

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
August 14, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mike LeBaron Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember Councilmember Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Scott Hodge Eric Howes Greg Krusi Bob Wylie Nancy Dean	City Manager Assistant City Manager City Attorney Public Works Director Community Services Director Police Chief Administrative Services Director City Recorder
EXCUSED:	Kim Read	Deputy City Recorder

VISITORS: Mary Ann Perkins, Franceen Jones, Mark Peterson, Ryan Webb

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

DISCUSSION ON THE DAVIS COMMUNITY LEARNING CENTER'S (DCLC) REQUEST FOR SUPPORT AND USE OF THE CLEARFIELD COMMUNITY ARTS CENTER

Mary Ann Perkins, Family Connection Board member and Director of the Davis Community Learning Center (DCLC), explained the DCLC was a non-profit organization run by the Davis School District. She indicated the organization provided resources for parents of low income and immigrant families that would assist in helping their children to become successful. She stated the organization would be located in the new Wasatch Elementary School. She continued Davis School District had budget cuts to the construction project which included the elimination of one classroom and the facility's nursery which was used during workshops. She asked the City to consider providing classroom and nursery space for the organization at the Community Arts Center during the day.

Mayor Wood added the organization was a community partner and also a CDBG recipient. He explained the City was capped at 15 percent for donations of CDBG funds to sub-recipients. He commented this type of involvement would be an opportunity to expand the City's partnership with DCLC beyond the allocation of CDBG funds. Councilmember LeBaron asked if the City would jeopardize CDBG funding by waiving the fee and pushing its donation to sub-recipients

above 15 percent. Mayor Wood replied this type of donation would be separate from any CDBG funding requirements.

Adam Lenhard, City Manager, explained the DCLC request for assistance was specific to the use of the building at times when it was already open along with providing access to the toys for a nursery. He stated the City could easily accommodate the request, the expenses were minimal and the assistance would enhance the City's partnership with the organization. Councilmember Murray asked if the facility had an existing nursery. Mr. Lenhard responded it did. Councilmember Bush liked the idea and asked if there would be additional janitorial services needed to accommodate the request. Eric Howes, Community Services Director, stated the City's janitorial contract included regular cleaning of that particular building. Councilmember Young commented thought it was a good idea to partner with DCLC in this way. Mayor Wood directed staff to assist DCLC with its request.

### DISCUSSION ON DOWNTOWN REDEVELOPMENT

JJ Allen, Assistant City Manager, stated the City had worked hard to try and help the Wight House develop in the downtown area but the project was suspended. He expressed a desire to plan for the redevelopment of the property at approximately 17 North Main, Clearfield. He indicated there were three dilapidated structures on the property that were unsightly and hazardous. He recommended the City might be able to assist in the removal of the structures through the use of CDRA funds. He informed the Council that a State agency that used inmate labor, particularly in the removal of asbestos, looked at the project and provided an estimate of not to exceed \$23,000. He explained State Code required the City to perform a study that provided justification for the use of public funds in that manner. Mr. Allen stated staff conducted the study and identified the benefit, purpose and need to participate in assisting with the removal of the structures at the site. He continued there was a real need to eliminate the blight and the project also met specific tactics found in the City's Vision 2020 Strategic Plan. He indicated the CDRA would need to hold a public hearing and make the study available to the public prior to authorizing the appropriation. He stated staff would like an authorization of not exceed \$30,000 on the project to build in a contingency for unforeseen circumstances.

Councilmember Bush asked if the removal of materials would include the poles and wires on the property. Mr. Allen responded it would not include the removal of the poles only the disconnection of the utilities. Adam Lenhard, City Manager, stated those items were not included in the scope of work for the project. Councilmember Bush asked if there were demolition fees associated with the project. Valerie Claussen, Development Services Manager, stated there was a fee but it was minimal. Mr. Lenhard suggested the funding for the project come from the CDRA fund balance.

