

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
May 14, 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.

Councilmember Shepherd will participate in the meeting electronically via a speaker phone.

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

6:00 P.M. WORK SESSION

Discussion on the Interlocal Agreement to Participate in the Onestop Business Registration Program
Discussion on Clearfield Station Development
Discussion on a Resolution Regarding the Refunding of City Bonds

(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 Bush

APPROVAL OF THE MINUTES:

March 19, 2013 – Work Session

March 26, 2013 – Work Session

April 23, 2013 – Work Session

April 23, 2013 – Regular Session

PRESENTATION:

1. **PRESENTATION TO JAREN CARLSON FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT**

BACKGROUND: Jaren Carlson has completed the requirements to receive the rank of Eagle Scout. Mayor Wood and the City Council desire to recognize Jaren and acknowledge his achievement.

PUBLIC HEARING:

2. PUBLIC HEARING TO RECEIVE COMMENT ON THE REZONE OF PROPERTY LOCATED AT APPROXIMATELY 850 WEST 1600 SOUTH FROM C-2, COMMERCIAL TO R-3 (P-D), MULTIPLE-FAMILY RESIDENTIAL WITH A PLANNED DEVELOPMENT OVERLAY

BACKGROUND: This public hearing was continued from the April 23, 2013 City Council meeting. The Planning Commission took no action at its May 1, 2013 meeting. The applicant has indicated changes to the original submittal that will require re-advertising and new public notices to be posted and mailed. Therefore, it is recommended to close the public hearing at this time and continue the item to an undetermined date until the new advertising and noticing has occurred.

RECOMMENDATION: Close the public hearing.

SCHEDULED ITEMS:

3. CITIZEN COMMENTS
4. CONSIDER ADOPTION OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2013/2014 AND SET A PUBLIC HEARING FOR JUNE 11, 2013 TO RECEIVE PUBLIC INPUT ON THE BUDGET

BACKGROUND: The Tentative Budget as presented to the Council for adoption is a balanced budget for all funds. Presently, the certified tax rate has not been received from Davis County.

RECOMMENDATION: Adopt the tentative budget for fiscal year 2013/2014 and set a public hearing on the budget for June 11, 2013 at 7:00 p.m.

CONSENT AGENDA:

5. CONSIDER APPROVAL OF RESOLUTION 2013R-07 AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE UTAH DEPARTMENT OF COMMERCE FOR ONESTOP BUSINESS REGISTRATION

BACKGROUND: A copy of the Interlocal Cooperation Agreement between Clearfield City and the other agencies that are part of the online Onestop Business Registration has been provided to the Council. The Onestop website will simplify the process by which businesses provide information required by the agencies via computer.

RECOMMENDATION: Approve Resolution 2013R-07 authorizing an Interlocal Agreement with the Utah Department of Commerce for Onestop Business Registration and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF ORDINANCE 2013-06 AMENDING THE NUISANCE ORDINANCE SPECIFIC TO NUISANCE VEHICLES

BACKGROUND: The City's current nuisance ordinance has verbiage which reflects any vehicle that is not registered and inspected within 180 days is considered a nuisance vehicle; however, recent changes to State Code reflect vehicles newer than 10 years old need only be inspected once every 4 years. The Code Enforcement Officers have proposed the removal of the inspection requirement from the City Code.

RECOMMENDATION: Approve Ordinance 2013-06 amending the nuisance ordinance specific to nuisance vehicles and authorize the Mayor's signature to any necessary documents.

7. **CONSIDER APPROVAL OF THE AWARD OF BID FOR THE REPAIR OF THE SANITARY SEWER MAIN LINE AT 700 SOUTH TO ASSOCIATED BRIGHAM CONTRACTORS**

BACKGROUND: Bids were received from three construction companies to make necessary repairs to the existing sanitary sewer main lines at the intersection of 700 South and State Street and on 700 South from State Street to 950 East. The lowest responsible bid was received from Associated Brigham Contractors with the bid amount of \$790,150.00. This bid amount exceeds the funding allocated by the City for the project. The City Engineers and Public Works staff reviewed the scope of work proposed for the project and recommend reducing the scope of work to make the repairs at the 700 South State Street intersection as proposed in the bid and to make two spot repairs on the 700 South sewer line at approximately 850 East. Reducing the scope of work for the project would reduce the contractors bid cost for the project to \$452,104. The work that would be removed from the project would be the slipline of the existing sewer line on 700 South from State Street to 800 East and removal and replacement of the existing sewer line on 700 South from 800 East to 950 East.

RECOMMENDATION: Approve the award of bid to Associated Brigham Contractors to make repairs to the sanitary sewer line at the intersection of 700 South State Street for the reduced scope of work bid amount of \$452,104.00 with contingency and engineering costs of \$113,026.00 for a total project cost of \$565,130.00; and authorize the Mayor's signature to any necessary documents.

8. **CONSIDER APPROVAL OF THE AWARD OF BID TO GERBER CONSTRUCTION FOR THE REPLACEMENT OF THE ROOF ON THE ONE-MILLION WATER STORAGE RESERVOIR AT 1975 EAST 700 SOUTH**

BACKGROUND: Bids were received from four construction companies to remove and replace the roof on the one-million gallon water storage reservoir located at 1975 East 700 South. The lowest responsible bid was received from Gerber Construction with the bid of \$369,999.

RECOMMENDATION: Approve the award of bid to Gerber Construction for the replacement of the roof on the one-million gallon water storage reservoir located at 1975 East 700 South for the bid amount of \$369,999.00 with contingency and engineering costs of \$85,001.00 for a total project cost of \$455,000.00; and authorize the Mayor's signature to any necessary documents.

9. **CONSIDER APPROVAL OF RESOLUTION 2013R-06 AUTHORIZING AN AMENDMENT TO THE TREATMENT CONTRACT WITH THE NORTH DAVIS SEWER DISTRICT**

BACKGROUND: North Davis Sewer District currently provides treatment for waste water collected by the City's sewer collection system. The City has had a contract with the District since 1954, which was recently renewed in 2002. Since that time issues have arisen which require the adoption of amendments to the 2002 contract.

RECOMMENDATION: Approve Resolution 2013R-06 authorizing an Amendment to the Treatment Contract with North Davis Sewer District and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

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

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

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

SCHEDULED ITEMS:

2. CONSIDER ADOPTION OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2013/2014

BACKGROUND: The Tentative Budget as presented to the Board for adopting is a balanced budget.

RECOMMENDATION: Approve the Fiscal Year 2013/2014 Tentative Budget and set a public hearing on the budget for Tuesday, June 11, 2013.

*****CDRA MEETING ADJOURN*****

Dated this 10th day of May, 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
March 19, 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
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Steve Guy	City Treasurer
	Jessica Hardy	Accounting Technician
	Marliss Scott	Marketing/Public Relations
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: There were no visitors.

Mayor Wood called the meeting to order 6:15 p.m.

Councilmember Shepherd moved to adjourn as the City Council and reconvene as the CDRA in a work session at 6:16 p.m., seconded by Councilmember Young. All voting AYE.

The minutes for the CDRA are in a separate location

The City Council reconvened at 7:49 p.m.

DISCUSSION ON THE 700 SOUTH SEWER INFRASTRUCTURE IMPROVEMENTS PROJECT

Scott Hodge, Public Works Director, distributed a handout including two maps and reminded the Council of the discussion during the March 5, 2013 work session regarding the proposed 700 South State Street Sewer Improvement project. He directed the Council to the map identifying the proposed project at State Street and 700 South. He explained the second map identified the project on 700 South from State Street toward 1000 East. He pointed out that portions of the project had been identified by two separate colors; the red section had more than one proposed option for consideration and the green section was from 800 East to 935 East.

He reviewed the costs and project options with the Council and requested its direction in completing the project.

- Option 1 – Replace the sewer at State Street/700 South intersection and spot repair the collapsed pipe section at 700 South/885 East.
- Option 2 – Replace the sewer at State Street/700 South intersection and replace the sewer in 700 South from 800 East to 935 East.
- Option 3 – Replace the sewer at State Street/700 South intersection and “slip line” repair the existing sewer line in 700 South from State Street to 800 East and replace the sewer from 800 East to 935 East.
- Option 4 – Replace the sewer at State Street/700 South Intersection and replace the sewer line at 700 South from State Street to 935 East.

Mr. Hodge clarified the first map reflected the project which would be completed simultaneously with UDOT’s work at the intersection in conjunction with the SR 193 extension project.

Bob Wylie, Administrative Services Director, referred to the handout identifying the options and costs for each and reported he had reviewed the fund balance and stated it could accommodate expending up to \$227,000 toward the project which would allow for completion of option 3. He explained why he was not comfortable in proceeding with the fourth option. Mr. Hodge explained why the cost of the project was so expensive to complete in its entirety. A discussion took place regarding the options. Mr. Hodge emphasized the City was comfortable with repairing the project with a slipline except for the portion identified in green and explained the pipe in that location had collapsed. He stated the work of the project would take place during nighttime hours to minimize traffic issues. The Council directed staff to proceed with the third option.

DISCUSSION ON THE AWARD OF BID FOR A SCADA SYSTEM

Scott Hodge, Public Works Director, distributed a handout and explained staff had completed the bid process for a culinary water SCADA system and the selection committee met with the vendors and recommended awarding the bid to Dorsett Technologies with a bid amount of \$60,802. He reviewed the bids and requested a \$4,200 contingency fund for the project. He explained the SCADA system would allow the monitoring of the amount of water located in the water tank via the use of a computer, without requiring an employee to physically be at the water tank to check the water level.

Councilmember LeBaron asked about the disparity in the submitted bids. Bob Wylie, Administrative Services Director, believed the other companies had bid for extremely complex systems for water and sewage treatment plants. He emphasized the City’s system was strictly a well monitoring system. Kim Dabb, Operations Manager, believed Dorsett manufactured the parts necessary for the function; whereas, the other responders purchased what was needed to complete the project. Mr. Hodge stated funds for the project had been appropriated during the budget process.

DISCUSSION ON THE FREEPORT WATER TANK IMPROVEMENT PROJECT

Scott Hodge, Public Works Director, informed the Council that the City had been put on notice of violation by the State because of a crack at the Freeport Water Tank. He stated the City had completed a Request for Proposal (RFP) and explained the request was vague in nature giving the respondents the opportunity to provide recommendations for the repair. He distributed a handout reflecting the submissions and reviewed the four different proposals with the Council.

He reported staff was recommending the repair project be awarded to Gerber Construction and reminded the Council that Gerber Construction had completed the concrete work associated with the 200 South Overpass repair project. Councilmember Bush inquired how Gerber Construction proposed to repair the crack and Mr. Hodge explained the repair proposal. A discussion took place regarding the proposed method of repair and Mr. Hodge indicated Gerber Construction had been successful in repairing a water tank in Tooele using the proposed process. Mr. Hodge added the committee had requested both Gerber Construction and Allstate Construction come in to talk more in length about their respective repair processes. He continued to explain during that same meeting a representative from the State Engineer's Office was present during the conversations.

Mr. Hodge expressed concern about a repair in which the crack itself was only repaired as opposed to the strength a new interior wall could provide. He continued the state engineer had expressed concern about the use of shotcrete inside the water tank as it might affect water quality and mentioned the engineer's office emphasized the ultimate decision in selecting the method of repair would be the City's.

Mr. Hodge informed the Council it would be staff's recommendation to award the bid to Gerber Construction. He emphasized once the initial repair was completed there was a risk of another crack becoming evident. Councilmember Shepherd asked for clarification about the initial repair being warrantied for two years. Mr. Hodge responded there was a base warranty for two years; however, the product used to repair the crack was warrantied for 10 years. He indicated the tank was currently only filled with water up to the crack to alleviate potential leakage.

Mr. Hodge requests appropriating \$27,000 to paint the exterior of the water tank because once the repair was completed it would resemble a checkerboard. Mr. Hodge pointed out he desired to begin the project this spring and requested the Council approve the project and appropriate the funds during the budget process. A discussion took place regarding the warranties associated with the proposals. Adam Lenhard, City Manager, suggested Mr. Hodge could request additional warranty time for the repair. The Council directed staff to proceed with Gerber Construction for a proposed cost of \$148,000.

DISCUSSION ON THE 2013/2014 FISCAL YEAR BUDGET

Bob Wylie, Administrative Services Director, directed the Council to the first page of the budget document. He reviewed the Utility Administration Funds and the budget specific to the Water Fund. Scott Hodge, Public Works Director, pointed out the City had appropriated one million dollars to Weber Basin for the purchase of culinary water. Kim Dabb, Operations Manager, explained the payroll costs for the employees.

Mr. Wylie pointed out how much the City would be appropriating for infrastructure projects from the three Enterprise Funds and directed the Council to the Enterprise Funds Capital Projects. He pointed out \$130,000 had been appropriated to Phase 1 of the Public Works Facility project from each Enterprise Fund.

Mr. Wylie reviewed the internal service funds: Fleet Fund and Risk Management Fund with the Council. He informed the Council of the recent budget cuts made earlier to the equipment purchase requests in the budget document.

