

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
May 22, 2012 – REGULAR SESSION
Revised May 17, 2012

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

Mission Statement: To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

6:30 P.M. WORK SESSION

Discussion on Appointing an Administrative Hearing Officer for Appeals
Discussion on the Bid Award for Theatre Seating at the Community Arts Center
Discussion on Amendments to Business License Appeal Procedures

7:00 P.M. REGULAR SESSION

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Youth City Councilmember David Brown

APPROVAL OF THE MINUTES:

March 27, 2012 – Work Session

May 8, 2012 – Regular Session

PRESENTATION:

1. **PRESENTATION TO PATSY SEACH FOR HER SERVICE AS A MEMBER OF THE PARKS & RECREATION COMMISSION**

BACKGROUND: Patsy Seach has served the City as a member of the Parks & Recreation Commission and recently submitted a letter of resignation. The Mayor and City Council desire to recognize Ms. Seach for her service to the City.

2. **PRESENTATION BY THE AMERICAN CANCER SOCIETY RELAY FOR LIFE**

BACKGROUND: Kathy Avery, Co-Chair, from the North Davis Relay for Life is in attendance to make a presentation for the American Cancer Society's Relay for Life.

SCHEDULED ITEM:

3. **CITIZEN COMMENTS**

4. **CONSIDER APPROVAL OF THE AWARD OF BID FOR THE 475 EAST SANITARY SEWER REPAIR PROJECT TO WHITAKER CONSTRUCTION**

BACKGROUND: Bids were received from two construction companies to make the necessary repairs to the sanitary sewer line installed behind the homes on the west side of 500 East Street from 200 South to 50 South. The lowest responsible bid was received from Whitaker Construction with a bid of \$58,700.00.

RECOMMENDATION: Approve the award of bid for the 475 East Sanitary Sewer Repair Project to Whitaker Construction with a bid amount of \$58,700.00, and approve funding of the project for the bid amount of \$58,700.00 with contingency and engineering of \$23,300.00 for a total project cost of \$82,000.00; and authorize the Mayor's signature to any necessary documents.

5. CONSIDER APPROVAL OF THE AWARD OF BID FOR THEATRE SEATING AT THE COMMUNITY ARTS CENTER

BACKGROUND: The city solicited bids for theatre seating at the Community Arts Center. Eric Howes will be presenting the bids and his recommendation to the Council.

RECOMMENDATION: Approve the award of bid for theatre seating at the Community Arts Center and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF RESOLUTION 2012R-07 AUTHORIZING THE SECOND ADDENDUM TO THE INTERLOCAL AGREEMENT WITH THE NORTH DAVIS FIRE DISTRICT AND WEST POINT CITY

BACKGROUND: The City is executing indemnification agreements with any entity for which it collects impact fees. The current Interlocal Agreement with the North Davis Fire District (NDFD) does not address the collection of impact fees; therefore, staff is proposing this addendum.

RECOMMENDATION: Approve Resolution 2012R-07 authorizing the Second Addendum to the Interlocal Agreement with the North Davis Fire District and West Point City and authorize the Mayor's signature to any necessary documents.

7. CONSIDER APPROVAL OF RESOLUTION 2012R-08 AUTHORIZING THE DISPOSITION OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF THE FREEPORT CENTER IN EXCHANGE FOR A NEARBY LARGER PARCEL

BACKGROUND: *The City Council previously held a public hearing regarding the disposal of this parcel of property. However, the legal description and map have been slightly modified. Adoption of a new Resolution with accurate legal descriptions and maps is now necessary.*

RECOMMENDATION: *Approve Resolution 2012R-08 authorizing the disposition of a significant parcel of real property located near the northeast corner of the Freeport Center property in exchange for a nearby larger parcel and authorize the Mayor's signature to any necessary documents.*

COMMUNICATION ITEMS:

Mayor's Report
City Councils' Reports
City Manager's Report
Staffs' Reports

****ADJOURN REGULAR SESSION AND RECONVENE IN A WORK SESSION****

(**TENTATIVE**) The Council will consider a motion to enter into a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation (Utah Code Ann. §52-4-205)

****COUNCIL MEETING ADJOURN****

Dated this 17th day of May, 2012.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’ provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
March 27, 2012

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

VISITORS: Megan Goodwin – Weber State University, Shelley Goodwin – Weber State University, David Attleson, Eddy Edens

Mayor Wood called the meeting to order at 6:39 p.m.

