

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
June 11, 2013 – REGULAR SESSION

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.

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION

Discussion on an Update to the Sewer Capital Facilities Plan
Discussion on the Bid Award for 1450 South Sewer Project
Discussion on the Bid Award for a Website Content Management System
Discussion on Improvements to the Community Arts Center Building

(Any items not addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session.)

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

7:00 P.M. REGULAR SESSION

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Councilmember Shepherd

APPROVAL OF THE MINUTES:

April 16, 2013 – Work Session

May 28, 2013 – Work Session

May 28, 2013 – Regular Session

PRESENTATION:

1. **PRESENTATION BY THE FAMILY CONNECTION CENTER**

BACKGROUND: Gene Lopez, Community Action Director, from the Family Connection Center is present to express appreciation for support of the Sub for Santa Program.

PUBLIC HEARING:

2. **PUBLIC HEARING TO RECEIVE COMMENT ON THE 2013/2014 FISCAL YEAR BUDGET**

BACKGROUND: Utah Code requires cities to hold a public hearing regarding the adoption of the upcoming fiscal budget. The City staff has prepared and submitted to the Council a balanced tentative budget for the fiscal year 2013/2014 which begins July 1, 2013 and ends June 30, 2014. The submitted tentative budget was adopted on May 14, 2013 and includes all funds.

RECOMMENDATION: Receive public comment and close the public hearing.

SCHEDULED ITEMS:

3. CITIZEN COMMENTS

4. CONSIDER APPROVAL OF THE REVISED SANITARY SEWER CAPITAL FACILITIES PLAN

BACKGROUND: The existing Sanitary Sewer Capital Facilities Plan was adopted by the City in October 2008. The intent of the Sanitary Sewer Capital Facilities Plan is to assist the City in planning, prioritizing and identify funding sources for capital improvements to the City's sanitary sewer system. The Sanitary Sewer Capital Facilities Plan is a City wide report identifying construction and/or replacement/upgrade of any inadequate sewer facility. It provides cost estimates, a general construction time schedule and possible funding sources for the implementation, upgrade and replacement of the identified sanitary sewer capital improvements.

RECOMMENDATION: Approve the revised Sanitary Sewer Capital Facilities Plan and authorize the Mayor's signature to any necessary documents.

5. CONSIDER APPROVAL OF THE AWARD OF BID TO STAKER PARSON COMPANITES FOR THE 1450 SOUTH STREET WATER AND SEWER PROJECT

BACKGROUND: Bids were received from six construction companies to construct culinary water and sanitary sewer improvements on 1450 South Street. The proposed improvements consist of installing a new 16-inch PVC transmission water line to replace the old 16-inch transit (asbestos) transmission water line; installing a new 8-inch PVC water distribution line in 1450 South from State Street to 1500 East Street; and, installing a new 12-inch PVC sewer line to replace the existing 8-inch sewer line in 1450 South from State Street to 1500 East Street. The lowest responsible bid was received from Staker Parson Companies with a bid of \$710,852.00

RECOMMENDATION: Approve the award of bid to Staker Parson Companies for the 1450 South Street Water and Sewer Improvement Project for the bid amount of \$710,852 and approve funding of the project for the bid amount of \$710,852 with contingency and engineering costs of \$118,148 for a total project cost of \$829,000; and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF RESOLUTION 2013-09 AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE MILITARY INSTALLATION DEVELOPMENT AREA (MIDA) FOR MUNICIPAL SERVICES AGREEMENT

BACKGROUND: The Military Installation Development Authority (MIDA) is an independent, nonprofit, separate body corporate and politic of the State of Utah. It has created the Falcon Hill Project Area which is located on the west side of Hill Air Force Base. MIDA has authority to contract with another entity to provide necessary municipal services for the project area. The City is willing to provide some of those services as agreed upon. The MIDA board approved the Interlocal Agreement on June 4, 2013.

RECOMMENDATION: Approve Resolution 2013-09 authorizing the Interlocal Agreement with the MIDA (Military Installation Development Area) to provide municipal services for the Falcon Hill Project Area and authorize the Mayor's signature to any necessary documents.

7. SET A PUBLIC HEARING TO RE-OPEN THE 2012/2013 FISCAL YEAR BUDGET

BACKGROUND: The Council requested that the budget be re-opened on a semi-annual basis to add items that have become necessary expenditures but were not budgeted for in the original budget. A public hearing is required to re-open the budget. The staff is recommending the public hearing be set for June 25, 2013.

RECOMMENDATION: Set a public hearing for June 25, 2013, at 7:00 P.M., to re-open the 2012/2013 fiscal year budget.

COMMUNICATION ITEMS:

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

****ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA****

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE APRIL 16, 2013 WORK SESSION, MAY 7, 2013 WORK SESSION AND THE MAY 14, 2013 WORK SESSION

PUBLIC HEARING:

2. PUBLIC HEARING TO RECEIVE COMMENT ON THE CDRA 2013/2014 FISCAL YEAR BUDGET

BACKGROUND: Utah Code requires a public hearing regarding the adoption of the CDRA's upcoming fiscal budget. Staff has prepared and submitted to the Board a balanced tentative budget for the fiscal year 2013/2014 which begins July 1, 2013 and ends June 30, 2014. The submitted tentative budget was adopted on May 14, 2013 and includes all funds.

RECOMMENDATION: Receive public comment and close the public hearing.

SCHEDULED ITEM:

3. SET A PUBLIC HEARING TO RE-OPEN THE 2012/2013 FISCAL YEAR BUDGET

BACKGROUND: The Board requested that the budget be re-opened on a semi-annual basis to add items that have become necessary expenditures but were not budgeted for in the original budget. A public hearing is required to re-open the budget. The staff is recommending the public hearing be set for June 25, 2013.

RECOMMENDATION: Set a public hearing for June 25, 2013, at 7:00 P.M., to re-open the 2012/2013 fiscal year budget.

****ADJOURN AS THE CDRA****

Dated this 6th day of June, 2013.

/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
April 16, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	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
	Curtis Dickson	Community Services Deputy Dir.
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Jerry Stevenson – Senator, Alicia Emery

Mayor Wood called the meeting to order 6:10 p.m.

LEGISLATIVE UPDATE BY UTAH STATE SENATOR JERRY STEVENSON

Mayor Wood explained historically invitations had been extended to Utah State Senators and Representatives to share an update regarding issues or new bills pertinent to the City upon completion of the Legislative session.

Jerry Stevenson, Senator, commented he had enjoyed listening to the radio ads and billboards associated with the City’s marking campaign. He reported education had been treated very well during the most recent legislative session. He also mentioned the Legislature had been very conscious with spending and one-time funding options.

Councilmember Shepherd arrived at 6:15 p.m.

Senator Stevenson informed the Council he was currently the Assistant Appropriations Chair. He shared information regarding his bill specific to education. He expressed his opinion it was a great legislative session.

Mayor Wood expressed concern regarding bills from the previous ten years which he believed imposed upon the management of affairs specific to municipalities. He believed all cities and

towns were unique in challenges and expressed his concern that broad legislation was not effective or in the best interest of all municipalities. He believed the local elected officials were just as duly elected as the legislators and had a better understanding of how to address the needs of their individual municipalities. Senator Stevenson agreed with Mayor Wood's concerns and shared how he would like to be contacted during the legislative session. He believed the Utah League of Cities and Towns generally did a good job in representing municipalities' interests during the session. He encouraged the Council and staff to contact him with specific concerns regarding proposed bills and legislation.