Franceen Jones, realtor for the property, explained the challenges associated with marketing the property in its current condition as well as the possibility of including the City's portion of the property as part of any proposed transaction. She asked what type of business the City would like to see on that particular property. Mayor Wood stated the City's participation would be addressed on a case-by-case basis and any interested parties looking for CDRA involvement should contact the City at which time a determination could be made. He continued the City

would like to see a project at the site that would enhance the other redeveloped parcels in the area.

Councilmember Bush asked if environmental studies had found any oil to mitigate on the property. Mr. Lenhard stated two phases of environmental studies had been conducted and there were no significant issues but there were some buried tires on the property. He added those types of issues would have to be dealt with in the future by a different contractor. He stated the contractor being discussed would only handle demolition of the structures.

Ryan Webb, business owner, expressed a desire to purchase the property and develop a business similar to FEDEX Kinko that would also include a design component. He expected to need two of the four available acres. Mayor Wood commented the layout of the development was an important component in order to develop the entire site because the City would like to see the entire corner redeveloped. Ms. Jones commented she was only marketing the acreage owned by the Knight family and that made the prospects of developing the entire corner more difficult. Councilmember Shepherd commented it was critical that development include the entire corner considering the City's contribution to demolish the dilapidated structures. Mayor Wood added it was important to clean up the blight. He stated marketing of the entire piece was enhanced if the structures were gone. Ms. Jones agreed that the property would be marketable with the structures gone. Mr. Allen expressed his willingness to participate in discussions with interested parties in order to help get the property redeveloped.

Councilmember Young agreed that it was important that the City work to eliminate blight but expressed concern about using City funds to eliminate it if there were no sign of imminent and specific development. Mr. Lenhard expressed his hope that the City's participation in the demolition would make the property more desirable to potential buyers. Councilmember Shepherd agreed it was difficult to justify making another property owner's property more marketable. Ms. Jones stated the City had the ability to project how the City would look by participating in the project. She added the right development at that corner would attract people and businesses. She explained it was very difficult to attract substantial developers in the property's current condition. She indicated quality developers were unable to see the potential of the property as it currently looked. She continued the City was showing what it had to offer by participating in the project.

Councilmember Young acknowledged the City acquired the additional acreage to encourage positive development in the area but he expressed concern that the City did not own the actual parcel with the dilapidated structures on it. Ms. Jones explained if the property were cleared of the structures, a developer would be more apt to see the entire areas potential and not just the 2.5 acres being marketed by the Knight family. Councilmember LeBaron asked if the City's offer to remove the buildings for a developer at the time of development should be sufficient incentive. Ms. Jones stated she could have sold the front building many times but knew there was more value for the City and the property owner by developing the whole piece. Mayor Wood believed it was better to remove the structures now. Councilmember Murray commented it was important to be able to see the property's potential and the demolition would enhance the property's development opportunities.

Mark Peterson, broker, commented people lacked vision. He explained that was the reason for builders completely finishing homes to sell so that the buyer could see the potential of the homes. He stated developers see city processes as slow and painful so if the demolition were already done it would help a developer see the property's potential. He continued it would also get the project started more quickly. Councilmember Shepherd agreed that a property was more marketable if a developer could see its potential. He stated that Ms. Jones technically could only market the 2.5 acres she was under contract for with the Knights. He explained the difficulty in marketing a piece to a developer as possibly being four acres when the additional acreage was not part of her contract. He recommended the City have a plan for the parcels and provide direction on what type of projects would meet its economic development needs.

Ms. Jones commented the City's property had no value landlocked behind the Knight's property. Councilmember Shepherd agreed. Ms. Jones added it would take the entire four acres to entice a bigger developer otherwise the 2.5 acres was more attractive to a small business owner. She expressed the difficulty in telling a potential buyer that the City might be willing to participate in a specific project that would need all four acres if it met the City's development vision. Councilmember Shepherd agreed. Mayor Wood expressed his opinion the property needed to be developed as a niche not just generally such as with a strip mall. He cited several unsuccessful strip malls in the area as examples of the unviability of such a development. He stated he wanted the development to compliment other developments in the area and wanted to see a successful development.