The meeting adjourned at 8:44 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK 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
	Eric Howes	Community Services Director
	Valerie Claussen	Development Services Manager
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: There were no visitors.

Mayor Wood called the meeting to order 6:03 p.m.

DISCUSSION ON THE REQUEST FOR PROPOSAL (RFP) FOR INSURANCE
BROKERAGE SERVICES

Bob Wylie, Administrative Services Director, reminded the Council that the City had an insurance broker providing Property and Casualty Insurance. The current broker had been providing those services since 2006 and reported a Request for Proposal (RFP) had recently been solicited. He reported a selection committee consisting of himself, Brian Brower, City Attorney, Nancy Dean, City Recorder and Jessica Hardy, Accountant, reviewed the four submitted proposals and selected Olympus Insurance, as the proposal that received the highest cumulative score.

He commented the previous policy administrative fees had been commission based and staff was proposing changing that to a straight fee based proposal for the next two years. He stated the proposed straight fee was similar in amount to the commission price and reported all four proposals were very strong. He expressed his opinion Olympus had some services which placed them higher in the scoring tabulation.

Mayor Wood requested clarification about the fee Mr. Wylie was referring to as an “administrative fee”. Mr. Wylie responded the administrative fee was what the City had been compensating the broker to handle the insurance for the year.

Councilmember Bush inquired when the policy would be effective. Mr. Wylie responded the contract would be effective July 1, 2013. Councilmember Young requested if he could review the scoring sheets from each member of the committee.

DISCUSSION ON AN AMENDED FINAL SUBDIVISION PLAT KNOWN AS NINIGRET FIELD

Valerie Claussen, Development Services Manager, explained the original Ninigret proposal which came before the Council last summer reflected a narrow strip of property located on the border of Clearfield and Syracuse divided into two lots. She reported it was now proposed to take Lot 2 and further subdivide it to anticipate it being sold to Worldwide Packaging. She indicated Worldwide Packaging would complete all necessary improvements in the form of a driveway and access to its property.

Ms. Claussen reported the City Engineer had reviewed the plat and recommended its approval. She continued the construction documents associated with the installation of the driveway had also been approved.

DISCUSSION ON A FINAL SUBDIVISION PLAT KNOWN AS DAVIS NORTH DENTAL CENTER CONDOMINIUM

Valerie Claussen, Development Services Manager, explained the building was located at approximately 1500 East 1500 South near the Clearfield and Layton border. She explained it had come before the Planning Commission and there were additional concerns which needed to be addressed. She stated staff had requested a continuance until the April 23, 2013 meeting allowing for other comments to be addressed.

Ms. Claussen explained the proposal was to take the existing building and divide it into four condominiums; one unit for each of the doctors practicing in the facility. Mayor Wood clarified the approval of agenda item #8 would be continued. Ms. Claussen clarified the public hearing would need to be opened; however, it would be continued until April 23, 2013. Councilmember Bush inquired if all approvals had taken place specific to lot lines and fire ratings. Ms. Claussen responded in the affirmative and pointed out common ownership had been delineated between floors, open areas, parking lot, etc. with a Property Owner’s Association complete with CCR’s (Covenants, Conditions and Restrictions). She emphasized those had been submitted to the City and were consistent with code.

DISCUSSION ON THE APPOINTMENT TO THE PLANNING COMMISSION

Valerie Claussen, Development Services Manager, reported Commissioner Brandon Stanger had resigned from the Planning Commission. She stated both alternate members Tim Roper and Keri Benson had been extremely active and were great additions to the Commission. She informed the Council she had visited with Chair Peterson regarding the vacancy and she recommended the appointment of Mr. Roper because of his previous experience in serving on the Planning Commission.

Councilmember LeBaron pointed out Ms. Benson had participated in the Clearfield University program. He expressed his opinion Ms. Benson might have a better understanding of the City as a whole. He expressed agreement with Ms. Claussen's remarks that both Commissioner Roper and Benson were assets to the Commission; but didn't believe there to be much of a difference in experience. Councilmember Shepherd agreed with Councilmember LeBaron's comments. Councilmember Bush commented he would like to see Mr. Roper appointed as a regular member on the Planning Commission. Councilmember Young also believed it would be a toss up as to who should be appointed as a regular member of the Commission but was willing to agree with Councilmember LeBaron as he was the Council liaison to the Planning Commission. Councilmember Murray expressed her opinion to support Chair Peterson's recommendation for Mr. Roper.

Ms. Claussen stated she didn't believe it was necessary to conduct recruitment for alternate members on the Commission at this time. Mayor Wood expressed agreement with Councilmember LeBaron and Shepherd's philosophy regarding Ms. Benson's participation in Clearfield University. Ms. Claussen stated she would inform Chair Peterson of the Mayor and Council's discussion regarding the vacancy.

Mr. LeBaron emphasized the Council's decision was nothing against Mr. Roper, but believed Ms. Benson's initiative and commitment to the City with her participation in Clearfield University was something to be considered.

DISCUSSION ON PROCEDURES FOR COUNCIL PROJECTS

Mayor Wood stated he had requested staff place the issue on an agenda. He continued there were many opportunities in which to better the community and believed each councilmember, individually, had some great ideas for that betterment. He stated he had attended trainings which specified the separation of the legislative body and staff, the administrative body; furthermore the legislative body should be approaching the City Manager who would be responsible for filtering proposed projects. He stated it was inappropriate for councilmembers to individually direct or request specifics from City staff. Mayor Wood shared an example.

Adam Lenhard, City Manager, reported other communities had formal policies and stated he didn't believe that was necessary.

Councilmember Bush explained how he had been asked to provide names of City staff in response to the fire hydrant painting project. Mayor Wood pointed out issues regarding potential impacts to staff that might be created by such projects. He announced Saturday, June 1, 2013, had been designated as the day in which the fire hydrants would be painted. He continued residents would be meeting in the church parking lot on 1000 West north of 300 North. A discussion took place specific to liability waivers and volunteers completing City sponsored projects.

Councilmember Murray inquired about Eagle Scout Project requests. Mr. Lenhard indicated he would be the point of contact for those kinds of projects at this time.

DISCUSSION ON THE REQUEST FOR PROPOSAL (RFP) FOR INSURANCE
BROKERAGE SERVICES

Bob Wylie, Administrative Services Director, distributed a handout reflecting scoring for the Insurance Brokerage Services.

The meeting adjourned at 6:25 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
April 23, 2013

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

VISITORS: Mark Altom – Davis County Treasurer, Jonathon Lee – Davis County Clerk/Auditor’s Office

Mayor Wood called the meeting to order 6:03 p.m.

DISCUSSION ON ZONING TEXT AMENDMENT (AGRICULTURE RECREATION USE)

Valerie Claussen, Development Services Manager, explained the Community Development Department had received a request for a zoning text amendment to permit agricultural recreation in the C-2, Commercial zone. She mentioned this use was permitted in the A-1 and A-2, Agriculture zone. She explained the amendment also proposed supplementary standards because that use currently did not have any set standards for that type of use and the new standards would also be applicable for that use in all zones.

Ms. Claussen stated the proposed changes would establish the use as conditional in the C-2, Commercial zone; Chapter 3 would include additional verbiage which reflected supplementary standards would be found in Chapter 13; and, Chapter 13 would create supplementary standards intended to establish the expectation of the use and encourage predictability in spite of the temporary nature of most agri-tainment type activities.

She reviewed the supplementary standards which included:

- a minimum requirement of 10 acres and the recreation use must be related to the agriculture which occurred on the site
- an operational plan required which would describe mitigation plans for control of dust, litter, noise, manager contact information and the planned activities and hours of operation and the number of days and use on the site
- site plan required reflecting the location of activities, traffic, circulation and access to the site and a demonstration of compliance specific to any setbacks as well as parking
- provisions for joint/shared use parking

Ms. Claussen reported there were some items which would be left to the discretion of the Planning Commission which would be considered as part of the process for issuing a Conditional Use Permit (CUP). She identified some of the discretionary items as possible considerations such as operational hours (especially when in proximity to residential areas), additional screening or fencing, joint/shared use of parking, as well as any additional temporary signage.

Ms. Claussen pointed out the proposed changes were consistent with the General Plan as the C-2 zoning district was intended to promote commercial uses and stated agri-tainment was a hybrid of commercial and agricultural uses. She believed the proposal was consistent with Vision 2020 because it provided opportunities for a positive impact within the community economically and socially. She stated no public comment had been received and no additional public comments were made during the Planning Commission's public hearing. She reported the Planning Commission recommended approval of the proposed text amendment for supplementary standards for agricultural recreation use permitted in the C-2, Commercial zone district with an approved CUP.

Councilmember Young inquired why it stipulated a minimum size of ten acres. Ms. Claussen responded her research identified ten acres as a suggested minimum suitable size to accommodate both the agri-tainment activity and any necessary parking. Ms. Claussen explained that the minimum size requirement was designed to prevent agri-tainment uses such as petting zoos or rodeos from being allowed on smaller parcels.

Mayor Wood commented that although he respected the Planning Commission's opinion and recommendation, he did not support the proposed ordinance. He expressed his opinion that the ordinance, while general in language, was directed specifically to the use of one parcel of property, specifically in the Legend Hills area and that one individual who wanted to run an agri-tainment business in that area was the catalyst for the proposed text amendment. He commented the Legend Hills area was one of the few remaining undeveloped areas of significant size in the City which was currently zoned C-2, Commercial and could meet the ten acre minimum size requirement. Ms. Claussen responded staff recommended the ten acre requirement of continuous property. She clarified the ten acre requirement would also be applicable to any agriculturally zoned property.

Mayor Wood commented it was one specific individual who initiated the proposed text amendment in order to bring a corn maze into the Legend Hills area. He explained the City recently invested several hundreds of thousands of dollars in infrastructure improvements such as widening University Park Boulevard and the installation of water lines which could provide support for future commercial development at Legend Hills. He stated he could not support the proposed ordinance. He also mentioned that during the upcoming policy session the CDRA would be considering the allocation of an additional \$65,000 to a study of retail potential directed at the same acreage in the Legend Hills area that the proposed text amendment would allow to be used for agricultural recreational opportunities. Mayor Wood indicated that considering the big picture, or general scheme of things, it just didn't make any sense to him for the City to approve the proposed text amendment. He expressed his concern that a corn maze could be a deterrent to potential commercial development which could often be pushed forward on very short, but critical time frames which might affect the success of bringing in a new commercial development. Mayor Wood concluded by indicating that these several concerns he expressed were his, just one person's opinion.

Councilmember LeBaron sought to clarify whether Mayor Wood's concern was that when a higher and better opportunity presented itself, such property might not be available because it was already being used for another specific purpose, such as a corn maze. Mayor Wood remarked that was a potential problem. He commented the City had no control over negotiations with any potential developer, the property owner and those involved with any temporary use of the property for things such as a corn maze. He expressed concern that the unavailability of the property within a certain time frame might drive a developer to go elsewhere or create a demand from the owner of an agri-tainment enterprise to be made whole on his or her investments in the property. Mayor Wood also pointed out that the City had previously expended a significant amount of political capital relocating another potential encumbrance to the development of that particular parcel of property and that the proposed text amendment could potentially create or allow for another encumbrance to the commercial development of the Legend Hills area.

Councilmember Murray emphasized the proposal was not for a change of the zone. Mayor Wood pointed out the proposal was for a text amendment change in the City Code that would allow something that was not currently allowed in the commercial zone. Councilmember Young expressed his opinion that he thought agricultural recreation use was good in the agricultural zones rather than in the C-2 zone. Councilmember Murray mentioned that she had talked to staff about some of her concerns with the proposed text amendment. She noted that staff had explained to her that the agriculture recreation use would be temporary in nature, meaning there was nothing permanent about it. She expressed her understanding based upon the discussion with staff that a more permanent development opportunity would likely have priority over the temporary, seasonal use. Mayor Wood asked Ms. Claussen to explain how a proposed more permanent use would have priority over any temporary use which was already in place. Ms. Claussen responded the Conditional Use Permit (CUP) would only be valid for the length of time specified in any agreement executed by the necessary parties. Mayor Wood emphasized the City would not have any control over any contractual arrangements between the landowner and the

users. Ms. Claussen stated the City would have control over the validity of the CUP as long as the executed agreement was in place and valid. Brian Brower, City Attorney, elaborated on some of the concerns previously expressed by pointing out that the City would have no control over the terms of the agreement between the land owner and user. He pointed out that a property owner could, for example, enter into a ten year agreement for an agricultural recreation use which could potentially affect commercial development. Mayor Wood echoed that the City would have no control over such an agreement for an agricultural recreation use.

Councilmember Young suggested the question under consideration, what the Council should be looking at, was what should the nature of the C-2, Commercial zone be within the City. He indicated the Council should ask itself whether the City's vision included having farms in the C-2 zone. Mayor Wood believed it was difficult to see commercial property, and even a stretch for the Legend Hills property, which is currently zoned as C-2, being used now for a legitimate, continuing agricultural use as evidenced by just driving by the property any time during the past eight to ten years. Ms. Claussen mentioned that beehives were kept on the property periodically. Mayor Wood pointed out that such activity was likely being done by the property owner because it would then allow the property to be given greenbelt status by the County Assessor. Mayor Wood expressed his opinion the proposed text amendment did not serve the best interests of the City. He pointed out he was elected to represent the best interest of the community as a whole, not just the interests of one particular individual. Mayor Wood indicated that was his opinion, but that he would like to hear the opinions of the rest of the councilmembers.

