

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA)
WORK SESSION AND
CLEARFIELD CITY COUNCIL REGULAR AND WORK SESSIONS
September 10, 2013

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.

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

6:00 P.M. CDRA WORK SESSION

Discussion on the Creation of a Community Development Area (CDA)
for the area including and surrounding Clearfield Station

****ADJOURN CDRA WORK SESSION AND IMMEDIATELY FOLLOWING RECONVENE
AS THE CITY COUNCIL IN A REGULAR SESSION ****

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

REGULAR SESSION

CALL TO ORDER:

OPENING CEREMONY:

APPROVAL OF MINUTES:

Mayor Wood

Councilmember LeBaron

August 16, 2013 – Work Session

August 20, 2013 – Work Session

August 20, 2013 – Regular Session

August 21, 2013 – Work Session

SCHEDULED ITEMS:

1. CITIZEN COMMENTS

2. APPOINT RICHARD KNAPP AS THE ADMINISTRATIVE SERVICES DIRECTOR

COMMUNICATION ITEMS:

Mayor's Report

City Councils' Reports

City Manager's Report

Staffs' Reports

****ADJOURN REGULAR SESSION AND RECONVENE IN A WORK SESSION****

WORK SESSION IMMEDIATELY FOLLOWING THE REGULAR SESSION

Presentation of Financial Reports by City Treasurer
Discussion on the Fiscal Year 2014 Marketing Campaign
Discussion on the Recreation Software
Discussion on Christmas Decorations
Discussion on Homeowners Associations (HOAs)

****COUNCIL MEETING ADJOURN****

Dated this 5th day of September, 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
8:45 A.M. WORK SESSION
August 16, 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
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Summer Palmer	Human Resource Manager
	Nancy Dean	City Recorder

VISITORS: There were no visitors.

Mayor Wood called the meeting to order at 8:45 a.m.

INTERVIEWS WITH ADMINISTRATIVE SERVICES DIRECTOR CANDIDATES

The City Council interviewed Jed Briggs, Richard Knapp and Stephen Marshall for consideration to fill the Administrative Services Director vacancy.

Councilmember Young moved to adjourn to a Closed Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Utah Code Ann. § 52-4-204 and §52-4-205(1)(a), seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

The minutes for the closed session are kept in a separate location.

CLEARFIELD CITY COUNCIL MEETING MINUTES
4:30 P.M. WORK SESSION
August 20, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Mike LeBaron	Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Greg Krusi Scott Hodge Eric Howes Curtis Dickson Natalee Flynn Summer Palmer Nancy Dean Kim Read	City Manager Assistant City Manager City Attorney Police Chief Public Works Director Community Services Director Community Services Deputy Dir. Public Relations/Special Events Acting Administrative Services Dir. City Recorder Deputy City Recorder
VISITORS:	Beverly Bradley – Standard Examiner	

Mayor Wood called the meeting to order at 4:35 p.m.

INTERVIEWS WITH DEVELOPMENT SERVICES MANAGER CANDIDATES

The Council interviewed Charles Ewert and Scott Hess for consideration to fill the Development Services Manager vacancy.

Councilmember Murray moved to adjourn to a Closed Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Utah Code Ann. § 52-4-204 and §52-4-205(1)(a), seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Mayor Wood, Councilmembers Bush, Murray, and Shepherd. Voting NO – None. Councilmembers LeBaron and Young were not present for the vote.

The minutes for the closed session are kept in a separate location.

Councilmember Young arrived at 6:23 p.m.

The work session reconvened at 6:25 p.m.

DISCUSSION ON AN OUTREACH PROGRAM WITH CLEARFIELD HIGH SCHOOL'S STUDENT GOVERNMENT

Mayor Wood expressed his opinion the Youth City Council (YCC) was not functioning as desired and invited Natalee Flynn, YCC Advisor, to share the organization's current status. Ms. Flynn indicated there were currently five or six active members on the Council. She reported the YCC had a successful fundraiser during the Fourth of July celebration. She announced a recruitment advertisement would be in the September issue of the City newsletter. She reported on the parent meeting held earlier in the year and suggested City staff become more involved with the student government since some of the active members were already participating.

