

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
October 22, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Mike LeBaron	Councilmember
	Kathryn Murray	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
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Scott Hess	Development Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Robert Browning, James Billings – Boy Scout Troop 673, Kelly Pfof – Lewis Young Robertson & Burningham (LYRB), Tristen Howe, Patrick Howe, Reverend Claudia Seiter – St. Peter’s Episcopal Church, David Seiter – St. Peter’s Episcopal Church, Amber Huntsman – The Thackeray Garn Company, Mike Christensen – The Thackeray Garn Company, Reverend Pete Poggemeyer – St. Peter’s Episcopal Church, Christian & Julia Carlson, Rick Webster – Boy Scout Troop 572, Erin Froyland, Chris Chelemes, Sam Chelemes, Larry Layton, Courtney Maples – Boy Scout Troop 146, Zayne Morton – Boy Scout Troop 146, Con Wilcox – Wilcox Farms, Becky Brooks, Mrs. L. Williams, Randy Sant – CDRA Consultant

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

Councilmember Young conducted the Opening Ceremony.

PRESENTATIONS TO CHRISTIAN CARLSON, TRISTEN HOWE AND TANNER POE FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Christian Carlson, Tristen Howe and Tanner Poe have completed the requirements to receive the rank of Eagle Scout. Mayor Wood and the City Council desire to recognize Christian, Tristen and Tanner and acknowledge their achievement.

Councilmember LeBaron presented Tristen Howe with a certificate acknowledging his achievement. Tristen shared a summary of his service project associated with his award.

Christian Carlson shared a summary of his service project completed to receive his Eagle Scout Award. Councilmember LeBaron presented him with a certificate of achievement.

Tanner Poe was unable to attend the meeting.

Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 7:09 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.

The minutes for the CDRA are in a separate location

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF ORDINANCE 2013-12 ADOPTING THE CLEARFIELD STATION COMMUNITY DEVELOPMENT PROJECT AREA PLAN, AS APPROVED BY THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA), AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE CLEARFIELD STATION COMMUNITY DEVELOPMENT AREA AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATE STATUTE

Clearfield City could best serve the needs of its residents and business owners by continuing to foster and support quality economic development within its borders. The development of the Utah Transit Authority's property located at approximately 1250 South State Street, also known as Clearfield Station, would be a mixed use development that enhanced job creation, provided housing and fostered the development of a variety of business and commercial uses. This ordinance formally adopted the Community Development Project Area Plan for the Clearfield Station Community Development Area as approved by the Board of the Clearfield Community Development and Renewal Agency (CDRA) pursuant to State Statute.

JJ Allen, Assistant City Manager, explained as part of the creation of the Clearfield Station Community Development Area, the City Council needed to review and approve CDA's Project Area Plan as approved by the Clearfield Community Development and Renewal Agency (CDRA) at its previous meeting. He indicated upon approval of the Project Area Plan a notice would be published in accordance with State Law and a 30-day contest period would begin.

Councilmember LeBaron moved to approve Ordinance 2013-12 adopting the Clearfield Station Community Development Project Area Plan, as approved the Clearfield Community Development and Renewal Agency (CDRA), as the official Community Development Project Area Plan for the Clearfield Station Community Development Area and directing that notice of the adoption be given as required by State Statute 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 Shepherd and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2013R-18 APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY RELATING TO THE CLEARFIELD STATION COMMUNITY DEVELOPMENT AREA (CDA)

The City desired to enter into this agreement with the Clearfield Community Development and Renewal Agency (CDRA) to remit a portion of property tax increment generated within the Clearfield Station Community Development Area (CDA) back to the Agency. The funds would be used to pay for public infrastructure, land assembly and other uses that might benefit the Project Area.

JJ Allen, Assistant City Manager, explained the CDRA needed to enter into Interlocal Agreements with all the taxing entities as part of the creation of the Clearfield Station CDA of which the City was one. He stated there was one amendment to section seven of the Interlocal Agreement. He proposed the amendment read as follows, "Under this agreement, the Agency is not entitled to receive any increase in tax increment resulting from a tax rate increase by the City unless the City gives its consent in writing to the Agency." Brian Brower, City Attorney, explained the agreement was between two entities, the City and the CDRA, for which the City Council was the governing body of both. He stated there were no third parties rights provided in the agreement. He explained, as the City's legal counsel, if a third party tried to bring a claim against the City for any provisions in the agreement, the City's defense would be the parties had no legal standing.

Mr. Allen explained that because some language was being changed in the agreement the motion would need to include language about the amending. He proposed section one of Resolution 2013R-18 be amended to read, "The Interlocal Cooperation Agreement between the City and the Agency, *as amended in the City Council meeting on October 22, 2013...*"

Councilmember Bush moved to approve Resolution 2013R-18, as amended, approving an Interlocal Cooperation Agreement between the City and the Clearfield Community Development and Renewal Agency (CDRA) 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 Shepherd and Young. Voting NO – None.

CONSIDERATION OF THE CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) ONE YEAR ACTION PLAN AMENDMENTS FOR PROGRAM YEAR 2011-2012 AND 2012-2013

Scott Hess, Development Services Manager, stated the Council had reviewed the amendments to the plan at a work session held on October 8, 2013. He continued the amendments would re-program some remaining CDBG funds to the 450 West Infrastructure Improvement Project. He announced there would be a 30-day comment period on the amendments for the public which would end on November 22, 2013 then a public hearing would be held on December 10, 2013 to finalize the amendments. He reviewed the proposed amendments with the Council. As part of those amendments, Scott Hodge, Public Works Director, reviewed the scope of work for the 450 West Infrastructure Improvement Project.

