

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. WORK SESSION
September 10, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Mike LeBaron	Councilmember
	Kathryn Murray	Councilmember
	Bruce Young	Councilmember
EXCUSED:	Mark Shepherd	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
	Eric Howes	Community Services Director
	Summer Palmer	Acting Administrative Services Dir.
	Steve Guy	City Treasurer
	Marliss Scott	Public Relations/Marketing
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Beverly Bradley – Standard Examiner, Keri Benson – City Council Candidate, Lee Schaffer, Sharon Hinckley, Jennifer Wade, Shannon Anderson, Richard Knapp

Mayor Wood called the meeting to order at 7:33 p.m.

DISCUSSION ON HOMEOWNERS ASSOCIATIONS (HOAS)

Adam Lenhard, City Manager, stated the Springfield Estates Subdivision was developed in 2002 and consisted of four phases with approximately 130 lots. He reported a fire, caused by a transformer, occurred in some of the open space associated with the subdivision caused damage because the property had not been maintained and the water had been shut off. He stated the lack of maintenance of some properties in the development was related to the issues with the establishment of the Homeowners Association (HOA) in that development.

Mr. Lenhard reminded the Council of previous discussions specific to HOAs in the City and indicated the HOAs in the Autumn Ridge and West Park Village developments had been appropriately established. He indicated staff had presented the option of designating a special assessment area (additional property tax) for the subdivisions that would cover costs associated with maintaining the open space areas within the developments eliminating the practice of having the HOA be responsible for the maintenance. He expressed his opinion if homeowner's

disagreed with HOA practice, they would most likely disagree with the designation of a special assessment area for the open space maintenance.

Mr. Lenhard stated circumstances specific to the HOA in Springfield Estates were a different situation. He explained the subdivision was completed in four phases and the development agreement with the City was very specific about requiring that the developer would be responsible for the establishment of the HOA for the purpose of maintaining the four small parcels of open spaces. He reported phase one consisted of 38 lots and the development agreement and CCR's (Codes, Covenants and Restrictions) were recorded against those lots. He mentioned the CCR's were also recorded against the property associated with phase two. He believed home buyers in those two phases should have been made aware of the HOA requirement by the title company at the time of closing.

Mr. Lenhard stated the majority of the building lots were located in phases three and four; however, there was no documentation recorded against any of the lots specific to the HOA requirement. He pointed out signed development agreements could exist but they had not been recorded at the Davis County Recorder's Office and believed the City owned some of the responsibility for the miscommunication with that subdivision. He inquired if Eric Howes, Community Services Director, was able to assemble some numbers specific to the maintenance costs regarding the open spaces. Mr. Howes responded he didn't have cost figures but estimated the costs somewhere between \$5,000-\$6,000. Mr. Lenhard stated it would be in the best interest of the City to have the four open space parcels deeded to the City if it were to assume the maintenance responsibilities and indicated it appeared the developer still owned them.

Councilmember Bush believed one of the parcels was intended to be a retention basin. A discussion took place specific to ownership of the open space parcels and whether a retention basin was needed. Councilmember Murray inquired if the City would be responsible to install sprinkler system, grass, etc. in addition to completing or contracting maintenance of the open spaces if the properties were deeded to the City. Mr. Lenhard commented there would be some rehabilitation costs associated with maintaining the parcels. Shannon Anderson, resident, reported the small fire on the property had damaged fences belonging to neighboring properties. Mr. Lenhard commented the damaged fence would be a civil issue between property owners. Ms. Anderson briefly explained where the properties were located in the development.

Councilmember LeBaron requested clarification if the failure to have the CCR's recorded at the County offices was the responsibility of the City. Mr. Lenhard responded in the affirmative. Mayor Wood asked the Council for direction on how staff should be directed to proceed; whether contact should be made to the developer or if the City should initiate the process in taking control of the properties. Mr. Lenhard pointed out there was an HOA established for phases one and two in the subdivision. Councilmember Young pointed out this was not the only HOA in the City and it was not the only one in which there were contentions about the validity of the HOA. He expressed concern how other HOAs could perceive the City's involvement specific to the maintenance of the open space and setting precedence. Councilmember LeBaron believed the City was responsible to some extent as it didn't ensure the recording of the HOA for all phases of the subdivision. Mr. Lenhard commented it was always intended for all four phases to share the maintenance responsibility and not just the properties located in phases one and two,

although the open space parcels were located in phases one and two. Brian Brower, City Attorney, commented although the parcels were located in phases one and two he believed the storm water retention requirements were being met for the entire subdivision. Councilmember Murray inquired if the City would become the owners of the property or would it be designated as an assessment area. Mr. Lenhard responded it would be maintained as City owned open space. Councilmember Murray clarified the residents wouldn't fund the maintenance of the property.

Shannon Anderson, resident, expressed her opinion if it came down to an HOA funding the maintenance of the open space the issue would continue for another ten years. She continued residents living in phases one and two had already met with the developer due to the fact that the HOA requirements were never included with closing documents from the title company, except for its inclusion as an amendment included with the warranty deed. She emphasized the realtor who managed the model home wasn't even aware of the HOA requirement.

Mr. Brower mentioned he had been involved with previous discussions with residents over the years that had assured him they too had no knowledge an HOA was tied to their property. He explained how an adequate protest would impact the City's designation of an assessment area. Mayor Wood commented if the residents weren't receptive to participation in an assessment area it made sense they would also be opposed to participation in an HOA. Nancy Dean, City Recorder, reminded the Council how a similar situation regarding another open space parcel of property located within the City had taken place. Mr. Lenhard reported his research of the issue reflected the City hadn't properly fulfilled its obligation under the development agreement specific to the recording of the HOA requirements with Davis County.

Councilmember Young inquired if the developer were still the owner of record for the open space property wouldn't he/she be liable for the maintenance. Mr. Lenhard responded in the affirmative and indicated the City had continued to send violation notices specific to the maintenance of the open space. Mayor Wood reported the developer would rather pay any fines associated with the neglect of the open space property than to develop or maintain the parcels. A discussion took place regarding ownership of the property.

Councilmember LeBaron expressed his displeasure the City didn't follow through ensuring the creation of the HOA and believed the City should now contact the developer to obtain the property and assume future maintenance responsibilities. He suggested having the city engineer determine the need for the undeveloped parcel previously designated as a retention basin to determine if it was needed for that purpose. He continued if that purpose was not called for it should also be deeded to the City for future maintenance as well. Mayor Wood believed it would also be prudent to include provisions requiring the developer to landscape that parcel specifically identifying the City's expectation.

Councilmember Murray agreed with Councilmember LeBaron and Mayor Wood's comments and believed the City should assume the long term maintenance responsibility; however, the developer should live up to his obligation in regards to developing/landscaping prior to the City's acceptance of the parcels.

Councilmember Young agreed the City should take over the maintenance and believed the City had responsibility for these parcels. He suggested the City should approach the developer regarding its responsibility specific to the development/landscaping. He stated he would like more information from Mr. Hodge regarding the detention basin. He expressed concern specific to creating a precedence with encouraging other HOAs to approach the City to solicit its involvement or participation in maintaining other open space parcels. He believed the City had some responsibility to the residents.

Councilmember Bush also believed the City shouldered some responsibility regarding the matter and expressed concern with the developer deeding the parcels to the City designated as detention basins. He believed there were options for the City to consider for future long term maintenance.

Mr. Lenhard indicated staff would proceed with future discussions specific to the open space parcels.

Lee Schaffer, Sharon Hinckley, Jennifer Wade and Shannon Anderson left the meeting at 8:10 p.m.

PRESENTATION OF FINANCIAL REPORTS BY CITY TREASURER

Steve Guy, City Treasurer, reviewed the General Fund Expenditures and Revenues for the budget year ending in June 2013. He reminded the Council since the State had increased the amount of excess fund balance from eighteen percent to twenty five percent there was approximately \$175,000 which could be appropriated for additional projects, other than what had been designated for in the 2014 Fiscal Year.

DISCUSSION ON THE FISCAL YEAR 2014 MARKETING CAMPAIGN

Marliss Scott, Public Relations/Marketing, explained the December newsletter would be a monthly calendar format for the upcoming year as opposed to the article format. Mayor Wood commented he would like to have his holiday address in the November newsletter and suggested allowing Councilmember Murray the opportunity to share a farewell to the residents.

Ms. Scott reminded the Council the goal of the marketing campaign was to brand and identify the City and to promote a positive image. She shared a visual presentation pertaining to the campaign and reviewed previous costs associated with it. She stated the billboard portion of the campaign was completed and indicated the largest portion of the budget would be directed toward Internet (social media, videos, city website). She mentioned the street banner display would continue and in addition there were eight City vehicles wrapped with advertising. She reported the UTA bus billboards would continue through January 2014. She shared the proposed costs of the current year's marketing campaign with the Council.

She explained the current year's marketing proposal was to make and use quality videos pertaining to the City because video was one of the most effective ways to reach a target audience and she shared some statistics. She shared some video examples with the Council.

Councilmember LeBaron announced he was declaring a conflict of interest as a relative of his owned one of the video companies.

Ms. Scott shared some ideas on how to get the video to be viewed: social media, websites, search engines, etc. and stated the success of the video campaign would be measured by clicks, views or length of engagement. She requested direction and feedback from the Council.

Councilmember Young believed the goal of the video campaign should be directed to businesses desiring to locate within the City. He asked if staff had any strategy on how it desired to reach its target audience. Ms. Scott responded the video company would also assist the City in knowing how and where to make the video available for viewing. She reviewed rough costs provided by some video companies and services provided. She believed the success of the videos would be two fold; not only promoting business/manufacturing but also in promoting the perception of the local area.