Mayor Wood reported on his meeting with the principal and the student government last spring at the end of the school year. He announced he would be holding monthly lunch and roundtables with the designated students in hopes of involving the youth in City events as well as supporting the youth at the school. He indicated this would also involve the student government from the Junior High. He pointed out the Student Body Officers already had an advisor and already had leadership opportunities. He reported Councilmember LeBaron had expressed his concerns with the Mayor's proposal.

Councilmember Young pointed out the YCC was previously informed by the City it had the current calendar year to recruit members willing to participate and function as an active Council and expressed concern about changing the direction at this time. A discussion took place regarding the YCC. Ms. Flynn reported some of youth currently participating in YCC were also participating in student government; however, the current YCC Mayor was not. Councilmember Young suggested identifying required participation criteria which if not met by the youth would allow dismissal from the YCC.

JJ Allen, Assistant City Manager, stated he would visit with Marliss Scott, Public Relations, to see if an advertisement for recruitment could be in the September newsletter. The Council discussed other recruitment tools. Mayor Wood summarized the consensus of the Council to proceed until the end of the calendar year to see if the YCC could be revitalized. He stated it was his intention to maintain his commitment with Clearfield High's student government.

DISCUSSION ON INCREASES TO THE NORTH DAVIS SEWER DISTRICT USER FEES

Adam Lenhard, City Manager, explained the North Davis Sewer District (NDSD) had adopted an increase to its fee which would be a pass through fee on the City's utility bill to residents beginning July 1 of the current fiscal year. He mentioned in 2012 the City had adopted the one dollar increase per connection which was a pass through from the NDSD. He stated there was some confusion as to whether the City had received adequate notice regarding this year's increase; however, the City would have to amend its Consolidated Fee Schedule an additional \$1.50 per connection for the NDSD. He continued an additional increase of \$1.50 for next year had also been approved by the NDSD.

Mr. Lenhard indicated staff was requesting direction from the Council as to how it would like to pay the \$1.50 increase which was not collected from residents for the month of July by the City.

He stated it was staff's proposal to include the \$1.50 from July on the August bill. Councilmember Murray clarified that would be an increase of \$3.00 to the residents one time for the month of August and then it would revert back to \$1.50 in September. Councilmember Bush pointed out the \$1.50 increase would continue each year until 2016.

Mr. Lenhard emphasized the increase was not revenue which would be recognized by Clearfield City; rather, it was a pass through fee for the NDS.

Councilmember Murray moved to adjourn the work session and reconvene in a special session at 6:58 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Murray, Shepherd, and Young. Voting NO – None. Councilmember LeBaron was not present of the vote.

The work session reconvened at 7:45 p.m.

DISCUSSION ON THE AWARD OF BID FOR RECREATION SOFTWARE

Eric Howes, Community Services Director, reminded the Council that staff had been conducting a review of recreation software bids for approximately nine months and reported it recommended the purchase of e-Trak Plus software. He explained \$22,000 had been appropriated for the software purchase and mentioned the "Class" software, which had been used for fourteen years, had an annual licensing/maintenance fee of \$15,000. He announced the new software cost was \$35,000 which was equivalent to the appropriated purchase cost plus the maintenance fee for the old software. Adam Lenhard, City Manager, explained during the budget process the annual maintenance fee had been eliminated because the City knew "Class" would not be supported during the year and that a new software product would be purchased.

Mr. Howes shared the projected return on investment figures and indicated the City could recognize an annual savings of approximately \$5000. He shared the advantages with using the proposed new software. He added the software would allow the continuing use of the same payment gateways eliminating any hidden costs associated with online registration. Mr. Howes continued to explain how the proposed new software could contribute to efficiencies which would contribute to recognized cost savings in other areas.

Councilmember Murray asked where the additional funds could be recognized for the purchase. Mr. Lenhard responded funds could be recognized by implementing a pass along fee to users or an appropriation from the General Fund revenue. A discussion took place specific to user fees associated with offered programs and online service fees. Councilmember Murray expressed her opinion the funds should come from the General Fund revenue. Mr. Lenhard stated staff could look at services and determine which ones were appropriate to charge a transaction fee against to recover the additional \$15,000.

