

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
September 20, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
EXCUSED:	Marilyn Fryer	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	Brian Brower	City Attorney
	Greg Krusi	Assistant Police Chief
	Scott Hodge	Public Works Director
	Valerie Claussen	Acting Community Dev. Director
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder

VISITORS: Mike LeBaron, Vern Phipps, Becky Brooks, Leslie Strange, Norah Baron

PLANNING COMMISSION INTERVIEWS

The City Council interviewed Becky Brooks, Leslie Strange and Norah Baron for consideration to fill current Planning Commission vacancies.

Becky Brooks left the meeting at 6:15 p.m.

Leslie Strange left the meeting at 6:31 p.m.

Norah Baron left the meeting at 6:46 p.m.

DISCUSSION ON A PROPOSED SETTLEMENT AGREEMENT WITH PARSONS
BRINCKERHOFF QUADE & DOUGLAS AND LB FOSTER COMPANY REGARDING THE
200 SOUTH OVERPASS PROJECT

Brian Brower, City Attorney, stated a settlement regarding the 200 South Overpass repair project had been negotiated with the two remaining parties. He indicated the agreement included payments of \$240,000 from Parsons Brinckerhoff Quade & Douglas and \$30,000 for LB Foster Company. He announced that following the execution of the agreement there would be motions to dismiss filed with the court and the litigation would be over for the City. Councilmember Sprague expressed appreciation for the work of the staff in settling the issue. Mr. Brower acknowledged the specific efforts of former city manager, Chris Hillman, in getting the bridge fixed and the settlements negotiated.

Councilmember Murray asked if the City had identified how the funds would be allocated. Bob Wylie, Administrative Services director, stated the funds would be used to repay the general fund for the money it expended on legal services during the process. Mayor Wood asked if the bond that was secured for the repair had been repaid. Mr. Wylie responded the bond had been repaid.

DISCUSSION ON A PLANNING COMMISSION VACANCY

Valerie Claussen, Acting Community Development Director, explained with the resignation of Barbara Perry there was a need to fill a vacancy on the Planning Commission. She stated past vacancies had first been filled by current alternates. She recommended Brandon Stanger, current Planning Commission alternate, be appointed to fill the vacancy created by the resignation of Barbara Perry. She informed the Council that Mr. Stanger had a good attendance record and always came prepared to participate in the discussion and make decisions. Councilmember Sprague agreed Mr. Stanger was a good member of the Planning Commission. There was a consensus to move forward with the appointment.

Councilmember Shepherd moved to adjourn the work session and reconvene in policy session at 6:54 p.m., seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd, Sprague and Young. Voting NO – None. Councilmember Fryer was not present of the vote.

The work session reconvened at 7:50 p.m.

DISCUSSION ON AMENDMENTS TO TITLE 11, CHAPTER 14 – OFF STREET PARKING

Valerie Claussen, Acting Community Development Director, reviewed proposed changes to City Code Title 11, Chapter 14 – Off Street Parking with the Council. She indicated the proposed changes would be considered by the Planning Commission on Wednesday, September 21, 2011. She explained the City's Land Use ordinance included landscape requirements for the perimeter of parking areas. She stated the proposed amendments would specify the standard because the current language was vague. She continued the proposal was specific to parking that faced a street.

Mayor Wood asked how long it would take for the proposed size of a hedge to grow to provide a sufficient berm. Ms. Claussen responded the new changes would specify a five gallon shrub in order to cut down on the time required to provide sufficient berming. Councilmember Sprague asked if many developers chose to berm with plants. Ms. Claussen commented that developers would more often choose berming with landscaping due to the cost of installing walls. She continued the requirements needed to be specific so the landscaping provided the necessary coverage. Councilmember Murray asked where in the City one might use a berm to screen parking. Ms. Claussen provided examples for the Council of where the berming might be used.

Councilmember Shepherd commented some businesses do not have parking facing the street. He asked for clarification if the proposed changes would apply to such businesses. Ms. Claussen explained there were landscaping components for businesses and landscaping components for development. She continued an existing business would have to complete a redesign to enforce the new code on it. Councilmember Shepherd asked if the regulation would apply if a business changed ownership. Ms. Claussen stated there was currently no triggers in place to enforce the requirement at change of ownership. Councilmember Murray complimented Albion Labs recent aesthetic upgrades.