PRESENTATION AND DISCUSSION ON CITY’S EMERGENCY PREPAREDNESS

Rich Fisher, Emergency Services Manager, shared a visual presentation on earthquake preparedness and informed the Council that the City would be participating in The Great Utah Shake Out scheduled for April 17, 2012, at 10:15 a.m. He distributed a handout specific to that drill. He distributed updates for the Council’s Emergency Operations Plan (EOP) book.

DISCUSSION ON THE DAVIS FOUNDATION GALA

Mayor Wood reminded the Council the City purchased a table for the Davis Education Foundation’s Gala scheduled for Thursday, April 27, 2012 at the Davis Conference Center. He explained the Gala would benefit teachers within the District and requested input from the Council regarding possible invitees on behalf of the City. He added there would be eight seats available at the table.

DISCUSSION ON A SPONSORSHIP FOR THE HILL AIR FORCE BASE (HAFB)
RECEPTION HONORING GENERAL LITCHFIELD

Mayor Wood explained that the command regarding Hill Air Force Base (HAFB) would reorganize and soon be reporting to Tinker AFB located in Oklahoma where the command center would be relocated. He indicated the Air Force organized a defense symposium during which the command from Tinker AFB would attend in order to gain a better understanding of HAFB and its importance to the community and the community's support for the Base, as well as orient the new leadership. He stated General Litchfield would be traveling from Oklahoma and prior to the symposium a reception would take place. He informed the Council that he sat on the executive committee of the Utah Defense Alliance and suggested the City support the reception to illustrate Clearfield's support of the Base. He indicated this would be an opportunity to share the new logo and have a presence as a City at the reception. He also believed it would further the City's marketing campaign and demonstrate to General Litchfield the City's support of the Base. The Council was in agreement and a discussion took place specific to where funds could be recognized.

The meeting adjourned at 6:54 p.m.

The meeting reconvened at 7:52 p.m.

PARKS AND RECREATION COMMISSION INTERVIEWS

The Council interviewed David Attleson and Eddy Edens for consideration to fill vacancies on the Parks and Recreation Commission.

DISCUSSION ON PARKS AND RECREATION COMMISSION CANDIDATES

Eric Howes, Community Services Director, pointed out there were currently four vacancies on the Board and reported one commissioner had only attended once during the past year. He reviewed the bylaws of the Parks and Recreation Commission and a discussion took place regarding attendance requirements for meetings. Mayor Wood suggested amending the bylaws and possibly designating alternate positions similar to the Planning Commission. The Council believed the bylaws allowed for the release of service for the commissioner who had only attended once in eight months, which would allow for the appointment of all interested candidates. Brian Brower, City Attorney, stated pursuant to City ordinance, if the commissioner was absent from three consecutive meetings the position may be declared vacant. He suggested the Mayor forward an email to Mr. Howes directing him on how to proceed with the vacancy. Councilmember Bush suggested the appointments be made during the April 10, 2012 City Council meeting which would allow the newly appointed members to participate in the next Parks & Recreation Commission meeting.

OVERVIEW OF TABLET USE TO ACCESS AGENDA

Nancy Dean, City Recorder, and Sean Montierth, IT Manager, trained the Council on using the tablet to access the agenda. Mr. Montierth distributed and explained the new policy and safety components to the Council. He informed the councilmembers a waiver would need to be signed prior to accessing the City's exchange server and suggested it be signed immediately. He commented members of the Council could bid on their old laptops from the public surplus website and stated he would notify them when they are placed out for bid.

Ms. Dean explained and demonstrated how the Council could access the agenda using the tablet.

The meeting adjourned at 8:58 p.m.