Adam Lenhard, City Manager, asked if the applicant had appeared at the Planning Commission meeting. Ms. Claussen responded in the affirmative. Mayor Wood stated he had expressed his opinion to one particular member of the Planning Commission who indicated he or she was unaware of the capital investments made in the Legend Hills area by the City. He stated the commissioner indicated that knowledge of the proposed retail leakage study and previous significant public improvement expenditures directed at promoting the economic development of the Legend Hills area might have created a different perspective when considering whether or not to recommend adoption of the proposed text amendment to the Council.

Mr. Brower expressed his opinion that while it wasn't inappropriate at all for the Council to discuss and consider how the proposed text amendment might affect the limited number of remaining parcels within the City it would be applicable to, he also recommended that the Council should consider the broader, more general view of whether it wanted to include the agriculture recreation uses or operations in the C-2, Commercial zone. He suggested that if a motion were made to deviate from the Planning Commission's recommendation, that broader view should be expressed in reflecting the Council's determination, if that were indeed the direction the Council wanted to go.

Councilmember Murray explained conditions she was personally aware of regarding other seasonal commercial ventures in buildings, such as haunted houses. She continued some types of temporary uses such as these allowed landowners and building owners to receive some revenue

while a building sat vacant or until more permanent development took place. In response to Councilmember Murray's thoughts, Councilmember Young again expressed his opinion that the issue was more of a land use issue and whether the proposed use was appropriate for the C-2, Commercial zone. Councilmember Murray emphasized the property was still being given greenbelt status. She stated if the proposed temporary use were surrounded by traditional commercial uses she would definitely not support it. Councilmember LeBaron stated that if the text amendment were approved, the use would have to be allowed in any C-2, Commercial zone across the entire city that met the ten acre minimum requirement. Councilmember Murray pointed out there was probably not another area in the City that could meet the ten acre requirement. Councilmember Young indicated the ten acre minimum requirement didn't make sense to him anyway and then reminded the Council the question should be whether this use was appropriate for C-2, Commercially zoned parcels. He asked what the term "greenbelt" designation meant for the property. Councilmember Murray responded that she believed it allowed for agricultural uses and further indicated that the proposed text amendment didn't seem to be clearly advantageous from either side—whether for or against it. Ms. Claussen and others added that the term "greenbelt" referred to a particular tax designation that allowed the property owner to demonstrate so much of the property was being used for agricultural uses; therefore, it could be taxed at a lower rate. Ms. Claussen also mentioned the greenbelt issue was an entirely different zoning/land use issue from the matter at hand and even questioned whether it was allowed in the C-2 zone.

DISCUSSION ON THE WILCOX FARMS PROPERTY REZONE

Valerie Claussen, Development Services Manager, explained the public hearing would be opened and continued until the May 14, 2013 City Council meeting. She stated the dates had been designated and the required noticing had taken place specific to the public hearing. She reported the issue was scheduled to be addressed during the Planning Commission's meeting on Wednesday, May 1, 2013.

DISCUSSION ON THE NORTH DAVIS CONDO PLAT

Valerie Claussen, Development Services Manager, reminded the Council the agenda item had been continued from the March 26, 2013 City Council meeting. She stated all engineering comments had been addressed and an approval letter issued by the city engineer. She explained the request was for a final subdivision condominium plat for an existing dental office. She continued the building would be divided into four condominiums sharing front reception, parking lot, landscaping and other common areas. She pointed out the Master Plan and zoning were commercial and the condo plat was consistent with both. She added building code requirements had been met to the satisfaction of the city engineer and building official. She stated there were private CC&R's (Covenants, Conditions and Restrictions) because of the common areas that were subject to City review. She reported no public comment had been received and the Planning Commission had recommended approval of the Final Subdivision Plat.

DISCUSSION ON SR 193 EXTENSION DEDICATION PLAT

Valerie Claussen, Development Services Manager, shared an illustration reflecting the road which was proposed to be deeded to the City and reminded the Council of the background and previous work session discussions regarding the transfer of its ownership. She pointed out the road was privately maintained providing access to Jenmar and Morgan Pavement. She stated the plat would enable the City to accept the road as a public street and emphasized its necessity in conjunction with the SR 193 Road Extension Project. She pointed out where the road was located on the illustration in conjunction to the frontage road providing access. She stated the public works director and city engineer reviewed the road and plat and recommended approval. Ms. Claussen referred to the illustration and pointed out where the fire access would be located through Morgan Pavement which would otherwise dead end at Morgan Pavement.

Ms. Claussen reported the Planning Commission had approved the street dedication on the condition that UDOT would complete requested improvements particularly along the frontage road and that the City would ensure the public safety in the area would be maintained particularly the two way traffic. She continued concern had been expressed specific to whether the narrow road and the on street parking would still be able to allow for two way traffic after it became a public street. Ms. Claussen indicated Mr. Morgan was present during the Planning Commission's meeting and spoke to the existing conditions in the immediate area. She reported no other public comments had been received and the Planning Commission had recommended approval of the street dedication plat.

Mayor Wood inquired if the improvements identified to be completed by UDOT were specific to curb and gutter. Scott Hodge, Public Works Director, responded the only area UDOT would be required to complete curb and gutter would be where the proposed frontage road was parallel to the new SR 193 extension, also known as 700 South.

Councilmember LeBaron requested clarification specific to the access road being requested by the City. Ms. Claussen indicated several discussions had taken place over the previous eighteen months regarding the South Main Street closure and possibilities regarding the frontage road. She continued based upon those discussions the City had concluded this was the best alternative and therefore had requested the road be dedicated to the City as a public street as that seemed to be the only feasible alternative to allow for completion of the highway project. Councilmember Bush inquired if the proposed street had been built to City standards. Mr. Hodge responded it had other than some areas missing curb and gutter. He also mentioned the road base thickness was appropriate for City standards. He continued to explain the proposed development and reconfiguration of the City's Public Works' Shop and Park's facilities and how curb and gutter installation would be completed in conjunction with that project. Councilmember LeBaron reported on Planning Commissioner Butcher's concerns regarding the narrow road and any on street parking relative to safe passage. Councilmember LeBaron suggested that due to the road's width, it could be posted by the City as a "No Parking" area in order to promote safety.

Brian Brower, City Attorney, expressed concern about having the City adopt and put in place conditions to provide for safety on the public road and more specifically a requirement placed upon itself that “the City was to ensure public safety . . .” as was reflected in the Planning Commission’s recommendation. Mr. Brower indicated that the safety issues could be addressed as was suggested earlier, by making parking on that street illegal, and that having the City impose a condition upon itself wasn’t necessary. Councilmember LeBaron said he understood and agreed. Mr. Brower suggested any proposed motion by the City Council, should it be so inclined, might include some modified verbiage regarding the condition to ensure public safety. He emphasized it was not his intention to disregard or circumvent the Planning Commission’s recommendation to the City Council; however, he expressed his opinion that the City had a need to limit any potential liability on its own behalf in this regard.

DISCUSSION ON INFORMATION RECEIVED FROM THE DAVIS COUNTY
TREASURER

Mark Altom, Davis County Treasurer, and Jonathon Lee, Davis County Finance Director, distributed a handout reflecting Utah State Code specific to Payment to Taxing Entities by County Treasurer and a spreadsheet reflecting property tax distributions for entities within Davis County. Mr. Altom shared a presentation clarifying the calculation and distribution of real property taxes on assessed values. He reviewed State Code and standard practices and the figures associated with negative distributions of tax revenue with the Council. Mr. Altom referred to the spreadsheet and pointed out that Clearfield City was the only taxing entity that had a negative distribution of its 2012 tax revenue. He indicated the cause was due to the activation of the ATK EDA (Economic Development Area). He stated distributions were made based on 100 percent of the taxable property value and not adjusted for redevelopment agencies until later. He explained when the values were adjusted for the redevelopment agency it caused a negative distribution for the City.

Mayor Wood asked if the explanation meant there was an excess distribution of tax revenue to the City which was now being recovered. Mr. Altom stated he would not identify the issue as an excess distribution because it was considered a distribution subject to final distribution that would be adjusted. He explained every entity affected by an RDA (Redevelopment Agency) was subject to the standard practice of a final distribution that could be adjusted accordingly. He reported the negative distribution funds for Clearfield totaled approximately \$147,985.

Bob Wylie, Administrative Services Director, referred to the information identified on the spreadsheet specific to the base property values. He noted a reduction in Clearfield’s base property values directly proportionate to the increase in RDA Values. He asked if the County moved only the growth in revenue when it calculated RDA revenues. Mr. Altom responded values were set by the County Assessor and there was lower real property value in 2012 for Clearfield than what was assessed in 2011.

Councilmember Young expressed his understanding that assessed values were determined prior to setting the certified tax rates. Mr. Altom agreed values were determined prior to rates being set. He added values were determined in June 2012 but the certified tax rate was based on a three year average of equalization value and a five year average of collection rate rather than calculated on a year to year basis. Councilmember Young commented the practice could create a lag in negative values. Mr. Altom agreed. Mr. Lee added Freeport Center had appealed its rate and its value dropped significantly. Mr. Altom commented veteran and low income abatements also affected distributed amounts.

Mayor Wood commented a taxing entity was given a certified tax rate but could not count on actually receiving the anticipated revenue because of various distribution adjustments. Mr. Altom there were distribution adjustments but it should even out over time because of the lag associated with the three and five year averages discussed earlier. Councilmember Young stated statistically a taxing entity would expect to recognize increases to revenue based on the three and five year averages. Mr. Altom clarified the revenue increase could be recognized if a taxing entity were experiencing new growth because the new growth calculation was separate from the certified tax rate calculation.

The meeting adjourned at 6:58 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
April 23, 2013

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

VISITORS: Mark Altom – Davis County Treasurer, Jonathan Lee – Davis County, Marlon Wilde, Ryan Johnson, Kayann Bissell, Alicia Emery, Von Hill, Paul Brissell

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

Youth City Councilmember Emilee Matheson conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 12, 2013 WORK SESSION, THE MARCH 5, 2013 WORK SESSION, THE MARCH 12, 2013 WORK SESSION, THE MARCH 12, 2013 REGULAR SESSION AND THE MARCH 26, 2013 REGULAR SESSION

Mayor Wood requested his comments on the first page of the March 5, 2013 work session be amended to reflect, *He expressed his opinion an all-day event and the costs associated with that were “not justified” rather than “justified.”*

Councilmember Bush requested a correction be made to Councilmember Shepherd’s comments from the March 12, 2013 policy session in which the location of the restaurant be changed from “north” to “south”. The amended minutes should reflect: *Councilmember Shepherd stated a new restaurant, Wasatch Wok, had opened and was located south of the City building.*

Councilmember LeBaron moved to approve the minutes from the February 12, 2013 work session, the March 12, 2013 work session, and the March 26, 2013 regular session as written, and the March 5, 2013 work session and the March 12, 2013 regular session as amended, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON A ZONING TEXT AMENDMENT TO TITLE 11 – LAND USE, PERMITTING AGRICULTURAL RECREATION IN THE C-2 ZONING DISTRICT AS A CONDITIONAL USE AND FOR THE INCLUSION OF SUPPLEMENTARY STANDARDS FOR THE USE

Adam Lenhard, City Manager explained the request was for a zoning text amendment to the Clearfield City Land Use Ordinance Title 11 to permit agricultural recreation in the C-2 zoning district as a conditional use and for the inclusion of supplementary standards for the use. He indicated this use was already allowed in the Agricultural zone. He pointed out the C-2, Commercial zone was primarily reserved for office and retail--more traditional types of commercial activity. The Planning Commission held a public hearing on April 5, 2013 and unanimously recommended approval of the text amendment regarding agricultural recreation.

Valerie Claussen, Development Services Manager, reported the Planning Commission heard the request at the April 5, 2013 meeting and recommended approval of the proposed text amendment. She explained the proposed text amendment consisted of three main elements:

- Agricultural recreation would be a permitted use in the C-2 zoning district with a Conditional Use Permit (CUP). She stated it was currently a permitted use with a Conditional Use Permit (CUP) in the A-1 and A-2 zoning districts.
- Chapter 3 would be revised to include reference to Chapter 13, Supplementary Standards.
- Changes to Chapter 13, Supplementary Standards, would be applicable to agricultural recreation use in A-1, A-2 and as written in C-2 zoning districts. She stated the specific standards required a minimum of ten acres, an operational plan would be submitted which specified the description of measures to insure compatibility with adjacent uses and hours of operation, the number of days the use would occur on the site and a site plan which designated location of activities, pavilion areas, vehicular access, traffic circulation and demonstrate compliance with setbacks and sanitary facilities as well as joint parking and access.

Mayor Wood stated the agenda item had been discussed in the work session held prior to the City Council meeting.

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

Mayor Wood asked for public comments.