Senator Stevenson left the meeting at 6:35 p.m.

PARKS AND RECREATION COMMISSION INTERVIEWS

The City Council interviewed Alicia Emery for consideration for the Parks & Recreation Commission vacancy.

DISCUSSION ON PARKS AND RECREATION COMMISSION VACANCIES

The Council discussed appointing Alicia Emery to the Parks & Recreations Commission and directed staff to proceed with the appointment.

DISCUSSION ON SPECIAL EVENTS PERMIT PROCESS AND POLICY

Eric Howes, Community Services Director, reported he had received numerous applications for a variety of special events to take place within the City and indicated those events presented challenges to City staff. He suggested adoption of a special events permit process and policy to address the challenges. He believed the current policy was not currently well defined and believed the new policy would be beneficial to applicants in educating them on what to expect throughout the process. He distributed a handout and directed the Council to Section 2 paragraph b and explained there wasn't a current policy to charge anything in the form of an application fee. He explained such a fee could cover any administrative costs associated with reviewing the application and determining what kind of support the event would need from the City.

Adam Lenhard, City Manager, commented philosophically it would be the idea that those creating the demand would be paying for the service. Mr. Howes stated the current policy assessed fees based on what was needed for the event and the City determined that cost. He believed most cities assessed a fee for the review process and shared an example of what took place during the review process.

Mr. Howes explained the difference between the application process and the support fee. He reviewed different types of events and it's corresponding designated event "levels". Mr. Lenhard suggested the inclusion of "use of a City street or facility or right of way" as part of a Level 1 event. He believed it would be an appropriate trigger for an event that took place on City property or within the right of way.

Councilmember LeBaron suggested the elimination of the number of attendees as a trigger but rather determining the level of the event based on the services which needed to be provided by the City. Mayor Wood expressed agreement with Councilmember LeBaron's suggestion but inquired how the fee would be assessed. Councilmember LeBaron then suggested the fee structure could be similar to pavilion rentals in that a maximum fee was assessed with a portion of it being refunded if the level of activity was modified by staff. Councilmember Young suggested assessing the fee on the back-end of the application. Mr. Howes pointed out the problems associated with collection of any fee on the back-end if event organizers backed out and changed their mind. Councilmember Bush suggested assessing a basic fee up front and then assessing a permit fee once the level designation had been determined by staff.

Mayor Wood expressed concern the insurance clause was cost prohibitive and would be a deterrent discouraging events from coming to the City. A discussion took place regarding other insurance options for organizers of special events. Brian Brower, City Attorney, pointed out the more involved the City was with issuing a permit, the more important the issue of insurance became on behalf of the event organizer. A discussion took place regarding the purpose of City Parks and the fact that tax dollars funded those parks and how much of the use should be borne by the entire community. Councilmember Young remarked the City should only be involved inasmuch as needed in order to provide services and suggested assessing fees a la carte such as closing a road. Councilmember Young believed the new special events policy should not have to include the City's involvement unless the involvement of City services was imperative to the special event. Mayor Wood reported on information he was able to access online specific to liability insurance. A discussion took place regarding insurance for different types of events.

Mr. Howes reported it was his intent to take the City's current policy and modify it to what had been done in the past while implementing insurance requirements. JJ Allen, Assistant City Manager, inquired when governmental immunity would be applicable. Mayor Wood inquired as to what point the City's liability insurance would not be applicable. Mr. Brower shared an example and believed if there were any negligence on behalf of the City, it would be held responsible to some extent.

Mr. Brower suggested a discussion take place between Bob Wylie, Administrative Services Director, and the City's insurance carrier to possibly reconsider the proposed policy. Mr. Howes reported this particular issue had been addressed at his recreation conference and believed the proposed policy was reflective of most cities.

Councilmember Shepherd shared first-hand knowledge of information specific to his involvement with an event in a neighboring City and believed the amount for liability insurance was high; however, those fees had been spread out evenly among the booth rentals. Councilmember Murray expressed concern the cost of insurance would discourage charitable types of events. Councilmember LeBaron suggested the City sponsor a specific number of events and allow the City's insurance to cover the event. Councilmember Murray didn't want to discourage charitable types of events from taking place within the City. Councilmember Young suggested the City look at other suggestions for some of the smaller events and believed the City's proposed policy should be reconsidered. The Council directed staff to consider other options and bring a modified policy to the Council at a future meeting.

The City Council took a break at 7:30 p.m.

The meeting resumed at 7:36 p.m.

UPDATE ON THE RETAIL LEAKAGE STUDY AND ANALYSIS

JJ Allen, Assistant City Manager, explained retail leakage reflected Clearfield residents purposely driving to neighboring cities to purchase goods and services because they weren't available within Clearfield. He stated the City had completed an RFP (Request for Proposal) process and reported the selection committee had selected Buxton as the best vendor. He reviewed the process used by Buxton and how the data would be compiled. He reported the item would be considered by the CDRA (Community Development and Renewal Agency) Board during the April 23, 2013 CDRA meeting.

Adam Lenhard, City Manager, stated after sitting through the presentation he believed the value offered by Buxton was exceptional given the type of information which would be provided and could be used to entice retailers to the City. A discussion took place regarding the information and how it would be used to promote economic development. Councilmember LeBaron inquired about Buxton's success rate and expressed concern regarding the data. He suggested the City should desire a percentage of results from the chosen company. A discussion took place regarding how Buxton measured its success rate. Mr. Allen stated Buxton not only consulted for municipalities but also for retailers using the same methodology and reported on some of the specifics which would be considered in the study. Mayor Wood believed the opportunity to the City in working with a nationally recognized company would be significant. Councilmember LeBaron believed if Buxton were as successful as its presentation indicated it should be willing to provide information requested from the City.

Mr. Lenhard shared specifics from the presentation that led staff to believe Buxton understood the challenges experienced by the City in conjunction with its proximity to Riverdale, Layton, Clinton and Syracuse cities. He stated Buxton believed it could provide something beneficial to the City. Councilmember Young believed the City should enter into the project with a clear idea of expectations and what it desired of the end product and expressed his belief the information could be beneficial to the development of the rail stop and Legend Hills areas.

Councilmember Bush suggested contacting some of the references provided by Buxton and asking them key questions as to how the provided information was successful. The Council expressed agreement and directed staff to do that. Mr. Allen referred to information he provided in the memo and how the City could access information in the twelve months following their completion of the project.

Mayor Wood pointed out the provided information could not be determined in house and expressed his confidence in Buxton.

The Council directed staff to proceed with approval and execution of the contract once references had been verified.

DISCUSSION ON THE CONSOLIDATED FEE SCHEDULE

Greg Krusi, Police Chief, reviewed the current fees in the Consolidated Fee Schedule and proposed fees specific to the police department with the Council. He distributed a handout reflecting a comparison of alarm fees and other Police Department fees from neighboring municipalities. Nancy Dean, City Recorder, explained the City should be prepared to justify the cost associated with providing a record. She suggested the fee should be in line with the "real cost" of providing the record. A discussion took place specific to the fee associated with obtaining a copy of a police report if the party were somehow involved. Brian Brower, City Attorney, distributed a handout reflecting a proposal to create discovery fees associated with the Court and Legal Department. He explained the statutes associated with the release of some information which could not be obtained through the Police Department and reviewed the proposed fees. He expressed his opinion the proposed fees were similar to other entities. He suggested the Council remember some of the individuals requesting police reports had a criminal case against them, and that constituted their involvement.

