

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
December 4, 2012

|                            |                  |                                  |
|----------------------------|------------------|----------------------------------|
| PRESIDING:                 | Don Wood         | Mayor                            |
| PRESENT:                   | Kent Bush        | Councilmember                    |
|                            | Kathryn Murray   | Councilmember                    |
|                            | Mike LeBaron     | Councilmember                    |
|                            | Bruce Young      | Councilmember                    |
| PRESENT:<br>VIA TELEPHONE: | Mark Shepherd    | Councilmember                    |
| STAFF PRESENT:             | Adam Lenhard     | City Manager                     |
|                            | JJ Allen         | Assistant City Manager           |
|                            | Brian Brower     | City Attorney                    |
|                            | Greg Krusi       | Police Chief                     |
|                            | Bob Wylie        | Administrative Services Director |
|                            | Steve Guy        | City Treasurer                   |
|                            | Jessica Hardy    | Accountant                       |
|                            | Sean Montierth   | IT Manager                       |
|                            | Chris Bateman    | Management Intern                |
|                            | Eric Howes       | Community Services Director      |
|                            | Scott Hodge      | Public Works Director            |
|                            | Valerie Claussen | Development Services Manager     |
|                            | Nancy Dean       | City Recorder                    |
|                            | Kim Read         | Deputy City Recorder             |

VISITORS: Brandon Stanger – Planning Commission

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

PLANNING COMMISSION INTERVIEWS

Councilmember LeBaron conducted the interviews of the Planning Commission candidates. The City Council interviewed Tim Roper and Keri Benson for consideration for the Planning Commission vacancies.

DISCUSSION OF PLANNING COMMISSION VACANCIES

Councilmember LeBaron pointed out there were currently two vacancies for alternate positions on the Planning Commission. He expressed his opinion either candidate would be an asset to the Planning Commission. Mayor Wood stated he personally knew Ms. Benson and the way in which she made herself available to meet her commitments. Councilmember LeBaron directed

Valerie Claussen, Development Services Manager, to move forward in appointing both candidates to alternate positions on the Planning Commission.

The Council took a break at 6:37 p.m.

The meeting resumed at 6:48 p.m.

Brian Brower, Greg Krusi, Bob Wylie, Steve Guy, Jessica Hardy, Sean Montierth, Chris Bateman, Scott Hodge, Eric Howes, Nancy Dean arrived at 6:48 p.m.

#### DISCUSSION ON THE FINDINGS OF THE UTILITY RATE STUDY

Bob Wylie, Administrative Services Director, introduced Chris Bateman, Management Intern, and explained he would be sharing a presentation regarding a rate proposal specific to utility rates. He mentioned it had been six years since the City completed an analysis of the utility rates.

Chris Bateman, Management Intern, stated he had been working on a utility rate structure for the last three months and reported he would be sharing results of the analysis with the Council. He stated the proposed rate increase would take place beginning January 2013. He shared a visual presentation with the Council.

Adam Lenhard, City Manager, inquired if secondary water provided by some of the cities was accounted for in the analysis. Mr. Bateman responded that had been accounted for in the comparison of water bill costs. He reviewed the proposed rates for 2013 specific to culinary water, sewer and storm sewer with the Council. He pointed out the proposed rates would cover all operating expenses while also allowing for capital project improvements. He added the rate increase would also keep the water, sanitary sewer and storm sewer funds solvent.

Mr. Wylie emphasized the proposed increase would also cover the expenses needed to keep up with capital and infrastructure improvements. Mr. Lenhard added the increase would also allow the City to pay for the capital improvements identified in the Capital Improvement Project Plan. Councilmember Bush inquired if the proposed increase covered any potential increases with Weber Basin Water. Scott Hodge, Public Works Director, commented there were generally no rate increases associated with Weber Basin. He continued the City had entered into a contract with Weber Basin for a specific amount of water to cover the City's water needs. He pointed out the City was locked into purchasing a certain amount of water every year.

Councilmember Bush stated he would like to know where the City would be reflected in a comparison with neighboring cities after the proposed rate increase. Mr. Wylie responded an average increase would be approximately seventy cents based on average consumption. Mr. Wylie emphasized the \$8 increase associated with the sanitary sewer portion of the utility bill was the pass through specific to the North Davis Sewer District's increase. He added the

remainder of that fee covered the City's operating expenses and infrastructure specific to the City.

