

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
October 22, 2019 – POLICY SESSION

*Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

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

**6:00 P.M. WORK SESSION**

Discussion on the Development Agreement and First Addendum to the Put/Call Agreement with Lotus Acquisitions, LLC and Memorandum of Understanding (MOU) – 2 with the Community Development and Renewal Agency (CDRA) and Lotus Company for Redevelopment of Properties Located at Approximately 442 and 448 South State Street (Mabey Place)

*(Any items not fully addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)*

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

**7:00 P.M. POLICY SESSION**

CALL TO ORDER:

OPENING CEREMONY:

APPROVAL OF MINUTES:

Mayor Shepherd  
Councilmember Peterson  
September 17, 2019 – Work Session  
October 1, 2019 – Work Session  
October 8, 2019 – Policy Session

**SCHEDULED ITEMS:**

1. **OPEN COMMENT PERIOD**

The Open Comment Period provides an opportunity to address the Mayor and City Council regarding concerns or ideas on any topic. To be considerate of everyone at this meeting, public comment will be limited to three minutes per person. Participants are to state their names for the record. Comments, which cannot be made within these limits, should be submitted in writing to the City Recorder at [nancy.dean@clearfieldcity.org](mailto:nancy.dean@clearfieldcity.org).

The Mayor and City Council encourage civil discourse for everyone who participates in the meeting.

Comments pertaining to an agenda item that includes a public hearing or public input should be given as that item is being discussed during the meeting.

2. CONSIDER APPROVAL OF THE AWARD OF PROPOSAL FOR THE SANITARY SEWER CAPACITY STUDY

BACKGROUND: The City solicited proposals for a Sewer Capacity Study. The study would assure the sewer lines servicing six different locations throughout the City are meeting current flow volumes and have the ability to meet future flow volume demands as a result of new development. The City received three proposals which were reviewed by a selection committee. The committee recommended awarding the contract to CRS as the highest scoring proposal. The scope of work in the Request for Proposal (RFP) was a good starting point, but may need to be expanded as the study moves forward; consequently, staff is requesting contingency be higher than usual.

RECOMMENDATION: Approve the award of proposal for the Sewer Capacity Study to CRS Engineers for the bid amount of \$31,766 with an additional amount for contingency costs of \$13,234 for a total cost of \$45,000; and authorize the Mayor's signature to any necessary documents.

3. CONSIDER APPROVAL OF THE AWARD OF PROPOSAL FOR CONSULTING SERVICES TO DEVELOP A BUSINESS PLAN AND CONDUCT A FEE STUDY FOR ALL SERVICES OF THE COMMUNITY SERVICES DEPARTMENT, INCLUDING THE AQUATIC AND FITNESS CENTER, RECREATION, AND ARTS DIVISIONS

BACKGROUND: The City requested proposals to develop a business plan and conduct a fee study for all fees for services charged in the Community Services Department, including the Aquatic and Fitness Center, Recreation, and Arts Divisions. The intent of this study is to complete a thorough evaluation of the actual costs for services provided within the department and utilize that information and the existing Cost Recovery Model as the basis for necessary fee changes. Staff reviewed the proposals and recommends approving the award of proposal to Tom O'Rourke Consulting as the highest scoring proposal.

RECOMMENDATION: Approve the award of proposal for consulting services to develop a business plan and conduct a fee study for all services of the Community Services Department, including the Aquatic and Fitness Center, Recreation, and Arts Divisions to Tom O'Rourke Consulting for \$21,000; and authorize the Mayor's signature to any necessary documents.

4. CONSIDER APPROVAL OF THE AWARD OF BID FOR THE ARTS CENTER ELECTRICAL UPGRADE

BACKGROUND: The City solicited bids to upgrade the electrical service at the Community Arts Center. The electrical upgrade is the next phase to the renovation of the Clearfield Community Arts Center. This renovation would combine the two power services coming into the building into one service, update the main power panels and add additional power capacity to the building. The City received one bid for the project with a bid amount of \$112,258. The project was budgeted at \$85,000. Staff presented three alternatives for completing the project during the City Council work session discussion on October 15, 2109. There appeared to be consensus from the Council that amending the budget so the entire electrical upgrade project could be completed was necessary in an effort to help mitigate any safety issues that might arise in the future.

RECOMMENDATION: Approve the award of bid for the Clearfield Community Arts Center Electrical Upgrade to Northern Utah Electric, Inc. for the bid amount of \$112,258; approve funding for the project bid amount with engineering costs and contingency of \$12,742 for a total project cost of \$125,000; and authorize the Mayor’s signature to any necessary documents.

