

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
May 10, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Kathryn Murray	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
PRESENT: VIA TELEPHONE:	Mark Shepherd	Councilmember
EXCUSED:	Marilyn Fryer	Councilmember
STAFF PRESENT:	Adam Lenhard	Interim City Manager
	Brian Brower	City Attorney
	Valerie Claussen	Acting Community Development Director
	Scott Hodge	Public Works Director
	Kim Dabb	Operations Manager
	Tracy Heun	Community Services Dir.
	Greg Krusi	Police Chief
	Bob Wylie	Administrative Services Director
	Steve Guy	City Treasurer
	Kim Read	Deputy City Recorder
EXCUSED:	Nancy Dean	City Recorder

VISITORS: Travis Taylor – Meadows Subdivision, Mike LeBaron

Mayor Wood called the meeting to order at 6:12 p.m. and stated Councilmember Shepherd would be participating in the meeting via electronic means. A roll call attendance of the Council was taken.

DISCUSSION ON PARK VILLAGE AMENDED DEVELOPMENT AGREEMENT AND  
FINAL SUBDIVISION PLAT

Valerie Claussen, Acting Community Development Director, explained a twenty-three foot wide open space of property existed in the center of the project and stated the proposed amendment to the plat would abandon that open space. She continued the proposed Development Agreement addressed both the reduction in open space and the planning and completion of project improvements. She pointed out the land use ordinance allowed for the reduction of the open space and stated at the time the subdivision was approved there were no open space requirements. She continued this change would not adversely affect the adjacent land owners and was not opposed to the intent of the Land Use Ordinance or General Plan.

Ms. Claussen explained the proposed Development Agreement also clarified project improvements and the timing specific to the improvements. She commented the timing of the improvements was tied to the issuance of building permits and certificate of occupancies. She indicated the proposed Development Agreement had already been signed by both Gardner Park Village and Clearfield Park Village representatives. She reported the Planning Commission unanimously recommended approval of both the Development Agreement Amendment and the Final Subdivision Plat.

Mayor Wood expressed concern regarding paragraph G of the Development Agreement which reflected the recording of the Development Agreement would be the obligation of Gardner Park Village. He recalled a previous circumstance when the developer of the subdivision did not take the necessary action and the lack of doing so had created challenges for the City. He believed the City should have some sort of trigger in place to ensure the action had taken place. Brian Brower, City Attorney, stated even though it stated the developer was obligated to complete that task, it did not preclude the City from completing the recording of the document. Adam Lenhard, Interim City Manager, responded staff would make a note to follow up with the County to ensure the document was recorded with the County.

Councilmember Shepherd inquired about the cost associated with recording the Development Agreement. Ms. Claussen responded costs varied because the fee would include a cost specific to each lot. Mr. Lenhard estimated the cost to be nominal at approximately \$23. He suggested the City take responsibility for that in this instance. Mr. Brower commented the County preferred cities not be the ones to record the documents and suggested the City verify the recording. He said if it were not completed within the 30-day time period the City could withhold building permits.

#### DISCUSSION ON THE 700 SOUTH WELL

Scott Hodge, Public Works Director, explained the City recently requested bids to replace the pump motor on the 700 South well and two bids were received. He stated the bid also requested the cost to install a cable. He explained the bid process and the concern regarding the time frame for completion since the City would need the water during the summer months. He explained the additional costs associated with Nickerson's bid. He continued to explain the cost to the City associated with purchasing additional shares of water for the summer months and estimated the cost to be an additional \$75,000. He stated it would be his recommendation to award the bid to Delco Western which would allow the City to use the well during the summer months.

Brian Brower, City Attorney, reminded the Council that Nickerson was the same company the City previously used to repair the existing well and pointed out the City wouldn't be in the position of purchasing a new well motor had the motor not been dropped during the installation. He continued to share the previous history and work performance and stated he was comfortable in recommending Delco Western.

Mayor Wood clarified the pump motor would be brand new and not refurbished. Mr. Hodge verified the bid was specific to a new pump motor. He indicated the item was on the City Council agenda for approval during the regular meeting late in the evening.

DISCUSSION ON ADOPT A HIGHWAY PROGRAM

Adam Lenhard, Interim City Manager, stated the City had been in contact with the Adopt a Highway Program and indicated initial numbers had been provided to clean the 2.7 miles along Interstate 15. He reported the City negotiated and the final proposal for a one time cleaning on either the north bound or south bound lanes could be completed for a cost of \$650. He stated it would cost the City \$1300 for both directions to be cleaned. He explained other options provided by the company with the City sponsoring the clean up on a monthly basis. He pointed out the cost included the medians.