Councilmember Murray requested clarification about the rates specific to multi-units within the City compared to single family. Mr. Wylie pointed out demand for multi-units was taken into consideration in determining water rates. He emphasized the infrastructure to provide water to multi units was different than what was needed for single family homes. Mayor Wood inquired if future growth had been considered in proposing the new water rates. Mr. Wylie responded water impact fees would be used for those purposes. Brian Brower, City Attorney, pointed out the future water demands had been considered during the most recent negotiation with Weber Basin Water.

Mr. Wylie distributed the portion of the Consolidated Fee Schedule specific to Utilities which reflected the proposed rates and pointed out the proposed increase for the refundable security deposit associated with establishing utility services. He stated the average bill for shut-off of services was approximately \$113 and explained a higher deposit would assist in recovering more of the amount owed. He emphasized the deposit was refunded if the resident was current on the utility account for 12 consecutive months.

Mayor Wood inquired if the City completed a credit check when residents signed up for utility service. Mr. Wylie responded a credit check was not completed and reported there were approximately six accounts which were sent to collections for nonpayment every month.

JJ Allen, Assistant City Manager, inquired if a resident requesting new service which had previously gone to collections or left due to delinquency could request new service if they moved back to the City. Mr. Wylie responded the City allowed them to establish a new account; however, a double security deposit was required. A discussion regarding the number of accounts for delinquency and shut-off for service took place. Mayor Wood inquired how many were repeat offenders. Mr. Wylie believed the utility staff was familiar with residents/accounts that were regularly paid late every month.

Mr. Wylie stated the proposed rate increase would come before the Council at the December 11, 2012 City Council meeting and would be effective for the bill due in February for January service.

Mr. Wylie distributed a handout illustrating the new statements reflecting the increases for the utility bills to the Council and pointed out the new features.

Councilmember Bush suggested the security deposit be increased to \$120 and proposed a ten percent escalating charge for reconnection of service. Councilmember Murray and Mayor Wood expressed their opinion that would not be a deterrent and a discussion followed regarding the number of shut-offs and shut-off procedures. Mayor Wood believed the deposit should be

increased to cover any potential loss to the City. Mr. Wylie explained the loss associated with sending bad debt specific to utility accounts to collections.

Mayor Wood inquired how the proposed increases over the next three years could potentially impact some of the City's larger commercial users. Mr. Bateman responded he hadn't completed that analysis but expressed a willingness to do that. Mr. Wylie stated that data could be compiled and provided to the Council at a later date. Mayor Wood requested that be emailed to him and the Council. The Council directed staff to increase the security deposit to \$120. Mr. Lenhard expressed appreciation to Mr. Bateman and complimented him for his presentation

Mr. Bateman left the meeting at 7:35 p.m.

The Council took a break at 7:35 p.m.

The meeting resumed at 7:45 p.m.

#### DISCUSSION ON ESTABLISHING A NEW MIXED USE (MU) ZONE IN THE CITY

Valerie Claussen, Development Services Manager, explained the proposed zoning text amendment would come before the Planning Commission for approval at its meeting on Wednesday, December 5, 2012. She stated the amendment would establish a new Mixed Use zoning district for the City which would enable development at UTA's (Utah Transit Authority) TOD (Transit Oriented Development) site. She indicated there was currently no Mixed Use (MU) zone within the City. She pointed out this would enable the developer to submit a Master Development Plan identifying specific uses which would outline the processes for obtaining zoning. She continued this would also allow the Planning Commission to be objective in making its findings in approving future development. She stated approval for the proposed zoning text would come before the Council at the December 11, 2012 City Council meeting.

Mayor Wood expressed concern regarding the designation of the minimum 40 acres requirement associated with the zone that it might be too restrictive and therefore the zone could not be used in other areas of the City. Councilmember LeBaron reported the Planning Commission had also expressed the same concern the proposed MU zone would only be applicable to the UTA property. Ms. Claussen responded the MU zone was intentionally written with that parcel because some of the findings were specific to a transportation component and another mixed use development wouldn't meet other criteria designated in zone. She mentioned the CR zone could be used for smaller parcels or developments within the City.

