

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
March 29, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Marilyn Fryer	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Chris Hillman	City Manager
	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Valerie Claussen	City Planner
	Stacy Millgate	Business License Official
	Scott Hodge	Public Works Director
	Kim Dabb	Operations Manager
	Greg Krusi	Police Chief
	Mike Stenquist	Assistant Police Chief
	Tracy Heun	Community Services Director
	Bob Wylie	Administrative Services Director
	Summer Palmer	Human Resource Manager
	Sean Montierth	IT Manager
	Steve Guy	City Treasurer
	Jessica Hardy	Accountant Technician
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Chris Gamvroulas – Clearfield Park Village LLC

Mayor Wood called the meeting to order at 6:08 p.m.

UPDATE AND DISCUSSION ON THE PARK VILLAGE SUBDIVISION

Mayor Wood announced Gardner Development was not able to attend the meeting and had requested Mark Shepherd address the Council on their behalf. Adam Lenhard, Community Development Director, reported Gardner Development and Ivory Homes had jointly submitted plans to amend the subdivision plats in Park Village subdivision eliminating the open space in the middle of the subdivision and adding it to the respective lots. He shared an illustration of the plats reflecting the open space in the development. He continued because that would require a plat amendment the development agreement would also need to be updated and staff believed it would be a good time to address other issues related to the development. He shared a list of improvements which had not yet been completed and reminded the Council of the work session from September which the Gardner's attended and specific deficiencies had been identified.

Mr. Lenhard pointed out the City generally allows two years for a subdivision to be completed and Park Village was going on almost five years. He stated staff had drafted an amendment to the development agreement and believed Ivory and Gardner was also in agreement. He summarized the agreement merely outlined the identified improvements still needing to be completed, who would be responsible for completing them and an appropriate time line. He explained prior to the Planning Commission meeting the applicants expressed more time was needed on their behalf.

Mr. Lenhard emphasized staff had made some suggestions but pointed out the property owners would be held accountable for completion of the subdivision and indicated some of the issues would be a private matter between Ivory and Gardner Development. He stated he was hopeful agreements could be made between the two in order to complete the subdivision as the City desired. He informed the Council Public Hearings were scheduled for the Planning Commission on April 20, 2011 and for the City Council on May 10, 2011. He reported the City was anticipating the parties would be able to come to some agreement; however, if no agreement could be reached the City was prepared to withhold building permits which was supported by City ordinance and State statute. He commented this would eliminate additional homes being completed in the uncompleted subdivision in which the City had no idea when or whom would be completing it.

Councilmember Sprague inquired if the amendment would eliminate all open space in the development. Mr. Lenhard responded the open space would be removed altogether. Councilmember Sprague asked if the development were required by City Code to have a designated amount of open space. Mr. Lenhard stated when the subdivision was originally approved there was no open space requirement in Code.

Brian Brower, City Attorney, referenced the State Code Book and informed the Council the City could withhold building permits as a means to enforce its ordinances. He continued the residents of the development should benefit from a completed subdivision and believed the City had made previous decisions based on terms which were negotiated prior to a development agreement and changes of zoning. He continued specific benefits to the developer regarding setbacks and square footage were modified during the development agreement and emphasized any future builder/developer benefitting from said benefits would therefore need to adhere by the development agreement in place. He pointed out the City was willing and would be required to adhere to specifics identified in the development agreement of the subdivision to any builder.

Mr. Lenhard mentioned there was another alternative which was permitted under the existing development agreement; the City could complete the improvements and be reimbursed after the fact, but wouldn't recommend that option to the Council.

Councilmember Fryer inquired how many lots were in the development and on how many of those had been built. Councilmember Shepherd reported the development consisted of a total of 50 lots with homes on 14 lots.

Councilmember Shepherd stated he would now be speaking on behalf of Gardner Development and not as a City Councilmember. He reported it had been their intention to pull two building permits this week. He stated Gardners currently owned ten lots in the development and Ivory had purchased 26. Mr. Lenhard pointed out a public hearing had been noticed and was continued until the Planning Commission meeting on April 20, 2011. Mr. Brower indicated the City had consulted with outside counsel regarding the City's position and suggested members of the Council should express any concerns regarding the development at this time.

Chris Gamvroulas clarified he was representing Clearfield Park Village, not Ivory Homes and pointed out Ivory Homes didn't own the remaining 26 lots. He stated he worked for Ivory Development which had purchased the remaining lots and two individuals had formed an LLC titled Clearfield Park Village. He reiterated he was representing the LLC and not Ivory Homes and again emphasized Ivory Homes didn't own the remaining 26 building lots.

