

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

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

VISITORS: Holly Floto, David Nelson – Special Needs Mutual

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

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

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

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

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

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

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

#### DISCUSSION ON THE PACIFIC PARK STORM SEWER PROJECT

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

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

#### DISCUSSION ON THE PACIFIC PARK PLAT AMENDMENT

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

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

DISCUSSION ON THE 2013 MUNICIPAL ELECTION

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

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

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

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

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

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

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

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

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

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

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

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

The meeting adjourned at 6:50 p.m.

**APPROVED AND ADOPTED**  
**This 11<sup>th</sup> day of June, 2013**

**/s/Don Wood, Mayor**

**ATTEST:**

**/s/Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, May 28, 2013.

/s/Nancy R. Dean, City Recorder