Mayor Wood asked if the City had the ability to require landscaping enhancements by existing businesses in specific areas of the City over a specific period of time. Ms. Claussen explained most communities that required enhancements generally placed the requirement when there had been some sort of addition to the business. She continued it would not generally apply to changing interiors of established structures. She referred to the implementation of a zone similar to a downtown redevelopment zone. She stated such a zone could adopt more stringent standards but it would be wise to incentivize enhancements so that businesses just don't move out of the desired area due to the cost of the new standards. Brian Brower, City Attorney, added he was not aware of such enhancements being enforced on established businesses locally. He offered to do some research on the subject. He stated the City would likely meet with some resistance with such requirements and the liability issues would come down to whether the City provided proper notice for imposing the regulations. He continued there would be a legal question about when the regulations became a taking of property rights.

Mayor Wood commented he did not know how to change the character of an area without imposing some sort of regulation or incentive. Councilmember Shepherd presented the example of burying power lines and the enhancement that brought to a community. He cautioned the aesthetic improvement was immediate but it came at great cost. Ms. Claussen suggested the transformation was much like incremental puzzle pieces. Councilmember Young added the only realistic way to promote change was through incentives and that was costly. Councilmember Sprague asked if there were a way to use RDA tax increment funds to enhance specific areas. Mr. Brower responded RDA funds could be used in specific areas for public improvements such as streetscapes. Mayor Wood commented there were costs associated with enhancing the community through regulation but there were also unseen costs for not doing anything. Councilmember Young suggested the key was finding balance. Councilmember Shepherd suggested progress beget progress meaning as soon as a couple of businesses started to enhance their properties it would encourage others to improve as well. Ms. Claussen added property owners were going to benefit from improving their properties.

DISCUSSION ON PLAT APPROVAL FOR THE MURRAY SUBDIVISION PLAT

Valerie Claussen, Acting Community Development Director, informed the Council that Maverik located at 700 South and State Street recently received site plan approval for expansion of the

business. She indicated it was determined at that time the lots were no longer conducive for the expansion and needed to be replatted. She told the Council the replat would be considered by the Planning Commission on Wednesday, September 21, 2011 followed by the consideration of the City Council on Tuesday, September 27, 2011.

DISCUSSION ON THE PURCHASE OF ELLIPTICAL EQUIPMENT FOR THE AQUATIC CENTER

Eric Howes, Community Services Director, explained the City budgeted for eight ellipticals and staff had solicited bids. He indicated the pricing from the bids came in low enough that it would be possible to replace all ten of the current ellipticals and stay within the budget. Councilmember Shepherd commented two of the ellipticals were fairly new. Mr. Howes explained those newer machines were not heavily used because they did not have arms and staff hoped to replace them with machines that had arms. Councilmember Shepherd stated he noticed the machines being heavily used in the early mornings and late at night. He suggested there was more of a need to replace some older rowing machines as opposed to purchasing two newer ellipticals. Mr. Howes stated it would not be necessary to replace the machines if they were being heavily used.

Bob Wylie, Administrative Services Director, stated the funding for the purchase was coming from the membership funds not the general fund. Councilmember Murray asked if it would be better to stagger the replacement of the ellipticals. Councilmember Shepherd stated most of the machines were old and needed to be replaced now. Mr. Howes explained there was a replacement plan in place for the facility's equipment. Councilmember Sprague asked if there were room to purchase two additional machines while keeping the two newer machines. Mr. Howes stated there was not enough room to accommodate that number of ellipticals.

Mr. Howes also explained the City was receiving a trade-in value for the used machines. Mayor Wood asked what that value was. Mr. Howes stated it was \$4,600 total. Mayor Wood asked if the City were seeing a greater trade-in value for the newer machines. Mr. Howes responded the value was the same for each piece of equipment. Councilmember Young suggested it was not necessary to spend the money just because it was available. The Council directed staff to stay with the original replacement of eight elliptical machines.

DISCUSSION ON THE PLAYGROUND EQUIPMENT AT TRAIN WATCH PARK

Eric Howes, Community Services Director, explained the playground equipment at Train Watch Park did not meet safety requirements and posed a liability for the City. He demonstrated the potential hazards of the equipment with photographs. He stated the equipment was built prior to the development of current safety standards. Mr. Howes acknowledged there was no record of serious injury from the equipment to date but the City would be held to the industry standard if an injury occurred. He emphasized there was a possibility of a hazardous situation not to mention

the tragedy of someone being hurt. He stated that if the City altered the equipment to minimize the danger it might actually create a greater hazard and liability.

