

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
March 26, 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
	Scott Hodge	Public Works Director
	Adam Malan	Police Lieutenant
	Valerie Claussen	Development Services Manager
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Amber Cutler, Deborah Barlow

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 Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 5, 2013 WORK SESSION AND THE FEBRUARY 26, 2013 WORK SESSION

Councilmember Murray moved to approve the minutes from the February 5, 2013 work session and the February 26, 2013 work session as written, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PRESENTATION TO BRANDON STANGER FOR HIS SERVICE AS A MEMBER OF THE PLANNING COMMISSION

Brandon Stanger had served the City as a member of the Planning Commission and recently submitted a letter of resignation. The Mayor and City Council desired to recognize Mr. Stanger for his service to the City.

Councilmember LeBaron acknowledged Brandon Stanger as a member of the Planning Commission and expressed appreciation to his service on behalf of the City, the City Council and Mayor Wood. Mr. Stanger was presented with a certificate of appreciation.

PUBLIC HEARING TO RECEIVE COMMENT ON ADOPTING A NEW PARKS AND RECREATION CAPITAL FACILITIES PLAN, ADOPTING A NEW PARKS AND RECREATION IMPACT FEE FACILITIES PLAN AND ANALYSIS, AND AMENDING THE CURRENT PARKS AND RECREATION IMPACT FEES BY ADOPTING NEW FEES BASED UPON THE UPDATED PLANS AND ANALYSIS

Staff had been working to revise the Park & Recreation Impact Fee Facilities Plan and Analysis and the Park & Recreation Capital Facilities Plan. It recently completed an RFP (Request for Proposal) and contracted with Lewis Young Robertson and Burningham (LYRB) and JUB Engineering to complete both analyses. The findings were presented to the City Council during the January 22, 2013 work session and discussed by the Council during the February 5, 2013 work session. The Public Hearing had been continued from the February 26, 2013 meeting.

Eric Howes, Community Services Director, reported staff had been working on completion of a Capital Facilities Plan and Impact Fee Facilities Plan and Impact Fee Analysis. He reported the City had enlisted the services of Lewis Young Robertson and Burningham (LYRB) and JUB Engineering and they had made recommendations. He stated the proposal addressed additional growth in the City's parks and open space and trail system based upon future residential development.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:08 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT FOR AN AMENDMENT TO THE NINIGRET FIELD SUBDIVISION PLAT LOCATED AT APPROXIMATELY 700 SOUTH 1000 WEST

Ninigret Construction North had requested an amendment to subdivide a 2.847 acre lot into two parcels. The site was located in the vicinity of the Clearfield and Syracuse City limits, approximately 660 feet north of 700 South and west of 1000 West. The property was zoned M-1, Manufacturing.

JJ Allen, Assistant City Manager, explained the parcel was previously subdivided in association with the Ninigret Industrial Park and the applicant now desired to subdivide the parcel and sell a portion to World Wide Packaging.

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

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:10 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 RECEIVE COMMENT FOR A FINAL SUBDIVISION PLAT FOR A FOUR UNIT OFFICE CONDOMINIUM LOCATED AT APPROXIMATELY 1500 SOUTH 1500 EAST

The request was for an existing medical office building located at the Clearfield and Layton City limits, south of 1450 South and on the west side of 1500 East. The building was two stories of approximately 14,500 square feet on an 0.73 acre developed parcel with completed site improvements (including sidewalks, infrastructure, etc.).

JJ Allen, Assistant City Manager, explained this item had also been through the Planning Commission approval process and as the petitioner had been out of town and additional information was needed, staff was requesting the public hearing be continued until April 23, 2013.

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 continue the public hearing until April 23, 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.

CITIZEN COMMENTS

There were no public comments.

APPROVAL OF ORDINANCE 2013-04 ADOPTING A NEW PARKS AND RECREATION CAPITAL FACILITIES PLAN, ADOPTING A NEW PARKS AND RECREATION IMPACT FEE FACILITIES PLAN AND ANALYSIS, AND AMENDING THE CURRENT PARKS AND RECREATION IMPACT FEES BY ADOPTING NEW FEES BASED UPON THE UPDATED PLANS AND ANALYSIS

Adam Lenhard, City Manager, informed the Council where they could locate Exhibit A and Exhibit B for the Ordinance.