Benjamin Larsen, resident, stated he was the applicant and reported he had worked closely with Ms. Claussen to determine the best way to conduct agricultural recreation use in the City. He stated with growth of the City there were limited areas which could accommodate an agricultural recreation use. He pointed out the current language was limited in allowing for the creation of a corn maze or similar activity and reported it was his desire to provide a way which could accommodate the use. He believed a clear definition identifying where these activities could take place would be beneficial and suggested the designation of specific areas should consist of ten acres of vacant land which had historically been used for agricultural purposes.

He understood there were issues regarding the use of land in the Legend Hills area which had historically been used for agricultural uses. He expressed his opinion retail/commercial development would not happen for at least one year and believed economic development would most likely take years. He believed the corn maze would allow a temporary use which would be a win/win for the City and property owner. He believed this type agriculture recreation would be a great opportunity to bring a fun wholesome environment to Clearfield City while providing protection to surrounding areas.

Mr. Larsen stated it was also his goal to open up a growth opportunity and expressed his opinion a successful corn maze could potentially recognize \$500,000 in revenue and believed this would be a great benefit to the City. He stated he was willing to respond to any questions from the Council.

Mayor Wood asked whether there was any additional public comment.

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

PUBLIC HEARING TO RECEIVE COMMENT ON THE REZONE OF PROPERTY LOCATED AT APPROXIMATELY 850 WEST 1600 SOUTH FROM C-2, COMMERCIAL TO R-3 (P-D), MULTIPLE-FAMILY RESIDENTIAL WITH A PLANNED DEVELOPMENT OVERLAY - CONTINUED

Valerie Claussen, Development Services Manager, stated the Planning Commission opened the public hearing during the April 3, 2013 meeting and continued the request to be heard at its meeting on May 1, 2013. Staff recommended continuing the public hearing to the May 14, 2013 City Council meeting.

Mayor Wood declared the public hearing open at 7:20 p.m.

Mayor Wood asked for public comments.

Seeing none present who wanted to speak at the public hearing, at 7:21 p.m., **Councilmember Young moved to continue the public hearing until May 14, 2013, at 7:00 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None.** Councilmember Shepherd was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON A FINAL SUBDIVISION PLAT, KNOWN AS DAVIS NORTH DENTAL CENTER CONDOMINIUM PLAT LOCATED AT APPROXIMATELY 1500 SOUTH 1500 EAST WHICH IS LOCATED IN THE C-1 ZONING DISTRICT

Valerie Claussen, Development Services Manager, stated this item was continued from the March 26, 2013 City Council meeting as staff was still working with the applicant to address final comments generated by the city engineer during his review. She emphasized all comments generated during the engineering review by the city engineer had been addressed and a letter of recommendation had been submitted as well as a review by the City's building official. She explained the request was for an existing medical office building located at the Clearfield and Layton City boundaries, south of 1450 South and on the west side of 1500 East. The building was two stories of approximately 14,500 square feet on a developed parcel consisting of 0.73 acre with completed site improvements (including sidewalks, infrastructure, etc.). Ms. Claussen reported the proposal would be for four condominiums with a shared common space, including the front foyer area, landscaping and parking. She pointed out the request met all City Codes, was consistent with the General Plan and current zoning. The Planning Commission heard this item during its March 6, 2013 meeting.

Mayor Wood declared the public hearing open at 7:21 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:22 p.m., seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON THE UTAH DEPARTMENT OF TRANSPORTATION'S (UDOT'S) STREET DEDICATION PLAT OF 175 EAST AND 550 SOUTH

Valerie Claussen, Development Services Manager, explained the private road located at 175 East and 500 South provided access to Jenmar and Morgan Pavement from 700 South. She indicated due to the SR 193 construction project dedicating and accepting of the road as a public street was needed to facilitate that project and approval of the plat would enable the road to be dedicated to the City for acceptance and maintenance. She reported conditions of approval were added by the Planning Commission during its meeting on April 3, 2013 and recommended approval based on its discussion and findings provided in its report to the City Council. She stated no public comments had been received.

Mayor Wood declared the public hearing open at 7:23 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:24 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

PUBLIC HEARING ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN FOR PROGRAM YEAR JULY 1, 2013 TO JUNE 30, 2014

Valerie Claussen, Development Services Manager, explained a copy of the proposed 2013-2014 Community Development Block Grant (CDBG) One Year Action Plan was provided to the Council in March. Citizens were given the opportunity to review the One Year Action Plan in the Community Development Department from March 13, 2013 until April 11, 2013. No written comments were received. Ms. Claussen stated the infrastructure project for this next year would be 450 West and reviewed the following sub recipients: Clearfield Youth Resource Center, Family Connection Center, Davis Community Learning Center and Safe Harbor.

Bob Wylie, Administrative Services Director, arrived at 7:25 p.m.

Mayor Wood explained the process used to determine whether CDBG funds could be appropriated for specific projects and sub recipients and emphasized the grant funds had to benefit low to moderate income residents within the City.

Mayor Wood declared the public hearing open at 7:26 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:26 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

SCHEDULED ITEMS

CITIZEN COMMENTS

Marlon Wilde, resident, distributed a handout and expressed concern regarding issues associated with 200 South. He believed City standards and the City Code had been compromised during the completion of the road construction. He indicated the width of the road from 575 West to 1000 West measured 36 feet 1 inch and believed it was 4 feet 11 inches below the required standards of 2008. He expressed concern regarding the planned cul-de-sac or dead end at 200 South/1000 West which he believed did not meet the City's requirements either. He indicated that in his opinion both of these issues should have required a variance hearing. He also expressed concern regarding the North Davis Fire District's (NDFD) approval for the cul-de-sac.

He reported that he inquired about the variance hearings in a conversation with Adam Lenhard, City Manager, on March 29, 2013, and was informed that Mr. Lenhard deemed it wasn't necessary. Mr. Wilde expressed his opinion this violated the due process for the residents of Clearfield City.

Mr. Wilde expressed concern regarding the City's explanation that the location of existing sewer lines had prevented the road from being constructed to a wider width and pointed out the sewer lines had been at that location prior to any construction. He believed the previous road was wider prior to the sewer line project completion. He stated he understood that funds from UDOT had been used to complete the road as a connector street which would have wider specifications. He mentioned an email had been included in his handout which reflected issues regarding the speed limit on 200 South.

He mentioned he had filed a code enforcement complaint with the City in April 2012. He also reported he had met with Kim Dabb, Operations Manager in the Public Works Department, who explained to him the original plans had intended for parking on both sides with two travel lanes for traffic, which would have required forty feet of road width which is the specification for a residential street.

He expressed frustration regarding his phone call with Mr. Lenhard on March 29, 2013 and comments made to the effect that Google Earth reflected the road measured 40 feet and that Mr. Wilde's tape measure was inaccurate.

Mayor Wood stated he would review Mr. Wilde's handout and draft a response to Mr. Wilde's concerns. He suggested members of the Council also review the handout. Mr. Wilde expressed appreciation for the opportunity to address the Council.

CONSIDERATION OF ORDINANCE 2013-05 AUTHORIZING THE ZONING TEXT AMENDMENT TO TITLE 11 – LAND USE, PERMITTING AGRICULTURE RECREATION IN THE C-2, COMMERCIAL ZONING DISTRICT AS A CONDITIONAL USE AND FOR THE INCLUSION OF SUPPLEMENTARY STANDARDS FOR THE USE - **FAILED**

Mayor Wood indicated some information had been provided and discussed during the public hearing process. He also mentioned that a presentation had been made by City staff during a work session prior to the City Council policy session at which time he had shared some of his opinions and views regarding the issue.

Councilmember Young stated he was a proponent of "best use" for vacant property. He expressed concern that Mr. Larsen's proposed use would only be temporary. He emphasized there was nothing in the proposed text which defined or ensured an agricultural recreation use in a C-2 zone would remain temporary. He expressed his opinion that agriculture recreation was not compatible with the City's vision for the Legend Hills area in particular. He stated allowing it could potentially open the door to something which didn't fit the character of the C-2 areas the City was attempting to establish.

Mr. Larsen inquired how the proposed text amendment conflicted with Councilmember Young's understanding of the C-2 zone. Councilmember Young believed C-2 was commercial development and expressed his opinion it was the vision of the City to develop brick and mortar establishments which would benefit the City.

Mr. Larsen shared his belief that the real goal for the City was to produce revenue and the choice at this time was whether the land should continue to sit vacant, be farmed and harvested, or harvested in a different way which would recognize significant revenue to the City. He expressed a desire to help Councilmember Young overcome his concern and believed the use wouldn't impede development of C-2 zoning in any way and expressed his opinion the issue was an economic issue as opposed to a zoning issue. He mentioned when the right developer came along the opportunity would no longer exist.

Mayor Wood expressed his opinion that the issue spoke more to the attitude of the City in terms of its seriousness regarding its commitment to the remaining available commercial development within the City and more specifically to the Legend Hills area. He emphasized the proposed text amendment would be applicable to all areas of the City and pointed out the City's disadvantages

regarding commercial development given its proximity to Riverdale, Layton and Clinton. He continued the specific parcel of property in the Legend Hills area that Mr. Larsen hoped to conduct agriculture recreation on held the best promise for economic development within the City. He reported the City had invested a significant amount of funds within the past year on infrastructure improvements for a road located in Layton City which benefitted that area, water lines which would serve the development as well as commissioning a study to reflect the best retail opportunities for the area in an effort to assist in bringing significant economic development to the area. He believed these examples spoke to the seriousness of the City regarding its commitment to commercial development in C-2 zones.

Mayor Wood then addressed Mr. Larsen's position regarding the City's objective to maximize revenues. He stated the forfeiture of short term revenues was far less important than the long term opportunities which might come to benefit the City for decades. He mentioned the decision of previous elected officials to relocate a proposed water tank for the Weber Basin Water Conservancy District from the Legend Hills area to an area which was not commercially zoned in order to allow for the commercial development of the commercially zoned vacant land. He pointed out there were citizens who believed they would be negatively impacted by the Council's decision to provide for the relocation of the water tank; therefore, the City allowing for the planting of corn for the proposed use in a C-2 zone would not be in the best interest of the City. Mr. Larsen pointed out the current zoning allowed for the planting of corn right now.

Mayor Wood stated he was not inclined to amend the City's zoning ordinance to allow for agricultural opportunities in the C-2, Commercial zone and make a text amendment which would accommodate, or perpetuate that type of use. Mr. Larsen expressed frustration that the City was willing to allow the property to continue to sit vacant for a number of years instead of using it in some way to benefit the community. He pointed out the property owner had made it clear that if the right opportunity presented itself the corn maze would be forfeited in place of development. He stated the property owner was in favor of the corn maze.

The discussion ended at that point and Mayor Wood called for a motion.

After the required public hearing as well as discussion and consideration by the City Council, the proposed zoning text amendment as set forth in Ordinance 2013-05 was NOT APPROVED due to the failure of any member of the body to offer a motion on the item as it appeared on the agenda. Therefore, the proposed zoning text amendment FAILED for lack of a motion to approve the ordinance.

APPROVAL OF A FINAL SUBDIVISION PLAT KNOWN AS DAVIS NORTH DENTAL CENTER CONDOMINIUM LOCATED AT APPROXIMATELY 1500 SOUTH 1500 EAST WHICH IS LOCATED IN THE C-1 ZONING DISTRICT

Adam Lenhard, City Manager, reviewed the proposed agenda item consisting of information provided prior to the public hearing held earlier in the meeting.

Councilmember LeBaron moved to approve the Final Subdivision plat known as Davis North Dental Center Condominium located at approximately 1500 South 1500 East which was located in the C-1 zoning district, 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 Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF THE UTAH DEPARTMENT OF TRANSPORTATION'S (UDOT'S) STREET DEDICATION PLAT OF 175 EAST AND 550 SOUTH

Councilmember LeBaron moved to approve the Utah Department of Transportation's (UDOT's) Street Dedication Plat of 175 East and 550 South, as conditioned, based upon the discussion and findings provided in the April 3, 2013 Planning Commission Staff Report, with an amendment to condition 2 making it read as follows: "Efforts should be made to maintain sufficient space for two-way vehicular travel on the public road." and authorize the Mayor's signature to any necessary documents, seconded by Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN FOR PROGRAM YEAR JULY 1, 2013 TO JUNE 30, 2014

Councilmember Bush moved to approve the CDBG One-Year Action Plan for Program Year July 1, 2013 to June 30, 2014 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

APPROVAL OF RESOLUTION 2013R-05 AUTHORIZING THE INTERLOCAL AGREEMENT WITH UTAH TRANSIT AUTHORITY (UTA) REGARDING PLACEMENT OF A POLE, CAMERA, AND ANTENNA EQUIPMENT ON UTA'S PROPERTY NEXT TO THE 1700 SOUTH WALKING TRAIL

The "Pole Camera" project was nearly complete and the grant was due June 30, 2013. The last camera to be installed was at a location north of 1700 South at the walking trail, which was on UTA property. UTA drafted an agreement to allow the City to place a camera on the trail with the understanding that it may have to be moved if UTA ever decided to relocate a track there.