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CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
May 8, 2012

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

VISITORS: Amy Petersen, Curtis Petersen, Boy Scout Troop 386, Joy Brown – American Legion, Jarom Hogg, Amber Seidel – Youth City Council

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

Youth City Mayor Amber Seidel conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE MARCH 20, 2012 WORK SESSION AND
APRIL 24, 2012 POLICY SESSION

Councilmember Murray moved to approve the minutes from the March 20, 2012 work session and the April 24, 2012 policy session, as written, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

PRESENTATION TO PATSY SEACH FOR HER SERVICE AS A MEMBER OF THE
PARKS & RECREATION COMMISSION - TABLED

PUBLIC HEARING TO RECEIVE COMMENT ON CLEARFIELD CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN FOR PROGRAM YEAR JULY 1, 2012 - JUNE 30, 2013

A copy of the proposed 2012/2013 Community Development Block Grant (CDBG) One-Year Action Plan had been provided to the City Council. Citizens were given the opportunity to review the One Year Action Plan in the community development department from March 28, 2012 until April 26, 2012. No written comments were received during this time period.

Stacy Millgate, CDBG Coordinator, reported the City anticipated receiving approximately \$217,184 in CDBG funds to be distributed as follows:

- \$14,575 Youth Resource Center staff salaries
- \$9,000 Family Connection Center staff salaries
- \$9,000 Davis Community Learning Center staff salaries
- \$25,000 Administrative costs of City staff
- \$159,359 Infrastructure project possibly on Locust Street

Mayor Wood requested clarification for the salary contribution to the Family Connection Center and inquired if it were specific to the food bank. Ms. Millgate responded in the affirmative.

Councilmember Murray believed her agenda documentation reflected funds were also designated to supply food. Ms. Millgate believed the funds were specific to salaries. Councilmember Young commented he believed the purchase of food had also been mentioned in the agenda documentation. Adam Lenhard, City Manager, agreed the documentation reflected funds would go toward the purchase of food. Ms. Millgate stated she would look into the discrepancy.

Mayor Wood expressed concern about the inclusion of the purchase of food in the action plan. He continued to explain how large donations were restricted for use specific to infrastructure such as freezers, delivery trucks, etc. which would have a long term impact as opposed to obtaining food. Ms. Millgate indicated the contract could be specific as to how the funds could be used and supporting documentation would need to be reflective to the allowed use. Mayor Wood expressed his opinion the reporting requirements would be prohibitive if the funds were to be used toward the purchase of food.

Councilmember Young stated he was familiar with the regulations regarding the use of CDBG funds. Mayor Wood directed Ms. Millgate to eliminate the reference to the use of funds for the purchase of food.

Councilmember LeBaron inquired how the motion for approval would need to be made for adoption of the One-Year Action Plan if there were modifications. Brian Brower, City Attorney, explained any change from the provided written material would need to be identified in the motion.

Mayor Wood declared the public hearing open at 7:15 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:16 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

SCHEDULED ITEMS:

CITIZEN COMMENTS

Amber Seidel, Youth City Council (YCC) Mayor, stated she was present to share the Youth City Council Report. She reviewed the following activities the YCC had been involved with:

- Meet the Candidate Night prior to the municipal election in October. She pointed out there were a number of youth attending that event and commented teachers at the high school were supportive and offered extra credit to government and history classes.
- Completed a random count of residents using the trail system on May 3, 2012, Thursday evening for a service project. She commented on the number of individuals using the trail system and indicated the numbers would be provided to Eric Howes, Community Services Director.
- Sponsored an essay contest, “Why I Love My City” to students attending elementary schools within the City. She commented the winner would be announced later in the meeting.
- Youth dance to be used as a fundraiser for the YCC.
- She reported the YCC had the opportunity to attend the Davis Youth Summit which was a good experience for some of the members. She shared an example from one of the workshops.

Ms. Seidel requested feedback regarding the participation of the YCC members with the opening ceremonies for City Council meetings.

Mayor Wood suggested determining why the members aren't attending to complete their assignment and indicated other arrangements could be made specific to carrying out the opening ceremonies. Councilmember Young suggested participation could be more voluntary.

Councilmember Murray informed Ms. Seidel the YCC would need to come up with a theme for the Fourth of July parade float.

Mayor Wood complimented Ms. Seidel and members of the YCC for their participation in the Utah League's of Cities & Towns day at the Legislature. He commented Ms. Seidel and other

members represented the City well and the Salt Lake Tribune published an article which highlighted the City's YCC. He thanked her for her example.

