

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
August 9, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Marilyn Fryer Kathryn Murray Mark Shepherd Doyle Sprague	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard Brian Brower Mike Stenquist Scott Hodge Valerie Claussen Stacy Millgate Eric Howes Bob Wylie Kim Read	Interim City Manager City Attorney Assistant Police Chief Public Works Director Acting Community Development Director CDBG Coordinator Community Services Director Administrative Services Director Deputy City Recorder
EXCUSED:	Greg Krusi Nancy Dean	Police Chief City Recorder

VISITORS: Joann Weaver, Mike LeBaron, Joy Brown – American Legion, Vern Phipps

Mayor Wood informed the citizens present that if they would like to comment during Citizen Comments there were forms to fill out by the door.

Mayor Wood announced Councilmember Young was out of the country on vacation.

Councilmember Shepherd conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JULY 26, REGULAR SESSION

Councilmember Fryer moved to approve the minutes from the July 26, 2011 regular session as written, seconded by Councilmember Sprague. All voting AYE. Councilmember Young was not present for the vote.

Mayor Wood introduced Eric Howes, the City's new Community Services Director to those in the audience.

PRESENTATION TO KYLE JEFFRIES BY THE UNITED STATES ATTORNEYS OFFICE,
DISTRICT OF UTAH, FOR SUPERIOR PERFORMANCE AS A LOCAL LAW
ENFORCEMENT OFFICER

Deputy U.S. Attorney Drew Yeates was in attendance to present Sergeant Kyle Jeffries an award for "Superior Performance as a Local Law Enforcement Officer."

Drew Yeates, Assistant U.S. Attorney, introduced Special Agent Kent Owens from the Bureau of Alcohol, Tobacco, Firearms and Explosives. He stated he was attending on behalf of Carly Christensen, U. S. Attorney for the District of Utah. He read from a letter which had been read during an award ceremony on July 19, 2011 at the U.S. Attorney's Awards Ceremony which was held in Salt Lake City.

The letter stated Sergeant Kyle Jeffries had been awarded Superior Performance as a Local Law Enforcement Officer Award. The award recognized Sgt. Jeffries for his outstanding police work and relentless investigation of five brothers in Davis County. He continued in 2008 and 2009 the Rivera brothers were involved in a number of armed robberies and gun crimes in Clearfield and the Davis County area. He stated Sgt. Jeffries' dedication to justice resulted in substantial criminal charges and prosecutions of Daniel, Michael, Edward, Paul and Ramon Rivera. In particular the award recognized Sgt. Jeffries' superior performance in the investigation of three armed robberies in Davis County including the Family Dollars' in Layton and Clinton and the Central Park Burger in Sunset. He continued during Sgt. Jeffries' investigation of an armed robbery and attempted homicide in Clearfield, he connected Ramon and Michael Rivera to the previously mentioned robberies. He pointed out even though the robberies took place outside of Clearfield City, Sgt. Jeffries took the initiative of leading the investigations. The letter mentioned Sgt. Jeffries and his fellow officers left no stone unturned through the use of ballistics, recorded jail calls, forensics, subpoenaed phone records, cell site technology and interview techniques, a strong circumstantial case was developed against Ramon Rivera. He reported Mr. Rivera was charged federally for the robberies and has been sentenced to serve 57 years in federal prison. He stated Kyle Jeffries was genuinely deserving of the award for making Davis County a safer place to live.

Mr. Yeates stated he was also a resident of Davis County as was Special Agent Owens and they expressed their pleasure of working with Sgt. Jeffries on this particular case since they could have been affected by these crimes. He commented Mr. Rivera's sentence was for 57 years which meant he would have to serve at least 50 years.

Mr. Yeates and Mr. Owens presented Sgt. Jeffries with his award.

Kyle Jeffries emphasized he had received significant help from fellow police officers for over six months which helped solve the cases. He expressed appreciation to Mr. Yeates for taking the case to Federal Court and commented if the case had been tried in State

court Mr. Rivera would not have received the kind of sentence he did. He again expressed appreciation to the fellow Clearfield Police Officers.

Mayor Wood expressed appreciation to Sgt. Jeffries and the Clearfield Police Department for all they do to benefit the residents of the City.

CITIZEN COMMENTS

Joann Weaver expressed concern about barking dogs in her neighborhood during the nighttime hours and inquired about the City's noise ordinance. She stated it was her understanding the noise ordinance had been eliminated from the City Code.

Brian Brower, City Attorney, stated the City did have a noise ordinance. He stated due to a court decision on a case which was prosecuted by the Davis County Attorney's Office in the City's Justice Court in which the noise ordinance was pursued under the State's nuisance statute, which was worded similarly to that of the City's, the statute was held to be unconstitutionally vague. He indicated because the language was so similar to that of the City's ordinance a decision had been determined police officers could enforce the disorderly conduct statute. He pointed out the barking dogs was significantly different from the previous example and mentioned it would need to be addressed through Davis County Animal Control. He commented the City could use Davis County's ordinance to enforce barking dogs. He stated he would be willing to contact Animal Control and follow up with Ms. Weaver's concern.