Councilmember Young stated he understood removing the structures made the property more marketable. He expressed concern that the City would make the investment to remove the structures and then development would occur that might not be positive or have a chance of being successful. Mayor Wood felt the investment was worth removing the blight in the area. Councilmember Shepherd agreed the image of the property would be enhanced with the blight eliminated. Brian Brower, City Attorney, commented this particular property owner was willing to allow the buildings to be removed, whereas, a future property owner may want to keep the buildings. Councilmember Shepherd agreed. Councilmember Young agreed that if the buildings were removed, any new building would be required to meet current codes. Councilmember Shepherd expressed his opinion that it made sense to eliminate the blight.

Mr. Allen informed the Council that the item would be addressed in the meeting scheduled for August 28, 2012 at which time staff would recommend approval of the appropriation to remove the structures. Councilmember Bush asked that maps be made available that would help the councilmembers explain the City's interest in assisting with the project.

**Councilmember LeBaron moved to adjourn and reconvene in a City Council policy session at 6:56 p.m., seconded by Councilmember Shepherd. All voting AYE.**

The meeting reconvened at 7:35 p.m.

DISCUSSION ON A TITLE 1 GRANT AND REQUEST FROM NORTH DAVIS JUNIOR HIGH (NDJH) FOR ASSISTANCE WITH AQUATIC CENTER MEMBERSHIPS

Eric Howes, Community Services Director, informed the Council that North Davis Junior High (NDJH) received a \$10,000 Title 1 Grant that it would like to use to purchase annual passes to the Aquatic Center for its faculty. He explained the price of an adult annual pass was \$225 and there were 60 individuals the school wanted to be able to benefit from the grant creating a shortfall in the funding. He stated the City would need to substantially lower the price to accommodate the entire faculty. He expressed his opinion participating with the school in this way could be a winning proposition for both entities based on normal usage for those who purchase annual passes.

Councilmember Murray asked if the opportunity would be offered to the 60 faculty members or be outright given to them. Mr. Howes indicated the passes would be given to the faculty as a benefit and the City would receive the grant funds.

Councilmember Shepherd expressed his opinion that participating with the school in this way sent a positive message to them about how much the City valued them. He expressed the importance of the City continuing to partner with the school whenever possible. Mr. Howes informed the Council that the school had a hard time attracting and retaining high quality teachers and the hope was this type of benefit would add some incentive. Mayor Wood asked if the grant was one-time money. Mr. Howes explained the school qualified for the grant because of the number of youth who qualified for reduced school lunch, so as long as the school qualified under that condition the grant would be continually funded.

Brian Brower, City Attorney, recommended the Council take official action on the item even though it was not considered an actual appropriation. Mr. Lenhard asked what findings would be appropriate to justify the fee waiver or reduction in fees. Mayor Wood commented the justification was an effort to retain quality teachers in a Title 1 school which directly benefited the children of the City. Mr. Brower asked if the Council were prepared to provide the same benefit to every school in the City. Mayor Wood stated every school in the City boundaries was designated a Title 1 school. He expressed his opinion that the City would be willing to participate with every Title 1 school in the City boundaries. Councilmember Young expressed his opinion that the City's partnership should apply to any Title 1 school that wanted to participate with a group rate in the same manner. Mr. Brower recommended a memorandum of understanding be drafted that communicated the arrangement was contingent upon the City receiving the necessary compensation to provide the benefit. Councilmember Young asked if the City should create a discount for educators or a discount for groups. Mr. Howes responded it was not uncommon practice across the country to offer group discounts for groups over a certain number of participants. He stated the City did not currently provide a group discount but it was a good way to attract participation.

Councilmembers Bush, LeBaron, Shepherd and Young expressed support for the idea. Councilmember Murray expressed reservations but offered support as long as the City created some sort of written document identifying the details of the offer. The entire Council agreed. Mr.