APPROVAL OF CLEARFIELD CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN FOR PROGRAM YEAR JULY 1, 2012 - JUNE 30, 2013

Councilmember Shepherd moved to approve Clearfield City's Community Development Block Grant (CDBG) One-Year Action Plan for Program Year July 1, 2012 – June 30, 2013, deleting the reference on the application specific to the Family Connection Center regarding the purchase of food, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

APPROVAL OF THE AWARD OF BID TO APPLY A CHIP SEAL SURFACE TREATMENT TO VARIOUS ROADS THROUGHOUT THE CITY TO STAKER & PARSON COMPANIES

Bids were received from three construction companies to apply a chip seal surface treatment to various roads throughout the City. The lowest responsible bid was received from Staker & Parson Companies with a bid amount of \$288,512.

Adam Lenhard, City Manager, clarified three bids were received and one of those was deemed nonresponsive. He stated staff recommended approval to Staker & Parson Companies with a bid amount of \$288,512 plus contingency for a total project cost of \$300,000.

Councilmember Murray inquired if the bid were within estimated parameters. Scott Hodge, Public Works Director, responded the bid was within estimated figures. He stated the City was currently completing some projects involving street overlays and reported due to change orders the City would most likely have to eliminate the completion of some of the identified streets. Mayor Wood commented the engineer's estimates and the bid submissions were comparable during the weakened economy.

Councilmember Young moved to approve the award of bid to apply a chip seal surface treatment to various roads throughout the City to Staker & Parson Companies for the bid amount of \$288,512, and approve funding of the project for the amount of \$288,512 with contingency and engineering costs of \$11,488 for a total project cost of \$300,000; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

PRESENTATION TO ADAM COLLIER, WINNER OF THE YOUTH CITY COUNCIL
ESSAY CONTEST

Councilmember Young explained the Youth City Council (YCC) sponsored an essay contest for the elementary school students. He announced Adam Collier wrote the winning essay. Amber Seidel, YCC Mayor, stated the YCC was impressed with how much Adam's essay spoke to details of the City. She requested he share his essay with the Council.

Adam Collier read his essay to the Council and the Council presented Adam with a certificate acknowledging his winning essay.

ADOPTION OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2012/2013 AND SET A
PUBLIC HEARING FOR JUNE 14, 2012 TO RECEIVE PUBLIC INPUT ON THE BUDGET

The Tentative Budget as presented to the Council for adoption was a balanced budget for all funds. The certified tax rate had not been received from Davis County. Nancy Dean, City Recorder, clarified the date for the public hearing should be June 12, 2014 at 7:00 p.m.

Bob Wylie, Administrative Services Director, commented that months of work by staff and many work sessions with the Council in preparing the fiscal year 2012/2013 budget had resulted presenting to the Council a balanced budget of 32 million dollars. He reviewed the capital projects which were identified to be funded in the budget.

- West Park Village park improvement
- General Fund projects
- Crack Patch & Seal Coat road improvement projects
- 1000 West/700 South intersection/lane construction
- Depot Street and Locust Street
- Eighteen-inch and ten-inch water transmission line
- New roof for reservoir
- Sewer capital projects
- Storm sewer capital projects

He mentioned the City had not yet received the certified tax rate from Davis County which might result in a need for adjustments to be made before final approval.

Councilmember LeBaron moved to adopt the tentative budget for fiscal year 2012/2013 and set a public hearing on the budget for June 12, 2012 at 7:00 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

CONSENT ITEMS**APPROVAL OF THE MODIFICATIONS TO THE PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 88 EAST CENTER STREET, MORE COMMONLY KNOWN AS THE CLEARFIELD FIRE STATION, WITH THE NORTH DAVIS FIRE DISTRICT (NDFD)**

Additional language was added to the purchase agreement to provide necessary access for the City to the telecommunications systems located in the fire station.

APPROVAL OF RESOLUTION 2012R-06 AUTHORIZING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY TO PROVIDE ANIMAL CONTROL SERVICES

Davis County provided animal control services for the City. The current contract provided for an annual review and adjustment of the compensation amount for the services. This amendment adjusted the compensation for the services.

Councilmember Murray believed the new agreement reflected a decrease in costs. Brian Brower, City Attorney, clarified the cost for services in the contract were indeed a decrease.

APPROVAL OF THE LICENSE AGREEMENT WITH THE US AIR FORCE FOR MONITORING WELLS

The US Air Force had monitoring wells throughout the City to conduct groundwater and soil testing in connection with the groundwater monitoring project. This agreement allowed the Air Force to locate and maintain the groundwater monitoring wells.