Mr. Howes requested the Council's approval for the purchase of the new software and its implementation. He shared the proposed timeframe associated with the proposed implementation by January 1, 2014 and stated he would be willing to come back to the Council at a later date with a proposal of user fees to pay for the additional cost. The Council directed staff to proceed

in purchasing the e-Trak Plus software. Brian Brower, City Attorney, reminded the Council the official action would require the budget to be reopened for the expenditure.

DISCUSSION ON THE REVENUE FROM THE SALE OF SURPLUS EXERCISE EQUIPMENT

Mayor Wood explained revenue from the sale of used exercise equipment from the Aquatic Center had previously been recognized in the General Fund. He continued since the equipment had originally been purchased using from the Equipment Fund it seemed appropriate that the proceeds from the sale of the used equipment go back to the Equipment Fund. The Council expressed agreement with the proposal that any recognized revenue from the sale of surplus exercise equipment go back to the fund in which the expenditure was originally made.

DISCUSSION ON THE DESIGN FOR THE ENTRY WAY OF THE COMMUNITY ARTS CENTER

Eric Howes, Community Services Director, reminded the Council of the previous discussion about the entryway design of the Community Arts Center and that he had been directed to explore the costs associated with a more extensive design known as Option 2. Mr. Howes shared an illustration of the current entryway and both design options. He reviewed the original proposed costs and informed the Council that \$35,000 had been appropriated for the upgrade and expressed his opinion the estimated cost was significantly higher than the original design. He shared some other cost options which could possibly reduce costs with option 2 and reviewed them with the Council.

Councilmember Young stated he would not be able to support the new proposal given the additional costs. Councilmember Shepherd expressed agreement and could not justify the costs. A discussion took place. Councilmember Bush also expressed agreement with Councilmembers Young and Shepherd in not proceeding with option 2.

Mr. Howes stated he would proceed with option 1 for the entry.

DISCUSSION ON THE CREATION OF AN ETHICS COMMISSION

Brian Brower, City Attorney, distributed a draft ordinance regarding the implementation of an Ethics Commission. He continued the Legislature had enacted a State Ethics Commission to review complaints regarding elected officials and city managers. He indicated if the City didn't adopt its own ordinance any complaint would be referred to the State's Commission.

Mr. Brower informed the Council that the City had been approached by Layton City and other municipalities to participate with them in implementing an Ethics Commission. He explained an interlocal agreement would also be required in addition to the ordinance. He pointed out the proposed draft ordinance explained how a complaint would be addressed with the complaint being heard by the three city attorneys not involved in the complaint. He requested feedback, concerns or changes to the language in the proposed ordinance.

Councilmember Young expressed concern regarding potential frivolous or false complaints. He inquired if the excused city attorney would be allowed to provide legal counsel to staff or the elected officials. Mr. Brower responded the city attorney would be available to provide legal counsel and support and explained the circumstances under which an employee would be responsible for his/her own legal fees.

Mayor Wood expressed an understanding of Councilmember Young's concern and inquired if there was an evidentiary process associated with an ethics complaint and shared a hypothetical example. Mr. Brower responded there would be an initial review of the complaint and directed the Council to page 5, Section H, subsection 7, paragraph c, which specifically stated even if the complaint were true but didn't violate the Ethics Act, it would be dismissed. A discussion took place.

Councilmember Young inquired if adoption of the ordinance could be misinterpreted as incentivizing more frivolous complaints. Mayor Wood suggested numerous allegations could be made during an election season. Mr. Brower pointed out that the Council didn't have to participate in a local commission or adopt the proposed ordinance. He emphasized if an ethics complaint was made it could be addressed on the local level if the City had its own ordinance or by the State's Ethics Commission if the City hadn't adopted its own.

Councilmember Young inquired if there was an evidentiary threshold which would have to be met prior to the complaint being heard by a committee. Mr. Brower responded the State had already established what had to take place; rather, the real issue would be whether the City created its own body to conduct the review or would the complaint default to the State's designated body for an opinion.

Mr. Brower responded he would be willing to provide the Council with a brief memo providing explanation of the proposed process identified in the draft ordinance. He emphasized the Ethics Commission would review any complaint received by them. He directed the Council to page 7 of the proposed ordinance Section M, which specifically addressed Action by the City Council and pointed out whatever action was in response to the complaint would be up to the Council.