Mayor Wood asked if staff were recommending the removal or replacement of the equipment. Mr. Howes expressed a desire to replace the equipment but there were no funds available for that so he opted for removing the equipment. Mayor Wood asked if there were any numbers to support how often the equipment was used in order to justify the expense. Mr. Howes stated there was no study on the use of the equipment. Councilmember Shepherd stated he rarely saw anyone using the equipment and agreed it should be removed. The Council agreed it should be removed. Councilmember Shepherd suggested signage identifying other parks in the area where patrons could find playground equipment.

Councilmember Murray commented the City needed to start a replacement fund for playground equipment. Mr. Howes informed the Council that he was currently working on a capital facilities plan for the parks and he would include the replacement of the equipment as part of the plan.

Councilmember Murray asked how much it would cost to replace the equipment. Mr. Howes stated similar pieces of equipment cost between \$16,000 and \$30,000 to replace. Mr. Wylie added the replacement of the vandalized equipment at Jacobsen Park cost \$18,000. Mr. Howes stated there was a manufacturer that offered a grant program that assisted in the replacement of playground equipment. Councilmember Murray commented the City needed to start a replacement fund for playground equipment. Mr. Howes informed the Council that he was currently working on a capital facilities plan for the parks and he would include the replacement of the equipment as part of the plan. Councilmember Young suggested there might be somewhere else that had a greater need and suggested the City prioritize the needs for the parks before funding replacements.

DISCUSSION ON A SPONSORSHIP REQUEST FROM THE FALLEN HEROES SCHOLARSHIP FOUNDATION

Eric Howes, Community Services Director, explained the Fallen Heroes Scholarship Foundation contacted the City and wanted to hold an event to break the work record for the longest basketball game. He stated the current record was 107 hours and the event would begin on December 26, 2011. He suggested the event would be a good public relations item for the City. He explained the event organizers offered to pay the City \$2,500 for rental of one basketball court at the Aquatic Center for the game. He noted the actual rental fee for the time period requested would be \$5,350.

Councilmember Shepherd asked if the Aquatic Center had sufficient staff to handle the event. Mr. Howes responded there was sufficient staff. Councilmember Shepherd asked if the event would interfere with other use. Mr. Howes replied the event would not compete with other use because it was during the Christmas break and would only use one basketball court.

Councilmember Shepherd stated it was a worthy cause and he felt he could support it if the City's costs were covered such as other personnel and utility costs. Councilmember Young asked if the City would be able to cover the variable cost with a reduced rental rate. Councilmember Shepherd asked what types of variable costs would be incurred. Mr. Howes stated he did not have that breakout but he would have that information for the Council at the policy session on Tuesday, September 27, 2011. There was a discussion about insurance coverage for the event. Brian Brower, City Attorney, commented the City required insurance coverage for such events.

DISCUSSION ON THE ACQUISITION OF A SMALL PARCEL OF PROPERTY LOCATED BETWEEN THE OLD SALVAGE YARD ON MAIN STREET AND HIDDEN GLEN MOBILE HOME PARK

Brian Brower, City Attorney, explained the Adam Lenhard, City Manager was continuing his efforts to clean up property lines on parcels of property across the street from City Hall. He identified a small piece of property between Clearfield's property and the Hidden Glen Mobile Home Park. He stated it would be beneficial for the City to acquire the piece to facilitate future development. He explained Mr. Lenhard took the initiative to contact the current property owner who was willing to sell the property for the same amount he paid for it. He noted the cost would be \$1,227.50 which was \$0.31 per square foot. He reported the only stipulation from the current property owner was to be provided with written assurance that the City would not claim the mobile home was encroaching on its property. Valerie Claussen, Acting Community Development Director, recommended a surveyor prepare a new plat for the property.

Bob Wylie, Administrative Services Director, asked if the adjoining parcel was owned by the City or the CDRA. There was some uncertainty on which entity owned that parcel. Mr. Wylie recommended the ownership be identified so the transaction was run through the same entity. The Council was comfortable with the purchase.

DISCUSSION ON CHANGES TO DAVIS COUNTY'S ANIMAL CONTROL ORDINANCE

Brian Brower, City Attorney, indicated the new director of the Davis County Animal Care and Control Division had proposed some changes to the County's policies and procedures, one of which would have removed the restriction on the number of dogs and cats allowed on one property. He explained the intent of the change was not to focus on the number of pets but rather the type of care given to the pets. Mr. Brower stated he consulted with the Davis County Attorney's office about the issue. He reported the proposed changes were not adopted by the County Commission and had met with quite a bit of resistance. He stated there was little likelihood they would be adopted any time in the future.

The meeting adjourned at 8:48 p.m.

**APPROVED AND ADOPTED
This 11th day of October, 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, September 20, 2011.

/s/Nancy R. Dean, City Recorder