APPROVAL OF THE AWARD OF BID FOR THE FERN DRIVE SEWER REPLACEMENT PROJECT TO LEON POULSEN CONSTRUCTION

Bids were received from eight construction companies to perform work to replace the sanitary sewer pipeline on Fern Drive from 300 North Street to Vine Street. The lowest responsible bid was received from Leon Poulsen Construction Company with a bid of \$213,602.50.

APPROVAL OF A PROCLAMATION DECLARING THE WEEK OF JULY 29 – AUGUST 4, 2012 AS CONTRACT MANAGEMENT WEEK IN CLEARFIELD CITY

An officer of the Utah Chapter of the National Contract Management Association approached the City requesting support of Contract Management Week by proclaiming the week of July 29 – August 4, 2012 as Contract Management Week in Clearfield City.

The Utah Chapter was comprised of 184 contracting professionals from Hill Air Force Base and defense companies located in Davis and Weber Counties.

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

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

COMMUNICATION ITEMS:

Mayor Wood

1. Reported he attended the Davis Education Foundation Gala with Clearfield High administrators and guests. He indicated it was an amazing event with talent selected from students within the District. He expressed his opinion it was the best program the event could have presented. He mentioned the City's guests from Clearfield High were appreciative for the invitations.
2. Informed the Council about the highlight of Barbara Riddle in Utah Business magazine. He stated Ms. Riddle was honored as one of the 30 most powerful women to watch in the State of Utah. He reported Ms. Riddle was the Executive Director of the Davis County Convention and Visitors Bureau.
3. Indicated the Community Council meeting he had scheduled for Thursday, May 24, 2012 had been rescheduled due to a conflict with the City Council and would instead take place on Thursday, June 7, 2012, 6:30 p.m. in the multi-purpose room at the City building. He shared who some of the individuals who would be presenting during the meeting were with the Council as well as those invited to attend. He expressed his opinion the information would be pertinent to anyone attending and believed it would be beneficial in addressing the needs of many of the City's residents.
4. Reminded the Council that the City had four invitations for individuals to participate in the Thunderbird Pilot's Reception, Friday, May 25, 2012, prior to the air show. He indicated he had to RSVP prior to Monday, May 21, 2012. Councilmember Shepherd expressed his desire to attend.
5. Announced the Council of Government (COG) meeting would be hosted and held in Clearfield City in City Hall. He stated an invitation had been extended to Governor Herbert and the meeting would be open to the public.
6. Informed the Council the new billboard along I-15 was up and believed it better clarified the products made in the City. He explained how the logo had been displayed.

Councilmember Bush

1. Reported he had attended the Arbor Day tree planting/storytelling activity at Fox Hollow Park on April 26, 2012. He indicated approximately 150 children were in attendance and believed it was a great event.
2. Requested he be excused from any meetings from May 19, 2012 until May 29, 2012 as he would be out of the Country.

Councilmember LeBaron – Reported he had attended the Planning Commission meeting on Wednesday, May 2, 2012, during which the proposed daycare for the Goupios building was discussed at length. He stated many of the commissioners expressed concern regarding the ingress and egress of the parking lot. He stated in conclusion the Planning Commission sent the item back to staff to best determine how the parking lot near 1000 West could accommodate people coming in and going out of the parking lot during busy times of the day.

Councilmember Murray – nothing to report.

Councilmember Shepherd

1. Reported on Clearfield University visiting Freeport Center for the previous two weeks and touring some of the facilities located there. He mentioned the participants had been impressed with the infrastructure there. He commented Betty Parker, Freeport Center, shared an impressive presentation on the myriad of companies located at Freeport. He stated they had also toured Job Corps and reported the participants were equally impressed with that facility. He expressed appreciation to Lisa for accommodating the City.
2. Stated he would be out of town next week and requested he be excused from any meetings.

Councilmember Young – nothing to report.

STAFFS' REPORTS

Adam Lenhard, City Manager – informed the Council he had emailed an administrative update and requested the Council contact him with any questions.

Nancy Dean, City Recorder

1. Reviewed the meeting schedule with the Council:
 - Work session tentatively scheduled for May 15, 2012 at 6:00 p.m.
 - Policy session on May 22, 2012
 - Clearfield University on Thursday, May 24, 2012 at 6:30 p.m.