Mayor Wood emphasized this was a special one time deal. Councilmember Murray clarified the proposed costs did include the median between north and south bound traffic. She suggested the City consider cleaning the on and off ramps. Mayor Wood stated the 700 South ramps had been adopted leaving only 650 North not adopted for clean up.

Mayor Wood believed the proposal for the one time cleaning included the ramps. He requested input from the Council. Council directed staff to proceed. Bob Wylie inquired if the cleaning would take place during the current fiscal year. Mayor Wood indicated he would not know when the clean up would take place. The Council was in agreement to proceed with a one time clean up.

DISCUSSION ON ADDENDUM #1 TO MEADOWS DEVELOPMENT AGREEMENT

Adam Lenhard, Interim City Manager, referred to the handout reflecting the Meadows subdivision with proposed improvements on 700 South in conjunction with the SR 193 extension. He explained when the approval of phase five for the townhomes came before the City for approval there was no funding for the extension of SR 193. He continued the City required verbiage in the Development Agreement which would allow for a secondary access by requiring the developer to install a temporary roadway for access at 700 South. He emphasized the purpose for the temporary roadway was to ensure the residents would have a secondary access. He reported shortly after the completion of the temporary road access and with the current developments specific to the SR 193 extension, the ten foot high retaining wall would render the temporary road useless.

He oriented the Council with the provided map handout and explained the proposed road option with UDOT and the City. He commented UDOT would be completing some of the extension of

Depot Street in conjunction with the SR 193 extension. He stated it was recommended the developer contribute funds of approximately \$40,000, the cost for completion of the secondary access, to the City to be used toward completing the extension of Depot Street to the south. He emphasized the City was attempting to maximize its resources and was recommending the secondary access for the townhomes as part of the extension of SR 193.

Mr. Lenhard explained a provision was included in the Development Agreement which stated occupancy of the townhomes would not be allowed until the second temporary access was completed. He stated staff was recommending that requirement could be fully satisfied with the alternative proposed arrangement. He expressed his opinion an amendment to the Development Agreement outlining the proposed change was not necessary.

He reported Mr. Ord, the original developer, was no longer involved and stated Cache Valley Bank had acquired the property. He introduced Travis Taylor, builder, to the Council and believed the exchange of a check and completion of easements by the developer would suffice in place of amending the Agreement. Brian Brower, City Attorney, stated if the Council was not opposed to the proposed exchange a letter would be sent on behalf of the City to the developer reflecting the funds would be in lieu of constructing the temporary road.

Travis Taylor, Meadows Development, stated the first building was completed and reported buyers were ready to close immediately. He realized completing the temporary road would be a waste of money and explained the challenges experienced in getting the necessary signatures for easements. He believed he had satisfied the City's desires and requested the City allow him a certificate of occupancy for the first building tonight as he was prepared to present a check to the City tonight.

Councilmember Murray inquired if this action would need to come before the Council for approval. Mr. Brower believed the requirements of paragraph 5 had been met by the developer; therefore, no amendment was required. He expressed his opinion the City should hold off on accepting the check from Mr. Taylor until Scott Nelson, City Engineer, has signed off on the review of the dollar figure at which time the letter and funds could be exchanged. He emphasized if the Council was not comfortable with the recommendation, the item could be addressed as an agenda item.

Mr. Taylor emphasized buyers wanted to close on the townhome tomorrow and reported two others desired to close by Friday. Mayor Wood inquired how long it would take for Mr. Nelson to review the figures. Mr. Lenhard responded he didn't believe it would be longer than a couple of weeks. Mayor Wood inquired if there was some way the City could accept the check and allow the occupancy with the contingency if more funds were required. Mr. Brower commented the City could hold onto the check and electing to not enforce paragraph 5 the City could withhold occupancy at a later date; however, he emphasized it was not his recommendation to accept and deposit the check.

The Council didn't believe the risk to the City was substantial and agreed to allow the occupancy for the completed homes. Steve Guy, City Treasurer, pointed out if the check was accepted by the City it would need to be deposited within three days. Mr. Lenhard stated he would contact Mr. Nelson first thing Wednesday, May 11, 2011, to review the costs and would be in contact with Mr. Taylor for a hard figure and accept the check at a later date.

The meeting adjourned at 6:49 p.m.

**APPROVED AND ADOPTED  
This 28<sup>th</sup> day of June, 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, May 10, 2011.

/s/Nancy R. Dean, City Recorder