Police Chief Krusi, explained UTA currently owned the property upon which the Rail Trail was located and the City desired to install a pole camera to provide for the security of those who utilize the trail. He emphasized this would complete the entire Pole Camera project and indicated it had taken three years for completion. He explained where the camera would be located.

Brian Brower, stated the City had executed several of these types of agreements with UTA for various purposes and indicated they had always been accommodating to the City's requests for changes to the documents. He continued the City had requested the waiving of certain fees in this instance and indicated the Real Estate Usage Fees associated with this agreement had been waived by UTA.

Councilmember Young moved to approve Resolution 2013R-05 authorizing the Interlocal Agreement with UTA for installation of a pole camera with the elimination of the Real Estate Usage Fee and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

CONSENT AGENDA

APPROVAL OF AND CONSENT TO THE MAYOR'S PROPOSED APPOINTMENT OF A RESIDENT TO THE CITY'S PARKS AND RECREATION COMMISSION

The Clearfield Parks and Recreation Commission has openings for several Parks and Recreation members. Alicia Emery submitted a letter of interest and was interviewed by the City Council during its April 16, 2013 work session.

Councilmember Bush informed the Council Ms. Emery had attended the Parks & Recreation Commission meeting on Wednesday, April 17, 2013. He expressed his opinion she would be a great addition to the Commission.

APPROVAL OF AND CONSENT TO THE MAYOR'S PROPOSED APPOINTMENT OF A RESIDENT TO THE CITY'S PLANNING COMMISSION

Keri Benson had been serving as an alternate member of the Planning Commission and staff was recommending she be appointed to serve as a regular member of the Planning Commission to fill the vacancy created by the resignation of Brandon Stanger.

Mayor Wood reported Ms. Benson had requested she be excused from tonight's meeting as she had a previous commitment.

APPROVAL OF A PROCLAMATION DECLARING APRIL 26, 2013 AS ARBOR DAY IN CLEARFIELD CITY

Clearfield City would celebrate Arbor Day on Friday, April 26, 2013. The City supported all efforts to plant and protect trees within its boundaries because trees were valuable to the City's environment. Clearfield had received the "Tree City USA" designation for the

past 16 years. Eric Howes, Community Services Director, requested the date of April 26, 2013, be officially declared "Arbor Day" in the City of Clearfield.

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

Nancy Dean, City Recorder, pointed out Alicia Emery was in the audience. Mayor Wood acknowledged her attendance and introduced Ms. Emery.

Councilmember LeBaron moved to approve the consent agenda items presented by staff as listed above and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None. Councilmember Shepherd was not present for the vote.

COMMUNICATION ITEMS

Financial Reports – Bob Wylie, Administrative Services Director, presented the financial reports for March 2013. He reviewed expenditures for all funds with the Council and stated they were within budgeted parameters at this time. He pointed out the City was approaching the time of year when significant expenditures would be taking place. He reviewed the revenues with the Council, and pointed out staff was consistently tracking revenues. He believed all were within budgeted parameters.

Mayor Wood –

1. Commented about fund raising efforts which had taken place on Saturday, April 20, 2013 for the Clearfield Community Church. He spoke of the generous donations which had been made by the public to benefit the programs which were affiliated with the Community Church. He stated the City had spent significant funds over the years too in efforts to elevate and reflect pride within the Community. He expressed his appreciation to the residents for their generosity. He reported the fund raiser to benefit the Church's youth group had resulted in approximately \$9,000 in donations.
2. Reminded the Council of the Children's' Choir Concert scheduled for Monday, May 6, 2013.

Councilmember Bush

1. Stated he had attended the Kiwanis meeting on Thursday, March 28, 2013, during which they stamped books which were later donated to the elementary schools within the local area. He personally delivered books to South Clearfield and Wasatch Elementary Schools.
2. Reported he had attended the Easter Egg Hunt on Saturday, March 30, 2013 at Fisher Park and also observed the egg dive at the Aquatic Center. He complimented Eric Howes and the Community Services staff for their efforts.
3. Informed the Council he had the opportunity to have lunch at Chancellor Gardens and tour the facility. He reminded the Council a new wing had been constructed and commented on how nice the facility was and the good things they do to provide for the need within the community.
4. Reported he had attended Utah League Conference in St. George and indicated he would review and compile his notes and provide them to members of the Council.

5. Stated he participated in the Grand Opening of the new Trax Airport Line on Saturday, April 13, 2013. He expressed his opinion this would be a great benefit to tourists coming into Salt Lake City from the airport.

6. Informed the Council of the North Davis Sewer District meeting he attended on Wednesday, April 17, 2013. He stated the District was in the process of approving several new infrastructure projects. He commented they had recently approved bonding and two new buildings would be constructed in addition to upgrading equipment. He reported sewer line improvements would be taking place on Gordon Avenue in Layton, other lines in Layton and Roy Cities would be completed.

7. Mentioned he had the Recreation Commission meeting that same night during which a discussion specific to tables, benches and garbage cans for City parks had taken place. He requested Eric Howes, Community Services Director, address the Council on that matter. He complimented Mr. Howes and Curtis Dickson, Deputy Director, for their efforts and information provided to the Commission. He mentioned the representative of the concrete picnic tables would be here at the City building on Wednesday, May 8, 2013 at 11:30 and extended an invitation to anyone interested.

Councilmember LeBaron – nothing to report.

Councilmember Murray – Informed the Council she would be out of town from Saturday, June 1, 2013 until Wednesday, June 26, 2013.

Councilmember Young – Informed the Council the Mosquito Abatement District had voted to increase its fleet of fogger vehicles due to the growth within the County and the demand for their services. He explained how residents could request their neighborhood be “fogged” by visiting their website.

Adam Lenhard, City Manager – Publicly thanked the staff of the City and expressed his appreciation for the job they did. He stated jobs were completed with professionalism and were highly committed to the community. He expressed desire that each employee knows of his appreciation to them.

STAFFS' REPORTS

Nancy Dean, City Recorder – Informed the Council no meeting was scheduled for Tuesday, April 30, 2013. She indicated the tentative budget would be discussed during the work session scheduled for Tuesday, May 7, 2013. She mentioned it would come before the Council for approval during the meeting on Tuesday, May 14, 2013.

Eric Howes, Community Services Director

1. Reported staff had been looking at options for picnic tables, benches and garbage cans to be placed throughout the City parks. He stated it was important for items to represent the City well and improve the appearance and quality of the City's parks. He explained one option being considered was concrete picnic tables. He emphasized they were much different than what he envisioned when thinking of a concrete table. He reported the dealer of the tables would be in the parking lot of the City building on Wednesday, May 8, 2013, and invited the Council and staff to stop by.

2. Informed the Council in conjunction with the Arbor Day Celebration, tree plantings would take place at Fox Hollow Arboretum and a story time provided by the Davis County Library Clearfield Branch for school age children on Friday, April 26, 2013. He pointed out this was the 18th year the City had received the designation as a Tree City USA.

3. Stated the Community Band Concert would take place on Thursday, April 25, 2013 at North Davis Junior High at 7:00 p.m.

Mayor Wood suggested interested individuals look at the flyers on the first floor advertising the Community Band and Choir's upcoming concerts. He stated he was unable to attend the Community Band Concert Thursday evening as he would be practicing with the Children's Choir and requested members of the Council support the concert. He expressed appreciation to the residents for their attendance during the City Council meeting.

There being no further business to come before the City Council, **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 8:14 p.m., seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Young. Voting NO – None.** Councilmember Shepherd was not present for the vote.

The minutes for the CDRA are in a separate location



City Council

STAFF REPORT

TO: Honorable Mayor and City Council

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org or (801) 525-2785

MEETING DATE: May 14, 2013

SUBJECT: Public Hearing, Discussion and Possible Action on **RZN 1303-0004**, a request by Con Wilcox for a rezoning from C-2 (Commercial) zoning to R-3 (P-D) (Multiple-family Residential with a Planned Development Overlay) for approximately 2.55 acres located at 850 W 1600 South (TIN: 12-391-0014).

RECOMMENDATIONS

- 1.) Close the Public Hearing.
- 2.) Move to **continue** RZN 1303-0004, the Wilcox Farms rezoning from C-2 to R-3 PRUD, to an undetermined date until it is re-advertised and publicly noticed.

EXECUTIVE SUMMARY

Background

The Planning Commission took no action at their May 1, 2013 meeting. The applicant has indicated changes to the original submittal that will require re-advertising and new public notices to be posted and mailed. Therefore, it is recommended to close the public hearing at this time and continue this item to an undetermined date until the new advertising and noticing has occurred.



May 14, 2013

Honorable Mayor and City Council
Clearfield City Corporation

It is my pleasure to submit to you the fiscal year 2013-2014 proposed tentative budget. This tentative budget is a balanced budget that meets the essential service needs of Clearfield City. Clearfield City budgets for and maintains sixteen different funds. The total proposed tentative budget for all of these funds is \$31,142,487.

The first page of the tentative budget document is a summary listing of all funds. This shows that all funds are in balance. The next sixteen pages are the projected revenue by fund. The revenue report is first grouped by fund and then by revenue class. The next section is the Expenditure Summary by Function report. This report shows the requested expense budget by Function/Department/Budget Level or Division. The following section which is 25 pages, lists the requested expenditures by expense account by each Fund. The last several pages are the request for Capital Equipment and Capital Projects with a report of the detailed notes.

Budget Highlights

At this time, the City has not yet received the Certified Tax Rate for FY2014. This proposed budget is maintaining the current revenue amount collected from property taxes. The certified tax rate for FY2014 will be available in June 2013. General Fund revenues total \$15,307,351 of which \$7,924,000 (52%) comes from Taxes, \$292,100 (2%) comes from Licenses and Fees, \$1,008,506 (7%) comes from Federal, State, and Local grants included \$737,000 coming from Class "C" Road Funds, \$2,089,246 (14%) comes from Charges for Services with \$1,323,410 coming from the Clearfield Aquatic Center, \$874,240 (6%) from Fines and Forfeitures. The remaining General Fund revenue is from miscellaneous revenue sources and internal transfers from other funds.

The Enterprise Funds which include Water, Sanitary Sewer, Storm Sewer, Solid Waste, and Utility Administration have a combined operating budget (not including capital projects) of \$8,676,806. The Enterprise Fund revenues include the three-year rate structure that was approved in November 2012. The Enterprise Funds capital projects total \$955,000.

Other funds include the Community Development Renewal Agency (CDRA fund 20) with budget revenues and expenses of \$3,049,477, the Debt Service Fund (fund 31) budget of \$1,096,250, Internal Service Fund – Fleet (fund 61) budget of \$885,432, Internal Service Fund – Risk Management (fund 63) budget of \$296,275, and Capital Projects Fund (fund 45) budget of \$841,481 which is for the dedicated CDBG funded project and road projects.

If you have any questions that I may answer about this budget, please let me know.

Thank you,

Administrative Services Director

CLEARFIELD CITY RESOLUTION 2013R-07

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BY AND AMONG UTAH DEPARTMENT OF COMMERCE (DOC), UTAH DEPARTMENT OF WORKFORCE SERVICES (DWS), UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY, UTAH STATE TAX COMMISSION, LOGAN CITY, PROVO CITY, SALT LAKE CITY, SANDY CITY, WEST JORDAN CITY, MURRAY CITY, SPRINGVILLE CITY, NORTH LOGAN CITY, CLEARFIELD CITY AND UTAH INTERACTIVE LLC PROVIDING A SYSTEM TO MORE EFFICIENTLY USE THEIR POWERS TO SIMPLIFY THE PROCESS BY WHICH BUSINESSES PROVIDE INFORMATION REQUIRED BY THE AGENCIES VIA COMPUTER

WHEREAS, the Utah Department of Commerce (DOC), Utah Department of Workforce Services (DWS), Utah Department of Environmental Quality, Utah State Tax Commission, Logan City, Provo City, Salt Lake City, Sandy City, West Jordan City, Murray City, Springville City, North Logan City cooperated to create and maintain the One Stop Business Registration (OSBR) where the agencies can share business licensing information; and

WHEREAS, any Utah city, town or county, and/or State agency may become party to this Agreement to benefit from the sharing of information in the licensing of businesses; and

WHEREAS, Clearfield City desires to enter into an agreement to participate in the OSBR; and

WHEREAS, Clearfield City believes participation in the program will help it make more efficient use of its business licensing powers by simplifying the process by which businesses provide required information for licensing; and

WHEREAS, Clearfield City believes participation will be a benefit to business owners; and

WHEREAS, the Clearfield City Council has reviewed the attached Onestop Business Registration Cooperative Agreement and finds that it is beneficial to enter into the agreement.

NOW, THEREFORE, be it resolved by the Clearfield City Council that the attached Onestop Business Registration Cooperative Agreement 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:

EXCUSED:

**ONESTOP BUSINESS REGISTRATION
COOPERATIVE AGREEMENT
(An Interlocal Cooperation Agreement)**

AN INTERLOCAL COOPERATION AGREEMENT entered into this 13th day of February, in the year 2013, by and among **Utah Department of Commerce (DOC), Utah Department of Workforce Services (DWS), Utah Department of Environmental Quality, Utah State Tax Commission, Logan City, Provo City, Salt Lake City, Sandy City, West Jordan City, Murray City, Springville City, North Logan City, Clearfield City and Utah Interactive LLC** any one of which shall be called an “Agency,” or any two or more of which may be called “Agencies” herein. The term “Agencies” shall refer to parties which are signatories to this Agreement and which have not terminated their participation herein.