Councilmember Shepherd briefly reviewed the evening's agenda and indicated a tour of the executive offices would take place, in addition to teaching the participants about the Mayor/Council's roles. He believed there would also be a mock City Council Meeting for participants.

Councilmember LeBaron moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 7:55 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

The minutes for the CDRA are in a separate location

15 May 2012

Clearfield City
55 South State Street
Clearfield, Utah 84015

Attn: Mayor Don Wood and City Council
Proj: **475 East Sanitary Sewer Repair Project**
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mayor Wood and Council Members,

The “Bid Opening” for the above referenced project was conducted this afternoon. The lowest responsible bidder is Whitaker Construction of Brigham City, Utah.

Enclosed are the “Bid Results” and “Bid Proposal Tabulation”. Whitaker Construction’s bid was reviewed and found to meet the bidding conditions required in the Contract Documents.

Since Whitaker Construction’s bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of \$58,700.00 to Whitaker Construction Company.

Should you have any questions or desire additional information concerning the contractor or his bid, please feel free to contact our office at your earliest convenience.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



R. Todd Freeman, P.E.
City Engineer

cc: Scott Hodge – Clearfield Public Works Director
Kim Dabb – Clearfield City Operations Manager

BID PROPOSAL TABULATION

475 EAST SANITARY SEWER REPAIR PROJECT

BID DATE: 15 MAY 2012

OWNER: CLEARFIELD CITY

PUBLIC WORKS DIRECTOR: SCOTT HODGE

Bid Item	Description	Quantity	Unit	Whitaker Construction 44 South 1050 West Brigham City, UT 84302		Leon Poulsen Construction 1675 South 1900 West Ogden, UT 84401	
				Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$6,800.00	\$6,800.00	\$20,305.00	\$20,305.00
2.	Clean pipeline interior to remove roots, debris and protruding sewer pipe laterals.	1	ls	\$2,800.00	\$2,800.00	\$11,400.00	\$11,400.00
3.	Reconnect existing sewer laterals with a new wye fitting.	6	ea	\$850.00	\$5,100.00	\$6,950.00	\$41,700.00
4.	Remove and replace landscape improvements.	900	sf	\$3.00	\$2,700.00	\$11.50	\$10,350.00
5.	Remove and replace concrete flatwork.	550	sf	\$5.50	\$3,025.00	\$17.00	\$9,350.00
6.	Remove and replace decorative concrete flatwork.	200	sf	\$7.50	\$1,500.00	\$32.00	\$6,400.00
7.	Remove and replace asphalt and roadbase surface.	150	sf	\$8.70	\$1,305.00	\$23.00	\$3,450.00
8.	Install 4-foot diameter sanitary sewer manhole.	1	ea	\$2,610.00	\$2,610.00	\$8,600.00	\$8,600.00
9.	Remove existing pipeline and install new pipeline to correct misalignment at Sta. 3+33 to Sta. 3+43.	1	ls	\$1,200.00	\$1,200.00	\$9,700.00	\$9,700.00
10.	Remove existing protruding abandoned lateral and install new pipeline at Sta. 3+01 to Sta. 3+11.	1	ls	\$1,860.00	\$1,860.00	\$9,700.00	\$9,700.00
11.	Furnish and install 6-inch diameter cured-in-place-pipe liner (CIPP).	680	lf	\$40.50	\$27,540.00	\$70.00	\$47,600.00
12.	Furnish pipe bedding.	10	tons	\$16.00	\$160.00	\$68.00	\$680.00
13.	Furnish trench backfill.	200	tons	\$10.50	\$2,100.00	\$36.00	\$7,200.00
TOTAL BID:				\$58,700.00		\$186,435.00	
Surety Company				Western Surety Company		Westchester Fire Ins. Co.	
City, State				Sioux Falls, SD		Philadelphia, PA	
Bid Security - Bid Bond Amount				5%		5%	
Contractor's License Number				217751-5501		84-244670-5501	



BID RESULTS

475 EAST SANITARY SEWER REPAIR PROJECT

OWNER: CLEARFIELD CITY
ENGINEER: CEC, CIVIL ENGINEERING CONSULTANTS

BID DATE: 15 May 2012
TIME: 2:00 P.M.
BID LOCATION: Clearfield City Offices
55 South State Street; 3rd Floor
Clearfield, UT 84015