Councilmember Young moved to approve Ordinance 2013-04 adopting a new Parks and Recreation Capital Facilities Plan, adopting a new Parks and Recreation Impact Fee Facilities Plan and Analysis, and amending the current Parks and Recreation Impact Fees by adopting the new fees based upon the updated plans and analysis 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.

APPROVAL OF THE AMENDMENT TO THE NINIGRET FIELD SUBDIVISION PLAT LOCATED AT APPROXIMATELY 700 SOUTH 1000 WEST

Councilmember LeBaron moved to approve the amendment to the Ninigret Field Subdivision Plat located at approximately 700 South 1000 West 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, Shepherd and Young. Voting NO – None.

APPROVAL OF A FINAL SUBDIVISION PLAT FOR A FOUR UNIT OFFICE CONDOMINIUM LOCATED AT APPROXIMATELY 1500 SOUTH 1500 EAST - TABLED

Councilmember Bush moved to table the approval of the Final Subdivision Plat for a four unit office condominium located at approximately 1500 South 1500 East until April 23, 2013, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

Mayor Wood recommended removing Approval of the Award of Contract to Gerber Construction for Repairs to the Freeport Water Reservoir and Approval of Resolution 2013R-04, Approving the Interlocal Agreement with Davis County for Assistance with the 2013 Municipal Election from the Consent Agenda.

Councilmember Shepherd moved to remove Approval of the Award of Contract to Gerber Construction for Repairs to the Freeport Water Reservoir and Approval of Resolution 2013R-04, Approving the Interlocal Agreement with Davis County for Assistance with the 2013 Municipal Election from the Consent Agenda, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

CONSENT AGENDA

APPROVAL OF THE AWARD OF PROPOSAL FOR INSURANCE BROKERAGE AND CONSULTING SERVICES TO OLYMPUS INSURANCE

Staff recently solicited proposals for Insurance Brokerage and Consulting Services. Four companies submitted proposals and were invited to make presentations to the City.

APPROVAL OF THE AWARD OF BID TO STAKER PARSON COMPANIES FOR THE 2013 ROADWAY IMPROVEMENT PROJECT

Bids were received from six construction companies for improvements to various roads throughout the City. The project included applying a chip seal and crack seal asphalt surface treatments to various streets throughout the City and installing an asphalt overlay to 1000 East/Frontage Road from 200 South to 700 South, 150 South Street from 1000 West to 1250 West and 150 North 1300 West, 150 South 1300 West and 150 North 1250 West cul-de-sacs. The lowest responsible bid was received from Staker Parson Companies with the bid of \$559,337.00.

APPROVAL OF THE AWARD OF BID FOR THE DESIGN AND INSTALLATION OF A SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA) ON THE CITY CULINARY WATER STORAGE RESERVOIRS AND WELLS TO DORSETT TECHNOLOGIES

Proposals were received from three vendors to design and install a Supervisory Control and Data Acquisition System (SCADA) for the City water storage reservoirs and wells. The City staff reviewed the proposals and recommend awarding the contract to Dorsett Technologies for the cost of \$60,802.00.

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 Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

CONSIDER APPROVAL OF THE AWARD OF PROPOSAL TO GERBER CONSTRUCTION FOR REPAIRS TO THE FREEPORT WATER RESERVOIR - TABLED

Proposals were received from four construction companies to repair the Freeport one million gallon culinary water reservoir. The City Engineers, State Division of Water Quality, and City staff reviewed the proposals and recommended awarding the contract to Gerber Construction. Gerber Construction's bid amount was \$121,052.00 to repair the interior and exterior concrete walls, and \$27,450.00 to install a surface color coating to the exterior concrete wall; for a total project cost of \$148,502.00.

Scott Hodge, Public Works Director, reviewed the three proposals with the Council; replacing the existing tank, patching the interior cracks of the tank, and installing a new interior structural/waterproof shotcrete tank wall. He expressed the State's concerns with option two because the method was new and it was uncomfortable supporting it. Mr Hodge stated option three, although previously used, would not provide structural stability to the aging tank. He suggested based on the information provided by the State, the City would like to enter into discussions with the State to determine if there were other repair options for the City to consider. He believed by tabling the agenda item, it would allow the City time to determine the best repair option.