PURPOSE: The Agencies wish to enter into an interlocal agreement, pursuant to Chapter 11-13, Utah Code Annotated, to make more efficient use of their powers by cooperating with each other to their mutual advantage by simplifying the process by which businesses provide information required by the agencies via computer.

CONSIDERATION: The consideration for this agreement consists of the mutual benefits and exchange of promises provided herein.

EFFECTIVE DATE, TERM: This Agreement shall become effective when two or more agencies each execute an original or copy of this Agreement as required by law, and send or deliver an original copy of the executed Agreement to the Enterprise Executive, Department of Commerce(Commerce), 160 East 300 South, Salt Lake City, Utah 84111. Commerce shall send notice of properly executed agreements it receives to all other participating Agencies who are parties hereto which request such information. This Agreement shall continue in force from the effective date hereof until midnight December 31, 2013, subject to termination by any Agency or all the Agencies as provided below.

NOW THEREFORE, based upon the mutual promises and conditions contained herein, the parties agree as follows:

SPECIFIC PROVISIONS

1. OneStop Business Registration Program. The Agencies hereby agree to cooperate with each other in sharing the creation and maintenance of a website for business registration at which businesses may register information required by the Agencies, parts of which information may then be shared among the Agencies as provided herein and as allowed by law. This cooperative effort is called the Onestop Business Registration program (OSBR).

2. Agencies, Representatives. Any Utah city, town or county, or any State agency may become a party to this Agreement upon completion of the requirements contained herein. Any other political subdivision or governmental agency wishing to become a party to this Agreement must be approved by a two-thirds vote of the Steering Team. The representative of each city, town or county which becomes a party to this Agreement shall be the City’s business licensing official, or if no such position exists, then the chief administrative officer or his/her designee. The representative of each State, federal or other agency that becomes a party hereto shall be the chief administrative officer or his/her designee.

3. No Separate Legal Entity. No separate legal entity is created by this Agreement; however, to the extent that any administration of this Agreement becomes necessary, then the Steering Team shall constitute a joint board for such purpose.

4. Steering Team. The Agencies hereby create a joint board for the operation of the cooperative undertaking covered by this Agreement, herein called the Steering Team or OSBR Steering Committee, composed of representatives from eight cities: Logan City, Provo City, Salt Lake City, Sandy City, West Jordan City, Murray City, Springville City and North Logan City and the following three State agencies: Department of Workforce Services, Department of Commerce, and the State Tax Commission. Each of the representatives shall have one vote on the Steering Team. A quorum shall be required for decisions of the Steering Team, and all decisions, except those otherwise specified in this agreement, shall be made by majority vote. The Steering Team may adopt rules for its deliberations. The Steering Team may add other members by two-thirds vote. The Steering Team may assess charges to the Agencies provided that such charges are reasonably related to the actual costs of services provided to the Agencies.

5. Commerce – Lead Agency; Duties. DOC shall be the Lead Agency under this Agreement. The DOC Enterprise Executive shall be responsible for overseeing DOC's duties under this Agreement according to the direction of the Steering Team. DOC shall have the following responsibilities:

- a. Give reasonable notice to each of the Steering Team Agencies of meetings, setting out in detail the agenda for the meeting, and direct meetings of the Steering Team. Absent an emergency, DOC enterprise Executive shall give at least seven calendar days notice of meetings. Presence at a meeting shall waive any claim of lack of notice by a committee member.
- b. Contract with Utah Interactive, Inc., which currently provides programming and networking services to the State of Utah, to provide a website at which business may register information required by the OSBR Agencies, programming services, deliver such data required of businesses doing business in the jurisdiction of those Agencies to those Agencies.
- c. Bill the Agencies, collect monies owed hereunder, and keep accurate and complete records of all monies received or paid under this Agreement. Any of the Agencies may review DOC's financial records in relation to this Agreement at reasonable times upon notice to DOC.
- d. See that purchases of supplies or services hereunder comply with the State Procurement Code.
- e. Provide that the OSBR website remains operational according to the directives of the Steering Team, and that each Agency's service needs at the website are promptly met, provided that the Agency has paid for the services as provided herein.

6. No Compensation. No Agency shall request or receive reimbursement for providing resources to another Agency under this Agreement, except as otherwise provided herein, or except as the Agencies otherwise agree.

7. Payments for Joining OSBR Program; Programming; Maintenance. The Agencies shall, if they have not already done so, make payment to DOC for participation in the OSBR program based on a majority agreement of the Steering Team. Such fees will be based on the actual cost of services and individualized programming supplied by Utah Interactive to the joining agency, unless otherwise determined by the Steering Team. Additional future costs may be incurred by individual agencies requesting a fulfillment of special programming needs. That individual cost will be negotiated directly with Utah Interactive or the company providing such service at the time (based on its current fee rates for specialized programming requests to the State of Utah, if applicable), and payments will be made through the funding mechanism already in place using DOC. In addition to any fee payment requirements, an agency or agencies requesting individualized programming shall get approval by the Steering Team to account for impacts of these changes on overall functioning of the OSBR application. Agencies shall be responsible to obtain approval of payment(s) from their appropriate governing bodies (executive management, city council, etc.).

8. Addition of New Agencies. Any state agency, political subdivision of the State of Utah, or agency of the United States government may become a participating agency under this Agreement. Any such subdivision of the State of Utah or agency of the United States not specifically named herein ("Prospective Agency") which shall hereafter sign this Agreement or a copy hereof shall become an Agency hereto provided that the Prospective Agency notifies the Enterprise Executive of its membership intent, that: the Enterprise Executive provides 30 days notice to all OSBR Participating Agencies of the Prospective Agency's intent; the Prospective Agency pays any associated costs and fees; and a majority of the Participating Agencies do not, within 30 days thereafter, notify the Enterprise Executive in writing that they object to the Prospective Agency becoming a party hereto. In the event that a majority of the Agencies object to the Prospective Agency's becoming a party hereto, then the Enterprise Executive or his/her designee shall promptly notify the Prospective Agency that its application was rejected. A Prospective Agency thus rejected may reapply for membership hereunder after one year has passed. Any Agency which becomes a newly accepted Agency to this Agreement is entitled to all the rights and privileges and subject to the obligations of any Agency as set out herein.

9. Termination of Agency Participation and Agreement. Any Agency that is or becomes a party to this Agreement may terminate its participation hereunder by giving 30 days prior written notice of its intent to terminate to the Enterprise Executive of DOC. DOC shall then notify the other Agencies of the termination. Any obligations incurred by any Agency to any other Agency hereunder prior to termination, including obligations under para. 7, shall survive the termination of this Agreement. In the event that an Agency violates any of the terms of this Agreement, or any of the rules adopted by the OSBR Steering Team, then the Agency shall be given written notice of the violation and a reasonable time to correct its violation. A majority of the OSBR Steering Team may terminate the participation of any Agency. This Agreement may be terminated by the two-thirds vote of the OSBR Steering Team.

10. Division of Property. The parties do not anticipate that they will acquire or hold any real or personal property under this cooperative undertaking, with the possible exception of the copyright in the software developed to operate the website and to make this Agreement operational (Software). To the extent that the Agencies or any party hereto have or may claim any interest in the Software, they specifically assign any such right to the Lead Agency. In the event that any such property other than the Software is acquired by the parties jointly for the undertaking, and paid for by both of them, then it shall be divided as the parties' representatives shall agree, or, if no agreement is reached, then it shall be divided according to their respective

payments for the property, or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the parties' proportionate share of the purchase of the item of property. If property is purchased at one party's sole expense in connection with this Agreement, then the property so purchased shall be and remain the property of the party which purchased it.

11. Confidential, Protected, Private Records. Each Agency shall comply with the Government Records Access Management Act (GRAMA), as set forth in Title 63G, Chapter 2, Utah Code Annotated, as it may be amended from time to time. The Agencies shall make sure that they do not collect or receive any records or information through OSBR that they are not legally authorized to receive or collect and that they dispose of or archive data legally. DOC and other participating agencies shall be responsible for taking steps to provide that they, their employees, and Utah Interactive and its employees do not release any private, protected, controlled, or confidential records to persons not authorized to have access thereto. In the event that an Agency receives records which do, or appear likely to, contain private, protected, controlled, or confidential information, it shall take reasonable steps to prevent the release of that information contrary to law. The Agencies hereby state in respect to any record or record series that may be requested of another Agency hereunder, that (a) the record or record series is necessary to the performance of the governmental entity's duties and functions; (b) that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and (c) that the use of the record or record series produces a public benefit that outweighs the individual privacy right that protects the record or record series. Third party disclosure of information retained by OSBR shall be governed by GRAMA.

12. No Waiver of Immunity. Nothing herein shall be construed to waive any of the privileges and immunities associated with any of the Agencies.

13. Workers Compensation, Insurance, Benefits. Each Agency shall be solely responsible for providing workers compensation and benefits for its own personnel who provide assistance under this Agreement unless the parties otherwise agree. Each Agency shall provide insurance or shall self-insure to cover the negligent acts and omissions of its own personnel rendering services under this Agreement.

14. Hold Harmless and Indemnity. Each party (the responsible party) agrees to indemnify, defend, and hold harmless each other party from and against any claims, lawsuits, liability, damages, loss, costs or expense, including attorneys' fees incurred as a result of bodily injury, death, personal injury or damage to property caused by or arising out of the intentional, wrongful, or negligent acts or omissions of the responsible party. Notwithstanding the foregoing sentence, no party waives any defenses or immunity available under the Utah Governmental Immunity Act (Title 63G, Chapter 7, Utah Code Annotated), nor does any party waive any limits of liability currently provided by the Act.

15. Authority. The persons signing for Agencies or Prospective Agencies warrant and represent that they are duly authorized and empowered to enter into this Agreement for and on behalf of those entities, and that by their signatures, they do bind said entities to the terms of this Agreement.

16. Satisfaction of Responsibility. This Agreement shall not relieve any Agency of any obligation imposed upon it by law, provided that the performance of a responding Agency may

be offered in satisfaction of any such obligation of the Agency requesting assistance to the extent of actual and timely performance by the responding Agency.

17. Approval of Agreement. This Agreement shall be approved by each Agency or Prospective Agency which becomes a party hereto pursuant to Section 11-13-202.5, Utah Code Ann. (as amended).

18. Approval by Attorney. This Agreement shall be submitted to the attorney authorized to represent each Agency or Prospective Agency which becomes a party hereto for review as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5(3), Utah Code Ann. (as amended).

19. Whole Agreement, Modifications. This Agreement constitutes the whole agreement of the parties and replaces all prior agreements and understandings, written or oral, between the parties. This Agreement may be modified only by a writing signed by all parties hereto.

20. Severability. If any provision of this Agreement shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

21. No Third Party Beneficiaries. This Agreement is not intended to benefit any party or person not named as an Agency specifically herein, or which does not later become a signatory hereto as provided herein.

22. Agency Personnel Not Agents of the Other. The employees of the Agencies providing services pursuant to or consistent with the terms of this Agreement are solely the officers, agents, or employees of the entity which hired them. Each agency shall assume any and all liability for the payment of salaries, wages, or other compensation due or claimed due, including workers' compensation claims, and each public entity shall hold the other harmless therefrom. The Agencies shall not be liable for compensation or indemnity to any other agency's employee for any injury or sickness arising out of his/her employment, and the Agencies shall not be liable for compensation or indemnity to any agency employee for injury or sickness arising out of his/her employment, and each party hereby agrees to hold the other party harmless against any such claim.

23. Counterparts. This Agreement may be executed in counterparts, each of which will be deemed an original.

24. Laws of Utah. The validity, interpretation, and performance of this Agreement shall be governed by the laws of the State of Utah. Any dispute arising out of this Agreement shall be brought in a court of competent jurisdiction in Salt Lake County, State of Utah.

25. Titles and Captions. The titles of captions of this Agreement are for convenience only and shall be deemed part of this Agreement and in no way define, limit, augment, extend or describe the scope, content or intent of any part or parts of this Agreement.

MEMORANDUM

To: Brian Brower

CC: Nancy Dean

From: Officer Aaron Cox (Code Enforcement)

Date: May, 1 2013

Re: Nuisance Vehicle Ordinance

The Clearfield City Code pertaining to nuisance vehicles on a property needs to be amended to reflect recent changes to the Utah State Code pertaining to safety inspection requirements. Currently Clearfield City Code 5-1-2 defining a Nuisance Vehicle says a Nuisance Vehicle is any vehicle that is not **registered and inspected** within 180 days.