PLAN HOLDER NAME	ADDENDUM #1	BID BOND	BID AMOUNT
Whitaker Construction	Yes	5%	\$58,700.00
Leon Poulsen Construction	Yes	5%	\$186,435.00

CLEARFIELD CITY RESOLUTION 2012R-07

A RESOLUTION AUTHORIZING THE SECOND ADDENDUM TO THE CITY'S INTERLOCAL AGREEMENT WITH WEST POINT CITY AND THE NORTH DAVIS FIRE DISTRICT

WHEREAS, Clearfield City ("Clearfield"), West Point City ("West Point"), and the North Davis Fire District (the "District") are "public agencies" as defined under the Utah Interlocal Cooperation Act and are therefore authorized to enter into agreements with one another for joint or cooperative action; and

WHEREAS, Clearfield, West Point, and the District previously entered into an Interlocal Agreement dated and effective July 1, 2005 (the "Agreement") to memorialize what the parties intended in connection with the establishment of the District; and

WHEREAS, Clearfield and West Point currently collect impact fees on behalf of the District; and

WHEREAS, the Agreement does not currently address the collection of impact fees; and

WHEREAS, Clearfield, West Point, and the District want to clarify the relationship, responsibilities and any associated liability of the parties to the Agreement regarding the collection of any impact fees by the Cities for the District; and

WHEREAS, the parties have prepared and proposed the approval and incorporation of an addendum (the Second Addendum dated and effective July 1, 2012) to the Agreement to address the collection of impact fees for the District;

NOW THEREFORE BE IT RESOLVED, by the Clearfield City Council, that the attached Second Addendum to the Interlocal Cooperation Agreement between Clearfield City, West Point City, and the North Davis Fire District is hereby approved and the Mayor is duly authorized to execute said addendum, as well as any other necessary associated documents, on behalf of the City.

Passed and adopted by the City Council at its regular meeting on the 22nd day of May, 2012.

ATTEST:

CLEARFIELD CITY CORPORATION:

Nancy R. Dean, City Recorder

Donald W. Wood, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

**SECOND ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT
DATED JULY 1, 2005 BETWEEN
CLEARFIELD CITY, WEST POINT CITY, AND THE NORTH DAVIS FIRE DISTRICT**

This Addendum to the Interlocal Agreement dated and effective July 1, 2005 between Clearfield City, West Point City, and the North Davis Fire District (hereafter the "Agreement") hereby amends the Agreement as follows:

Paragraph 15, as set forth below, is hereby added to the Agreement:

15. Impact Fees.

- (a) **Residential Impact Fees.** Clearfield and West Point agree to collect District impact fees for the construction of single family residences and forward those impact fees to the District.
- (b) **Commercial, Industrial, and Multi-Family Impact Fees.** The District shall compute, and Clearfield and West Point will each collect, commercial, industrial, or multi-family residential District impact fees as applicable within their jurisdictions. All Responsibility and liability for the computation of the impact fee shall belong to the District.
- (c) **Impact Fees Generally.** In those situations where either Clearfield or West Point collects an impact fee the following provisions shall govern:
 - (i) The paying party shall sign a form acknowledging that payment is for a District impact fee and releasing the respective city from any claim against the city with respect to such impact fee. If the paying party refuses to sign the form, they shall be required to make payment directly to the District.
 - (ii) Clearfield and West Point will each make good faith efforts to collect the correct District impact fee from the paying party, but will not be liable to the District for any errors or mistakes.
 - (iii) Clearfield and West Point shall be deemed only as intermediaries to receive impact fee payments for the District and shall do it solely for the convenience of those paying the impact fee.
 - (iv) The District impact fee shall be regarded as that belonging solely to the District and neither Clearfield nor West Point shall in any way be regarded as "imposing" or "collecting" such fee within the meaning of the Impact Fees Act §11-36-201 et seq., Utah Code Annotated, 1953.

