

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
July 26, 2011

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

VISITORS: Mike LeBaron - Candidate, Shaun Hegsted - Candidate

Mayor Wood called the meeting to order 6:51 p.m.

DISCUSSION ON BOUNDARY ADJUSTMENTS WITH SYRACUSE CITY

Mayor Wood explained how a boundary adjustment would be needed with Syracuse City in conjunction with the SR 193 extension as the sound wall would naturally become the new boundary. He continued this would alleviate Syracuse from any maintenance specific to the placement of the sound wall. He indicated he had discussed the issue with Mayor Nagle, Syracuse City, and stated Ms. Nagle agreed with the proposed boundary adjustment. He reported Ms. Nagle brought up the issue regarding the expansion of the Syracuse cemetery. He indicated Syracuse had acquired some property adjacent to the cemetery which was within Clearfield's boundary and suggested Clearfield be willing to modify that boundary as well.

Adam Lenhard, Interim City Manager, commented the improvement to the south side of 200 South as Syracuse City's obligation; however, it was obvious that once the sound wall was installed it would create a new boundary and requested Syracuse City's participation regarding the road improvements and indicated they had met the City's requests.

He explained it was during said meeting that Syracuse City had requested the City's consideration with the expansion of its cemetery. He emphasized the City would not stand to lose anything with the boundary adjustment as Clearfield did not receive any revenue from the property. He suggested if the cemetery boundary adjustment was agreed to language should be included in the agreement which specified the property could only be used for the expansion of Syracuse City's cemetery. He clarified the location of boundary associated with the Tanner Heritage subdivision in conjunction with the cemetery.

Mr. Lenhard asked Scott Hodge, Public Works Director, if the calculation to receive B & C road funds was based on the gross area of the City. Mr. Hodge responded the City received those funds based on road miles. Mr. Lenhard then asked Mr. Hodge if he were aware of any impacts the City might accrue with the reduction of its total geographic area.

Councilmember Murray clarified the City would not be moving the sound wall; rather the sound wall would become the new boundary. Councilmember Sprague believed the City would be gaining a foot and would be giving away approximately ten acres with Syracuse City's proposed boundary adjustments.

Councilmember Sprague believed Syracuse City should have approached Clearfield City regarding the boundary adjustment specific to the cemetery prior to purchasing the property adjacent to the cemetery. Mr. Lenhard commented since the City didn't have anything to gain by granting Syracuse the requested boundary adjustment other than being a good neighbor, staff couldn't provide a specific recommendation.

Councilmember Shepherd agreed since the property wasn't a specific benefit to Clearfield City a boundary adjustment could be made with the understanding the property could only be used as a portion of the cemetery. Brian Brower, City Attorney, suggested the City would also want to include a penalty clause to the agreement in the event another use was deemed more appropriate. Mr. Lenhard suggested the use of an open space easement to be used in this circumstance.

Councilmember Sprague expressed his opinion the property could have benefitted Clearfield City because Syracuse purchase of the adjacent property has prohibited the developer from building on it. Councilmember Shepherd agreed with Councilmember Sprague's comments. Councilmember Murray inquired as to how Syracuse acquired the property. Mayor Wood reported it had been purchased from the landowner. He shared the history of previous negotiations specific to a land swap or boundary adjustment in exchange for the property adjacent to the cemetery.

Councilmember Shepherd expressed his opinion the City would be doing Syracuse a favor by agreeing to the boundary adjustment in conjunction with the SR 193 extension and sound wall and the 200 South reconfiguration. He pointed out the SR 193 extension was extremely

beneficial to Syracuse and reported they were currently working on a project which was contingent upon its completion.

Councilmember Shepherd inquired who would be landscaping that portion of the SR 193 extension project. Scott Hodge, Public Works Director, reported he would have to research further to determine that responsibility.

A discussion took place during which the Mayor requested each councilmember express their opinion in order to direct staff on how to proceed. Councilmember Sprague stated he did not want to give away land to Syracuse City. Councilmember Fryer believed in both instances the City would be doing Syracuse a favor with nothing in return and would like to see Clearfield receive something in return. Councilmember Shepherd believed the City wouldn't be giving away land as the property adjacent to the cemetery wasn't owned by the City; rather a boundary line adjustment would be moved. He also believed both requests were a give give on Clearfield's part and would also like to see something more in return. He expressed his opinion it would be in the City's best interest to foster good relations with Syracuse. Councilmember Murray inquired if Syracuse had indicated they wouldn't be in favor of the boundary adjustment specific to SR 193 and 200 South if Clearfield was not agreeable to the boundary adjustment by the cemetery. Mayor Wood emphasized that wasn't the case but that boundary adjustments made sense in both cases.

Mr. Lenhard stated the boundary adjustments would take a significant amount of work due to the noticing, public hearings, surveying, etc. and Syracuse suggested since the process would need to be completed for 200 South would Clearfield consider the cemetery property at the same time. Councilmember Sprague pointed out there was still a road and landscaping issue with 500 West near Barlow Park which was still not being maintained by Syracuse City. Mr. Lenhard suggested including that specific strip of property in these negotiations as Syracuse residents were direct beneficiaries of Barlow Park.