Mayor Wood requested the specific name of the act. Mr. Brower responded it was the Municipal Officer's and Employee's Act. He stated the Act was most recently updated to address the appointment of an ethics commission. Nancy Dean, City Recorder, stated she would email the specific legislation to the Council. Mr. Brower pointed out the identified provisions specific to complaints associated with elections.

The meeting adjourned at 8:35 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. SPECIAL SESSION
August 20, 2013

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

VISITORS: Beverly Bradley – Standard Examiner.

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 Bush conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JULY 9, 2013 WORK SESSION, THE JULY 9, 2013 REGULAR SESSION AND THE JULY 30, 2013 WORK SESSION

Councilmember Shepherd moved to approve the minutes from the July 9, 2013 work session, the July 9, 2013 regular session and the July 30, 2013 work session as written, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Murray, Shepherd and Young. Voting NO – None.

Councilmember LeBaron was not present for the vote.

CITIZEN COMMENTS

There were no citizen comments.

CANVASS THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION HELD ON
AUGUST 13, 2013

State Law required the governing body verify the results of the primary election, which was held on Tuesday, August 13, 2013.

Nancy Dean, City Recorder, presented the canvass report as prepared by the Davis County Clerks Office. She noted the results were verified as the following:

**Clearfield City Primary Election
August 13, 2013
Canvass Results
(Canvassed: August 20, 2013)**

Clearfield City Precincts	15	100.00%	
Registered Voters	11,666	100.00%	
Ballots Cast	694	5.95%	
City Council (4-year term)			
David Tomczak	114	9.12%	
Benjamin G. Larsen	140	11.20%	Finalist
Bruce Young	356	28.48%	Finalist
Ron Jones	73	5.84%	
Randy Goodnight	134	10.72%	Finalist
Keri Benson	433	34.64%	Finalist

Councilmember Shepherd moved to approve the canvass report and authorized the City Recorder to report the results to the Lieutenant Governor's office, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Murray, Shepherd and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

Councilmember Bush inquired if students residing at the Job Corps could register and vote in the election. Ms. Dean responded they could if the residing student was a registered voter anywhere in the State of Utah; however, if they were a registered voter in another state, their vote here would not count. She pointed out Job Corps was included in a voting precinct of the City.

Councilmember Shepherd inquired if the absentee ballots were "typical". Ms. Dean clarified if Councilmember Shepherd were referring to sending out 683 absentee ballots yet only receiving 223 back. She mentioned it was common during a municipal election to not see a significant number of those ballots returned. She expressed her opinion that the increase in those returned in this election as opposed to past years might indicate support was growing for voting entirely by mail. She commented there was still work to do to encourage voting by mail. She commented it would be interesting to see the numbers from the upcoming general election when the ballot

included the mayor's race because voter turnout seemed to increase when a mayor was being elected.

Ms. Dean expressed appreciation and support for the Council in authorizing the City to contract with Davis County for conducting the electronic election.

APPROVAL OF ORDINANCE 2013-10 AMENDING THE CONSOLIDATED FEE SCHEDULE

Adam Lenhard, City Manager, explained the North Davis Sewer District completed a utility rate study which identified the need to raise its fees for sewer services over the next several years. He explained the increases were \$1.50 per year and a \$1.50 increase until 2016. The City's Consolidated Fee Schedule needed to be amended to account for those increases as a pass through fee to users.

Mayor Wood pointed out residents would see a \$3.00 increase on the August usage bill and the next month it would revert back to the \$1.50. He explained the City had not received the information in a timely manner to have the initial increase on the July bill.

Councilmember Bush moved to approve Ordinance 2013-10 amending the Consolidated Fee Schedule as explained 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, Murray, Shepherd and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

APPROVAL OF RESOLUTION 2013R-16 AFFIRMING THE CITY COUNCIL REVIEWED THE 2012 MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR CLEARFIELD

Utah's Department of Environmental Quality had asked the City Council to review and consider Clearfield's Municipal Wastewater Planning Program Report for 2012. This resolution affirmed the Council reviewed and considered the report.