5. CONSIDER APPROVAL OF RESOLUTION 2019R-20 REQUESTING RECERTIFICATION OF THE CLEARFIELD MUNICIPAL JUSTICE COURT

BACKGROUND: Pursuant to Utah Code Ann. § 78A-7-103, the Clearfield Municipal Justice Court is required to be recertified at the end of each four-year term. The current term of the Clearfield Municipal Justice Court expires in February 2020. In order to be recertified, the City must submit to the Administrative Office of the Courts: an affidavit submitted by the justice court judge, an opinion letter from the city attorney, and a resolution adopted by City Council. Judge Brower is present to discuss the recertification of the Clearfield Justice Court and any other items of common concern for the Council.

RECOMMENDATION: Approve Resolution 2019R-20 requesting recertification of the Clearfield Municipal Justice Court and authorize the Mayor’s signature to any necessary documents.

6. POSSIBLE CONSIDERATION OF THE DEVELOPMENT AGREEMENT AND FIRST ADDENDUM TO THE PUT/CALL AGREEMENT WITH LOTUS ACQUISITIONS, LLC, AND MEMORANDUM OF UNDERSTANDING (MOU) – 2 WITH THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) AND LOTUS COMPANY FOR REDEVELOPMENT OF PROPERTIES LOCATED AT APPROXIMATELY 442 AND 448 SOUTH STATE STREET (MABEY PLACE)

BACKGROUND: In the spring of 2018 the City purchased the Clearfield Mobile Home Park and partnered with Lotus for redevelopment of the area. The redevelopment is proposed to take place in three phases of residential development with a small amount of commercial space that will occur on the properties located at approximately 442 and 448 South State Street – part of a larger master plan for the creation of a new downtown, with Mabey Pond as the centerpiece. The scope of the Development Agreement is limited to the land currently under the control of the City or the Developer. The Memorandum of Understanding (MOU) – 2 deals with the plans for additional development on both sides of State Street. The Community Development and Renewal Agency (CDRA) is also a party to the MOU – 2 and this document would replace the first MOU and its addendum. The Put/Call Agreement specified that the City would purchase the property at 448 South State Street if a Development Agreement with Lotus was not reached by September 1, 2019; but since both parties feel reaching an agreement is close, the First Addendum to the Put/Call Agreement simply extends the deadline for the “put/call” to December 31, 2020.

RECOMMENDATION: Approve the Development Agreement and First Addendum to the Put/Call Agreement with Lotus Acquisitions, LLC, and Memorandum of Understanding (MOU) – 2 with the Community Development and Renewal Agency (CDRA) and Lotus Company and authorize the Mayor’s signature to any necessary documents.

**COMMUNICATION ITEMS:**

- Mayor’s Report
- City Councils’ Reports
- City Manager’s Report
- Staffs’ Reports

**\*\*ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA)\*\***

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) AGENDA

1. CONSIDER APPROVAL OF THE MINUTES FROM THE AUGUST 23, 2019 WORK SESSION, THE AUGUST 27, 2019 POLICY SESSION, AND THE SEPTEMBER 24, 2019 WORK SESSION

***SCHEDULED ITEM:***

2. POSSIBLE CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) – 2 WITH THE CITY AND LOTUS COMPANY FOR REDEVELOPMENT OF PROPERTIES LOCATED AT APPROXIMATELY 442 AND 448 SOUTH STATE STREET (MABEY PLACE)

BACKGROUND: In the spring of 2018 the City purchased the Clearfield Mobile Home Park and the City and CDRA partnered with Lotus through a Memorandum of Understanding on April 10, 2018, for redevelopment of the area. The redevelopment is proposed to take place in phases including the properties located at approximately 442 and 448 South State Street – part of a larger master plan for the creation of a new downtown, with Mabey Pond as the centerpiece. The Memorandum of Understanding (MOU) – 2 outlines obligations of a continued partnership with Lotus for additional development on both sides of State Street. The City is also a party to the MOU – 2 and this document would replace the first MOU and its addendum.

RECOMMENDATION: Approve the Memorandum of Understanding (MOU) – 2 with the City and Lotus Company and authorize the Chair’s signature to any necessary documents.

**\*\*ADJOURN AS THE CDRA\*\***

Dated this 17<sup>th</sup> day of October, 2019.

/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.