Utah state code 53-8-205(2)(b) states:

the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:

(a) be required each year for a vehicle that is 10 or more years old on January 1; or

(b) for each vehicle that is less than 10 years old on January 1, be required in the fourth year and the eighth year;

Since state code requires that vehicles newer than 10 years old be inspected once every 4 years, I propose that Clearfield City Code 5-1-2, definitions of Nuisance Vehicle, be amended to remove the inspection requirement and read as follows:

NUISANCE VEHICLE: Any vehicle that:

- A. Is not registered within one hundred eighty (180) days after the date upon which such registration is required by law; or
- B. Is wrecked, dismantled, partially dismantled or otherwise rendered inoperable.
- C. Exceptions to subsections A and B of this definition are vehicles stored in an approved storage facility, vehicles stored at a site for which site plan approval was granted by the city for such use, or vehicles which are being repaired under a restoration permit issued in accordance with section 5-1-16 of this chapter. Any vehicle which is kept in an enclosed structure, out of sight of the general public, shall not be considered a nuisance vehicle. "Enclosed structure" shall mean a structure with four (4) walls and a roof and shall not include any type of fenced area.

CLEARFIELD CITY ORDINANCE 2013-06

AN ORDINANCE AMENDING TITLE 5 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 5 of the Clearfield City Code by amending Chapter 1, Section 2 of said title.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 5, Chapter 1, Section 2: "Definitions", (specifically the definition of "Nuisance Vehicle") of the Clearfield City Code is hereby amended to read as follows:

NUISANCE VEHICLE: Any vehicle that:

- A. Is not registered ~~and inspected~~ within one hundred eighty (180) days after the date upon which such registration is required by law; or
- B. Is wrecked, dismantled, partially dismantled or otherwise rendered inoperable.
- C. Exceptions to subsection A and B of this definition are vehicles stored in an approved storage facility, vehicles stored at a site for which site plan approval was granted by the city for such use, or vehicles which are being repaired under a restoration permit issued in accordance with section 5-1-16 of this chapter. Any vehicle which is kept in an enclosed structure, out of sight of the general public, shall not be considered a nuisance vehicle. "Enclosed structure" shall mean a structure with four (4) walls and a roof and shall not include any type of fenced area.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council 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:

9 May 2013

Clearfield City
55 South State Street
Clearfield, Utah 84015

Attn: Mayor Don Wood and City Council
Proj: **700 South Street Sanitary Sewer Replacement Project**
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mayor Wood and Council Members,

The “Bid Opening” for the above referenced project was conducted on 7th May 2013. The lowest responsible bidder is Associated Brigham Contractors of Brigham City, Utah.

Enclosed are the “Bid Results” and “Bid Proposal Tabulation”. Associated Brigham Contractors bid was reviewed and found to meet the bidding conditions required in the Contract Documents.

Since Associated Brigham Contractors bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of \$790,150.00 to Associated Brigham Contractors.

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

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



R. Todd Freeman, P.E.
City Engineer

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



BID RESULTS

**700 SOUTH STREET SANITARY SEWER REPLACEMENT
PROJECT**

OWNER: CLEARFIELD CITY
ENGINEER: CEC, CIVIL ENGINEERING CONSULTANTS

BID DATE: 7 May 2013
TIME: 2:00 pm
BID LOCATION: Clearfield City Offices
55 South State Street; 3rd Floor
Clearfield, UT 84015

PLAN HOLDER NAME	ADDENDUM #1	BID BOND	TRAFFIC CONTROL	SEWER BYPASS	BID AMOUNT
Associated Brigham Contractors	x	x	x	x	\$790,150.00
Allied Construction	x	x	x	x	\$808,953.36
Brinkerhoff Excavating		x	x	x	\$900,415.00

BID PROPOSAL TABULATION

PROJECT NAME

**700 SOUTH STREET SANITARY SEWER
REPLACEMENT PROJECT**

BID DATE: 7 MAY 2013

OWNER: CLEARFIELD CITY

PUBLIC WORKS DIRECTOR: SCOTT HODGE

Bid Item	Description	Quantity	Unit	Associated Brigham Contractors 75 North 900 West Brigham City, UT 84302		Allied Construction Development Inc. 2720 Mule Ranch Cir Corinne, UT 84307		Brinkerhoff Excavating 3738 N Higley Rd Ogden, UT 84404	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$47,908.00	\$47,908.00	\$62,900.00	\$62,900.00	\$140,000.00	\$140,000.00
2.	Furnish and install 8-inch diameter cured-in-place-pipe (CIPP) liner system.	1,270	lf	\$35.00	\$44,450.00	\$64.45	\$81,851.50	\$28.00	\$35,560.00
3.	Furnish and install 12-inch diameter cured-in-place-pipe (CIPP) liner system.	524	lf	\$54.00	\$28,296.00	\$76.70	\$40,190.80	\$39.00	\$20,436.00
4.	Install a 4-inch diameter, 6-inch long "top hat" lateral connection repair on the existing 8-inch diameter sanitary sewer pipeline.	8	ea	\$2,236.00	\$17,888.00	\$3,100.00	\$24,800.00	\$2,000.00	\$16,000.00
5.	Install a 4-inch diameter, 6-inch long "top hat" lateral connection repair on the existing 12-inch diameter sanitary sewer pipeline.	16	ea	\$2,157.00	\$34,512.00	\$3,100.00	\$49,600.00	\$2,000.00	\$32,000.00
6.	Saw cutting, removal and disposal of asphalt.	1,750	sy	\$23.00	\$40,250.00	\$3.65	\$6,387.50	\$2.90	\$5,075.00
7.	Removal of sanitary sewer manholes.	11	ea	\$413.00	\$4,543.00	\$653.00	\$7,183.00	\$1,450.00	\$15,950.00
8.	Remove old concrete road beneath asphalt.	1,000	sf	\$5.00	\$5,000.00	\$8.50	\$8,500.00	\$6.50	\$6,500.00
9.	Remove concrete flatwork.	750	sf	\$2.00	\$1,500.00	\$2.00	\$1,500.00	\$1.25	\$937.50
10.	Remove concrete curb and gutter.	150	lf	\$7.00	\$1,050.00	\$12.00	\$1,800.00	\$6.50	\$975.00

Bid Item	Description	Quantity	Unit	Associated Brigham Contractors 75 North 900 West Brigham City, UT 84302		Allied Construction Development Inc. 2720 Mule Ranch Cir Corinne, UT 84307		Brinkerhoff Excavating 3738 N Higley Rd Ogden, UT 84404	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
11.	Install concrete curb and gutter.	150	lf	\$20.00	\$3,000.00	\$33.55	\$5,032.50	\$36.00	\$5,400.00
12.	Furnish and install 4-inch thick concrete flatwork.	250	sf	\$6.00	\$1,500.00	\$12.00	\$3,000.00	\$12.00	\$3,000.00
13.	Furnish and install 6-inch thick concrete flatwork.	250	sf	\$9.00	\$2,250.00	\$14.00	\$3,500.00	\$14.25	\$3,562.50
14.	Furnish and install 4-inch thick stamped concrete.	250	sf	\$14.00	\$3,500.00	\$16.00	\$4,000.00	\$17.00	\$4,250.00
15.	Furnish and install flowable fill in pipe.	1	ls	\$795.00	\$795.00	\$6,800.00	\$6,800.00	\$1,500.00	\$1,500.00
16.	Rehabilitate 4-foot diameter sanitary sewer manhole with liner system.	10	lf	\$436.00	\$4,360.00	\$495.00	\$4,950.00	\$240.00	\$2,400.00
17.	Rehabilitate 5-foot diameter sanitary sewer manhole with liner system.	29	lf	\$450.00	\$13,050.00	\$525.00	\$15,225.00	\$330.00	\$9,570.00
18.	Furnish and install 4-foot diameter sanitary sewer manhole.	7	ea	\$3,350.00	\$23,450.00	\$2,168.84	\$15,181.88	\$4,575.00	\$32,025.00
19.	Furnish and install 5-foot diameter sanitary sewer manhole.	3	ea	\$3,393.00	\$10,179.00	\$2,395.60	\$7,186.80	\$5,225.00	\$15,675.00
20.	Furnish and install 5-foot diameter sanitary sewer drop manhole.	2	ea	\$10,010.00	\$20,020.00	\$6,430.23	\$12,860.46	\$5,850.00	\$11,700.00
21.	Furnish and install 12-inch diameter pvc sanitary sewer pipe.	443	lf	\$149.00	\$66,007.00	\$95.62	\$42,359.66	\$300.00	\$132,900.00
22.	Furnish and install 8-inch diameter pvc sanitary sewer pipe.	748	lf	\$98.00	\$73,304.00	\$91.07	\$68,120.36	\$118.00	\$88,264.00
23.	Re-connect sewer service lateral.	8	ea	\$281.00	\$2,248.00	\$3,210.00	\$25,680.00	\$600.00	\$4,800.00
24.	Install 4-inch pvc sanitary sewer lateral pipe.	80	lf	\$199.00	\$15,920.00	\$88.38	\$7,070.40	\$72.00	\$5,760.00
25.	Furnish pipe bedding gravel.	515	ton	\$28.00	\$14,420.00	\$16.75	\$8,626.25	\$20.00	\$10,300.00

Bid Item	Description	Quantity	Unit	Associated Brigham Contractors 75 North 900 West Brigham City, UT 84302		Allied Construction Development Inc. 2720 Mule Ranch Cir Corinne, UT 84307		Brinkerhoff Excavating 3738 N Higley Rd Ogden, UT 84404	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
26.	Furnish trench backfill.	2,850	ton	\$24.00	\$68,400.00	\$18.75	\$53,437.50	\$12.50	\$35,625.00
27.	Furnish and install flowable fill.	1,075	cy	\$117.00	\$125,775.00	\$120.00	\$129,000.00	\$140.00	\$150,500.00
28.	Furnish and install roadbase.	200	ton	\$26.00	\$5,200.00	\$19.25	\$3,850.00	\$15.75	\$3,150.00
29.	Furnish and install PG grade asphalt.	655	ton	\$125.00	\$81,875.00	\$123.45	\$80,859.75	\$120.00	\$78,600.00
30.	Furnish and install bituminous asphalt.	250	ton	\$118.00	\$29,500.00	\$110.00	\$27,500.00	\$112.00	\$28,000.00
TOTAL BID:				\$790,150.00		\$808,953.36		\$900,415.00	
Surety Company				Travelers Casualty and Surety Company of America		The Guarantee Company of North America USA		The Cincinnati Insurance Company	
City, State				Hartford, CT		Southfield, MI		Fairfield, OH	
Bid Security - Bid Bond Amount				5%		5%		5%	
Contractor's License Number				268474-5501		4920525-5501		324707-5501	

17 April 2013

Clearfield City
55 South State Street
Clearfield, Utah 84015

Attn: Mayor Don Wood and City Council
Proj: **1.0 MG Culinary Water Tank Roof Replacement Project**
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mayor Wood and Council Members,

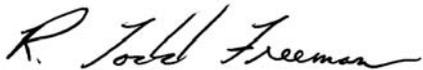
The “Bid Opening” for the above referenced project was conducted this afternoon. The lowest responsible bidder is Gerber Construction, Inc. of Lehi, Utah.

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

Since Gerber Construction, Inc’s bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of \$369,999.00 to Gerber Construction, Inc..

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

Sincerely,
CEC, Civil Engineering Consultants, PLLC.