A discussion took place regarding other zones and their allowable uses within the City. Councilmember Young commented the proposed text mentioned the impact specific to roads and utilities and inquired if the impact regarding schools should also be included. Ms. Claussen stated that would be an appropriate addition. Mayor Wood inquired why the verbiage reflected "may" as opposed to "shall" regarding submission of the Development Agreement. Ms. Claussen

responded the Master Development Plan would be the Ordinance for the zoning. She stated the intermixing development agreements with zoning could be complicated. Brian Brower, City Attorney, explained the Master Development Plan would become the binding document which guaranteed the "project". He continued this would also allow the City to discuss financial arrangements associated with the development.

Councilmember Shepherd expressed concern regarding the residential design requirements specific to materials. Ms. Claussen indicated the residential design standards would be addressed at a later date when the developer approached the Planning Commission and City Council for approval and indicated the standards could be addressed at that time. Councilmember Shepherd believed it would be better to state exactly what the City desired initially rather than later. Mr. Brower emphasized the Council could not approve the rezone without submission of the master development plan. Councilmember Young expressed his opinion this would allow the developer to present more than one option to the Council.

Ms. Claussen explained how being too specific might not be in the best interest of the City and believed the current developer already had a vision as to what the development would look like. Councilmember Young believed the uses were more important than design standards or aesthetics. Adam Lenhard, City Manager, believed the goal in creating the ordinance identifying the MU zone would be the enabling statute which would allow the City and the developer to proceed through the master planning process which the current ordinance didn't allow. Ms. Claussen clarified the Master Development Plan would create the zoning district. Mr. Lenhard summarized the ordinance would be the avenue to complete what Councilmember Shepherd was suggesting. Ms. Claussen expressed agreement with Mr. Lenhard's summarization. She reviewed the process which would be required by the City from the developer and believed the City still had some leverage when it came to requesting significant changes such as quality or density.

Councilmember Shepherd believed these same controls should be considered for smaller parcels as well given the flexibility of the proposed zone. Ms. Claussen responded she had been conservative in designating parcel size for the ordinance and indicated the MU zone could be implemented throughout the City as opposed to the TOD site. Councilmember LeBaron suggested allowing this zone specifically for the TOD site and see how it worked prior to conforming it to smaller parcels. Mr. Brower pointed out the City was dealing with a large scale developer in addition to UTA and agreed with some of the reservations expressed by Councilmember LeBaron. He believed the City was confident the end product would be successful at the TOD site and expressed concern with how well the proposed zone would work elsewhere within the City. He stated the discussion on behalf of the Planning Commission had been very thorough. Councilmember Murray stated she interpreted the end result of the Planning Commission's discussion was due to the uniqueness of the property the MU zone was appropriate and suggested revisions be considered for CR zone which could be implemented in smaller parcels.

Councilmember Murray expressed concern if smaller parcels were identified in the text that left the City vulnerable for the creation of four projects each consisting of 10 acre projects. A discussion took place regarding possible zoning options within the City. Mr. Brower believed it wouldn't be difficult for the City to implement something similar in which the CR zone couldn't accommodate.

Ms. Claussen reiterated this ordinance would come before the Planning Commission for approval during its meeting scheduled for Wednesday, December 5, 2013. She indicated if approved by the Planning Commission a public hearing would then take place at the December 11, 2012 City Council meeting. She mentioned any modifications to the CR zone could be addressed in the future.

DISCUSSION ON THE CITY BUDGET AND RE-OPENING THE BUDGET SCHEDULED FOR THE DECEMBER 11<sup>TH</sup> POLICY SESSION

Bob Wylie, Administrative Services Director, distributed a handout reflecting items which would be addressed during the re-open of the 2013 budget and reviewed them with the Council.

Adam Lenhard, City Manager, stated he would lead the discussion regarding fund balance appropriations and directed the Council to documents received by email earlier. He reported the General Fund balance had exceeded the allowable excess of eighteen percent by \$1.9 million dollars in unappropriated unreserved funds. He directed the Council to the handout reflecting proposed expenditures identified by departments and reviewed it with the Council.

Mayor Wood inquired if the City had an understanding of the utilization of Train Watch Park specifically of playground usage. Eric Howes, Community Services Director, responded since the playground equipment had been removed from the park he had received phone calls about the lack of amenities at the park. A discussion took place about the replacement of playground equipment at the park. Mayor Wood expressed concern whether the park was used enough to justify the expense for the park improvements. Mr. Lenhard expressed similar concern about natural barriers and access from surrounding areas to Train Watch park. Councilmember Shepherd believed the park was primarily surrounded by rental units and suggested funds could be better spent to benefit the City as a whole. Mayor Wood suggested staff determine the number of youth who would benefit from the playground equipment being placed in Train Watch Park. Councilmember Bush suggested the City also consider placing benches near the playground equipment to accommodate parents.