Brian Brower, City Attorney, explained the report had been completed by Scott Hodge, Public Works Director, which was provided by the State with Mr. Hodge answering and responding to questions. He expressed his opinion the report favorably reflected the City's planning and preparation for its wastewater. He pointed out the State requested the Council acknowledge its review of the report.

Mr. Brower added an additional component to the report was directed toward municipalities with water treatment facilities and indicated since the City was affiliated with the North Davis Sewer District for that purpose, that specific representation of the report wasn't applicable for the City to complete.

Councilmember Young moved to approve Resolution 2013R-16, affirming that the City Council reviewed and considered the Municipal Wastewater Planning Program Report for Clearfield, and authorize the Mayor's signature to any necessary documents, seconded by

Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Murray, Shepherd and Young. Voting NO – None. Councilmember LeBaron was not present for the vote.

COMMUNICATION ITEMS

Mayor Wood - Announced a ribbon cutting ceremony for the new Weber State University Davis Campus building on Thursday, August 29, 2013. He requested those interested in attending contact him for further information.

Councilmember Bush

1. Reported he had also been present at the West Park Village Park service project. He commented it was great to see the approximately 300 volunteers participating.
2. Informed the Council he had attended the DUED meeting earlier in the day.
3. Informed the Council that the North Davis Sewer District (NDSD) had scheduled a public hearing for Thursday, September 12, 2013 at 6:00 p.m. for the adoption of a new impact fee schedule during the meeting held on Thursday, August 8, 2013.
4. Explained the small increase specific to the NDSD during the Council Meeting had taken place in May 2012. He emphasized the District's meetings were all publicly noticed and advertised in the Standard Examiner.

Councilmember Murray – nothing to report.

Councilmember Shepherd

1. Informed the Council the Kiwanis held its annual breakfast last week and reported it was a successful event. He pointed out an advertisement in the City's newsletter had misstated the pricing for the breakfast which had impacted the amount of recognized funds.
2. Announced he would be out of town the next two Tuesdays, August 27, 2013 and September 2, 2013.

Councilmember Young- Informed the Council he had attended and participated in a service project at the West Park Village Park.

STAFFS' REPORTS

Nancy Dean, City Recorder – Informed the Council the policy session scheduled for Tuesday, August 27, 2013 would be cancelled due to a lack of items. She indicated a work session was scheduled for Tuesday, September 3, 2013 and a policy session would take place on Tuesday, September 10, 2013.

Councilmember Young moved to adjourn as the City Council and reconvene as the CDRA at 7:25 p.m., seconded by Councilmember Shepherd. All voting AYE. Councilmember LeBaron was not present for the vote.

The minutes for the CDRA are in a separate location

CLEARFIELD CITY COUNCIL MEETING MINUTES
11:00 A.M. WORK SESSION
August 21, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mark Shepherd	Councilmember Councilmember Councilmember
EXCUSED:	Mike LeBaron Bruce Young	Councilmember Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Scott Hodge Eric Howes Summer Palmer Nancy Dean Audrey Curtis Mark Peacock Ed Hom Jessica Hardy Steve Guy Tani Grimes Brian Hogge Brooke Limoges Jeannine Ortberg Nate Vandenberg Colby Rasmussen	City Manager Assistant City Manager Public Works Director Community Services Director Human Resource Manager City Recorder Human Resources IT GIS Specialist Accountant City Treasurer Accounts Payable Accountant Utility Clerk Utility Billing Clerk Water Meter Technician Water Meter Technician

VISITORS: Richard Knapp

Mayor Wood called the meeting to order at 11:15 a.m.

INTERVIEWS WITH ADMINISTRATIVE SERVICES DIRECTOR CANDIDATES

The City Council interviewed Richard Knapp for consideration to fill the Administrative Services Director vacancy.

Councilmember Shepherd moved to adjourn to a Closed Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Utah Code Ann. § 52-4-204 and §52-4-205(1)(a), seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Mayor Wood, Councilmembers Bush, Murray, and Shepherd. Voting NO – None. Councilmembers LeBaron and Young were not present for the vote.

The minutes for the closed session are kept in a separate location.

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