R. Todd Freeman, P.E.
City Engineer

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



BID RESULTS

1.0 MG Culinary Water Tank Roof Replacement Project

OWNER: CLEARFIELD CITY
ENGINEER: CEC, CIVIL ENGINEERING CONSULTANTS, PLLC

BID DATE: April 17th, 2013
TIME: 2:00 pm

BID LOCATION: Clearfield City Offices
55 South State Street; 3rd Floor
Clearfield, UT 84015

PLAN HOLDER NAME	ADDENDUM	BID BOND	BID AMOUNT
Gerber Construction			\$369,999.00
Shearer & Associates			\$410,835.60
Hills Construction			\$419,575.00
Saunders Construction			\$440,393.00

BID PROPOSAL TABULATION

1.0 MG CULINARY WATER TANK ROOF REPLACEMENT PROJECT

BID DATE: 17 APRIL 2013

OWNER: CLEARFIELD CITY

PUBLIC WORKS DIRECTOR: SCOTT HODGE

Bid Item	Description	Quantity	Unit	Gerber Construction, Inc. 815 East 675 South Lehi, UT 84843		Shearer & Associates, Inc. 1404 NE 134th St. Suite 200 Vancouver, WA 98685		Hills Construction 4154 Commerce Dr. Murray, UT 84107	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization.	1	ls	\$17,499.00	\$17,499.00	\$60,503.00	\$60,503.00	\$48,000.00	\$48,000.00
2.	Remove existing roof structure.	1	ls	\$20,000.00	\$20,000.00	\$42,810.00	\$42,810.00	\$30,500.00	\$30,500.00
3.	Site grading.	1	ls	\$4,900.00	\$4,900.00	\$8,220.00	\$8,220.00	\$5,000.00	\$5,000.00
4.	Furnish and install new aluminum geodesic dome roof.	1	ls	\$296,000.00	\$296,000.00	\$265,385.00	\$265,385.00	\$305,500.00	\$305,500.00
5.	Furnish and install 4-inch thick concrete flatwork/waterway.	1,420	sf	\$15.00	\$21,300.00	\$17.28	\$24,537.60	\$15.00	\$21,300.00
6.	Remove existing concrete beam.	1	ls	\$1,600.00	\$1,600.00	\$5,800.00	\$5,800.00	\$6,500.00	\$6,500.00
7.	Furnish and install rural catch basin box with grate.	1	ls	\$8,700.00	\$8,700.00	\$3,580.00	\$3,580.00	\$2,775.00	\$2,775.00
TOTAL BID:				\$369,999.00		\$410,835.60		\$419,575.00	
Surety Company				Western Surety Company		Travelers Casualty and Surety Company of America		Guarantee Company of North America, USA	
City, State				Chicago, IL		Springfield, OR		Southfield, MI	
Bid Security - Bid Bond Amount				5%		5%		5%	
Contractor's License Number				238823-5501		Applied for		252124-5501	

*** No bid proposal included**

BID PROPOSAL TABULATION

1.0 MG CULINARY WATER TANK ROOF REPLACEMENT PROJECT

BID DATE: 17 APRIL 2013

OWNER: CLEARFIELD CITY

PUBLIC WORKS DIRECTOR: SCOTT HODGE

Bid Item	Description	Quantity	Unit	Saunders Construction 1601 North 750 West Ogden, UT 84404	
				Unit Price	Total Amount
1.	Mobilization.	1	ls		\$0.00
2.	Remove existing roof structure.	1	ls		\$0.00
3.	Site grading.	1	ls		\$0.00
4.	Furnish and install new aluminum geodesic dome roof.	1	ls		\$0.00
5.	Furnish and install 4-inch thick concrete flatwork/waterway.	1,420	sf		\$0.00
6.	Remove existing concrete beam.	1	ls		\$0.00
7.	Furnish and install rural catch basin box with grate.	1	ls		\$0.00
TOTAL BID:				*	\$440,393.00
Surety Company				Travelers Casualty and Surety Company of America	
City, State				Hartford, CT	
Bid Security - Bid Bond Amount				5%	
Contractor's License Number				247978-5501	

*** No bid proposal included**

CLEARFIELD CITY RESOLUTION 2013R-06

A RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO THE TREATMENT CONTRACT WITH NORTH DAVIS SEWER DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, North Davis Sewer District (the “District”) is a Local District organized and existing pursuant to and in accordance with the laws of the State of Utah; and

WHEREAS, Clearfield City (the “City”) owns and operates a sewer collection system (the “System”); and

WHEREAS, the System is a collection system only and does not provide treatment for waste water collected by the System; and

WHEREAS, the District has a trunk line system and Treatment Plant designed and operated for the purpose of collecting and treating waste water; and

WHEREAS, the City has had a contract with the District since approximately 1954 under the terms and provisions of which the District collects waste water from the System and transports it to the District Treatment Plant; and

WHEREAS, the parties negotiated a new contract to replace the 1954 contract, which new contract was adopted in 2002, and

WHEREAS, the new contract addresses issues which have arisen and/or were not covered by the 1954 contract; and

WHEREAS, the parties are now desirous of adopting an amendment to the 2002 Treatment Contract.

NOW, THEREFORE, be it resolved by the Clearfield City Council as follows:

1. That the 2002 Treatment Contract between the City and the District is hereby amended and approved by the City in the form marked Exhibit “A”, attached hereto, and by reference made a part hereof.

2. That the Mayor and City Recorder are authorized and directed forthwith to execute the Amendment to the Treatment Contract for and on behalf of the City.

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:

**FIRST AMENDMENT
TO
TREATMENT CONTRACT**

THIS FIRST AMENDMENT TO TREATMENT CONTRACT, (hereinafter referred to as the "Amendment"), made and entered into this ____ day of January, 2013 by and between North Davis Sewer District, a Utah Local District, of 4252 West 2200 South, Syracuse City, Davis County, State of Utah (hereinafter referred to as the "District"), and Clearfield City, a municipal corporation of 55 South State Street, Clearfield City, Davis County, State of Utah (hereinafter referred to as the "City"), as follows:

RECITALS

1. That the District is a Local District organized originally in 1954 and now operating and existing in Davis and Weber Counties, State of Utah, in accordance with and pursuant to the provisions of Title 17B, Chapter 1 and Title 17B, Chapter 2a, Part 4, "Improvement District Act," Utah Code Annotated, 1953.
2. That the City is a Municipal Corporation organized and existing pursuant to and in accordance with the laws of the State of Utah.
3. That the District owns and operates a system for the collection, treatment and disposition of sewage (the "System") which System is operated for the benefit of the City, other municipal corporations and entities and the residents and inhabitants within the boundaries of the District.

4. That on or about the 12th day of November, 2002 the District and the City entered into a contract known as the Treatment Contract which has remained in full force and effect since that time.

5. That the Parties now desire to adopt a First Amendment to the Treatment Contract for the purpose of amending Section Seven to extend the duration of the original Treatment Contract.

NOW, THEREFORE, in consideration of the premises set forth herein and other good and valuable consideration the Parties hereby adopt this First Amendment to Treatment Contract, as follows:

**FIRST AMENDMENT
TO
TREATMENT CONTRACT**

Section One: INCORPORATION OF RECITALS

All of the above and foregoing Recitals are incorporated into and made a part of this Amendment.

**Section Two: REPLACEMENT OF SECTION SEVEN OF
TREATMENT CONTRACT**

Section Seven of the 2002 Treatment Contract is hereby superseded, replaced and amended to read as follows:

“Section Seven: DURATION

This Contract shall take effect from and after the original date of the Treatment Contract and shall continue in full force and effect until the latest to occur of:

- (a) Midnight on December 31, 2062;
- (b) Five years after the District has fully paid or otherwise discharged all of its bonded indebtedness;
- (c) Five years after the District has abandoned, decommissioned, or conveyed or transferred all of its interest in its facilities and improvements; or
- (d) Five years after the facilities and improvements of the District are no longer useful in providing the service or benefit of the facilities and improvements, as determined under the Agreement governing the sale of the service or benefit.

Upon written request of the City, this Contract may be reviewed every five years for the purpose of addressing any service issues.”

Section Three: REAFFIRMATION OF TREATMENT CONTRACT

Except as specifically modified and amended herein, all of the other terms and provisions of the 2002 Treatment Contract shall remain in full force and effect as written.

IN WITNESS WHEREOF, the Parties hereto, acting in each case under authority of a proper ordinance or resolution thereunto enabling, have caused this First Amendment to Treatment Contract to be duly executed in several counterparts, each of which shall constitute an original, all as of the effective day and year first above written.

CLEARFIELD CITY, a Municipal corporation

DON W. WOOD, Mayor

ATTEST:

NANCY DEAN, City Recorder

(SEAL)

NORTH DAVIS SEWER DISTRICT,
a Utah Local District

Chairman, Board of Trustees

ATTEST:

KAIL J. SANFORD, Clerk
Board of Trustees

(SEAL)

Approved as to form and compatibility with State Law.

Approved as to form and compatibility with State Law.

FELSHAW KING, Esq.
Attorney for District

BRIAN BROWER, Esq.
Clearfield City, Attorney

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the _____ day of January, 2013, personally appeared before me _____ and KAIL J. SANFORD, who being by me duly sworn did say, each for himself and herself, that he, the said _____, is the Chairman of the Board of Trustees of the North Davis Sewer District, and that she, the said Kail J. Sanford, is the Clerk of the North Davis Sewer District, and that the within and foregoing instrument was signed on behalf of the said North Davis Sewer District by authority of the Board of Trustees of the said North Davis Sewer District and said _____ and Kail J. Sanford each duly acknowledged to me that the said North Davis Sewer District executed the same and that the seal affixed is the seal of the said North Davis Sewer District.

(SEAL)

NOTARY PUBLIC
Residing at:
My Commission Expires:

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the _____ day of January, 2013 personally appeared before me DON W. WOOD and NANCY DEAN, who being by me duly sworn did say, each for himself and herself, that he, the said Don W. Wood, is the Mayor of Clearfield City, Davis County, State of Utah, and that she, the said Nancy Dean, is the City Recorder of Clearfield City, Davis County, State of Utah, and that the within and foregoing instrument was signed on behalf of the said City by authority of the City Council of said City and said Don W. Wood and Nancy Dean each duly acknowledged to me that the said City executed the same and that the seal affixed is the seal of the said City.

(SEAL)

NOTARY PUBLIC
Residing at:
My Commission Expires:

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. WORK SESSION
April 23, 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
	Bob Wylie	Administrative Services Director
	Eric Howes	Community Services Director
	Scott Hodge	Public Works director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Mark Altom – Davis County Treasurer, Jonathan Lee – Davis County, Marlon Wilde, Ryan Johnson, Kayann Bissell, Alicia Emery, Von Hill, Paul Brissell

Chair Murray called the meeting to order at 8:14 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE DECEMBER 11, 2012 REGULAR SESSION, THE MARCH 19, 2013 WORK SESSION AND THE MARCH 26, 2013 WORK SESSION

Director Wood moved to approve the minutes from the December 11, 2012 Clearfield Community Development and Renewal Agency (CDRA) regular session, the March 19, 2013 work session and the March 26, 2013 work session, as written, seconded by Director LeBaron . 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.

APPROVAL OF AN AGREEMENT FOR THE UTA (UTAH TRANSIT AUTHORITY)
CLEARFIELD CIRCULATOR STUDY

JJ Allen, Assistant City Manager, reminded the Board the item had been previously discussed during a meeting in the fall of 2012. He explained the Clearfield area was home to key activity centers (Freeport Center, Falcon Hill, Hill Air Force Base (HAFB), and Weber State University Davis Campus) that would benefit from direct transit connections (a circulator) to Clearfield's FrontRunner Station. He reported the first step toward establishing a circulator was to study the demand, potential routes and modes, and overall feasibility. This proposed study would be financed and accomplished through a partnership of the major stakeholders. He stated Clearfield's financial contribution for this project would be \$10,000, which would come from existing fund balance in the CDRA. He continued UTA would contribute \$30,000 and the rest would come from UDOT, WSU, Freeport Center Associates, Davis County and MIDA. He stated the cost of the study would be \$60,000 in total.

Director Bush moved to approve the UTA Clearfield Circulator Study Agreement and authorize the City Manager's signature to any necessary documents, seconded by Director Young. 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.

APPROVAL OF THE SELECTION OF A CONSULTANT TO COMPLETE A RETAIL
LEAKAGE STUDY AND ANALYSIS

JJ Allen, Assistant City Manager, reminded the Board the item had also been discussed during a previous work session. He explained a retail leakage study (also referred to as a gap analysis) would identify products and services that were not available for purchase in a community (and/or specific retailers that were not currently located in the community), but which would be viable. He reported six firms had responded to a recent Request for Proposals (RFP) to perform such a study, and Buxton's proposal scored the highest. He stated its staff and marketing materials would be excellent communication which would be beneficial in future commercial development for the City.

Mr. Allen indicated the costs associated with all of the meeting's agenda items were not currently in the CDRA budget; therefore, whatever was approved would be addressed during the re-opening of the budget.

Director Wood moved to approve the selection of Buxton to complete a Retail Leakage Study and Analysis for a fixed fee of \$65,000 and authorize the Chair's signature to any necessary documents, 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.

AUTHORIZATION FOR THE COMPLETION OF A GOVERNANCE REPORT FOR THE CDRA

JJ Allen, Assistant City Manager, explained the Clearfield City Community Development and Renewal Agency (CDRA) had been active for nearly 30 years, and currently included seven project areas. He stated given the CDRA's age and complexities, it would be well-served to have a comprehensive review of documentation, statutory provisions and legal requirements, management practices, etc., to enable strategic planning for the future. He mentioned Randy

Sant, City's consultant for the CDRA, would not be involved in the comprehensive review other than to provide necessary requested documentation.

Director Young moved to approve the contract with Lewis Young Robertson and Burningham (LYRB) for a fixed fee of \$20,515 to complete a Governance Report for the CDRA and authorize the Chair's signature to any necessary documents, seconded by Director LeBaron. 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.

AUTHORIZATION FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 50 SOUTH STATE STREET

JJ Allen, Assistant City Manager, stated the item had been discussed in previous closed sessions because it dealt with the purchase of real property. He stated the Board instructed staff to submit an offer for property across the street from the City Building located at approximately 50 South State. He continued the Clearfield City Community Development and Renewal Agency (CDRA) had in the past acquired certain downtown properties for redevelopment purposes and this acquisition would complement those efforts. The parcel consisted of .85 acres. He believed the parcel would be a key element in developing that specific area. He reported the purchase prices of the property would be \$500,000.

Director Wood commented the purchase of the property would illustrate the City's commitment to development and redevelopment.

Director LeBaron moved to authorize the purchase of the property located at 50 South State Street for \$500,000 and the CDRA's Chair's (or, in her absence, the Vice Chair's) signature to any necessary documents, 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 Bush moved to adjourn as the Community Development and Renewal Agency at 8:27 p.m., seconded by Director Wood. All voting AYE.** Director Shepherd was not present for the vote.

DRAFT