APPROVAL OF THE AWARD OF BID FOR THE 200 SOUTH 1000 WEST TO 1500 WEST RECONSTRUCTION AND STREET IMPROVEMENT PROJECT TO ADVANCED PAVING AND CONSTRUCTION

Adam Lenhard, Interim City Manager, explained bids were received from five construction companies for the 200 South Roadway Improvement Project from 1000 West to 1500 West. The work that was proposed to be completed was the installation of curb and gutter on the south side of the road and the reconstruction of the roadway pavement. The lowest responsible bid was received from Advanced Paving and Construction with a bid amount of \$580,580. He explained the project would be funded using available road bond funds.

Councilmember Shepherd inquired about the estimated time frame for completion of both 200 South road projects. Scott Hodge, Public Works Director, explained the current project was estimated for approximately 120 days to completion and stated this specific project was estimated to be completed in approximately 100 days. He commented there was only a small portion of pipework to be completed with this project and explained the process for the completion and added the same contractor would be completing both projects.

Councilmember Sprague inquired where Syracuse City's boundary began on 200 South. Mr. Hodge explained the City would be very close to the boundary on the south side of 200 South. He indicated the curb and gutter on the south side would be on Syracuse City's boundary. He indicated discussions had taken place and permission had been requested from Syracuse in conjunction with the sound wall for the State Road 193 extension.

Mayor Wood summarized a discussion had taken place during a work session in which minor boundary adjustments could be negotiated.

Councilmember Shepherd moved to approve the award of bid to Advanced Paving and Construction for the 200 South Roadway Improvement Project from 1000 West to 1500 West for the bid amount of \$580,580, with contingency and engineering funding of \$122,000, for a total project cost of \$702,580; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. All voting AYE.

Councilmember Young was not present for the vote.

REVIEW AND DISCUSS AMENDMENTS TO CLEARFIELD CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR PROGRAM YEAR'S 2008/2009, 2009/2010, 2010/2011 AND 2011/2012

The proposed amendments to the Community Development Block Grant (CDBG) funds consisted of revisions to the City's Down Payment Assistance Program Guidelines. A public hearing will be held September 27, 2011 to finalize the amendments.

Stacy Millgate, CDBG Coordinator, reviewed the proposed amendments with the Council. She stated there were two specific amendments: the first was a small balance from Program Year 2011 which would need to be reprogrammed to another project in addition she also indicated there were several other projects which had remaining balances totaling approximately \$81,000 and suggested reprogramming those funds to the 100 North infrastructure project which began July 1, 2011. She stated the second portion of the amendment was to clarify language in the 2011/2012 Action Plan regarding the returning of funds to the City from those residents' participating in the Down Payment Assistance Program.

She pointed out HUD required a 30-day comment period which would begin today and the public hearing would be held on September 27, 2011.

Councilmember Shepherd stated he had received several phone calls inquiring about the City's Down Payment Assistance Program. Ms. Millgate responded there had been a newspaper article regarding the Program which had sparked interest. She mentioned funds would not be available until after the Council's approval on September 28, 2011. She commented there would be

approximately \$30,000 available and with the proposed change to the guidelines believed ten homes could be purchased with the assistance.

Councilmember Shepherd reported Davis County would be offering a Down Payment Assistance Program which would benefit residents in the County except for those homes in Clearfield and Layton Cities. Mayor Wood explained Davis County was an entitlement entity, as was Layton and Clearfield in their own right. He stated because the City was also designated as an entitlement City it received its own CDBG funds and it would not have been in the best interest of the City to forfeit those funds to partner with the County, thus requiring Clearfield to complete for the County's CDBG funds and eliminating itself as an entitlement city. A discussion took place specific to the County's guidelines.

COMMUNICATION ITEMS:

Mayor Wood

1. stated a work session was planned for Friday, August 12, 2011 at 11:00 a.m.
2. reminded the Council of the Utah League of Cities and Towns conference scheduled for September in Salt Lake City. He suggested those interested in attending notify Nancy Dean, City Recorder or Kim Read, Deputy City Recorder, if they desired to attend. He announced he would be out of town and would not be attending.

Councilmember Fryer – reminded those in attendance the Community Theatre would be presenting the play “Nunsense” beginning August 11, 2011.

Councilmember Murray – nothing to report.

Councilmember Shepherd – stated he had attended the Birch Street block party which was well attended and believed they had great activities during the evening and agreed there were good people living in the neighborhood.

Councilmember Sprague – reported he had attended the neighborhood watch block party on Birch Street and expressed his opinion it was a great community and neighborhood.

Adam Lenhard, Interim City Manager – directed the councilmembers to the department head monthly update which was being provided similar to the agenda packet. He indicated hard copies would be provided after the meeting.

STAFFS' REPORTS:

Kim Read, Deputy City Recorder

1. Informed the Council there would be no meeting on Tuesday, August 16, 2011.
2. Announced there would be a work session beginning at 6:00 p.m. prior to the policy session at 7:00 p.m. on Tuesday, August 23, 2011.

Valerie Claussen, Acting Community Development Director – reported letters of interest for the Planning Commission Alternate vacancy were being accepted until Monday, August 15, 2011.

There being no further business to come before the Council **Councilmember Fryer moved to adjourn at 7:33 p.m., seconded by Councilmember Shepherd. All voting AYE.**

**APPROVED AND ADOPTED
This 23rd day of August, 2011**

/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, August 9, 2011.

/s/Nancy R. Dean, City Recorder