

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 29, 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
	Scott Hodge	Public Works Director
	Kim Dabb	Operations Manager
	Greg Krusi	Police Chief
	Mike Stenquist	Asst. Police Chief
	Adam Malan	Police Lieutenant
	Kelly Bennett	Police Sergeant
	Denise Hernandez	Community Liaison Officer
	Eric Howes	Community Services Director
	Scott Hess	Development Services Manager
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Darrell Child – Olympus Insurance, Gary Baldwin – Mayoral Candidate, Dean Smith – Thackeray Garn Company, Amber Huntsman – Thackeray Garn Company, Mike Christensen – Thackeray Garn Company

Mayor Wood called the meeting to order at 6:00 p.m.

DISCUSSION ON THE DEVELOPMENT AGREEMENT FOR CLEARFIELD STATION

JJ Allen, Assistant City Manager, explained the purpose of the meeting would be to discuss the Development Agreement and discuss major components of the Master Development Agreement (MDA) to receive input from the Governing body on the issues.

Mr. Allen reviewed the main components focusing on: infrastructure, phasing and open space. He shared a visual presentation identifying proposed public and private streets at the Clearfield Station development and reminded the Council of previous discussions which were relative to the width of the streets. Mr. Allen suggested if all roads in the development were constructed to every acceptable standard except the width, would the City consider accepting them being slightly narrow since that type of infrastructure was acceptable with this type of development.

Scott Hodge, Public Works Director, expressed concern regarding the narrow roads and issues specific with snow removal. Adam Lenhard, City Manager, pointed out the on street parking ordinance would also be enforced during the winter months at the Clearfield Station development. Scott Hess, Development Services Manager, informed the Council the City's standard road width was 36 feet and indicated wider streets could inhibit development. Mayor Wood believed since the City would own the utilities it was his opinion it made sense for the City to accept the narrower streets. He pointed out the challenges when the City owned the utilities under the roads and a different entity owned the streets as in Freeport Center.

Councilmember Bush inquired if Police enforcement would continue on the private streets within the development. Brian Brower, City Attorney, commented the City could enter into a similar agreement as the City had with Freeport Center. Mayor Wood inquired how UTA's police would integrate with the City's police enforcement. Mike Christensen, Thackeray Garn, pointed out once the property was developed it would no longer be owned by UTA, but an LLC. Mr. Brower explained how police enforcement could take place by UTA and the City.

Mr. Lenhard emphasized the roads would consist of an eleven foot travel lane in each direction with a seven foot on street parking space on each side. Mr. Allen clarified with the Council those streets in the development which it desired to be public and shared an illustration identifying the proposed utilities which would be located under the streets for the development. Councilmember Shepherd expressed concern public utilities would be installed on private streets. Mr. Christensen responded a blanket easement for the development would allow the City access to maintain the underground utilities. Scott Hess suggested all streets contain a public utility easement and a discussion took place regarding public utilities under a private street. Mr. Hodge pointed out potential difficulties in maintaining the sewer line with its proximity to the rail line and platform as reflected on the illustration.

Mr. Allen stated the detention basin was intended to be developed by the developer as a nature park and proposed it would also become a public facility. Councilmember LeBaron inquired if a sewage lift station could be safely located near a detention basin. Mr. Allen believed the issue could be considered in more detail during the site plan approval process. He asked how staff would feel about maintaining a nature park and detention basin. Eric Howes, Community Services Director, stated he would need to have an understanding of the expectation specific to maintenance and Mr. Hodge agreed with Mr. Howes' remarks. Mr. Hess inquired about landscaping as opposed to overgrown vegetation. Amber Huntsman, Thackeray Garn, responded clarification for the proposed nature park would be needed to determine the level of maintenance.

Councilmember Young requested clarification regarding the open space associated with the charter school. Mr. Allen responded that open space would be designated as public space, available for public use; however, it wouldn't be owned by the City. Councilmember LeBaron mentioned if school open space was desired to be used for different organized sports practices a per person fee had been implemented and expressed his opinion if a fee was associated with using the "open space" it wasn't too "open". Mr. Christensen indicated he didn't have the

authority to speak on behalf of Sheldon Killpack, Charter School Owner, regarding the school open space. Councilmember LeBaron requested that clarification.

