

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
October 4, 2011

|                |                  |                                  |
|----------------|------------------|----------------------------------|
| PRESIDING:     | Don Wood         | Mayor                            |
| PRESENT:       | Marilyn Fryer    | Councilmember                    |
|                | Kathryn Murray   | Councilmember                    |
|                | Doyle Sprague    | Councilmember                    |
|                | Bruce Young      | Councilmember                    |
| EXCUSED:       | Mark Shepherd    | Councilmember                    |
| STAFF PRESENT: | Adam Lenhard     | City Manager                     |
|                | Brian Brower     | City Attorney                    |
|                | Greg Krusi       | Police Chief                     |
|                | Valerie Claussen | Acting Community Dev. Director   |
|                | Eric Howes       | Community Services Director      |
|                | Bob Wylie        | Administrative Services Director |
|                | Nancy Dean       | City Recorder                    |
|                | Scott Hodge      | Public Works Director            |

VISITORS: Mike LeBaron – Candidate, Vern Phipps – Candidate

Mayor Wood called the meeting to order at 6:05 p.m.

REVIEW OF THE CLEARFIELD COMMUNITY ARTS FACILITY ASSESSMENT

Eric Howes, Community Services Director, provided a review of the Clearfield Arts Center Facility Assessment with the Council. He reviewed the activities currently taking place in the facility and others that could realistically be held in the building in the future. He stated the programs being operated at the facility generally met the vision discussed for the building but there were times the building sat vacant. He acknowledged there were proposed improvements for the building that would enhance its use for the City's arts program. He shared the design of a dance studio in the building presented multiple options to expand the facility's use. He also noted fitness classes at the Aquatic Center were so full more space was needed to meet the demand. He reiterated complete renovation of the facility would cost approximately 1.3 million dollars which did not include the design costs. He expected the design costs to range between \$130,000 and \$190,000. He explained the study indicated the renovation could be phased which would likely add an additional 20 percent to the estimated costs but walls would need to be removed and electrical upgraded making it very difficult to phase the project.

Mr. Howes reported the City was already working to remove old landscaping and signage. He proposed the exterior upgrades could be initiated without a design in place. He informed the Council the exterior of the building had sustained some minor water damage. He recommended the soffits be replaced with metal panels and new windows installed to protect the building from further water damage. Councilmember Murray asked if the soffits would need to be painted if

they were replaced with metal panels. Mr. Howes stated the option was to replace them with metal panels or paint them. Councilmember Murray noted the exterior improvements would cost approximately \$150,000. She asked where the funds would come from to pay for the improvements. Mr. Howes explained he was in the process of identifying possible sources of funding. He continued he was conducting an analysis of the City's park maintenance operations and believed there might be some areas where efficiencies could be increased while saving money. Councilmember Sprague commented the City would need to address funding during the upcoming budget discussions. Mr. Howes agreed that the City was preparing to address funding sources during its discussions on the budget. Councilmember Sprague commented if the exterior were improved the building would look more like an arts building. Councilmember Fryer added it was important to take whatever steps were necessary to protect the City's asset from water damage.

Mayor Wood asked if the City had considered the opportunity of using the available trades at the Clearfield Job Corps to help complete some of the necessary work. Mr. Howes commented there was the potential to use some of the trades at Job Corps. Councilmember Sprague agreed that would be a good way to highlight what is done at Job Corps. Adam Lenhard, City Manager, stated the City would look for other community partners as well.

Councilmember Young expressed his opinion that funding for renovating the facility should be a matter of prioritization. He continued roads and parks had a higher priority because they affected a majority of the residents and improved the City and its image. He acknowledged the City had a responsibility to protect its asset from damage but beyond that an arts building was not a priority for him. Councilmember Murray commented the building was an asset for the City and it needed to be maintained and protected. Councilmember Fryer agreed and suggested the City fix the items that would prevent further water damage and address the interior issues at a later date.