Councilmember Murray didn't believe the victim of a crime should have to pay for a police report in order to obtain necessary information. Councilmember Young expressed agreement with Councilmember Murray. Mayor Wood also believed information should be available to the victim.

Mr. Brower pointed out the difference in requests made by alleged perpetrator and individuals who might have actually been charged with a crime. A discussion took place regarding police report fees. Chief Krusi summarized that the Council desired to keep police report free if the requesting individual was involved; however, that individual's insurance company would be assessed a fee. Councilmember Bush suggested Mr. Brower's fee for a DVD be increased to \$25.

Chief Krusi reviewed the proposed implementation of the \$58 hourly rate for police contract services. He explained recent legislation limited an officer's ability to perform outside work in contract police services without being paid through the municipality. He explained the legislation created a need for the School District to contract with the City for extra security at high school sporting events. He continued the hourly rate was established at \$58 per hour. Chief Krusi suggested the fee should be added to the Consolidated Fee Schedule. The Council was in agreement with the fee.

Chief Krusi also distributed study results associated with police calls due to alarms. He reviewed the proposed implementation of a false alarm fee with the Council. He explained the Police Department had responded to approximately 1600 alarms with ninety eight percent of those being false alarms. He stated the alarm policy had not yet been drafted because staff was looking for direction from the Council. He directed the Council to the portion of the study which showed false alarm fees set by other municipalities. He suggested the implementation of a policy similar to Layton City's in which a \$50 fee was assessed on the third alarm on a quarterly basis. Councilmember Young inquired as to the City's cost associated with a false alarm. Chief Krusi responded the \$100 fee was significantly less than the actual cost to respond in such cases.

Mayor Wood expressed concern about the assessment of an annual alarm fee being collected up front during the business license process but agreed with the implementation of a false alarm fee. A discussion took place regarding the proposed alarm fee. Valerie Claussen, Development Services Manager, commented it wouldn't be cumbersome to collect a fee during the business license process. The Council determined to request information as to whether a business had an alarm during the business licensing process and assessing additional false alarm fees on a quarterly basis.

Valerie Claussen, Development Services Manager, distributed a handout regarding GIS (Geographical Information Systems) data pricing and digital data disclaimer. She explained the disclaimer would be specific to the requested date which would be signed by the requestor which addressed the following:

- The data was only as good as the data collected
- The City wouldn't verify the accuracy
- Data was intended for personal purposes and distribution for commercial purposes was prohibited

She reviewed proposed fees associated with GIS data pricing and comparisons from neighboring communities and pointed out the City's proposal was in line with other communities. The Council expressed agreement with the proposed fees.

Eric Howes, Community Services Director, distributed three separate handouts regarding fees included in the Consolidated Fee Schedule. He mentioned a question had been asked specific to perpetual care during a City Council in March. He clarified the perpetual care fee was now included in the purchase price of the cemetery plots and was recommending that fee be eliminated from the Consolidated Fee Schedule.

Mr. Howes reminded the Council of the agreement between the City and North Davis Junior High allowing the faculty to use the Aquatic Center at a discounted rate. He explained when the Council approved the agreement it requested statistics be provided at a later date. Mr. Howes referred to the handout reflecting the Corporate/Business membership group discount rates. He emphasized the rates were only available if the business was located in Clearfield City. He reviewed the rates on the handout and a discussion took place. He pointed out the businesses that brought in more than 30 members were still paying more than the resident rate even with the discount. He requested direction from the Council on the proposed rates. A discussion took place.

Councilmember Young expressed concern a group of individuals that had memberships to the Aquatic Center while working for the same company located within the City could participate as a group in order to obtain a reduced discount membership. He believed the goal should be to increase new memberships for the Aquatic Center instead of offering discounts to those that already had memberships which would increase revenue.

JJ Allen, Assistant City Manager, inquired if membership payments would be paid by the business and not the individual. Mr. Howes responded it could work either way and believed billing the third party or business wouldn't be difficult once the new software had been

purchased and implemented. Councilmember Young suggested the elimination of the discount specific to 5-9 members. The Council was in agreement with that proposal and the remaining suggested fee schedule and discounts. Mr. Howes stated he would remove that classification for the discounted rate.

Mr. Howes distributed the pyramid handout regarding the pricing and cost recovery pyramid specific to programs offered through the Community Services Department and reviewed the pyramid with the Council. Curtis Dickson, Community Services Deputy Director, shared the spread sheet with the Council reflecting costs and revenues associated with each program which identified the percentage of the self-sufficiency of the program. He reported the shared data was the beginning of the process and stated the same data would be collected for all recreation programs. He shared an example of a specific program and how the collected data would assist in designing programs in such a way that they would have a positive cost recovery. He shared the challenges associated with collecting the data specific to programs offered at the Aquatic Center.

Mayor Wood expressed his opinion providing recreational opportunities for the youth in the community shouldn't be lost by becoming so focused on a cost recovery model. He stated the youth of the community should never be excluded from the benefits of participating in City programs while youth from neighboring communities participated in recreational opportunities due to the disparity of household incomes. A discussion took and the Council agreed with Mayor Wood's comments. Councilmember Young pointed out the disparity between resident and non-resident participants in swimming lessons offered at the Aquatic Center and reported on the difficulty in registering for swimming lessons. He suggested those non-resident fees be increased. Mr. Howes stated it was the City's obligation to provide services to its residents as opposed to neighboring cities and it was his staffs' responsibility to find a way to do that by establishing a funding mechanism to do so.

Mr. Howes welcomed input and feedback from the Council on the model pyramid.

Councilmember LeBaron moved to adjourn as the City Council and reconvene as the CDRA in a work session at 9:00 p.m., seconded by Councilmember Young. All voting AYE.

The minutes for the CDRA are in a separate location

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
May 28, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	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
	Bob Wylie	Administrative Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Holly Floto, David Nelson – Special Needs Mutual

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

REVIEW OF THE HEARING OFFICER'S FINDINGS, CONCLUSIONS AND
RECOMMENDATION FOR THE APPEAL BY A PARTICIPANT IN THE GOOD
LANDLORD PROGRAM

Brian Brower, City Attorney, reported the findings, conclusions and recommendation for the appeal by Oakstone Apartments had been received earlier in the day. He reminded the Council that Oakstone Apartments was owned and managed by Cowboy Properties. He explained a new manager failed to provide proof of the training required to participate in the Good Landlord Program. He indicated the City's Business License Official had sent out notices reflecting the need to complete and provide proof of the training on behalf of the manager or it would be removed from the Good Landlord Program; however, the new manager didn't understand the significance of the requirement until the invoice arrived reflecting it owed \$12,000 for the difference of the disproportionate fee and discounted fee. He continued even at that point the manager failed to notify the ownership of the circumstances and once the City was aware of that, staff notified the main office in Salt Lake.

Mr. Brower reported individuals within the management had successfully completed the necessary training and negotiations with the company had resulted in a \$300 fine for non-compliance. He indicated the new manager would be completing the necessary trainings required

by the Good Landlord Program. He suggested the Council needed to determine if it would be accepting of the fact that managers within the organization had completed the required training.