Councilmember Young moved to table the award of proposal to Gerber Construction for repairs to the Freeport Water Reservoir until such time as other options are presented, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2013R-04 APPROVING THE INTERLOCAL AGREEMENT WITH DAVIS COUNTY FOR ASSISTANCE WITH THE 2013 MUNICIPAL ELECTION

Mayor Wood explained he had requested Nancy Dean, City Recorder, explore the option of conducting the 2013 Municipal Election by mail. Mayor Wood emphasized he was neither an opponent nor proponent of an all mail election; however, since two of the City's neighboring communities would be conducting their 2013 Election by mail, he believed a discussion of the option was pertinent.

Nancy Dean, City Recorder, reported Oregon and Washington States both conducted elections by mail and shared their history regarding voter turnout. She stated in 2012 the Utah State Legislature directed the Lieutenant Governor's office to study the viability of voting by mail. Due to the study, Davis County was offering municipalities the option of conducting an election by mail. She commented a vote by mail election could anticipate a forty to fifty percent turnout compared to a possible twenty-three to twenty-five percent turnout as seen in past mayoral races.

Ms. Dean explained in order to support the Lieutenant Governor's study Davis County had offered to waive any administrative costs for communities willing to participate in a by mail election. She clarified small towns had been able to conduct voting by mail elections and the law changed last year allowing any municipality to participate in an election by mail.

Ms. Dean shared the pros associated with voting by mail:

- There is no early voting requirements
- No need to designate polling locations
- There is no need to hire poll workers

She continued to share the cons:

- An estimated increase of approximately \$10,000 per election. She clarified this would be \$10,000 for the Primary and \$10,000 for the General. She pointed out this figure didn't include administrative costs.
- Clearfield City's population is somewhat transient and she expressed a concern regarding the possible number of undeliverable ballots.
- There would be no other means for Clearfield residents to cast a vote other than to complete their mail in ballot in a timely fashion.

Councilmember Murray inquired if ballots were mailed to the entire City or only to registered voters. Ms. Dean responded ballots would only be sent to registered voters.

Ms. Dean stated the mail in ballot would have to be postmarked the day before the election and reviewed how the received ballots would be counted by the Davis County Elections Office. She emphasized the only way to identify the voter would be to compare the signature on the ballot affidavit to the voter registration record. She explained the process which would be used if the signatures were not a match or if the ballot was returned by the Post Office. She distributed a handout reflecting the three options for the Council to consider for the 2013 municipal election and reviewed each with the Council. She recommended if the Council determined to conduct a by mail election, that it would be best to do it for both the primary and general elections.

Councilmember Bush inquired if there would still be polling locations available on Election Day if the Council decided to complete a by mail election. Ms. Dean responded no polling locations would be available if the City opted to complete a by mail election. Councilmember Bush asked how the County would verify the ballot received in the mail was legitimate. Ms. Dean explained staff would compare the signature on the ballot affidavit with that on registration records.

Councilmember Murray requested clarification regarding the election options. Mr. Lenhard pointed out the potential increase for this election year was based upon the County absorbing administrative costs, the \$10,000 would be postage costs only and added there would be an additional cost to the County for any future by mail elections.

Councilmember Shepherd asked if the County had any idea as to what that cost would be. Ms. Dean responded that this year would be the test market to determine that cost. A discussion took place regarding the election budget and possible election costs. Ms. Dean explained how Sunset City and Syracuse City were able to conduct the vote by mail election while not significantly impacting their election costs. Councilmember Murray believed the City might double the increase in voters with a by mail election while at the same time doubling the costs of the election and questioned if the result was worth the increase. Ms. Dean explained the County's believed residents receiving a ballot by mail would better investigate the candidates and then make an educated choice before mailing the ballot back.

Councilmember Murray believed most of the City's demographic didn't have access to the technology to investigate the candidates on the ballot. She expressed her opinion that most of the City's residents received their information from the printed page. She inquired what the process would be if a resident didn't receive a ballot in the mail. Ms. Dean didn't know exactly what the process would be for that scenario.

Mayor Wood requested input from each councilmember regarding an election by mail for the 2013 Municipal Election.

Councilmember LeBaron expressed his opinion, based upon the transient population and the technology challenges associated with the City's demographics, it would be his choice to continue with the election process as had been done in the past and forego the mail in election at this time. He expressed concern an all mail election could negatively impact the election and also expressed concern associated with voter fraud.

Councilmember Young stated he was in favor of increasing voter participation; however, he believed the City should wait to see how the neighboring communities benefitted from an all mail election.