Mayor Wood announced the beginning of the 30-day comment period.

APPROVAL OF THE AWARD OF BID TO SHEARER AND ASSOCIATES, INC. TO CONSTRUCT A REPLACEMENT 1.5 MILLION GALLON WATER STORAGE TANK AT THE FREEPORT CENTER

The proposed project would consist of removing the old above grade concrete water storage tank, re-grading the site and constructing a new above grade glass-fused-to-steel water storage tank at the location of the old water tank. The lowest responsible bid was received from Shearer and Associates, Inc. with the bid of \$983,254.40.

Scott Hodge, Public Works Director, explained the water tank had cracked and the City had been put on notice by the State of Utah to improve the condition of the tank. He stated bids were received from two construction companies to construct a replacement water storage tank at the Freeport Center. Adam Lenhard, City Manager, added staff had considered several different repair options before determining to build a new tank. He stated the new tank would also be larger than the one being removed, improving the City's water storage capacity. He commented the City was able to construct the new larger tank for about the same cost as a temporary repair.

Councilmember Shepherd inquired about time constraints for completing the construction and the City's need to store water. Mr. Hodge explained the tank was not used for storage during the winter months so by initiating the construction project now it could be completed by late spring and be operational during peak season.

Councilmember LeBaron asked if there would be any weather conditions that would stop the construction during the winter season. Mr. Hodge indicated the only concern was the protection of the concrete floor when it was poured but there were ways to mitigate any problems. Councilmember LeBaron also asked when the last tank was constructed. Mr. Hodge indicated the previous tank was built in the 1940s.

Councilmember Bush asked what was known about the contractor's quality of work. Mr. Hodge explained the company receiving the award also built the tank. He explained the building process. He stated there were only two companies within the country which could complete this type of project.

Councilmember Murray asked if there were any kind of warranty on the tank. Mr. Hodge indicated there was a warranty. He stated Weber Basin water had built a similar tank and had no problems with it since it was completed. He also indicated Weber Basin preferred this type of tank as well.

Councilmember Young moved to approve the award of bid to Shearer and Associates, Inc. to construct a replacement 1.5 Million Gallon Water Storage Tank at the Freeport Center for the bid amount of \$983,254.40 and approve funding for the bid amount of \$983,254.40 with contingency and engineering costs of \$149,745.60, for a total project cost of \$1,133,000.00; and authorize the Mayor's signature to any necessary documents, seconded

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

APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH NORTH DAVIS JUNIOR HIGH SCHOOL FOR USE OF THE CLEARFIELD AQUATIC CENTER

Eric Howes, Community Services Director, explained North Davis Junior High School (NDJHS) had again received Title I grant funding for the upcoming school year. NDJHS Principal, Ryan Hansen, would like to use those grant funds to purchase annual passes to the Clearfield Aquatic Center (CAC) for teachers at the junior high school. The total grant awarded to NDJHS was \$10,000 and the request was to purchase passes for sixty (60) teachers at a reduced cost. Last year's agreement with NDJHS proved to be a mutually beneficial arrangement and the program was likely to continue on an annual basis should the school continue to receive Title I grant funding in future years.

Councilmember Shepherd expressed his opinion that the program was appreciated by the staff. Mr. Howes commented it was mutually beneficial for the City and the school. Councilmember Bush asked how many of the staff had used the membership in the previous year. Mr. Howes did not have that information but offered to get the information to the Council at a later date.

Brian Brower, City Attorney, stated the agreement was contingent upon the school receiving the grant funding and suggested the language in the motion be made to authorize the City staff to enter into future Memorandums of Understanding (MOUs) on the City's behalf with North Davis Junior High under the same terms on an annual basis. Mayor Wood asked if there was an issue with committing future councils to such an arrangement. Mr. Brower stated future councils could discontinue the program if that was desired. He stated the MOU had a clause providing for such a circumstance. It allowed either party terminate the MOU with a 60 day notice. He also pointed out any change in terms would bring the MOU back to the Council for consideration.

Councilmember Shepherd moved to approve a Memorandum of Understanding (MOU) with North Davis Junior High School for use of the Clearfield Aquatic Center and authorize the Mayor's signature to any necessary documents. This motion also includes authorization for City staff to enter into future MOUs on the City's behalf with North Davis Junior High, containing the same terms, on an annual basis. Seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray and Shepherd and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Wood – nothing to report.

Councilmember Bush – nothing to report.

Councilmember LeBaron – nothing to report.

Councilmember Murray – nothing to report.

Councilmember Shepherd – nothing to report.

Councilmember Young – nothing to report.

Adam Lenhard, City Manager – nothing to report.

STAFFS' REPORTS

Nancy Dean, City Recorder

1. Announced Early Voting began earlier in the day and reviewed the schedule for the upcoming two weeks.
2. Referred those present to the City newsletter for bios on the candidates.
3. Announced the City Council meeting schedule: election day was Tuesday, November 5, 2013, policy session on Tuesday, November 12, 2013, a work session on Tuesday, November 19, 2013 beginning at 6:00 pm and a policy session on Tuesday, November 26, 2013.

There being no further business to come before the City Council, **Councilmember LeBaron moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 8:26 p.m., seconded by Councilmember Bush. All voting AYE.**

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 12th day of November, 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, October 22, 2013.

/s/Nancy R. Dean, City Recorder