Mayor Wood inquired how the \$300 fine had been determined. Mr. Brower responded it was Staff's belief the amount would cover the costs incurred by the City due to Oakstone being non-responsive.

Mr. Brower believed the findings, conclusions and recommendations were straight forward.

DISCUSSION ON THE PACIFIC PARK STORM SEWER PROJECT

Scott Hodge, Public Works Director, informed the Council Pacific Park was a cul-de-sac subdivision off of Pacific Street. He explained when the subdivision was developed a retention pond had been created for storm drainage which would eventually have a designated outfall line completed with future development. He stated future development never occurred and the City now desired to complete the outfall line to property located on the west side of the subdivision and create a detention basin. He pointed out easements would be obtained for a storm drain outfall line in order to complete the detention basin. He reported the City Engineer's estimate for the project was approximately \$36,000 and indicated there was \$33,000 held in escrow that could be used for the project. He continued the City would need an additional approximately \$8,000 for completion of the project with the inclusion of engineering and bid costs.

Mayor Wood asked if the City had any recourse against the developer if the project was originally the developer's responsibility. Adam Lenhard, City Manager explained there was no other recourse and reported there were other issues regarding the development which would need to be addressed in the future. Mayor Wood inquired how the easements were being obtained. Mr. Hodge responded the City had obtained easements from neighboring properties for \$100 each. Mr. Lenhard stated new policies and practices had been implemented which would negate a similar experience from happening in the future.

DISCUSSION ON THE PACIFIC PARK PLAT AMENDMENT

Valerie Claussen, Development Services Manager, pointed out the amendment to the Pacific Park Plat eliminated the "common lot" area and divided it among the property owners to the north and the south. She stated the property owners to the north had indicated they would be responsible for maintenance of the detention basin, while the City retained the easement of the property.

Councilmember Murray inquired if curb and gutter improvements would also be completed. Mr. Lenhard responded staff would be directing the City Engineer to complete a walk through and assemble a "punch" list of any remaining items which would need to be completed with an associated cost estimate and report the information to the Council at a later date.

DISCUSSION ON THE 2013 MUNICIPAL ELECTION

Nancy Dean, City Recorder, reminded the City of the previous discussion regarding a vote by mail election. She informed the Council that the Davis County Elections office contacted the municipalities with the prospect of a new all by mail proposal. She announced Davis County was prepared to cover all any additional costs over its currently contracted fees created by conducting an all by mail election for the General Election. She continued the County would be consider covering the additional costs associated with an all by mail election specific to the Primary Election on a case by case basis. Ms. Dean stated if the Council agreed to the all by mail General Election she would recommend its approval be contingent upon including the additional costs for an all by mail Primary Election. Ms. Dean expressed concern about the City conducting two different types of election; traditional and by mail election. She recommended both elections, the Primary and General Election, be the same whether that was traditional or by mail.

She reported statistically an election by mail had a greater turnout and it would eliminate the need for early voting. She explained Davis County desired enough participation from different municipalities to gather data for a study being conducted by the Lieutenant Governor's Office.

Ms. Dean reviewed the process regarding a ballot by mail election with the Council explaining how the signature would be verified. She explained the process for ballots that could not be delivered by the Post Office. She reported election results would be published at 8:00 p.m. on election night.

Councilmember Murray expressed concern about residents mistaking the official ballot for junk and asked how people would know their correct precinct. Ms. Dean responded the precinct did not appear on the ballot; however, it was available online or by calling City Hall.

Councilmember Bush inquired if next year's State election would be an electronic election. Ms. Dean responded she wasn't sure about that and believed data obtained by the County would be considered in making that determination.

Councilmember Young expressed concern about advertising or educating the public about an all by mail election. Councilmember LeBaron expressed his opinion if the State wanted to conduct an experiment specific to the election process, it should be mandated statewide educating voters the entire previous year. A discussion took place discussing the pros and cons associated with a vote by mail election.

Councilmember Bush pointed out residents could vote by mail now if they so desired and expressed concern regarding the removal of a citizen's agency to physically vote at a polling location to exercise their voting rights. Ms. Dean emphasized the City could opt for one polling place in addition to the vote by mail election and another discussion took place. Ms. Dean pointed out a vote by mail election appealed to the Generation X demographic because those individuals could research the candidates online and exercise their right to vote in their own time frame.

Councilmember LeBaron continued to express concern about educating the voter about receiving a ballot by mail. Councilmember Bush commented he couldn't support the by mail election because he believed it removed citizens' options. Councilmember Murray stated she liked the current election process. Councilmember Shepherd was in support of the by mail election but agreed an education campaign would be vital to the election. Councilmember Young stated he liked the idea of voting by mail but believed a traditional election should take place this year because he didn't believe there was sufficient time to educate voters. The Council determined the upcoming election should be conducted the same as in years past.

DISCUSSION ON A MUNICIPAL SERVICES AGREEMENT WITH MIDA (MILITARY INSTALLATION DEVELOPMENT AREA)

Adam Lenhard, City Manager, reported the MIDA Board would be reviewing the City's proposed agreement to provide municipal services to a portion of Falcon Hill during its meeting on Tuesday, June 4, 2013. He reported the City had received an annexation plat of approximately 50 acres which was in the process of being reviewed by City staff. He stated a verbal agreement specific to fee had been reached.

Councilmember Murray asked if no police services would be provided. Mr. Lenhard responded the City would be providing limited traffic enforcement and officers would respond when requested and an hourly rate would be applicable for those services. He stated the majority of services were specific to Public Works but pointed out there would be some business licenses and permits issued.

Mayor Wood suggested the need for a representative of the City staff to attend the meeting as he would be out of town. Mr. Lenhard responded he would attend the meeting.

The meeting adjourned at 6:50 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
May 28, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	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
	Bob Wylie	Administrative Services Director
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Steven Tucker, Dan Wood

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.

Councilmember LeBaron conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE APRIL 2, 2013 WORK SESSION, THE MAY 7, 2013 WORK SESSION, THE MAY 14, 2013 WORK SESSION AND THE MAY 14, 2013 REGULAR SESSION

Councilmember Bush requested a correction to the May 14, 2013 regular session minutes. He mentioned his communication items reflected on page 8 there were two items identified as number four and requested his comments be renumbered.

Councilmember LeBaron moved to approve the minutes from the April 2, 2013 work session, the May 7, 2013 work session, and the May 14, 2013 work session as written and the May 14, 2013 regular session as amended, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT ON AMENDING THE CITY'S IMPACT FEE ORDINANCE

Brian Brower, City Attorney, explained amendments to the City's Impact Fee ordinance had been prepared. The amendments included moving the chapter to its own title, modifying language to reflect recent changes in the Parks and Recreation Impact Fee previously adopted by the Council, eliminating the Roadway Impact Fees, and updating certain provisions in order to continue meeting statutory requirements. He explained why the Roadway Impact Fees had been eliminated.

Mayor Wood declared the public hearing open at 7:08 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:09 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PUBLIC HEARING TO CONSIDER THE REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET FROM C-2, COMMERCIAL, AND M-1, MANUFACTURING TO MU MIXED USE - CONTINUED

Valerie Claussen, Development Services Manager, explained the rezone was a request by Michael Christensen, on behalf of Thackeray Company, for a rezone of approximately 72 acres located at approximately 1250 South State Street to facilitate the Clearfield Station development. Items had been identified by Staff and the applicant which needed to be addressed prior to action and a recommendation by the Planning Commission. The Planning Commission opened the public hearing at its May 1, 2013 meeting and continued the request to be heard at its June 5, 2013 meeting. The applicant requests the public hearing be continued until June 11, 2013.