Mr. Hess explained detention basins may consist of grass or it could remain as more of a wetland area and pointed out the broad spectrum between the two. He expressed his opinion if the designated nature park continued to grow weeds and not appropriately landscaped it wouldn't necessarily be an amenity to the development. Councilmember LeBaron expressed his opinion the City shouldn't be willing to assume all maintenance. Councilmember Young suggested it benefitted UTA's development and believed the City shouldn't assume the maintenance. Mr. Allen clarified if the detention basin was developed above and beyond the City's standard of a basic detention basin, the development should agree to maintain it. Councilmember LeBaron pointed out if UTA desired to design the basin in conjunction with some sort of "gateway or monument" the City would be more willing to contribute toward the enhancement. Mr. Allen indicated language could be written into the agreement to reflect the Council's direction specific to maintenance and public verses private.

Mr. Allen stated the future alignment of the Depot Street connection to the UTA development was yet to be determined and a discussion took place. He reported the City and developer had discussed potential cost sharing of the Depot Street extension regarding the following:

- City to bear sanitary sewer and storm drain costs since the development wouldn't be connecting to those utilities
- City and Developer to share the costs for culinary water as there was a benefit for both entities
- Developer to bear all costs associated with the street construction

Mr. Allen commented right-of-way acquisition had not yet happened and it had not been determined as to who should bear that cost. He reported staff believed those costs had been calculated into the cost estimate. Mr. Christensen believed the City had previously acquired the right-of-way. Mr. Allen requested input and direction from the Council and a discussion took place. Mr. Allen shared a visual which illustrated Depot Street's location and Mr. Hess explained the potential impact associated with the proposed extension of Depot Street.

Councilmember Young expressed his opinion the Depot Street extension would be another entry into the Clearfield Station development, the developer should bear the costs associated with the right-of-way acquisition. Mr. Christensen expressed his opinion the road would be a benefit to the City as it would provide access to additional land for future development. A discussion took place. Mayor Wood believed the Depot Street access would be important for the use of box trucks or small semi-truck use. Mr. Allen commented the Depot Street extension was reflected on the City's Street Master Plan. Mr. Allen surmised, and the Council expressed agreement, to appropriate increment funding toward the road and the Council directed him to write additional language within the agreement to reflect that use of funds. Mayor Wood pointed out the timing would be equally important and suggested pursuing the right-of-way as opposed to waiting until the acquisition had taken place. Mr. Allen indicated language could be included to accomplish that.

Mr. Allen inquired what would warrant the construction of the street and if the Council agreed the trigger would be the completion of Phase 3 and informed the Council the City couldn't tie the certificate of occupancy to completion of an offsite improvement. A discussion took place as to what should be included in the agreement to address the issue. Mr. Christensen believed a traffic engineer's opinion would be appropriate and suggested Thackeray-Garn report after discussing the issue and suggested it could possibly be addressed with the permitting associating with Phase 3. Councilmember LeBaron suggested the verbiage "as needed" or "when warranted by a traffic study" be included. Mr. Lenhard suggested the inclusion of a "no later than" phrase also be included.

The following points of discussion pertaining to the primary intersection for the main entrance on State Street:

- The developer would bear the full cost and would be reimbursed by the tax increment
- The timing or trigger

Mr. Christensen explained the actual determination of when the intersection would be constructed would be dependent upon UDOT as opposed to either the City or the Development. He suggested borrowing funds from another area to front those costs.

Mr. Allen informed the Council the developer had posed the question as to what would happen if it was unable to acquire property necessary for the improvements and indicated it had inserted language indicated it would then have no obligation to make the improvements. Mr. Lenhard commented the entire land use plan had been built around the main road and intersection. Mr. Allen commented the language would also apply to Depot Street, the Main intersection and the south intersection. A discussion was had as to available options for property acquisition. Mr. Allen pointed out the possibility of not being able to acquire the property until the development was under way. Mr. Brower stated the Council would need to determine where it wanted to place the risk associated with property acquisition and emphasized staff was requesting direction in order to address it in the Agreement for the Council's consideration during a policy session. Mayor Wood summarized the issue by suggesting the Council determine who should bear the risk.

Councilmember LeBaron believed the City should clearly identify or define the term "unable to acquire" and a discussion took place regarding possible definitions. Mr. Brower believed UDOT had a specific policy and Mr. Allen suggested some language which stated if the developer was not able to accomplish the property acquisition at a certain percentage above market value, then the City shall engage its assistance. A discussion took place specific to proposed language, signaling and the results and impacts of a traffic study. Councilmember Shepherd expressed concern about the language reflecting "results of a traffic study" and suggested the verbiage reflect "no later than permitting of Phase 4".

Mr. Christensen used the illustration to identify the most southern proposed road in the development. Councilmember Bush expressed concern the road would be funneling traffic in front of the charter school. Mr. Christensen explained the traffic engineer's opinion on the road and believed that location would best serve the development in addition to the residents' whose children would be attending the school. Councilmember Shepherd emphasized the importance of completing the road in conjunction with the school to provide adequate traffic flow as well as

safety for those attending the school. It was the conclusion of the Council the original road would be sufficient since a second southern road wouldn't connect to State Street.

Mr. Allen reviewed the Developer's proposal for Phasing/Proportional Build Out. Mr. Christensen explained how lending from the banks would take place for the flex building of commercial/residential. Mayor Wood stated he wasn't comfortable with that philosophy and a discussion followed about when the residential buildings would be built in conjunction with the commercial buildings. Councilmember Shepherd believed it had been the understanding all along that the commercial component would be completed in conjunction with the residential. Mr. Christensen commented there could possibly be a time gap of anywhere from three to twelve months in which both of the commercial buildings might not be completed with most of the residential buildings being completed. Councilmember Shepherd emphasized that scenario had always been the concern of the City. Mr. Christensen expressed his opinion one completed commercial building and 168 completed residential units was not a lot. Mr. Lenhard responded that ratio would be considered a lot to the residents of Clearfield City and Councilmember Shepherd expressed agreement. Councilmember Shepherd expressed concern with the possibility the development could be nothing more than 168 apartments and one commercial building.

Mr. Lenhard stated it had always been the City's position that Phase 1A would consist of two buildings at the same time in exchange for concurrently 1B, the 168 residential units. Mayor Wood believed the Planning Commission was of the same opinion and suggested the phasing of the apartment complexes should better align with the flex space.

The Council took a break at 7:56 p.m.

The meeting resumed at 8:02 p.m.

Mr. Allen announced a discussion relative to open space would next be discussed. He explained UTA was willing to convey land to the City in exchange for a credit or reimbursement toward impact fees. He reported staff was not supportive of that request. He announced if UTA developed the open space as a park only, not a plaza, it would be owned and maintained by the developer. He continued if the City was willing to improve the open space to that of a plaza, then the City's burden should only be the difference between the baseline park and the plaza. He reported staff was prepared to include that verbiage in the Agreement. He continued the use of park impact fees could be used to develop the plaza if the Park CFP and Impact Fee Analysis was updated.

Mr. Allen inquired if there were any other concerns of the Council associated with the Development Agreement. There were none expressed.

Mr. Christensen, Ms. Huntsman and Mr. Smith left the meeting at 8:05 p.m.

PRESENTATION ON POLICE PROGRAMS

Police Chief Krusi, introduced Officer Hernandez to the Council and announced she would be sharing a presentation specific to police programs. He explained she would be requesting direction from the Council following the presentation.

Officer Denise Hernandez shared a visual presentation specific to the DARE Program and other community policing programs she completes for her job assignment. Chief Krusi requested direction from the Council on whether it desired to continue to appropriate funds toward the DARE Program and a discussion took place. The Council was in agreement to consider not funding the DARE Program in FY 2014-2015.

Chief Krusi informed the Council the Police Department had a grant opportunity to apply for motorcycles for officers in the Traffic Division. He stated the City was one of the local agencies which didn't have motorcycles in its Traffic Division. There was no opposition from the Council and it directed staff to pursue the grant. Mr. Lenhard commented there might be some minor costs associated with receiving the grant funds.

Officer Hernandez and other officers from the Police Department left the meeting at 8:41 p.m.

DISCUSSION ON FUTURE ROAD IMPROVEMENT PROJECTS

Scott Hodge, Public Works Director, distributed a handout which reflected City roads within the City in which funds had been expended for maintenance since 2010. He referred to the second map which reflected the list of roads in which a chip seal would be completed in the spring of 2014. Adam Lenhard, City Manager, emphasized the funds used to complete the improvements was reallocated from the FY2013 fund balance to the current Fiscal Year. Mr. Hodge explained the next page reflected the identified roads which needed reconstruction. He mentioned the map reflected roads in conjunction with old utility infrastructure which would also need to be upgraded.

Mr. Hodge reported it appeared as if there would be a fund balance carry-over which could be used toward road improvement projects. He requested direction from the Council on which project it desired to complete improvements with \$350,000. A discussion took place and the Council expressed a desire to complete the improvements on South Main. Mr. Lenhard commented funds could be appropriated from this year's fund balance appropriation for this purpose. Councilmember LeBaron suggested locating another \$17,000 needed to complete improvements in front of Antelope Elementary during the summer months when school would not be in session. Mr. Lenhard pointed out timing combined with both budget years might enable the City to complete the entire project as a whole. He believed the City could look at funding options to complete the South Main road construction project.

Mr. Hodge informed the Council about the Safe Sidewalk grant he would be submitting application for which would be used for the south side of 300 North from 1000 West extending east to the Rail Trail. He pointed out these were limited grant funds which were only eligible for State Roads and the City would need to be prepared to contribute twenty five percent of matching funds for the project.

Councilmember Bush inquired if UDOT would be obligated to complete this kind of improvement on 300 North prior to it becoming a City street. Mr. Lenhard commented that type of improvement was somewhat of a gray area. Mayor Wood believed the understanding was specific to the condition of the bridge only. Councilmember Bush suggested the City visit with

UDOT about completing improvements for the street as a whole. Mr. Brower reported on previous discussion with UDOT regarding the transfer of the street and expressed agreement with Mayor Wood regarding UDOT's expectation.

Councilmember LeBaron pointed out he had received concerns from residents regarding the sidewalks where 250 South and 300 South meet at 500 East. He requested the City inspect the sidewalks and suggested the City should consider those sidewalk improvements. Councilmember Bush pointed out there was a section of road on 800 North which also needed sidewalk because it was designated as a "walk to school" route and believed the City should also actively work at installing a sidewalk. Mayor Wood believed the property was considered "Davis County" and reported the resident had no desire for a sidewalk.

Scott Hess, Development Services Manager, informed the Council that letters of intent for Wasatch Front Regional Council (WFRC) would need to be submitted if the City intended to apply for Regional Surface Transportation Program (STP) funding allocated by the WFRC. Mr. Hodge responded these funds would be available within the next five years and suggested the letter of intent would need to be submitted for the grant funds which could be used for street improvements on 700 South.

DISCUSSION ON LIABILITY INSURANCE COVERAGE FOR CITY BRIDGES

Rich Knapp, Administrative Services Director, informed the Council that the City's insurance advisor had to leave the meeting at 8:00 p.m.; therefore, he (Mr. Knapp) would be leading the insurance discussion. He reminded the Council of the recent incident specific to the Center Street/200 South overpass and informed the Council of the option to insure the bridge. He reported the costs to insure the Center Street/200 South overpass was \$13,550 with a \$5,000 deductible. He pointed out coverage for damage of a flood or earthquake was excluded and distributed a handout identifying all City bridges and the costs associated with insuring them. Councilmember LeBaron clarified the costs associated with the most recent repair and the costs relative to insurance. Mr. Knapp recommended insuring the Center Street/200 South bridge and a discussion took place.

The Council directed Mr. Knapp to proceed with insuring the Center Street/200 South bridge.

DISCUSSION ON PROVIDING TENANT USER LIABILITY INSURANCE PROGRAM (TULIP) INSURANCE

Rich Knapp, Administrative Services Director, explained the TULIP insurance (Tenant User Liability Insurance Program) and how it would be applied in conjunction with the rental of City facilities. He emphasized the insurance not only protected the insured/resident or user but also the City. He pointed out if the individual/organization could provide documentation reflecting it had its own insurance, purchase of the TULIP would not be required. Mr. Knapp distributed a handout reflecting proposed costs and stated he was requesting direction from the Council. Councilmember Bush inquired if the City was requiring a threshold of insurability. Mr. Knapp reviewed the proposed insurance costs and liabilities with the Council based upon the number of participants. A discussion took place regarding rental costs of facilities.

Eric Howes, Community Services Director, reminded the Council of previous discussions regarding special events because of the insurance component associated with the event. He reported several events were scheduled to take place within the City until they became aware of the City's insurance requirement and at that time the event in Clearfield was cancelled. Brian Brower, City Attorney, expressed his opinion the City should be concerned with personal injury claims from participants at City facilities whether or not they were affiliated with the City. He believed the City had been fortunate given the number of events which occurred at the City facilities. A discussion took place.