He stated Adam Lenhard had represented the City well during the negotiation process regarding the development and acknowledged they seemed to have reached an impasse specific to the development. He stated the 26 lots were purchased and believed by doing so did not make them the developer. He pointed out Gardner Park Village was the original developer and acknowledged that entity still existed and continues to be involved with the remaining lots in the development. He expressed his opinion they would attempt to build on the lots while buying time to complete some of the required fundamental improvements. He commented he was familiar with subdivision developments because of his employment with Ivory Homes. He believed the City would not hold the purchaser responsible for improvements if Ivory sold some lots in a development in which the improvements had not yet been completed. He mentioned he had met with Gardner Development and entered into an agreement specific to sidewalks and fencing and expressed his opinion they had not followed through with their commitment.

He reported Clearfield Park Village was attempting to sell the remaining 26 lots through Boyer Corporation and encouraged the City to look to the developer of Park Village for the completion of improvements and expressed a desire for a non-adversarial process. He pointed out there were significant other amenities needed to be completed by the developer such as the detention basin. He suggested unless the City was willing to pursue the other property owners in the subdivision, Gardner Park Village should be considered in the same manner.

Mayor Wood believed the development had some unusual circumstances specific to the issue of Barnes Bank and the FDIC. He believed the Gardner's had initiated the agreement; however, because the federal government had assumed the assets that alone had created a difficulty to the Gardner's to move forward with the development. He believed the role of the City was to ensure

the current homeowners and future homeowners get what they paid for when purchasing a home in the development. He emphasized the homeowners should at the very least benefit from a completed subdivision by those who have profited from the selling of the lots and not the taxpayers of the City.

Mr. Gamvroulas revealed Barnes Bank assumed the asset of the building lots during a negotiation process and suggested the Gardner's had the opportunity to purchase all remaining lots in the development from the FDIC just as Clearfield Park Village. He also disclosed a recent negotiation in which Gardner's would surrender a building lot to Clearfield Park Village in exchange for them completing the required improvements in the development. He pointed out when Ivory Homes purchased vacant building lots in Clifford Park they stepped up and completed the required improvements and stressed the point Gardner's should be required to do the very same as the developer.

Mayor Wood believed Mr. Lenhard had summed up the issue best when he previously commented the issue was more of a private matter between Gardner Park Village and Clearfield Park Village. He continued the City's responsibility as a government entity was to protect the interest of its citizens and that's the reason behind Mr. Lenhard's proposal of not issuing additional building permits in the development until an agreement can be reached between the two regarding the completion of improvements.

Mr. Gamvroulas believed the decision had allowed the Gardner's enough time so as to not complete the improvements and now require Clearfield Park Village to contribute funds for the improvements that they as the developer should be completing.

Mark Shepherd shared the history regarding the development and its previous financial partners. He clarified Gardner's were willing to complete the detention pond and the repairing of the street infrastructure and was requesting Clearfield Park Village assume the landscaping along 300 North.

Mr. Brower believed there was a distinction in purchasing building lots from a developer and what had transpired in this particular instance as to how Clearfield Park Village acquired the building lots. He continued it was his perspective that whoever holds the lots at this time would then become the developer. Mr. Gamvroulas pointed out given that logic if he sold a building lot to a contractor and they purchased a building permit, they too would be considered a developer in the subdivision.

Mr. Gamvroulas expressed appreciation to the Mayor and Council for the opportunity to address them tonight to share his point of view and perspective regarding the development. He stated he would also like to see the completion of the subdivision.

Councilmember Sprague inquired if there were a way in which the lots could be separated and withhold building permits only from the Gardner's. Mr. Brower indicated the development agreement would be to the subdivision as a whole and clarified the City would refer to the zoning ordinance. Mr. Lenhard emphasized the City was trying to recognize both development obligations.

Councilmember Young requested clarification it was the City's perspective that the issue regarding the completion of the improvements in the development was a private matter between the Gardner's and Clearfield Park Village. He clarified to ensure deficiencies in the development were to be completed, the City would be withholding the purchase of building permits for the vacant lots. Mayor Wood responded in the affirmative of Councilmember Young's comments. Mr. Lenhard remarked that was the only leverage the City had in ensuring the completion of the infrastructure in the development.

Councilmember Sprague expressed concern regarding the possibility of Clearfield Park Village selling the vacant building lots to individual homeowners or builders to avoid having to complete the infrastructure improvements required of a "developer". Mayor Wood pointed out the City could still withhold issuing building permits to anyone in the development. Mr. Brower stated the elected body needed to be informed of the situation and if any of them had a concern regarding staff's recommendation it should be expressed at this time. The Council was in support of staff's recommendations.

Councilmember Murray pointed out the existing homeowners had already paid for the improvements in the development. Mr. Lenhard pointed out if and when building permits were issued to Clearfield Park Village, development rights were being exercised. He continued regardless of who the party was obtaining the building permit, the City would assume the same standard. Mayor Wood concluded the Council was in agreement with staff's recommendations and directed them to proceed.