Mayor Wood declared the public hearing open at 7:10 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Seeing none present who wanted to speak at the public hearing, at 7:11 p.m., **Councilmember Young moved to continue the public hearing until June 11, 2013, 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 NO – None.**

PUBLIC HEARING TO CONSIDER AN AMENDED SUBDIVISION PLAT FOR PACIFIC PARK AMENDED NO. 2 LOCATED AT APPROXIMATELY 200 NORTH AND PACIFIC STREET

Valerie Claussen, Development Services Manager, explained the Pacific Park Amended Subdivision Plat was recorded with Davis County in October 2006. The development and its associated improvements were never appropriately completed. The escrow monies had been requested by the City and were being used to initiate the second amended plat to correct existing conditions that did not meet City standards. One of the critical uncompleted improvements identified was an adequate stormwater facility for the development. The proposed amended plat would take the existing 'common' parcel and divide it between two adjacent property owners directly to the north and south with the lot to the north assuming maintenance responsibilities for the detention pond. Several inquiries had been received regarding the amended plat. The Planning Commission recommended approval.

Mayor Wood declared the public hearing open at 7:11 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:11 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

SCHEDULED ITEMS

CITIZEN COMMENTS

Dan Wood, resident, expressed appreciation to the mayor and councilmembers that had taken an interest pertaining to the 350 West closure from the May 7, 2013 meeting. He stated UDOT had explained it was too late for them to modify its plans associated with the SR 193 extension; however, Randy Jefferies, UDOT, had indicated the City could do whatever it desired upon completion of construction. Mayor Wood indicated the road was projected to be completed in 2014 and indicated the City had some financial obligations upon its completion. Dan Wood inquired if the City had any engineering issues associated with the road closure of 350 West. Mayor Wood responded the City Engineer, Public Works staff and North Davis Fire District would need to be contacted to determine the feasibility of closing 350 West. Dan Wood expressed appreciation for the consideration on behalf of the Council.

APPROVAL OF ORDINANCE 2013-07 AMENDING THE CITY'S IMPACT FEE ORDINANCE BY MOVING THE CHAPTER TO ITS OWN TITLE, MODIFYING LANGUAGE TO REFLECT RECENT CHANGES IN THE PARKS AND RECREATION IMPACT FEE PREVIOUSLY ADOPTED BY THE CITY COUNCIL, ELIMINATING THE ROADWAY IMPACT FEES, AND UPDATING CERTAIN PROVISIONS IN ORDER TO CONTINUE MEETING STATUTORY REQUIREMENTS

Councilmember Shepherd moved to approve Ordinance 2013-07 amending the City's Impact Fee ordinance by moving the chapter to its own title, modifying language to reflect recent changes in the Parks and Recreation Impact Fee previously adopted by the Council, eliminating the Roadway Impact Fees and updating certain provisions in order to continue meeting statutory requirements 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 NO – None.

ADOPTION OF RESOLUTION 2013R -08 OF THE CITY COUNCIL OF CLEARFIELD CITY (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE BY THE ISSUER OF NOT MORE THAN \$6,300,000 AGGREGATE PRINCIPAL AMOUNT OF ITS TAXABLE GENERAL OBLIGATION RELATED MATTERS

Bob Wylie, Administrative Services Director, reminded the Council this was the first step needed to proceed with possible refinancing of its General Obligation Bonds. He emphasized the main point was to establish the committee which would have authorization to move forward with the refinancing in order to take advantage of lower interest rates.

Councilmember LeBaron moved to approve the Adoption of Resolution 2013R-08 of the City Council of Clearfield City authorizing the issuance and sale by the Issuer of not more than \$6,300,000 Aggregate Principal Amount of its Taxable General Obligation related matters 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.

APPROVAL FOR AN AMENDED SUBDIVISION PLAT FOR PACIFIC PARK AMENDED NO. 2 LOCATED AT APPROXIMATELY 200 NORTH AND PACIFIC STREET

Councilmember Murray moved to approve an Amended Subdivision Plat known as Pacific Park Amended No. 2 based on the discussion and findings provided in the Planning Commission Staff Reports, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF THE HEARING OFFICER'S FINDINGS, CONCLUSIONS AND RECOMMENDATION FOR THE APPEAL BY COWBOY PROPERTIES IN THE GOOD LANDLORD PROGRAM

Brian Brower, City Attorney, mentioned if the Council wanted to change the amount of fine established by staff as a form of penalty in the business license appeal it was entitled to do so.

Councilmember Shepherd moved to adopt the Hearing Officer's Findings, Conclusions and Recommendation for the Appeal by Cowboy Properties in the Good Landlord Program 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 NO – None.

COMMUNICATION ITEMS

Financial Reports – Bob Wylie, Administrative Services Director, presented the financial reports for April 2013. He directed the Council to the reports in their folders and emphasized there was only one month remaining in the current fiscal year. He reported he had communicated with department heads regarding each respective budget. He pointed out the budget would be re-opened next month which would account for some expenditures. He reported expenditures were appropriate. He reported the revenues were also within anticipated parameters.

Mayor Wood

1. Reminded the Council of citizen comments made by Mr. Marlon Wilde during the April 23, 2013 City Council meeting. He informed the Council he had visited with Scott Hodge, Public Works Director, Adam Lenhard, City Manager, and Brian Brower, City Attorney, in regards to his comments. He informed the Council Mr. Brower would be responding to Mr. Wilde's concerns in a letter.
2. Informed the Council he would be out of town beginning Friday, May 31, 2013 and returning late Wednesday evening, June 5, 2013. He requested any items needing attention be directed to the Mayor Pro Tem, Councilmember Young, during his absence.
3. Reported he had visited with the Student Body Officers at Clearfield High School for next year. He stated he intended to meet with the officers monthly during the next school year to discuss any concerns at the High School level and support them with their goals.

Councilmember Bush

1. Reported he had also attended Clearfield High's Awards Ceremony.
2. Informed the Council that the Yard-of-the-Week contest sponsored by the Parks & Recreation Commission would begin next week.
3. Stated he had attended the DUED meeting last week during which the West Davis Highway alignment was discussed. He mentioned the public comment period would begin in June and suggested those interested visit the UDOT website. He added there would be three open houses in June.
4. Informed the Council members the community would be painting fire hydrants on Saturday, June 1, 2013. He invited anyone interested in participating to meet at the LDS church on 1000 West south of 300 North at 8:00 a.m.

Councilmember LeBaron – informed the Council he had represented the City at Clearfield High School's Awards ceremony and presented the City scholarship. He reported thirty six percent of the graduating class received scholarship monies totaling \$3.1 million. He shared a specific example of an individual receiving an appointment to the Air Force Academy. He commented the value of that specific scholarship

was approximately \$386,000 and shared how competitive those scholarships were. He complimented the graduation class of Clearfield High.

Councilmember Murray

1. Invited members of the Council to meet at the Parks and Recreation building on Saturday, June 29, 2013 at 9:00 a.m. to assemble the Fourth of July float. Councilmember Young mentioned he would be out of town. She extended invitations to the councilmembers' families to ride on the float.
2. Reported she would be out of town during the month of June.

Councilmember Shepherd

1. Reported he had also attended the Clearfield High Awards ceremony.
2. Informed the Council he had also attended the DUED meeting.