Mayor Wood believed this requirement would discourage individuals from reserving park boweries or other facilities and just showing up to use it, which as a resident was their prerogative. Councilmember Young expressed his opinion there was no more risk when renting a City facility as compared to the resident using a facility as a taxpayer. Mr. Brower believed there was more of an expectation when attending an event and the issue continued to be discussed. Councilmember Young suggested if the activity increased the normal risk of the use of the facility, then maybe the insurance should be considered. Mr. Howes reviewed scenarios associated with the designated level of events. Mr. Lenhard suggested liability insurance only be required for the larger events such as 5k races or similar events which would require a higher level of protection for the City. He cautioned the Council would want to be careful in not overburdening users of City facilities. A discussion took place regarding criteria used as a tool in measuring or designating the level of event.

Mayor Wood inquired if the Council was in agreement with the concept of implementing the insurance and all members expressed agreement the insurance requirement was in the best interest of the City. Mayor Wood directed staff to draft specific parameters relating to liability insurance and present something in writing to the Council for discussion in a future work session.

DISCUSSION ON PUBLIC INFORMATION PROCEDURES

Adam Lenhard, City Manager, informed the Council because communication was rapidly changing it had become necessary to create a Public Relations Team. He explained the Public Relations Team consisted of himself, JJ Allen, Assistant City Manager, Brian Brower, City Attorney, Greg Krusi, Police Chief, Mike Stenquist, Assistant Police Chief, Natalee Flynn, Public Relations and Marliss Scott, Public Relations. He stated the Team was in the process of creating policies which would allow the City to provide accurate information in a timely manner. He added staff would soon be receiving the policy.

DISCUSSION ON TITLE 11, CHAPTER 14, PARKING REGULATIONS

Kent Bush, Councilmember, commented it was his recollection that changes had been made to Chapter 14, parking regulations, out of concern that fluids from vehicles not parked on an impervious surface could potentially contaminate the ground. He understood the need for that change as it related to motorized vehicles but expressed his opinion non-motorized vehicles such as travel trailers could be stored at the side of a home. Mayor Wood believed the change specific

to the parking regulation went beyond environmental concerns. Councilmember Shepherd expressed his recollection the change to the ordinance had more to do with aesthetics and expressed concern that some residents had installed concrete or asphalt in order to meet the criteria identified in the current ordinance. Councilmember Young agreed travel trailers could be stored at the side of the home if the area was maintained.

Councilmember Bush believed allowances should be made for residents desiring to park the RV next to the home during the winter months. Mayor Wood believed the City's ordinance was similar to that of a neighboring community and agreed with Councilmember Shepherd's concern about those residents who incurred the expense in order to be compliant with the ordinance. He stated he would rather not repeal that specific clause but appropriate CDBG funds for a zero percent or low interest loan which could be administered for that purpose. He also believed the ordinance was changed because of aesthetics' concerns.

Councilmember Murray pointed out residents could pay to store their RV at a storage facility or plan to install a hard surface and believed the parking ordinance should stay as it was. She stated it was her recollection the Council amended the ordinance in order to improve or enhance the community. She pointed out the City had allowed a significant time frame to allow residents the opportunity to plan and pay for the installation of the impervious surface.

Mayor Wood and Councilmember Young each shared specific examples of parking issues of which they had been made aware. Mayor Wood pointed out the ordinance was put in place to maintain the integrity of the subdivision and reminded the Council of its intent when it was adopted. He believed ordinances were adopted to benefit the entire community as a whole as opposed to meet individual's needs. Councilmember LeBaron expressed his opinion the current ordinance was adopted because it was best for the entire community even though some residents could have stored their RV's at the side of their homes in an acceptable fashion. Councilmember Young believed a broad stroke approach in implementing ordinances could infringe on individual property rights. Councilmember Shepherd expressed concern residents had expended funds to become compliant and repealing the ordinance at this time would be unfair.

A discussion specific to CDBG funding and low interest loan program options took place specific to the impervious surface implementation and repercussions associated with repealing the ordinance took place. The Council determined to keep the parking ordinance in place as it was currently written.

The meeting adjourned at 9:52 p.m.

**APPROVED AND ADOPTED
This 10th day of December, 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 29, 2013.

/s/Nancy R. Dean, City Recorder