The result of the discussion was to request Syracuse maintain the small strip of property on 500 West near Barlow Park behind the homes in Syracuse City. The Council believed including the 500 West property would result in a more equitable trade. Mr. Hodge stated 500 West Street also needed to be completed in specific to curb and gutter because Clearfield only paved to the property line. Mayor Wood requested clarification on that boundary regarding its extension to Antelope Drive. Mr. Hodge explained how the street could be completed to go around the existing tower. Mayor Wood pointed out the beneficiary of the road extension near Barlow Park would be Syracuse City residents and suggested the City should request participation with the street, curb and gutter. Mr. Lenhard suggested the possible use of some escrow funds associated with the subdivision.

Mayor Wood clarified it was the Council's desire to include the 500 West/Barlow Park adjacent property and to instruct staff to pursue that in conjunction with the 200 South boundary adjustment and also that of the cemetery.

DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
DOWN PAYMENT ASSISTANCE PROGRAM

Stacy Millgate, CDBG Coordinator, distributed a handout reflecting the proposed verbiage change specific to the Down Payment Assistance Program guidelines and explained some homes previously purchased through the Program had been sold and there was approximately \$30,000 available for re-programming. She referred the Council to the handout and pointed out the first proposed change was to decrease the maximum amount of grant funds from \$5,000 to \$3,000 per household. She mentioned the household sizes and maximum yearly income had also been updated. She explained the process in which the city was required to adhere prior to re-programming the remaining funds. She pointed out all reports in the future would reflect that any funds returned to the City would revert to the same account.

Mayor Wood inquired about homes which had been foreclosed and the possible recouping of funds from those participants. Ms. Millgate believed there were four homes totaling approximately \$16,000 because not all had received the maximum \$5,000. She reported there was no language in the agreement which addressed default on behalf of the homebuyers. Ms. Millgate stated the Program had assisted 79 homebuyers since its inception.

She directed the Council to page 2 which reflected the funds would be dispersed at a 3 to 1 ratio. Councilmember Murray inquired if the City could change the maximum yearly income reflected on page 2. Ms. Millgate responded those figures were designated by the Federal Government. Councilmember Murray expressed her opinion the reflected maximum incomes were too high. Councilmember Shepherd pointed out the figures was based on Federal poverty limits.

Ms. Millgate directed the Council to page 3 which limited the property value to that of \$397,500. Councilmember Shepherd stated HUD was in the process of changing those figures and suggested the verbiage reflect whatever the FHA loan limits were. Ms. Millgate reported the Housing Authority's program was capped at a purchase price not to exceed \$200,000.

Mayor Wood pointed out the original intent of the program was to revitalize aging neighborhoods and promote owner-occupied homes. He expressed his opinion inexpensive homes were more attractive to property investors which would be used for rentals and believed reducing the amount of the purchase price might have a better result of the Program's intent.

Councilmember Shepherd believed if a first time homebuyer could purchase a \$397,000 home they don't need the City's grant funds. He suggested capping the property purchase to something

more of \$150,000. A discussion took place and the Council was in agreement to cap the property value at \$150,000.

Mayor Wood inquired how the City could circumvent the potential problem associated with a homebuyer's employment which could preclude them from residing in the home for the entire seven years. Brian Brower, City Attorney, explained how the City had addressed this issue specific to a job transfer in a specific situation. He expressed his opinion a recapture of funds would be different than a foreclosure based upon not fulfilling the contractual agreement and suggested the City work with Davis Housing Authority to strengthen the language in the agreement specific to default.

Mayor Wood inquired about the process required to amend to the language specific to the Down Payment Assistance Program. Ms. Millgate responded the public comment period would begin August 9, 2011 with the public hearing scheduled for September for the reallocation of funds. She expressed her opinion formal adoption by the Council was not required specific to the verbiage as that was more of an administrative function. Mr. Brower expressed his agreement with Ms. Millgate.

The Council took a break at 7:40 p.m.

The Council reconvened at 7:55 p.m.

UPDATE ON THE PARK VILLAGE AMENDED PLAT

Valerie Claussen, Acting Community Development Director, explained a request had been made by the surveyor which specified language be added to the plat reflecting the following; the lot lines and utility easements identified on the plat for lots 8-13 of Park Village Phase I and lots 41-46 of Park Village Phase II were being vacated by the recording of the amended plat at the Davis County Recorder's Office. She pointed out the surveyor requested the information be provided to the City Council.

Ms. Claussen informed the Council the fence had been completed with landscaping in addition to the installation of water meters at prescribed times in conjunction with the issuance of building permits.

Councilmember Shepherd moved to adjourn to a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation (Utah Code Ann. §52-4-205), seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd and Sprague. Voting NO – None. Councilmember Young was not present for the vote.

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

**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, July 26, 2011.

/s/Nancy R. Dean, City Recorder