Councilmember Bush inquired if the bleachers at Steed Park had been replaced. Mr. Howes believed safe playground equipment was more of a priority as opposed to benches and responded the bleachers had not yet been addressed. Mayor Wood suggested replacement of the bleachers

might be a higher priority as opposed to replacement of the playground equipment. Further discussion took place regarding additional identified proposed projects.

Mr. Lenhard pointed out the City was in a great financial position due to conservative efforts of the Executive staff and requesting more from the employees. He emphasized the City had two years to appropriate the excess funds and requested input and direction from the Council.

Councilmember Young inquired about the leisure pool repair. Mr. Howes responded a proposal was forthcoming. Councilmember Young expressed his opinion the safety issues associated with the City parks should be addressed due to liability concerns. Councilmember Bush commented some of the Christmas decorations could be replaced. Mr. Lenhard directed staff to discover alternative options for light pole decorations. Councilmember Shepherd suggested the current pole decorations could be decorated with red, white and blue and use to advertise the Fourth of July. Councilmember Murray suggested the Christmas decorations should be more "traditional" in nature.

Mayor Wood inquired about the Community Arts Center window improvements compared to the soffit improvements and a discussion took place. Mr. Howes commented the costs associated to replace the small windows were significantly higher than replacing the large windows.

Councilmember Murray suggested the appropriation of funds Phase I to the Public Works Shops should be made with some of the revenue. Mr. Lenhard also reminded the Council of previous discussions in which the Council might desire to designate funding such as: a demolition fund, the Wasatch Wing Fest, land acquisition or other economic development incentives and landscaping the I-15 entryways. Councilmember Bush suggested a Welcome to Clearfield sign or water feature be placed at West Park Village. Mr. Lenhard believed it would be in the City's best interest to involve an architect to design some consistent signage for the City's gateways.

Mr. Lenhard reported the CDRA fund balance was approximately one million dollars. He mentioned UTA had approached the City regarding its participation in a transportation study and added CDRA funds could be used for this purpose. Mr. Lenhard reminded the Council it had previously expressed a desire to appropriate funds for Phase I of the Public Works Shops improvements and staff was proposing a five way split between each of the Enterprise Funds and the General Fund for \$120,000 each fund. He stated each of the funds could accommodate that request. Mayor Wood commented he was not in favor of investing the required funds for the Public Works Shops facilities at its current location.

Councilmember Murray believed the City's improvements would benefit the area. Mayor Wood believed it would be premature to invest a significant amount of funds when a better location might be determined at a later date and shared an example with Ogden City to illustrate his point. A discussion took place regarding the Public Works facility's improvements.

Mr. Lenhard suggested staff complete a more formal SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis to consider possible alternative locations for the City's Public Works facilities. Councilmember Young stated he would like to see a list of other optional locations within the City. Councilmember Bush expressed caution the City wouldn't want to move the facility to a different location which would be prime commercial property in the future. Councilmember Young believed the proposed improvements were not aesthetic but rather improving efficiencies. Councilmember LeBaron stated he was in favor of appropriating funds for this purpose because the Council needed to provide the means for the staff to provide service to the residents. Councilmember Shepherd didn't believe there was a better location for the Public Works facilities to be located and expressed support for the appropriation.

Mr. Lenhard stated specifics associated with the CDRA budget would be addressed at a later date and asked if there were anything the Council desired to remove from the identified list. Councilmember Bush suggested the Train Watch Park improvements needed further evaluation. Councilmember Murray stated she was in favor of tables and benches near playground equipment in the City parks but expressed concern about placing garbage cans near the UTA bus locations. Mr. Lenhard stated placing trash cans in the parks could also be added to the list for additional consideration. Councilmember Murray expressed her opinion City employees were deserving of the proposed merit increase.

#### DISCUSSION ON THE AUTHORIZATION AND EXECUTION OF CONTRACTS

Brain Brower, City Attorney, directed the Council to the proposed Ordinance 2012-14 and reviewed the proposed changes with the Council. He emphasized the Mayor was only allowed to sign on behalf of the City when authorized by law or directed by the City Council.