Councilmember Young – informed the Council that the Youth City Council (YCC) was collecting items to send to Moore, Oklahoma, to benefit those impacted by the recent tornado.

Adam Lenhard, City Manager –commented about the lockdown incident earlier today at North Davis Junior High. He reported the individual who made the false report had been located.

STAFFS' REPORTS

Nancy Dean, City Recorder –

1. Informed the Council there was no meeting scheduled for Tuesday, June 4, 2013. She stated a work session was scheduled prior to the policy session on Tuesday, June 11, 2013.
2. Reported Declaration of Candidacy would begin Monday, June 3, 2013 at 8:00 a.m. and would close on Friday, June 7, 2013 at 5:00 p.m. She stated the mayor seat and two council seats would be up for election.

There being no further business to come before the Council **Councilmember Bush moved to adjourn at 7:35 p.m., seconded by Councilmember Murray. All voting AYE.**

CLEARFIELD CITY RESOLUTION 2013R-09

A RESOLUTION AUTHORIZING AND APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY TO PROVIDE MUNICIPAL SERVICES ON AN AS NEEDED BASIS AT FALCON HILL

WHEREAS, the Military Installation Development Authority (“MIDA”) is an independent, nonprofit, separate body corporate and politic of the State of Utah; and

WHEREAS, MIDA is developing a project are known as “Falcon Hill” located at the Clearfield exit and I-15; and

WHEREAS, MIDA may enter into an agreement with a political subdivision of the State to provide one or more municipal services within its project areas; and

WHEREAS, Clearfield City is willing to provide certain municipal services to MIDA for Falcon Hill on an as needed basis; and

NOW, THEREFORE, be it resolved by the Clearfield City Council that the attached Interlocal Cooperation Agreement between Clearfield City and the Military Installation Development Authority for some municipal services in the project area known as “Falcon Hill” is approved and the Mayor is authorized to execute the agreement.

DATED this 14th day of May, 2013.

CLEARFIELD CITY CORPORATION

Donald W. Wood, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

AGREEMENT
between
CLEARFIELD CITY
and
MILITARY INSTALLATION DEVELOPMENT AUTHORITY

This Interlocal Cooperation Agreement (“Agreement”) is made and entered into as of July 1, 2013 by and between CLEARFIELD CITY (“Clearfield”), a municipal corporation of the State of Utah, and the MILITARY INSTALLATION DEVELOPMENT AUTHORITY (“MIDA”), an independent, nonprofit, separate body corporate and politic of the State of Utah. Clearfield and MIDA are sometimes referred to collectively as the “Parties,” and either may be referred to individually as a “Party.”

WITNESSETH:

WHEREAS, pursuant to Chapter 1, Title 63H Utah Code Annotated 1953, as amended (“MIDA Act”), MIDA created the Falcon Hill Project Area; and

WHEREAS, pursuant to the MIDA Act, MIDA exercises “exclusive police power within a project area” but may “enter into an agreement with a political subdivision of the state under which the political subdivision provides one or more municipal services within a project area”; and

WHEREAS, MIDA has taken jurisdiction over a new road that enters into Hill Air Force Base at the Clearfield exit from I-15 and certain property in the vicinity of the road, as more particularly shown in Exhibit A, attached and incorporated herein (“Service Area”);

WHEREAS, Clearfield is willing to provide certain municipal services to MIDA in the Service Area on an as needed basis at the rates shown in Exhibit B, attached and incorporated herein (“Municipal Services”);

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereafter set forth, the mutual benefits to the Parties to be derived, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

1. **Municipal Services.** Clearfield will provide the Municipal Services to the Service Area when requested by MIDA or for public safety services, when dispatched to an incident in the Service Area.

2. **Invoicing.** Clearfield will invoice MIDA once a month for any services provided. MIDA shall pay the invoice within 30 days of receipt of the invoice. Late payments shall incur an interest rate of 10% per annum.

3. **Courts.** Any citations issued or other criminal actions taken by the Clearfield police department shall be processed in the same manner and through the same courts as if the

incident occurred in Clearfield. Clearfield shall be entitled to retain any fines or other penalties assessed and MIDA shall not be invoiced for court or prosecution services.

4. **Term.** This Agreement shall run for three (years) years beginning July 1, 2013 unless earlier terminated by either Party. Either Party may terminate this Agreement by providing 90 days written notice to the other Party.

5. **Service Area Change.** If Hill Air Force Base moves its security fence and MIDA assumes responsibility for a larger area, MIDA shall update the Service Area Exhibit A and provide written notice to Clearfield with a new Exhibit A map which shall be attached to this Agreement.

6. **Notices.** All notices or other communications to be given pursuant to this Agreement shall be in writing and shall be effective upon personal delivery to the other Party; upon being sent by certified mail, return receipt requested, postage prepaid; or, by email with a reply that it has been received. The notice shall be sent to:

To Clearfield:

Clearfield City Corporation
Attn: City Manager
55 S. State St., Suite 307
Clearfield, UT 84015

With a Copy to:

Clearfield City Attorney's Office
55 S. State St., Suite 332
Clearfield, UT 84015

To MIDA:

Rick Mayfield
MIDA Executive Director
450 Simmons Way, Suite 400
PO Box 112
Kaysville, UT 84037-0967
rjmayfield@msn.com

With a Copy to:

Paul Morris
MIDA General Counsel
5110 S. Ivybrook Circle
Murray, UT 84123
morris.pault@gmail.com

Either Party may change its mailing address or email address for purposes of this Agreement by giving written notice to the other Party.

7. **Liability and Indemnification.** Clearfield shall, defend, indemnify and hold MIDA harmless, including each of MIDA's officers, directors, managers, employees, agents, representatives, heirs, and assigns from any and all claims, demands, liabilities, damages, costs, expenses, rights, attorneys' fees, lawsuits and actions, of whatever kind or nature ("Liability"), resulting from Clearfield's providing of Municipal Services under this Agreement, except to the extent the negligence or willful acts of MIDA, its officers, directors, managers, employees, agents, representatives, heirs, or assigns, either cause or contribute to the Liability.

8. **Governmental Immunity.** Both Parties acknowledge they are local Governmental Entities under the Governmental Immunity Act of Utah (the "Act") and nothing in

this Agreement shall be construed so as to waive any immunity, as it relates to third parties, enjoyed or bestowed upon either Clearfield or MIDA.

9. **Amendments.** This Agreement may be amended, changed, modified or altered only by an instrument in writing and signed by both Parties.

10. **Assignment.** Neither Party may assign this Agreement without the written consent of the other Party.

11. **Disputes.** Any disagreement, dispute or claim arising out of or relating to this Agreement which cannot be settled by the Parties shall first be attempted to be settled through mediation before any Party may file an action in court.

12. **Counterparts.** This Agreement may be executed in counterparts by Clearfield and MIDA.

13. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah.

14. **Entire Agreement.** This Agreement contains the entire agreement between the Parties, with respect to the subject matter, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid; and this Agreement may not be enlarged, modified or altered except in writing and signed by the Parties.

15. **Severability.** If any portion of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

IN WITNESS WHEREOF, the Parties have subscribed their names and seals the day and year first above written.