DISCUSSION ON TITLE 4 – BUSINESS LICENSE REGULATIONS

Stacy Millgate, Business License Official, distributed handouts and explained the business license and rental license renewals had recently been completed. She indicated it had been quite a challenging process; therefore, she and Adam Lenhard, Community Development Director, had reviewed Title 4 specific to the delinquent date and penalties. She reviewed the proposed changes specific to delinquent date and penalty to business licenses and stated the proposed changes were similar to neighboring cities.

Councilmember Sprague inquired if there were a significant number of delinquencies. Ms. Millgate responded about one third paid their business license fees late. She commented there was verbiage in the ordinance which allowed the City to impose a \$100 collection fee if paid

after January 31, 2011. She continued this was the first year that fee was imposed. Mr. Lenhard stated many neighboring cities allowed a grace period for the month of January and Clearfield's grace period was for one week. He believed by adjusting the timing of the notices a considerable amount of time dedicated by Ms. Millgate and Code Enforcement can be eliminated.

Councilmember Murray inquired if the same people were always late in paying their business license. Ms. Millgate responded many of the businesses were home based or a small service business which might no longer be operating as a business. She indicated City staff was still attempting to collect on approximately 40 businesses.

Mr. Lenhard pointed out the proposed changes specific to sexually oriented business employees on the handout. Ms. Millgate explained the proposed changes clarified the definition which allowed the City to hold the business accountable for its employees.

UPDATE ON THE VISION 2020 STRATEGIC PLAN

Chris Hillman, City Manager, explained the presentation was the last of the Vision 2020 updates specific to Human Resources. Summer Palmer, Human Resource Manager, reviewed each tactic and the progress for each with the Council. She reviewed and explained the outlined tactics with the Council:

- Conducted a market survey on salaries
 - Some adjustments had been made with others to be budgeted in 2011
- Provide training, certification and education opportunities
 - Sexual harassment training
 - City-wide educational assistance program as opposed to departmental structure
 - Supervisor training on conducting a performance review
- Develop a sustainable compensation plan
 - Grade system revision based on survey results
 - Merit increase proposal as opposed to COLA
 - Policy on promotional increase vs re-grading increases
 - Holiday pay not to be considered in overtime calculations
 - Addressing sub-contractors vs employees
 - Position control numbers and position requisition form as a headcount control and management measure
 - Examining Exempt and non-Exempt status
 - Move all non-exempt to time clock system for DOL compliance and risk minimization
- Develop and implement a new performance-based, per reviewed evaluation system that incentivize and award goal accomplishment
 - A new annual performance review process which will begin with supervisors attending a "Leadership Summit" focused on Vision 2020 and defining specific

- departmental and individual SMART goals to be reviewed as part of the annual performance review
- Implement 360 reviews to be used as a leadership tool and evaluation component
- Identify and implement low-cost, quality-of-life benefits for employees
 - Contained or reduced employee benefit costs while structuring health plans for better renewal numbers
 - Chartered a wellness committee to motivate employees to incorporate healthy lifestyle habits
 - Implemented a pilot program for 9/80 schedule
 - Implemented a pilot program for 12 hr shift in PD
 - Chartered a committee to implement city-wide Safety Points Policy which encourages safety on the job
 - Casual Dress for Charity campaigns
 - Conduct Employee Climate Survey to assess employees' desires for other low-cost benefits

Summer Palmer left the meeting at 7:30 p.m.

HEAT MAPPING DEMONSTRATION BY POLICE DEPARTMENT

Mike Stenquist, Assistant Police Chief, pointed out the Police Department had identified the utilization of GIS mapping and the dashboard program with the implementation of Vision 2020. Chris Hillman, City Manager, explained the Public Safety improvements were the results from appropriations secured from the congressional delegation.

Mr. Stenquist shared a presentation with the Council illustrating how the heat mapping would benefit the City highlighting Hot Spot Policing. He shared an illustration demonstrating how the dashboard mapping system worked. Mr. Hillman pointed out previously the data was available in several different areas in several different modes. He reported once the patrol officers had an understanding of the system it would be implemented by policy and the Chief was hopeful the tool would help eliminate crime within the City. Chief Krusi pointed out all information would automatically be provided through the Spillman database and emphasized no additional man hours would be required for inputting or downloading information.

Mayor Wood reported this demonstration had been shared with Congressman Bishop's office to illustrate and explain how the grant funds had been implemented and how it benefitted the City.

Mr. Hillman reported the Utah League had also requested a demonstration and indicated other police entities had expressed interest in learning about the program capabilities.