- (v) Neither Clearfield nor West Point has done, nor has any duty to do, an impact fee analysis with respect to impact fees of the District. The District has in place a procedure for any person, firm or entity to challenge or appeal the assessment or payment of District impact fees and any challenge or protest with respect to District impact fees shall be the responsibility of the District to defend and justify and not that of either city.
- (vi) The District shall indemnify and hold Clearfield and/or West Point harmless for any loss, expense, injury or damage to either city resulting from any claim against the city in connection with either city receiving payment for District impact fees, including all costs and attorney's fees incurred by either city in connection with any claim.
- (vii) The District shall remit, to the respective city, Twenty Dollars (\$20.00) per impact fee collected, to be paid to the respective city on a monthly basis. This amount may be increased upon approval of the District Board if the respective city shows that its costs of collection have increased substantially.
- (viii) Either city may, upon six (6) months' notice to the District, cease to collect the impact fee, by referring all further collections to the District offices in West Point, Utah, at the conclusion of the six (6) month period of time.
- (ix) The District may at any time assume responsibility for collecting its impact fees by giving Clearfield and/or West Point Thirty (30) days advance notice of its intent to do so.

All remaining provisions of the Agreement shall remain unchanged and are binding upon all parties including Clearfield City, West Point City, and the North Davis Fire District.

DATED and EFFECTIVE this 1st day of July, 2012.

CLEARFIELD CITY

WEST POINT CITY

Don Wood, Mayor

Erik Craythorne, Mayor

Attest:

Attest:

Nancy Dean, City Recorder

Approved and reviewed as to proper form
and compliance with applicable law:

Misty Rogers, City Recorder

Approved and reviewed as to proper form
and compliance with applicable law:

Brian E. Brower, City Attorney

Felshaw King, City Attorney

NORTH DAVIS FIRE DISTRICT

Gary Peterson, Board Chair

Attest:

Michelle Marsh, Board Secretary

Approved and reviewed as to proper form
and compliance with applicable law:

Felshaw King, Fire District Attorney

CLEARFIELD CITY RESOLUTION 2012R-08

A RESOLUTION AUTHORIZING AND DIRECTING CONVEYANCE OF A SIGNIFICANT PARCEL OF REAL PROPERTY TO FREEPORT CENTER ASSOCIATES IN EXCHANGE FOR A LARGER ADJACENT PARCEL

WHEREAS, Clearfield City Corporation (the “City”) currently owns a significant parcel of real property (____ acre) located near the northeast corner of the Freeport Center in Clearfield which is currently undeveloped and sits vacant; and

WHEREAS, the City has no current valuable or beneficial use for this smaller, narrow strip of property; and

WHEREAS, Freeport Center Associates (FCA) currently owns a larger (.84 acre) parcel of real property adjacent to the City’s above described parcel which could be beneficially used by the City to expand and improve one of its current storm water detention basins as well as to help facilitate the SR-193 expansion project; and

WHEREAS, the benefits to the City, its residents, property and business owners derived from obtaining the larger parcel of property far outweighs the benefit of maintaining the smaller parcel; and

WHEREAS, both the City and FCA are ready, willing and able to exchange the aforementioned parcels of real property; and

WHEREAS, upon recommendation from staff and careful consideration of the benefits to the City, the Clearfield City Council hereby finds that conveying this ____ acre significant parcel of real property located near the northeast corner of the Freeport Center in exchange for a larger, .84 acre adjacent parcel is in the public interest for Clearfield City, its residents and the surrounding community;

NOW THEREFORE BE IT RESOLVED, by the Clearfield City Council that for the reasons set forth in the recitals above:

A portion (____ acre) of Davis County Tax ID Parcel No. 12-022-0030, located in Clearfield, Davis County, Utah with the legal description set forth in the attached Quit-Claim Deed and as shown on the aerial map (parcel A) provided by the Utah Department of Transportation dated _____ attached hereto, is hereby declared to be a significant parcel of real property to be conveyed to Freeport Center Associates for the nominal sum of TEN DOLLARS (\$10.00) and in exchange for a Warranty Deed from Freeport Center Associates conveying a portion (.84 acre) of Davis County Tax ID Parcel No. 12-021-0026, located in Clearfield, Davis County, Utah with the legal description set forth in the attached Warranty Deed and as shown on the attached aerial map (parcel B) provided by UDOT. Any costs or fees associated with the transaction to be borne by the receiving party.

Passed and adopted by the City Council at its regular meeting on the 22nd day of May, 2012.

ATTEST

CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Donald W. Wood, Mayor

VOTE OF THE COUNCIL

AYE:

NAY: