

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
October 23, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mike LeBaron Bruce Young	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Mark Shepherd	Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Scott Hodge Valerie Claussen Randy Goodnight Shane Richards Bob Wylie Nancy Dean Kim Read	City Manager Assistant City Manager City Attorney Public Works Director Development Services Manager Parks Superintendent Turf & Irrigation Manager Administrative Services Director City Recorder Deputy City Recorder

VISITORS: Alex Lawton, Betty Parker – Freeport Center, Shane Richards, Boy Scout Troop 486, Sara & Baxter King, Gus Salazar, Bridgette McEvoy, Breckell Saifua, Kalli McInelly, Austin T. , Weston C., Sabrina Frady, Chelsea Johnson, Caden Mahoney, Kaylie Millerberg, Brad Caldwell

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

Youth City Councilmember Aubree Matheson conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 25, 2012 WORK SESSION, THE OCTOBER 9, 2012 REGULAR SESSION AND THE OCTOBER 9, 2012 WORK SESSION

Mayor Wood announced the October 9, 2012 work session minutes were being withdrawn from approval until further review of the recording had taken place.

Councilmember LeBaron moved to approve the minutes from the September 25, 2012 work session, the October 9, 2012 regular session as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT FOR A FINAL SUBDIVISION PLAT KNOWN AS LIFETIME AT FREEPORT

This was a request from Freeport Center Associates to divide three parcels into four. The property was approximately 19.248 acres and was located in Freeport Center and no further impacts would occur to utilities, roads, and the site than what currently existed. The Planning Commission heard this item on October 3, 2012 and unanimously recommended approval.

Mayor Wood declared the public hearing open at 7:05 p.m.

Mayor Wood asked for public comments.

Betty Parker, Freeport Center, reported Lifetime Products currently owned two buildings and was also leasing two buildings from Freeport Center. She explained Lifetime desired to expand and had negotiated with Freeport Center to swap properties allowing it to invest funds in buildings it owned.

Vince Rodden, Lifetime Products, stated the expansion was a big deal for the company. He cited the proximity of all the buildings and explained the logic to invest in buildings it would own allowing Lifetime to continue keeping its headquarters in Clearfield City. He reported Lifetime employed approximately 1600 individuals. Councilmember Bush inquired about Lifetime's future plans for the company. Mr. Rodden responded this transaction would allow Lifetime to expand manufacturing as the need arose. He stated this would also allow Lifetime to use capital for manufacturing as opposed to facilities.

Councilmember Bush moved to close the public hearing at 7:13 p.m., seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDING TITLE 12, CHAPTER 4 AND CHAPTER 9, REVISING THE TIME FOR GUARANTEE OF SUBDIVISION IMPROVEMENTS FROM TWO YEARS TO ONE YEAR

State legislation was enacted in 2008 which revised State Code authorizing the time limits set for subdivision improvement guarantees. The City, by policy, had already modified processes and began requiring one year warranty periods instead of two. The proposed text amendment reflects the changes made to State Code.

Councilmember Young inquired about the potential impact to the City regarding the lesser time limit on subdivision improvements. Valerie Claussen, Development Services Manager, responded the City had been following the 2008 legislation mandate and indicated the Code did allow for two years under special circumstances. Brian Brower, City Attorney, commented in the

previous four years the City had been following the State Code and there hadn't been any difference recognized.

Councilmember Murray commented she hadn't read anything about extenuating circumstances under which the City could invoke a two year waiting period prior to accepting the improvements. Ms. Claussen responded the City Code didn't specifically state two years, but did reference State Code provisions under which two years were permitted.

Mayor Wood declared the public hearing open at 7:17 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:18 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

SCHEDULED ITEMS

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF A FINAL SUBDIVISION PLAT KNOWN AS LIFETIME AT FREEPORT

Councilmember Young moved to approve the final subdivision plat known as Lifetime at Freeport 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 and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF ORDINANCE 2012-11 AMENDING TITLE 12, CHAPTER 4 AND CHAPTER 9, REVISING THE TIME FOR GUARANTEE OF SUBDIVISION IMPROVEMENTS FROM TWO YEARS TO ONE YEAR

Councilmember LeBaron moved to approve Ordinance 2012-11 amending Title 12, Chapter 4 and Chapter 9, revising the time for guarantee of subdivision improvements from two years to one year and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF THE FINAL ACCEPTANCE FOR CLIFFORD PARK SUBDIVISION

Clifford Park, Phases 1, 2 and 3, were located in the vicinity west of 1000 West and south of 700 South. In accordance with Title 12, Chapter 9, of the Clearfield City Code, the city engineer completed the final inspection of the Clifford Park subdivision and found all improvements to have been installed correctly. The warranty period was over and the city engineer recommended final acceptance of the improvements for perpetual maintenance and a release of the escrow by the City Council.

Councilmember Murray moved to approve the final acceptance for the subdivision improvements at Clifford Park Phase 1, Phase 2, and Phase 3 for perpetual maintenance by the City and release of any remaining funds associated therewith in escrow to the developer 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 and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF ORDINANCE 2012-12 INCREASING THE PLANNING COMMISSION STIPEND

Staff completed a simple comparison between the City's current rate of compensation to that of surrounding jurisdictions for members of the Planning Commission. The comparison and possible increases were discussed during the September 25, 2012 City Council Work Session and it was determined an increase was in order.

Mayor Wood stated the volunteers on the Planning Commission were required to put in a tremendous amount of time completing site visits at their own expense, studying and contemplating the possible affects for future residents of the City.

Councilmember LeBaron explained as the Planning Commission liaison he has had the opportunity to work with the commissioners and expressed his opinion the increase was warranted. Councilmember Bush expressed agreement with Councilmember LeBaron's remarks and inquired when the new stipend would go into effect.

Nancy Dean, City Recorder, responded the Ordinance would be effective upon it being signed by the Mayor and posted throughout the City.

Councilmember LeBaron moved to approve Ordinance 2012-12 increasing the Planning Commission stipend and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF THE AWARD OF BID TO KILGORE CONTRACTING FOR THE 2012 CRACK SEAL PROJECT

Bids were received from five contractors to provide pavement crack sealing services on various streets throughout the City. Kilgore Contracting was the lowest responsible bidder with a bid amount of \$41,134.59. The city engineers have reviewed the bids and recommend awarding the contract for pavement crack seal services to Kilgore Contracting.

Adam Lenhard, City Manager, reported due to the amount of the bid the City would be able to complete the maintenance on more streets than originally anticipated.

Councilmember Bush inquired if completion of the project would be contingent upon the daily temperature associated with the weather. Scott Hodge, Public Works Director, responded it was desired to complete the project during the fall season and commented the cracks in the road opened up a bit with the cooler temperatures allowing them to be sealed. He hoped to have the project completed by the end of November.

Councilmember Young moved to approve the award of bid for crack sealing services of pavement on various streets throughout the City to Kilgore Contracting for the bid amount of \$41,134.59 and approve funding for the project for the bid amount of \$41,134.59; with engineering fees and contingency of \$17,000.00, for a total project cost of \$58,134.59 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF THE AWARD OF BID FOR THE WEST PARK VILLAGE PARK PROJECT

Bids were received from seven contractors for the West Park Village Park Project with the lowest responsible bid of \$47,748.00 from Merrill Sherriff Construction. The city engineers have reviewed the bids and recommend awarding the contract for the West Park Village Park Project to Merrill Sheriff Construction, Inc.

Adam Lenhard, City Manager, suggested revising the recommendation from what had been published in the agenda to reflect contingency and engineering fees of \$7,162 for a total project cost of \$54,910.

Councilmember Bush moved to approve the award of bid for the West Park Village Park Project to Merrill Sheriff Construction for a bid amount of \$47,748, contingency and engineering fees of \$7,162 for a total project cost of \$54,910 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 and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF RESOLUTION 2012R-20 ACCEPTING THE NEW CERTIFIED TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT (NDFD)

After review and study of the budgetary needs and requirements of the North Davis Fire District (NDFD) and the Decision and Order of the Utah State Tax Commission dated September 25, 2012, the Administrative Control Board determined that the certified tax rate of .001467 on all taxable property lying and being within the corporate boundaries of the NDFD for the 2012 taxable year is necessary and desirable. The request for approval of .001467 as the certified tax rate was now before the Clearfield City Council, as the governing body for the NDFD, for its consideration.

Brian Brower, City Attorney, explained upon the creation of the North Davis Fire District (NDFD) in 2005, the District would only be able to levy a tax up to the rate of .0014. He continued the certified tax rate for the 2012 tax year was .001467 and exceeded the maximum amount of .0014. Mr. Brower explained the definition of the certified tax rate being the same amount of revenue as was budgeted for the previous year. He emphasized in 2005 the designated rate of .0014 was approved by the voters. He stated the difference between the rates was approximately \$90,000 for the NDFD. He reported the property tax division informed the NDFD it would not be allowed to utilize the certified tax rate because it was in excess of the authorized amount of .0014. He stated NDFD appealed that determination to the State Tax Commission which recently issued its findings of fact and decision that based upon State Statute which allowed a taxing entity to exceed the taxable amount that would otherwise be allowed by law only if the amount was less than the certified tax rate. He stated the decision allowed the NDFD to impose the .001467 tax rate for 2012. He pointed out the Clearfield City Council was the governing body and would therefore have to adopt the NDFD's certified tax rate. He reminded the Council it had previously adopted a tax rate of .0014.

Adam Lenhard, City Manager, mentioned for every \$100,000 assessed value it would equate to an additional \$6.70 for the residential property owner.

Councilmember Bush inquired why a cap was originally designated when the NDFD was created. Mayor Wood expressed his opinion that when the NDFD was established no one could have predicted the recent economic downturn and assessed property values decreasing so significantly. He believed the Council's action would adjust the rate which would keep the NDFD revenue neutral.

Councilmember Murray explained her understanding for the rate being capped at .0014 upon the creation of the NDFD. She stated it was because Davis County had calculated a rate based upon what the City was contributing to the Fire Department/Station at that time. She emphasized the City Council was adamant the NDFD would not be raising taxes on the City's residents for the establishment of the NDFD. She pointed out one of the reasons the Tax Commission approved the .001467 tax rate, was based upon the history of the City keeping the NDFD revenue neutral.

She continued if the certified tax rate of .001467 weren't approved the NDFD could potentially lose \$90,000 of revenue per year and expressed her opinion the Administrative Board had been fiscally conservative in the past regarding the budget.

Councilmember LeBaron pointed out the NDFD always operated with a lean budget, yet served the cities and areas extremely well.

Mr. Brower mentioned he had expressed concern with Davis County relative to the timing of the change because property tax notices would soon be mailed out to residents. He indicated once the State Tax Commission had made a decision regarding the appeal; the correction was quickly made prior to those notices being printed. He pointed out the notices would reflect the .001467 tax rate even though it was still up to the governing body to adopt certified tax rate.

Councilmember Bush expressed appreciation to those who made comments further clarifying the issue. Mayor Wood commented there was additional language in State Code which allowed the Tax Commission the ability to increase the rate to allow the NDFD to remain revenue neutral.

Councilmember Bush inquired when the rate would go into effect. Mayor Wood stated property taxes were due November 30 and reminded the Council commercial properties paid one hundred percent of the assessed value. He reviewed the additional consequences in getting the notices out to the public.

Councilmember Young believed the City wouldn't be able to expect the level of service it had come to expect from the NDFD if it didn't receive the necessary funds to operate.

Councilmember LeBaron agreed and believed the Council owed it to the residents to maintain the level of service they had come to expect.

Mr. Lenhard clarified the Davis County Assessor had the responsibility of collecting the taxes; therefore, if the Council adopted a different tax rate it would be his responsibility to make adjustments for any excess collected funds.

Councilmember Murray moved to approve Resolution 2012R-20 accepting the new certified tax rate of .001467 for the North Davis Fire District (NDFD) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Le Baron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF ORDINANCE 2012-13 AMENDING THE CONSOLIDATED FEE SCHEDULE

The current rental dwelling license fees were based on an analysis of residential calls for service from the years 2006-2009. City staff recently updated the analysis to include all calls for service data from 2010 and 2011. The additional research suggested that the fee schedule should be modified.

Councilmember Bush inquired if the Consolidated Fee Schedule should reflect the proposed fees as per unit. Mr. Lenhard agreed with Councilmember Bush's proposal and directed staff to make that modification to the Consolidated Fee Schedule. Brian Brower, suggested those revisions be included in the motion.

Councilmember Young moved to approve Ordinance 2012-13 amending the Consolidated Fee Schedule pursuant to the data in the 2012 report on calls for service of residential units including Councilmember Bush's suggestion of the designation "per unit" and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Wood – reported he was continuing to meet with UTA (Utah Transit Authority) and UDOT (Utah Department of Transportation) regarding possible reconfiguration of 1000 East in association with development of the rail site.

Councilmember Bush

1. Reported he had attended the Parks & Recreation Commission meeting on Wednesday, October 10, 2012 and the North Davis Sewer District meeting on Thursday, October 11, 2012.
2. Informed the Council that he had received some Thank You's regarding the 700 South 1000 West intersection improvements.

Councilmember LeBaron – nothing to report.

Councilmember Murray – commented on the demolition of the buildings located on the salvage yard property at the corner of Center Street and Main Street. She expressed her opinion the property looked nice.

Councilmember Young – Reminded the Council the Youth City Council would be conducting a professional dress clothing drive in which collected items would be donated to the homeless shelter. He stated items could be dropped off to Natalee Flynn on the third floor, himself or any Youth City Councilmember.

Adam Lenhard, City Manager – nothing to report.

STAFF REPORTS

Nancy Dean, City Recorder

1. Informed the Council a work session was scheduled for Tuesday, October 30, 2012. She reminded the Council no meeting was scheduled for Tuesday, November 6, 2012.
2. She announced early voting was taking place at various locations throughout the County and encouraged everyone to vote.
3. Reminded the Council of the invitation to attend the open house and ribbon cutting ceremony for the new Davis County Building on Friday, November 9, 2012. She stated the ceremony was scheduled to begin at 6:00 p.m. and tours would begin at 6:30 p.m.

Valerie Claussen, Development Services Manager

1. Informed the Council that October was designated Community Planning Month.
2. Reminded the Council she was accepting letters of interest for Planning Commission vacancies until Thursday, November 15, 2012.

There being no further business to come before the Council **Councilmember LeBaron moved to adjourn at 7:58 p.m., seconded by Councilmember Murray. All voting AYE.** Councilmember Shepherd was not present for the vote.

**APPROVED AND ADOPTED
This 13th day of November, 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, October 23, 2012.

/s/Nancy R. Dean, City Recorder