The council took a break at 7:45 p.m.

The meeting reconvened at 7:56 p.m.

Valerie Claussen, Sean Montierth and Mike Stenquist left the meeting at 7:45 p.m.

UPDATE AND DISCUSSION ON THE 700 SOUTH WELL REPLACEMENT

Scott Hodge, Public Works Director, reviewed the history regarding the replacement of 700 South well with the Council. He reported the well was not currently working and it had recently been evaluated and determined the motor would need to be replaced at an approximate cost of \$60,000. The City had entered into discussions with the wiring company and the cost of a new motor was approximately \$77,000. He stated the cost for diagnosing the motor of the well and installation costs in addition to the new motor would be approximately \$120,000. A discussion took place regarding the options.

Councilmember Sprague inquired if there were any recourse with the company which had previously stated the well was in working order. Chris Hillman, City Manager, responded the warranty time had expired. Brian Brower, City Attorney, commented the City had settled with the insurer, as the company had dropped the motor into the well, based on the amount of water the City was required to purchase from Weber Basin and indicated there was no additional recourse at this time. Mr. Hodge indicated time was of the most importance in order to have the well up and running for the summer.

The City would be going out to bid for the project. Mr. Brower reported the city's purchasing policy has provisions which would allow the City to consider its past experience when awarding a bid.

The Council was comfortable with Mr. Hodge completing the bid process for purchasing a new motor and making a recommendation based on the City's previous experience with one of the responding companies.

DISCUSSION ON TITLE 2, CHAPTER 5 - THE CONSOLIDATED FEE SCHEDULE

Adam Lenhard, Community Development Director, distributed a handout specific to building permits and HB78. He explained if a builder submitted to the City an identical house plan already reviewed and built within the City, those plans could be stamped reflecting they were identical and the City would only be allowed to assess an administrative fee to check they were indeed identical. He indicated this new administrative fee needed to be included in the Consolidated Fee Schedule.

DISCUSSION ON THE 2011/2012 FISCAL YEAR BUDGET

Bob Wylie, Administrative Services Director, explained the budget was still in a working process and was hopeful the budget could be presented to the Council during two work sessions.

Steve Guy, City Treasurer, referred to the handout highlighting FY 2012 revenue highlights specific the General Fund and reviewed it with the Council. He summarized the overall General Fund 2012 budgeted revenues were down approximately 3.25% from the budgeted 2011 revenue.

Mr. Wylie reported he had visited with the County regarding the property tax rate and indicated more information would be provided at a later date.

Mr. Wylie directed the Council to the Enterprise Fund portion of the provided budget and reviewed them with the Council. He explained the decrease in the amount of appropriated funds from last year were direct results of the early retirement of City employees. He pointed out six of the seven employees had been financed through the Enterprise Funds. He reported the late fees for the utility accounts were holding steady and indicated the proposed budget figures were based on last year's budget.

Mr. Wylie stated the City had been notified Weber Basin's administrative costs would be increasing this year and believed water rates might need to be reconsidered.

He directed the Council to the water capital projects and allowed Scott Hodge, Public Works Director, to explain the identified projects. Mr. Hodge stated he referred to the different enterprise funds capital facilities plan to identify the necessary project which needs to be completed and funded in the budget year. He reviewed each identified project specific to the water enterprise fund with the Council. Councilmember Murray clarified funds were available to fund the identified projects. Chris Hillman, City Manager, explained how funds had been appropriated during previous budget years which would allow the City to complete identified Capital Improvement Projects on a priority basis. Mr. Guy pointed out the appropriated projects had been identified in Mr. Hodge's Capital Improvement Plan.

A discussion took place regarding the installation of water meters on some buildings in Freeport Center which previously had never been metered and usage had been calculated based only on estimations. Mr. Hodge continued to explain about an emergency generator to be located in Freeport Center which would allow the City to provide water to residents in the event of an emergency. A discussion took place specific to whether the emergency generator was necessary. The Council determined the emergency generator would not accomplish its desired results in the long run and directed staff to no longer pursue the emergency generator.

Mr. Hodge reviewed other capital projects specific to the sewer, storm sewer and equipment purchases for the fleet with the Council. Mr. Wylie stated he had completed depreciation for the fleet vehicles on a ten year schedule.

Mr. Wylie indicated the operational costs associated with the fleet remained the same with the exception of a reduction in full time employees which was the result of retiring employees. Kim Dabb, Operations Manager, explained about the clothing allowance and the laundry services with the uniform services. He stated the public works employees with the exception of the mechanics would be similar to the police department allowance.

The meeting adjourned at 9:37 p.m.

**APPROVED AND ADOPTED
This 14th day of June, 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, March 29, 2011.

/s/Nancy R. Dean, City Recorder