CLEARFIELD CITY

Don Wood, Mayor

ATTEST:

City Recorder

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

City Attorney

**MILITARY INSTALLATION
DEVELOPMENT AUTHORITY**

Rick Mayfield, Executive Director

ATTEST:

MIDA Staff

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

MIDA General Counsel

Exhibit A
Service Area

**Exhibit B
Municipal Services**

PUBLIC WORKS LABOR:

Engineering	Billed amount plus 5%
Hourly Rate	\$45.00 / man hour
Overtime Rate and After Hours	\$60.00 / man hour

STREETS:

Street Maintenance	
Pothole Repair:	Hourly Rate (OT/After Hours if applicable) + Materials
Seal Coating:	Billed amount plus 10%
Concrete Repair:	Hourly Rate (OT/After Hours if applicable) + Materials
Street Striping and Markings:	Billed amount plus 10%
Street Sign Management:	Hourly Rate (OT/After Hours if applicable) + Materials
Snow Removal:	
Without De-icing	\$248.25 / hr. (incl. labor, equipment, and materials)
With De-icing	\$293.25 / hr. (incl. labor, equipment, and materials)

CULINARY WATER:

Setting and Reading Meters:	Hourly Rate (OT/After Hours if applicable) + Materials
Routine Water Samples	Hourly Rate (OT/After Hours if applicable) + Lab Cost
Flushing Lines and Hydrants:	Hourly Rate (OT/After Hours if applicable)
Repairing Water Leaks:	Hourly Rate (OT/After Hours if applicable) + Materials
Responding to Pressure and Quality Concerns:	Hourly Rate (OT/After Hours if applicable)

SANITARY SEWER:

Sewer Backups:	Hourly Rate (OT/After Hours if applicable)
Sewer Cleaning:	Billed amount plus 10%

STORM DRAIN:

Storm Drain Cleaning:	Billed amount plus 10% Storm Drain
Storm Drain Management Program:	Hourly Rate (OT/After Hours if applicable)
Repair and Maintain Storm Drains:	Hourly Rate (OT/After Hours if applicable) + Materials

EQUIPMENT (PER HOUR):

Ten Wheeler Dump Truck	\$105.00
Bobtail Dump Truck	\$90.00
Backhoe	\$99.00
Frontend Loader	\$110.00
Street Roller	\$143.00
Air Compressor	\$55.00
Utility Pumps	\$65.00
Concrete Saw	\$125.00
Tack oil Machine	\$85.00

MISCELLANEOUS PUBLIC WORKS SERVICES:

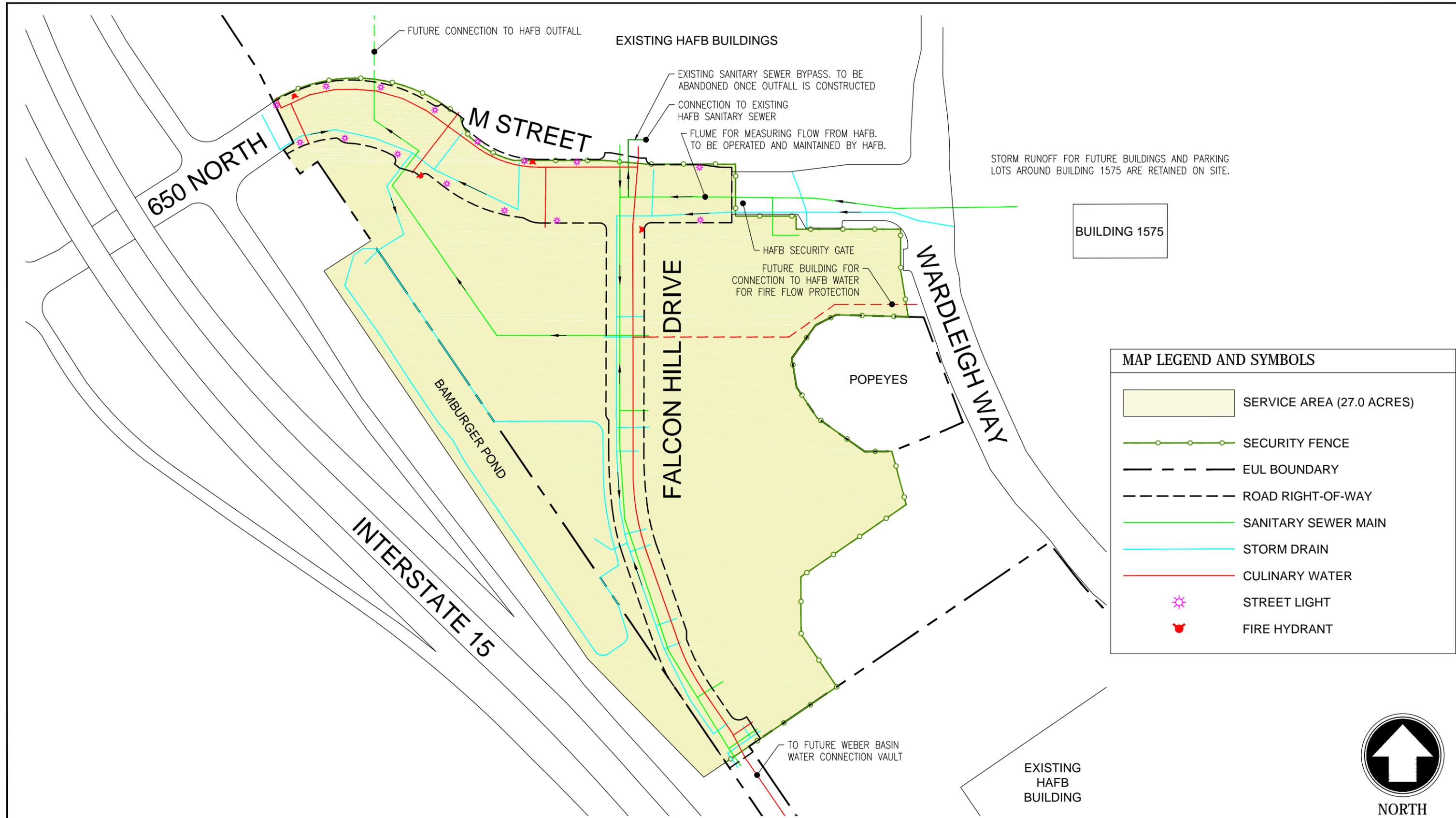
Blue Stakes Markings:	Hourly Rate (OT/After Hours if applicable)
Emergency and After Hour Callouts:	Overtime/After Hours Rate + Materials

PUBLIC SAFETY SERVICES:

Emergency incident response (call for service): \$138.00 / call (first hour only)
All Other Police Services (traffic, emergency
incident response after first hour, criminal
investigations, etc.): \$60.44 / man hour
Overtime Rate and After Hours: \$71.72 / man hour

OTHER SERVICES:

Building plan review Amount in Clearfield Consolidated Fee Schedule
Building permits and inspections Amount in Clearfield Consolidated Fee Schedule
Demolition permits Amount in Clearfield Consolidated Fee Schedule
Excavation permits Amount in Clearfield Consolidated Fee Schedule
Business licensing Amount in Clearfield Consolidated Fee Schedule



MAP LEGEND AND SYMBOLS	
	SERVICE AREA (27.0 ACRES)
	SECURITY FENCE
	EUL BOUNDARY
	ROAD RIGHT-OF-WAY
	SANITARY SEWER MAIN
	STORM DRAIN
	CULINARY WATER
	STREET LIGHT
	FIRE HYDRANT



PHASE 1 MIDA SERVICE AREA

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
6:00 P.M. WORK SESSION
April 16, 2013

(This meeting was held following a City Council work session.)

