

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
October 10, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Spencer Brimley	Development Services Manager
	Summer Palmer	Administrative Services Director
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Robert Stotts, Kathryn Murray, Brady Juggler – Planning Commission Chair, Jason Nelson, Adam Nelson, Isabel Pont

Mayor Shepherd called the meeting to order at 7:00 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during the Open Comment Period there were forms to fill out by the door.

Councilmember Phipps led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE AUGUST 22, 2017 WORK SESSION AND THE SEPTEMBER 26, 2017 POLICY SESSION

Councilmember Peterson moved to approve the minutes from the August 22, 2017 work session and the September 26, 2017 policy session, as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Young. Voting NO – None.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF RESOLUTION 2017R-17 DIRECTING STAFF TO PREPARE AND SUBMIT AN APPLICATION FOR A MATCHING GRANT FROM THE UTAH INDIGENT DEFENSE COMMISSION TO ASSIST WITH THE COST OF PROVIDING INDIGENT DEFENSE SERVICES IN THE CLEARFIELD JUSTICE COURT

JJ Allen, Assistant City Manager, stated Resolution 2017R-17 had been discussed during work session on October 3, 2017. He recognized if the resolution were approved it would allow staff to submit a grant application to the Utah Indigent Defense Commission (UIDC). Mr. Allen indicated the UIDC offers grant funding which could supplement City funding for indigent defense services. He noted the City's costs for providing indigent defense services in the Clearfield Justice Court had increased significantly since a new contract was negotiated.

Mr. Allen explained the contract for indigent defense services was negotiated with a qualified legal defender in response to a report by the Sixth Amendment Center titled The Right to Counsel in Utah: An Assessment of Trial-Level Indigent Defense. He said the report identified that in order to achieve effective representation, the public defender should not be overburdened (in terms of caseload), and the compensation should reflect the number and type of cases. Mr. Allen mentioned the City's previous contract for indigent defense was based on a flat fee per year totaling just under \$14,000. He added when procurement was necessary, and to comply with the recommendations in the report along with anticipation of a mandate to alter the fee structure for indigent defense; the terms of the contract were negotiated to pay a fee on a per case basis.

Mr. Allen noted in the staff report it showed a 400 percent cost increase for the public defender services; however, after receiving another invoice the history actually showed that percentage was estimated too high. He indicated expenditures would be better represented as approximately a 300 percent increase. He recommended the language in the proposed resolution be revised from "WHEREAS, the contract is also significantly more costly than the City's previous baseline cost for indigent defense services (more than a 400% increase)" to say "WHEREAS, the contract is also significantly more costly than the City's previous baseline cost for indigent defense services (nearly a 300% increase)."

He announced the grant application had been prepared and the City would request grant funds in the amount of \$45,000 for indigent defense services. Mr. Allen continued if approved \$40,000 would be applied to the contract expenses and \$5,000 would be used as a reserve for investigations, expert witnesses, or other services the public defender might need. He explained if the resolution were approved the grant application would be submitted at the UIDC meeting on Thursday, October 12, 2017.

Councilmember Roper confirmed there was no guarantee of ongoing grant funding for future years and asked if there was a plan in place to cover the increased costs. Mr. Allen responded the application included the option to request ongoing funding. He added ongoing funding was requested; however, there was not a guarantee funds would be available. He stated the General Fund would be the source of funding for the expenditure. He concluded the costs associated with indigent defense would need to be worked into the budget to fulfill the obligation the City had as a prosecuting agency.

Councilmember Young moved to approve Resolution 2017R-17 with the amendment suggested updating language as “(nearly a 300 percent increase)”, directing staff to prepare and submit an application for a matching grant from the Utah Indigent Defense Commission to assist with the cost of providing indigent defense services in the Clearfield Justice Court and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2017R-18 FINDING THAT 0.40 ACRES OF PROPERTY LOCATED AT 932 EAST 450 SOUTH IS NOT A SIGNIFICANT PARCEL OF REAL PROPERTY AND DIRECTING STAFF TO MOVE FORWARD WITH THE DISPOSAL OF SAID PROPERTY

Spencer Brimley, Community Development Manager, noted a discussion occurred during the work session on September 26, 2017 about the property at 932 East 450 South. He indicated the Council would consider finding said parcel to be insignificant because it did not meet the \$75,000 value identified in City Code. He stated the City allocated Community Development Block Grant (CDBG) funds to purchase the property with the goal of lifting a neighborhood by building a new, high-quality, single-family home for a low to moderate income family. Mr. Brimley continued the City issued a Request for Proposals (RFP) seeking a qualified non-profit organization to build the home and facilitate the process for finding a qualified family to purchase the home. He explained the Have A Heart Foundation was selected and awarded the project. He stated the City would need to transfer the property to the Foundation as the beginning step in the process.

Councilmember Roper moved to approve Resolution 2017R-18 finding that 0.40 acres of property located at 932 East 450 South was not a significant parcel of real property and directing staff to move forward with the disposal of said property and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2017R-19 APPROVING VOTING CENTERS AND APPOINTING POLL WORKERS FOR THOSE VOTING CENTERS FOR THE MUNICIPAL GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2017

Nancy Dean, City Recorder, explained the City was holding its Municipal General Election primarily by mail; however, it was also offering the opportunity to vote in person. She indicated the County had arranged for places within the County to be voting centers for its registered voters. Ms. Dean explained a voting center would be at City Hall; additionally, registered voters could go to any voting center within the County limits to vote in person on November 7, 2017, Election Day. She mentioned earlier in the day a list of poll workers was distributed to the Council for the voting center at Clearfield City Hall. Ms. Dean noted State Law required the City Council to approve the designated voting centers and poll workers prior to Election Day.

Councilmember Phipps moved to approve Resolution 2017R-19 approving voting centers and appointing poll workers for those voting centers for the Municipal General Election to be held November 7, 2017 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd

1. Reported he was able to attend the work session on October 3, 2017 via phone while he had been out of town.
2. Attended the Hill Air Force Base Partner Roundup, a fundraising event sponsored by the spouses' organization.

Councilmember Bush – attended the International Water Conference and was amazed by all the new technology and equipment.

Councilmember Peterson – nothing to report.

Councilmember Phipps – nothing to report.

Councilmember Roper

1. Announced the North Davis Fire District's fire prevention open house at the Clearfield Station would be October 11, 2017.
2. Reported the last day to apply for the Youth Commission would be October 11, 2017.
3. Announced he and his wife were expecting child number six in April of 2018.

Councilmember Young – nothing to report.

STAFF REPORTS

Adam Lenhard, City Manager – mentioned the monthly report would be sent out later in the evening because he had been waiting for additional information which would be included.

Nancy Dean, City Recorder – reviewed the Council's schedule:

- Work Session on October 17, 2017
- Work and Policy Sessions on October 24, 2017
- No Meetings scheduled for October 31, 2017 and November 7, 2017
- Work and Policy Session on November 14, 2017

There being no further business to come before the Council, **Councilmember Young moved to adjourn at 7:16 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

APPROVED AND ADOPTED
This 24th day of October, 2017

/s/Mark R. Shepherd, 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 10, 2017.

/s/Nancy R. Dean, City Recorder