- Resolutions and ordinances were specified to be signed by the Mayor
- Licenses would no longer require the Mayor's signature
- The City Manager would be authorized to sign change orders in accordance with the procurement process
- The inclusion of Section C to 2-3-1
- Modifications of Section D identifying dollar amounts in which items would require approval by the City Council

Mr. Brower pointed out the proposed changes were reflective of current practices and clarified the circumstances in which the Mayor could sign documents on behalf of the City. Councilmember Young expressed concern regarding modifications to paragraph D and the potential for inflating the budget of a project which could then allow the department head to appropriate funds within its own department. Nancy Dean, City Recorder, pointed out the current process in which there was oversight of every contract by both the City Attorney, Brian Brower, and the Administrative Services Director, Bob Wylie.

Councilmember Young also expressed concern about the potential of a department head creating several projects under \$5,000 which it could then determine how City funds could be spent and shared a hypothetical example. Both Mr. Brower and Mr. Wylie agreed with Councilmember Young's concern and a discussion took place as to whether a percentage as opposed to a dollar amount would be more appropriate. Mr. Brower requested direction from the Council specific to the dollar figure specified in the ordinance.

Mayor Wood expressed his opinion the proposed changes allowed for flexibility at the same time bringing potential scrutiny to department heads. Councilmember Young suggested the addition of the City Manager's signature and then the Mayor's based upon the dollar amount and a discussion took place. Councilmember LeBaron believed the proposed ordinance was an improvement from what previously existed and pointed out this practice was more in line with the private sector. Councilmember Murray expressed her opinion the Council should have input to prioritize projects and direct expenditures. Mayor Wood summarized that the Council, as elected officials, desired the oversight for the reallocating of any remaining funds from completed projects.

Mr. Brower suggested the elimination of paragraph D3 specifically allowing the Mayor to authorize expenditures between \$10,000 and \$25,000 without authorization from the City Council. Mayor Wood stated he desired the Council's approval for expenditures of that amount. Mr. Brower believed the department heads needed some latitude in approving small contracts and change orders. Councilmember Young expressed agreement department heads needed to be allowed to do their jobs; however, anytime the amount of the contract changed the nature or scope of the budget, oversight should be required. Councilmember LeBaron suggested the addition of the language "any project within the scope of the budget" as the boundary condition as it would clearly be defined.

Ms. Dean requested clarification of the verbiage "general operations" in the proposed ordinance and suggested that also be more clearly defined. A discussion took place and Mr. Howes pointed out there were maintenance issues which was difficult for him to determine specific needs during the budget process and expressed his desire to authorize needed expenditures for that purpose. Mr. Wylie suggested the inclusion of the fixed asset definition of anything over \$5,000 for an operating expense.

Councilmember LeBaron suggested drafting the proposed ordinance based upon the suggestions and present to the Council on December 11, 2012 for approval.

DISCUSSION ON AMENDMENTS TO TITLE 1, CHAPTER 6 – ADMINISTRATION,  
MAYOR AND CITY COUNCIL

Brian Brower, City Attorney, indicated this proposed change was specific to the Mayor Pro Tem. He continued the changes to the ordinance were in line with current practice.

Mayor Wood clarified the proposed change in designating the Mayor Pro Tem would still require the consent of the City Council while allowing the Mayor flexibility to appoint the Mayor Pro Tem just like any other appointment. Councilmember Murray asked what the current ordinance stated. Mayor Wood responded the current ordinance referred to an election of the City Council to determine the Mayor Pro Tem at that specific meeting. Mayor Wood expressed his opinion the specification of a time frame allowed the Mayor to make adjustments due to other assignments or commitments. A discussion took place as to what would happen if the Mayor and Mayor Pro Tem were not available to conduct the meeting. Mr. Brower believed the Mayor would still have the opportunity to designate the Mayor Pro Tem at any time but would include verbiage to reflect that.

Adam Lenhard, City Manager, commented about the previous discussion specific to the reopening the budget. He indicated there would be one additional expenditure of \$80,000 from the fund balance to Capital Projects because when the Council approved the \$400,000 expenditure for road projects, \$80,000 of that Capital Project expenditure went to the 1000 West street improvement project.

**Councilmember LeBaron moved to adjourn the work session and reconvene in a special session at 10:23 p.m., seconded by Councilmember Murray. All Voting AYE.**

**APPROVED AND ADOPTED  
This 22<sup>nd</sup> day of January, 2013**

**/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 4, 2012.

/s/Nancy R. Dean, City Recorder