered for approval at this time. He stated he was uncomfortable in submitting the documents for the Mayor's signature without presenting them to the elected body.

Councilmember Shepherd moved to accept the Findings, Conclusions and Determination from the Business License Appeal Hearing held on November 1, 2011 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Wood

1. Informed the councilmembers a farewell social for Councilmembers Fryer and Sprague was scheduled for Tuesday, December 20, 2011, at Rooster's in Layton. Nancy Dean, City Recorder, mentioned a memo had been provided earlier explaining the details and stated she would be contacting them regarding their menu selections.
2. Expressed appreciation to staff and volunteers associated with the Community Arts Council during the holiday season for the Community Choir, Children's Choir and Band concerts; as well as Breakfast with Santa at the Aquatic Center.

Councilmember Fryer – expressed appreciation for the relationships and association she had experienced over the years as a councilmember.

Councilmember Murray – stated she would miss working with Councilmembers Fryer and Sprague.

Councilmember Shepherd

1. Expressed appreciation to Councilmembers Fryer and Sprague for their service to the City.
2. Reported he had attended the choir concert and stated the performances of the choirs were enjoyable.
3. Informed the Council he had attended the Clearfield Job Corps Community Relations meeting and expressed his opinion the center was a gem within the City. He reported the annual rankings came out in June and of the 152 Job Corps Centers, the Clearfield location was the third largest and it ranked thirteenth in the nation. He emphasized the center was a great success.

Councilmember Sprague –nothing to report.

Councilmember Young – nothing to report.

Adam Lenhard, City Manager

1. Indicated the City Manager's and respective department head update had been provided. He pointed out the staffing changes which would take place at the kiosk on the first floor. He believed the change would have a positive effect on the business conducted at City Hall.
2. Expressed appreciation to Councilmembers Fryer and Sprague on behalf of their support for City staff and the residents of the community.
3. Publicly recognized the Finance Staff for their efforts on the budget and complimented them on completion of the audit and CAFR.
4. Welcomed and introduced JJ Allen, Assistant City Manager, to the Council and those residents in attendance.

STAFFS' REPORTS

Nancy Dean, City Recorder

1. Presented the Council with the 2012 annual meeting schedule. She pointed out there was no meeting scheduled for Tuesday, January 10, 2012 due to a lack of agenda items. She also mentioned a meeting wasn't scheduled on March 27, 2012 to allow for attendance at the political caucuses, and July 24, 2012 for Pioneer Day.
2. Reminded the Council of the City Christmas party scheduled for Friday, December 16, 2011, at the Timbermine Restaurant.
3. Informed the Council the Oath of Office ceremony would be taking place on Tuesday, January 3, 2012, 6:00 p.m. in Council Chambers.
4. Stated the first work session for 2012 was scheduled for Tuesday, January 17, 2012.

Eric Howes, Community Services Director – Reported due to the weather conditions and cold temperatures, the sidewalks and parking lot were extremely slick and cautioned those in attendance to be very careful walking to their vehicles.

Valerie Claussen, Development Services Manager – Expressed appreciation to Councilmembers Fryer and Sprague. She complimented Councilmember Sprague for his work and dedication as the liaison to the Planning Commission. She mentioned she would miss working with both councilmembers.

There being no further business to come before the Council **Councilmember Murray moved to adjourn at 8:42 p.m., seconded by Councilmember Fryer. All voting AYE.**

**APPROVED AND ADOPTED
This 24th day of January, 2012**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, December 13, 2011.

/s/Nancy R. Dean, City Recorder