Lenhard stated staff would put a policy in place that addressed a group discount for faculty of Title 1 schools in the City.

#### DISCUSSION ON TITLE 5, CHAPTER 1- CODE ENFORCEMENT ABATEMENTS AND COLLECTION OF REIMBURSEMENT COSTS

Brian Brower, City Attorney, reviewed changes proposed for abatements and the collection for reimbursement of the costs associated with it. He stated current code could be construed to require abatement within two days following the 14-day notice so changes were being proposed that would allow additional time for abatement when necessary. He explained the amendments were drafted in such a way as to have it mirror State Code.

Councilmember Murray asked if the abatement being discussed also applied to graffiti on buildings and streets. Councilmember LeBaron stated there were specific requirements for graffiti in the City Code. Councilmember Murray recommended the City's graffiti policy needed to be more aggressive than a 14-day remediation. Mr. Brower stated the City's graffiti policy was far more aggressive than the abatement requirements being discussed. Mr. Brower quoted the City Code as requiring graffiti abatement within five business days and then if not remedied there would be written notice allowing an additional five days. He stated State Code did not specifically address graffiti abatement but other abatement types required a 10-day notice period prior to action by the City. Councilmember Murray questioned whether the timeframe requirements were severe enough. Councilmember Young asked if the 10-day requirement in the State Code was business days. Mr. Brower stated it was merely ten days. He believed the time requirement might not be applicable specifically to graffiti. He stated there was no reason the City could not tighten up the time frame for graffiti and include it in the changes coming forward. Adam Lenhard, City Manager, recommended staff review timeframes established by other cities for graffiti remediation.

Councilmember Murray asked if the City had surveillance in areas prone to graffiti. Greg Krusi, Police Chief, explained the City was working toward that end with the installation of its surveillance cameras throughout the City.

#### DISCUSSION ON THE CREATION OF AN ETHICS COMMISSION

Brian Brower, City Attorney, informed the Council that the Legislature recently amended the ethics act. He indicated the changes required ethics complaints against city or elected officials be referred to a commission created by the State unless a city created its own commission. He stated Layton City approached the City about participating with several other cities in creating a commission rather than using the State's commission. He continued the three member commission would consist of various city attorneys whose terms would rotate.

Mayor Wood asked how the commission would operate. Mr. Brower indicated the commission would make findings and determine whether or not the claim had merit. He explained the commission would review complaints that appeared ethically or morally wrong not complaints that appeared to be criminally wrong. He continued criminal charges had another procedure to be

followed. The Council indicated it was comfortable with participating in a locally created commission.

DISCUSSION ON PROPERTY EXCHANGES WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) RELATING TO THE STATE ROAD (SR) 193 EXTENSION PROJECT

Adam Lenhard, City Manager, explained construction of the State Road (SR) 193 extension created a need for the City and the Utah Department of Transportation (UDOT) to exchange some properties along the corridor in order to better manage the project. He stated UDOT would be giving the City almost four more acres than the City would be giving back to it. He added the value of the property being received was also greater than that of which it was losing. He directed the Council to the map and information supplied in its packet for the details of the exchanges. He stated UDOT was just asking for an even swap for compensation. He informed the Council that a public hearing would be held on the issue on August 28, 2012.

DISCUSSION ON AMENDMENTS TO TITLE 4, BUSINESS LICENSE RENEWALS

Valerie Claussen, Development Service Manager, stated the business license division was implementing online payment procedures so it needed some changes made to Title 4 to address the new procedures. She explained the amendments proposed made renewal dates for business licenses correspond with anniversary dates. She continued the changes would streamline the process and make it more efficient. Mayor Wood asked if those already with annual renewal due at the first of the year would stay the same. Ms. Claussen said the changes would only apply to new business license applications.

The meeting adjourned at 8:20 p.m.

**APPROVED AND ADOPTED  
This 28<sup>th</sup> day of August, 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, August 14, 2012.

/s/Nancy R. Dean, City Recorder