Councilmember Young commented there were parks and open space in the City that were not being maintained properly. He suggested those items should be a priority for the City because developed parks add value to the City. He stated the arts building would be nice and some people would benefit from the facility but it would not have the same effect as finishing parks. He clarified he was speaking of designated parks that were currently weeds.

Mayor Wood disagreed. He expressed his opinion the City had plenty of developed park sites. Councilmember Fryer agreed. Councilmember Murray commented the West Park Village Park area was a problem because it was full of weeds. Councilmember Young agreed the City had plenty of parks but the City had also created an expectation in the minds of residents that there would be parks developed at specific sites such as the proposed West Park Village Park. Councilmember Sprague wondered if the residents paid park impact fees with the expectation that the park would be developed. Mayor Wood commented the residents in the West Park Village area had at least three fully developed parks in close proximity to their homes. Councilmember Sprague commented the City might not need another park in that area but the

land needed to be maintained. Councilmember Young agreed. He commented the property designated as West Park Village Park was full of weeds. Mayor wood expressed his opinion it would be better to mow the weeds more regularly than to develop another park in that area of the City. Councilmember Young acknowledged the challenge to developing another park and asked if there were some way to at least put grass in the area to improve the look of the area. Mayor Wood explained it had been estimated that grass and sprinkling system alone would cost approximately two hundred thousand dollars.

Councilmember Sprague asked if the City could sell the property designated as West Park Village Park. Brian Brower, City Attorney, stated the property was a designated detention basin. Scott Hodge, Public Works Director, added the area was a detention basin for both Clearfield and Layton. Mayor Wood acknowledged the arts building was not a major priority but it would benefit another segment of the community that might not use the parks. Councilmember Fryer agreed. Mayor Wood also suggested it was pertinent for the City to have a strategic plan in place for the use and maintenance of the building. He expressed his desire to find some money in next year's budget to make some kind of improvements in the facility.

Councilmember Young stated park impact fees had been charged and the City had a responsibility to use the fees on parks. He continued parks impacted all residents whether they used them or not. Mayor Wood responded the impact fees may have already been spent on other projects in that area. He suggested the City should check that and see if there were any impact fees left from that area.

Mr. Lenhard explained staff intended to be creative and identify new revenue sources so the Council could address the City's needs and maintain its assets properly. He stated the discussion on the arts facility was an effort to provide concrete costs for one of the City's needs in preparation for the upcoming budget discussions. He continued staff would continue to provide additional information to help the Council make decisions on how to best prioritize its available funding. Mayor Wood commented he would like to see additional consideration given to minimal improvements in the interior of the facility such as carpet and paint. Mr. Howes stated there was a volunteer group coming to do some painting within the next month. Mr. Lenhard suggested staff could present some intermediate solutions, smaller in scale, which might make a noticeable impact on the facility more economically.

Mr. Howes explained the electrical work noted in the study was the replacement of the main panel. He stated what was currently there was not sufficient for the City's current use of the facility. Councilmember Murray asked if the electrical work could be done without replacing walls. Mr. Howes responded the main panel could be upgraded without changing any walls but some of the wires were so old that there would be concern over creating damage to them by working on the panel. Councilmember Murray asked if there needed to be a design in order to improve the wiring. Mr. Howes explained the plan was suggested as part of a complete renovation but if the City does not make a lot of changes it would not be necessary at this point.

He added the study did not say the electrical was unsafe but it did have the potential to become such sometime in the future. He explained the biggest challenge to the existing electrical issues at the facility was capacity. He stated there was not enough power in the building to run the programs currently being offered in the facility. Councilmember Murray asked how much it would cost to replace the panel. Mr. Howes stated electrical upgrades including the theatrical needs were estimated at \$200,000 but upgrades to the panel and wiring without the theatrical needs would be more in a range between \$30,000 and \$40,000. Councilmember Murray asked if the smaller improvements would be part of next year's budget. Mr. Lenhard stated the project would be one of multiple requests for funding in next year's budget.