JJ Allen, Assistant City Manager, shared an example of how a quality of life video could be used in rebranding the image of Clearfield while another video could be used to entice business/industry to the area with the We've Got It Made campaign. He also indicated where those videos could be placed for viewing such as EDCUtah, Davis County Economic Development, etc.

Councilmember Bush inquired what the cost variance was from the videos submitted by the four companies. Ms. Scott responded there would probably be a significant difference in costs due to the varied representations of videos. Mr. Allen pointed out the procurement process had not been completed; rather, tonight's discussion was to determine if the videos were consistent with the Council's desires discussed during the budget process.

Councilmember Young expressed his opinion the videos should be used to target business/industry as opposed to the City's residents. He suggested even videos highlighting quality of life should be used toward business relocation.

Councilmember LeBaron expressed confidence with the implementation and use of videos because the City would be one of the first to use the advertising tool. A discussion took place relative to costs associated with the implementation of video advertising. Mr. Allen suggested soliciting an RFP (Request for Proposal) with the designation of a set dollar figure and asking for submissions which would identify what could be provided for that specific cost.

Councilmember Bush suggested contacting the neighboring universities to determine if there was interest from students. Ms. Scott responded some of those students had submitted videos for the video contest previously held and believed the City would desire a higher quality.

Mayor Wood shared a personal example of using and selecting a video company for advertising and believed the City could find something less expensive than what had been referred to by one of the companies and a discussion took place.

The Council directed staff to proceed with the video RFP in conjunction with the marketing campaign.

DISCUSSION ON THE RECREATION SOFTWARE

Eric Howes, Community Services Director, reminded the Council of the previous work session discussion in which the Council had directed staff to locate additional funding of \$13,000 which could be used toward the software purchase. He distributed a handout and stated staff had completed research to determine if the City was assessing fees appropriately for its recreation programs. He explained the research was based on the actual number of participants and reported if an additional one dollar were assessed for individual program registration and an additional ten dollars for team registration, the increases would generate thirteen thousand dollars.

Mr. Howes mentioned another option which could be considered would be to increase the membership fees at the Aquatic Center; however, he suggested not making significant changes to those fees at this time. He reported based on the current number of memberships, a small increase of ten dollars would generate eleven thousand dollars. Mr. Howes believed any increase associated with the Aquatic Center should not be implemented until a membership/fee analysis could be completed.

Mr. Howes reminded the Council the cost for the software was approximately \$35,000 and only \$22,000 had been appropriated for that purchase. He believed the program would pay for itself within five years.

Councilmember Young agreed that until the membership analysis was completed no changes should be made to the membership fees. Mr. Howes clarified the additional one dollar fee would be added to program registrations from now until June to cover the additional software costs. He also explained how use and implementation of the new software could net savings for the City in the long run.

Councilmember Bush expressed agreement with Councilmember Young regarding the Aquatic Center memberships. He suggested holding off with the increase until the sale of the bleachers to determine if the small increase could be lowered. He also believed the analysis would identify other areas in which increases could be implemented.

Mayor Wood summarized results from the discussion were to direct staff to use the proceeds from the sale of the bleachers then implementing the one dollar increase to generate the needed revenue. The Council agreed.

DISCUSSION ON CHRISTMAS DECORATIONS

Eric Howes, Community Services Director, reminded the Council of previous discussions in which it had desired Christmas decorations with a more “traditional” motif and indicated funds had been appropriated during the budget process for the purchase of the new decorations.

Councilmember Murray inquired what would be done with the other decorations. Mr. Howes responded the City would retain them for the time and if directed by the Council he could try to

sell them. Councilmember Murray suggested keeping and using the wreaths. He distributed a handout illustrating the proposed new decorations. He indicated he would proceed with the purchase.

DISCUSSION ON REPAIR TO THE CENTER STREET OVERPASS

Adam Lenhard, City Manager, explained some of the dirt and fill used for the embankment of the 200 South/Center Street overpass had slipped and impacted the parking lot at the Davis County Health Department facility. He reported the City had solicited assessments from geotechnical engineers and contractors specific to the failure and subsequent repair. He indicated the cause of the failure was a combination of a faulty sprinkler system issue compounded by recent rains. He emphasized the overpass was structurally sound and the failure was not related to any previous issues. He pointed out now that the landscaping on the slopes had been established water beyond regular rainfall was not needed.

Mr. Lenhard reported rough estimates from contractors had reflected a cost of approximately \$50,000 for the repair and recommended staff proceed immediately with repairing the structure. He stated since funds had not been appropriated for this purpose it would be a General Fund expense and addressed during the reopening of the budget.

Brian Brower, City Attorney, explained how the procurement process identified what would be allowed for the emergency situation. A discussion took place specific to the time frame to repair the structure. Mr. Lenhard emphasized the City would proceed as quickly as the weather permitted for the repair.

The meeting adjourned at 9:10 p.m.

**APPROVED AND ADOPTED
This 8th day of October, 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, September 10, 2013.

/s/Nancy R. Dean, City Recorder