PRESIDING:	Kathryn Murray	Chair
PRESENT:	Kent Bush Mike LeBaron Mark Shepherd Don Wood Bruce Young	Director Director Director Director Director
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Greg Krusi Eric Howes Curtis Dickson Scott Hodge Valerie Claussen Nancy Dean Kim Read	City Manager Assistant City Manager City Attorney Police Chief Community Services Director Community Services Deputy Dir. Public Works Director Development Services Manager City Recorder Deputy City Recorder

VISITORS: There were no visitors.

Chair Murray called the meeting to order at 9:01 p.m.

DISCUSSION ON THE PREPARATION OF A GOVERNANCE REPORT

JJ Allen, Assistant City Manager, stated staff had recognized the need for a comprehensive review, otherwise known as a Governance Report, pertaining to the City's RDA. He explained this would review management practices and procedures, record keeping, management of the tax increment and finances, possible best practices which should be implemented, etc. He commented this would be similar to an audit of the CDRA. He distributed a handout reflecting the proposal from the City's Economic Development Consultant, LYRB (Lewis Young Robertson and Burningham). He reported the proposal was approximately \$20,000 and had been appropriated during the FY2014 budget process.

Mayor Wood requested clarification how the scope of work would differ from what was currently being provided by Randy Sant, consultant. Adam Lenhard, City Manager, explained Mr. Sant's responsibility was to prepare and submit the annual report which was required to be provided to each of the taxing entities by the end of November annually. He continued this was a summary of the received increment and expenditures and calculations of the tax rates to the increment; otherwise fulfilling statutory requirements. Mr. Allen commented the Governance

Report would go back to review the creation documents regarding the RDA providing the City with a concrete understanding of the City's RDA. Councilmember Young surmised there were insufficiencies associated with the City's RDA areas. Mr. Lenhard stated there were some identified issues and a considerable amount would be need to be expended to remedy any insufficiencies.

Mayor Wood inquired about the expertise of the company in providing the audit. Councilmember LeBaron expressed concern the individual setting up the areas and providing information specific to the areas would also be working with the firm completing the audit. Brian Brower, City Attorney, indicated there were only two individuals with the expertise specific to RDA's and believed the City's consulting contract would require additional research outside of that scope.

Mayor Wood inquired if it would be in the best interest of the City to proceed with a RFP (Request for Proposal). Mr. Allen responded he didn't know if another entity would even submit a proposal. Councilmember Bush inquired how the project would be funded. Mr. Lenhard responded it was a fund balance appropriation. Mr. Brower commented the procurement process would be specific to these types of services and believed LYRB was the most qualified. Councilmember LeBaron suggested the elimination of Randy Sant from participating in this process as he had been involved with the City and its RDA areas. Councilmember Shepherd expressed agreement.

Mr. Brower pointed out LYRB would have to obtain information from Mr. Sant in order to complete the Governance Report. He inquired about the value requesting the other esteemed consultant review the Governance Report. Councilmember Bush inquired what would happen if LYRB expended more hours than what had been proposed. Mr. Brower responded the contract would be drafted with a not to exceed clause. Mr. Allen suggested LYRB could be contracted to prepare the Report and then use the other consultant to review the information obtained in the Governance Report.

Mr. Lenhard emphasized this originated with staff approximately two years ago when staff began asking questions about certain practices associated with its CDRA areas and its use of tax increment. He indicated there were concerns relative to expenditure of increment associated with the building of the Aquatic Center. He emphasized it was current staff's desire to correct any inconsistencies from the past and pointed out this outside of the scope of services currently provided by Mr. Sant. Nancy Dean, City Recorder, reported on some of the issues she had discovered in reviewing the RDA records and staff's desire in correcting any discrepancies. Mr. Brower pointed out the City utilized the option of creating RDA areas for development.

Mayor Wood inquired if this was the first cost proposal. Mr. Allen indicated the first proposal was higher and LYRB didn't understand what the City wanted and wouldn't have provided what the City wanted. He continued once the City clarified its needs and desires the cost decreased significantly. He stated this would come before the Board during the April 23, 2013 meeting.

The meeting adjourned at 9:20 pm.

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
6:00 P.M. WORK SESSION
May 7, 2013

(This meeting was held following a City Council work session.)

PRESIDING:	Kathryn Murray	Chair
PRESENT:	Kent Bush	Director
	Mike LeBaron	Director
	Mark Shepherd	Director
	Don Wood	Director
	Bruce Young	Director
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Bob Wylie	Administrative Services Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Scott Hodge	Public Works Director
	Kim Dabb	Operations Manager
	Steve Guy	City Treasurer
	Jessica Hardy	Accountant
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: There were no visitors.

Chair Murray called the meeting to order at 7:32 p.m.

DISCUSSION ON THE 2013/2014 TENTATIVE FISCAL YEAR BUDGET

Bob Wylie, Administrative Services Director, reviewed the tentative budget associated with the CDRA areas. Adam Lenhard, City Manager, pointed out the expiration associated with EDA #1, known as the Cowley-Adams area. He reviewed the recommended expenditures with the Board.

Mr. Wylie inquired if there were any questions regarding the tentative budget. There were none.

The meeting adjourned at 7:36 p.m.

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. WORK SESSION
May 14, 2013

(This meeting was held following the regularly scheduled City Council Meeting.)

PRESIDING:	Kathryn Murray	Chair
PRESENT:	Kent Bush	Director
	Mike LeBaron	Director
	Don Wood	Director
	Bruce Young	Director
EXCUSED:	Mark Shepherd	Director
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Natalee Flynn	Youth City Council Advisor
	Valerie Claussen	Development Services Manager
	Scott Hodge	Public Works Director
	Kim Dabb	Operations Manager
	Bob Wylie	Finance Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: E. Daniel Wood, Bradley Tolman, Jeani, Daisy Miller, Celeste Green, Karlee Davis, Andrew Allred, Jaren Carlson, Elizabeth Hansen, Alex, Jeffrey, Lonnie, Robert Browning, Wendy Wood, Con Wilcox, Haley Wilcox

Chair Murray called the meeting to order at 8:08 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE APRIL 23, 2013 REGULAR SESSION

Director Young moved to approve the minutes from the April 23, 2013 Clearfield Community Development and Renewal Agency (CDRA) regular session, as written, seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Bush, LeBaron, Wood and Young. Voting NO – None. Director Shepherd was not present for the vote.

ADOPTION OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2013/2014

The Tentative Budget as presented to the Board for adoption was a balanced budget.

Bob Wylie, Administrative Services Director, explained the proposed CDRA budget was a balanced budget of \$3,049,477. He mentioned the budget details and proposed budget had been provided to the directors for review.

Director LeBaron moved to approve the Fiscal Year 2013/2014 Tentative Budget and set a public hearing on the budget for Tuesday, June 11, 2013, seconded by Director Wood. The motion carried upon the following vote: Voting AYE – Directors Bush, LeBaron, Wood and Young. Voting NO – None. Director Shepherd was not present for the vote.

There being no further business to come before the Community Development and Renewal Agency, Director Young moved to adjourn as the Community Development and Renewal Agency at 8:12 p.m., seconded by Director Wood. All voting AYE. Director Shepherd was not present for the vote.