Mr. Howes addressed the concerns expressed earlier in the discussion about the maintenance of undeveloped park areas and City owned open space. He committed the City would obey its own ordinances by maintaining its parks and open spaces better. He stated the current condition of those areas was unacceptable to him and he would be addressing those issues in the very near future.

#### DISCUSSION ON HOMEOWNERS ASSOCIATIONS AND MAINTENANCE OF OPEN SPACE

Valerie Claussen, Acting Community Development Director, reminded the Council this subject had been discussed at a previous work session and staff was tasked to gather estimates for the maintenance of open spaces in subdivisions where the homeowners associations were not set up and working properly. She stated the gathered data estimated the cost to provide maintenance to the Springfield Estates subdivision was approximately \$6,000 annually. She indicated the subdivision had 125 lots which calculated the monthly fee to each home between \$5 and \$8. She explained if the City took on the maintenance of the properties, it would best be serviced through an assessment area. Adam Lenhard, City Manager, added the City would then contract the work out to a third party. He stated an assessment area would collect its fees through property taxes.

Councilmember Sprague asked what administrative costs would be applied by the County to manage the assessment area with the property taxes. Ms. Claussen stated administrative fees by the County were undetermined. Mr. Lenhard explained the plan to establish an assessment area assumed the homeowners association had control of the property and would be willing and able to deed it to the City. He continued there was also an assumption the City would be successful in establishing an assessment area by vote of the properties affected by its establishment. Councilmember Sprague asked what percentage of property owners would have to vote in favor of establishing the area. Brian Brower, City Attorney, informed the Council that 50 percent of property owners would need to vote in favor of the assessment area.

Councilmember Sprague asked what would keep other homeowners associations from coming to the City for assistance with maintenance if the City assists Springfield Estates in this manner. Mr. Lenhard responded it was not necessarily bad to take on more maintenance as long as the

City covered its costs. He stated the down side would likely be more overhead on the City's part through contract management and administration. He added if the City were kept whole and it created better maintenance of open space it might be well worth the effort. Ms. Claussen suggested a functioning homeowners association would likely not have a need for the City's assistance. Councilmember Young commented this type of action must be driven completely by the neighborhood.

Mr. Brower stated legislation was being proposed before the Legislature in the coming session that would benefit the City as it looked to establishing assessment areas under the discussed circumstances. He expressed concern with the City receiving the title deed to the properties. He explained the proposed language created a definition for an infrastructure improvement and would allow the City to create an assessment area without taking title deed to the properties. He recommended the Council delay moving forward with establishing assessment areas until the legislation was addressed.

Councilmember Young asked if the City explored the possibility that there were other dysfunctional homeowners associations in other areas of the City. Ms. Claussen responded she was aware of three homeowners associations that were struggling. Eric Howes, Community Services Director, stated the estimated costs presented did not include the other areas, only Springfield Estates. Councilmember Young asked if the cost would change if those areas were included. Mr. Howes explained it would depend on multiple factors: size of the subdivision, number of lots, cost of snow removal, sprinkling systems, etc. Mr. Lenhard added the cost was more economical in Springfield Estates because there were 125 lots to share the expense. He added the ratio might not pay out for a subdivision with fewer lots.

Councilmember Sprague suggested the City require a functioning homeowners association or an assessment area to address the issue. Ms. Claussen commented an assessment area might be a better solution than dealing with the maintenance issue through code enforcement. Mr. Brower added there would be less liability if the City did not have to take ownership of the properties.

Councilmember Sprague suggested the City try creating an assessment area in Springfield Estates and see if it resolves the issues. Ms. Claussen added there was a resident already working on getting the property owners together to discuss the possibility. Councilmember Murray asked if it would be better to wait until the City knows how the Legislature will address the proposed legislation. Mr. Brower stated that would be his recommendation. Mayor Wood asked Ms. Claussen to continue to work with the property owners in Springfield Estates.