Councilmember Bush stated he still had questions regarding a by mail election and expressed concern whether it would actually increase voter turnout. He believed there was the potential for residents to forget to return the ballot in the mail on time. He also wondered if the added cost would justify that kind of election. He expressed concern about signature comparison and mentioned his signature had changed over the years.

Councilmember Murray stated she also had some questions about an election by mail and didn't have an opinion at this time.

Councilmember Shepherd expressed concern associated with the cost but believed the City would benefit significantly from an all mail election. He stated he liked the idea of voting by mail and given the numbers of voters already participating in elections by mail via absentee voting. He mentioned he wasn't worried about fraud and inquired if the State would be willing to

subsidize a portion of the election in order to encourage a larger municipality's participation in the study. Ms. Dean believed the County was subsidizing the cost by absorbing the administrative costs for the 2013 vote by mail election.

Councilmember Murray inquired if the State was moving in the direction of an all mail election. Ms. Dean reported the State had three years to study the all mail election and this was the second year of that study and believed if the data was positive the State could make that change. Councilmember Shepherd expressed his opinion the Legislature was moving in that direction based upon voter turnout. Councilmember Bush pointed out at this time the residents had the option to vote by mail and believed it shouldn't be mandatory. Councilmember LeBaron suggested the possibility a ballot could be mistaken for junk mail and thrown away in error.

Mayor Wood summarized that it appeared the majority of the Council wasn't prepared to approve moving forward with an all mail election.

Councilmember LeBaron moved to approve Resolution 2013R-04 approving the Interlocal Agreement with Davis County for assistance with the 2013 Municipal Election 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.

Ms. Dean reported the Legislature changed the Declaration of Candidacy period to June 3-7, 2013. She explained the change five days was needed in order to allow for printing and mailing of overseas ballots.

COMMUNICATION ITEMS

Financial Reports – Bob Wylie, Administrative Services Director, presented the financial reports to the Council. He reported the City had been notified by Davis County that the property tax distribution received had been overpaid by approximately \$148,719. He continued the County would be withholding future distributions until the funds were paid back. He stated this could potentially impact the current budget. Adam Lenhard, City Manager, pointed out this was the second serious error in the past three years by Davis County and the City would be pursuing further explanation and supporting documentation.

Mayor Wood

1. Informed the Council that the City had extended an offer to the Community Church to hold its church services in the Art's Center Theatre due to the fire at its building. He continued although appreciative, it was determined the City's facility wasn't large enough and it would be holding its meetings at the new Wasatch Elementary. He stated the pastor had recently contacted him expressing the need for some office space for administrative needs. Mayor Wood reported there was office space located on the second floor of the Arts Center which could accommodate the need. He reported the City was in the process of determining how IT needs could be met as well as providing access to its employees. He commended the community for its outreach efforts and commented how appreciative the Church had been of the City and the North Davis Fire District (NDFD) for their efforts.

2. Reported those attending the League of Cities and Towns meetings would be bringing back information to other members of the Council.
3. Informed the Council the meeting scheduled for Tuesday, April 9, 2013, could possibly be cancelled.

Councilmember Bush –Nothing to report.

Councilmember LeBaron

- 1 Expressed appreciation to Mayor Wood for making City facilities available to the Community Church.
2. Stated he would miss working with Brandon Stanger on the Planning Commission.

Councilmember Murray – Expressed appreciation to Public Works on behalf of the NDFD for the assistance received regarding the fire at the Clearfield Community Church facility.

Councilmember Shepherd – Nothing to report.

Councilmember Young – Informed the Council that Davis County Mosquito Abatement was in a recruitment process for seasonal employees.

STAFFS' REPORTS

Nancy Dean, City Recorder –Informed the Council of the upcoming meeting schedule: work session on Tuesday, April 2, 2013, 6:00 p.m. in the multi-purpose room and a work session scheduled for Tuesday, April 16, 2013 with a policy session scheduled for April 23, 2013.

Adam Lenhard, City Manager

1. Stated the construction on SR 193 was moving along very quickly.
2. Informed the Council that staff was scheduling a clean-up along I-15 with Utah Department of Transportation (UDOT).

Councilmember Murray moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency in a work session at 8:05 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 23rd day of April, 2013**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, March 26, 2013.

/s/Nancy R. Dean, City Recorder