#### DISCUSSION ON THE AWARD OF BID FOR NEW ELLIPTICALS

Eric Howes, Community Services Director, explained that following the Council's previous discussions on the purchase of new ellipticals for the Aquatic Center he discovered that there were ten older machines not eight as he had represented. He continued the two newer machines

discussed by the Council were never being considered for replacement. He reminded the Council the bids came in low enough to replace all ten of the older machines. The Council directed the staff to replace all ten of the machines in light of the new information.

#### DISCUSSION ON THE SALE OF THE FIRE STATION TO THE NORTH DAVIS FIRE DISTRICT

Adam Lenhard, City Manager, reported the City made a counteroffer to the North Davis Fire District regarding its offer to purchase the old fire station. He explained Chief Bodily indicated the Board expressed a desire to purchase the building in the spring after property tax revenue was distributed.

Councilmember Murray stated the Board did not have an issue with the counteroffer but rather wanted to make sure the revenues were there to make the purchase this year. She explained the Fire District's tax revenue was down over the previous year and there was concern from the Board that the trend might continue. She stated the County was unable to forecast what the future revenue might be for the District so there was a need to wait and make sure the money was available before making the purchase.

Councilmember Sprague asked what would be done about the needed repairs in the meantime. Councilmember Murray stated there had been no discussion on that issue. Brian Bower, City Attorney, suggested the Council might want to consider a short term note with the Fire District that might address its budgetary constraints. Mayor Wood asked if the City were able to carry the note. Mr. Brower did not believe there would be a problem holding the note for another governmental agency. He suggested the offer be structured in such a way that it would encourage the District to pay it off early, if possible.

#### DISCUSSION ON THE USE OF ECONOMIC DEVELOPMENT INCENTIVES FOR LEGEND HILLS AND UTA FOR RETAIL DEVELOPMENT

Adam Lenhard, City Manager, stated there were multiple tools available to the City in incentivizing economic development. He continued some incentives available for a large retailer showing interest in Clearfield might be waiving permit fees, fast tracking the development process, the use of industrial revenue bonds, etc. He stated some communities had recently used a sales tax rebate assuming that the right retailer could bring a lot of sales tax revenue into a city. He continued many retailers ask what opportunities a city was willing to offer for development. He indicated the City would complete a benefits analysis before any incentives were offered to a developer of retail opportunities but if an opportunity presented itself the City needed to be prepared. He recommended the City be more aggressive and really seek the opportunities. He suggested the City consider traditional incentives and formalize those offers to the retailer as early as possible with the basic assumption that this is a long term option for the City. He explained sales tax rebate was a post performance incentive.

Mr. Lenhard asked if the Council wanted to see a particular ratio governing the incentives or maybe some guiding principles. Mayor Wood express his opinion that the City should do all it could to incentivize a major retailer. He stated it was important to cover the basic cost of service so the residents weren't asked to subsidize the development. He added some retailers bring other opportunities for development. Councilmember Murray asked if a rebate included a timeframe. Mayor Wood commented a rebate would have a structure and timeframe attached. Mr. Lenhard explained an incentive offer would also be targeted. Councilmember Young agreed it was important enough to be aggressive yet conservative enough to protect the City's interests. He stated he preferred short term incentives.

Mr. Lenhard commented deals were being made by other cities and it was important to pursue those same opportunities. Mayor Wood agreed the City needed to be much more aggressive than other communities. Mr. Lenhard commented there was real potential for a huge pay off for the City if it's aggressive. The Council agreed it was important to be creative and aggressive and seek the opportunities whenever possible. Councilmember Young added he would like to see the analysis of the numbers for any deal.

The meeting adjourned at 8:00 p.m.

**APPROVED AND ADOPTED  
This 25<sup>th</sup> day of October, 2011**

**/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, October 4, 2011.

/s/Nancy R. Dean, City Recorder