

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
September 25, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Mike LeBaron	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Adam Malan	Police Lieutenant
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Kim Read	Deputy City Recorder
EXCUSED:	Nancy Dean	City Recorder

VISITORS: Cody Richards – Management Intern

Mayor Wood called the meeting to order at 6:20 p.m.

DISCUSSION ON THE CALLS FOR SERVICE REPORT

Adam Lenhard, City Manager, introduced Cody Richards, Management Intern, to the Council. He explained one of the projects assigned to Mr. Richards was to complete additional research regarding the disproportionate fees in relation to rental dwellings. He reminded the Council of previous studies completed specific to the disproportionate burden/fees and its influence implemented with the Good Landlord Program. He added there were now four years of data which could be compared to determine if the City's policies had been effective with the Good Landlord Program.

Cody Richards, Management Intern, shared a visual presentation identifying trends and patterns specific to the disproportionate fee study used to determine fees for rental units and the Good Landlord Program. He stated the average cost of a call for service was approximately \$138.66 which would be important to remember during the presentation. Mr. Richards explained his presentation would point out the following:

- A comparison of data from 2006-2009 and 2006-2011
- Discuss the decrease in calls for service
- Review the change specific to mobile home parks
- Check the effectiveness of the Good Landlord Program

- Suggest policy implementation specific to three/four plexes

Mr. Richards pointed out the calls for service had steadily decreased since 2009; however, rental units still placed a more significant burden on the police department than owner occupied units by twice as much and explained his process for determining that statistic. He reminded the Council of the three different categories for determining the disproportionate fee: single-family, duplexes and multi-family and a discussion took place regarding the classifications. He reviewed the density effect regarding calls for service with the Council.

Mr. Richards reviewed the Good Landlord Program comparison for the previous three years with the Council and stated participants in the Program reflected more calls for service than non participants. He suggested adding a fourth classification of 3/4 – plex unit category and identifying multi-family as five or more units. He expressed his opinion there was a burden being placed on the City and other multi-family units by 4-plexes based on the calls for service and shared his data on that subject.

Mr. Richards distributed a handout reflecting a proposed amended fee schedule and other cities' comparable license fees. He emphasized that overall calls for service had decreased and suggested it might be appropriate that disproportionate fees reflect that change. A discussion took place regarding calls for service in relation to 4-plexes in the City.

Mr. Lenhard stated it was the City's original intent to reduce fees accordingly if the calls for service decreased. He believed if property management was doing those things necessary that resulted in fewer calls for service a proportionate reduction in fees would be consistent with the methodology of the Good Landlord Program. He shared a specific example of a multi-unit apartment complex within the City in which a dramatic reduction in calls for service had been recognized while participating in the Good Landlord Program.

Councilmember Young inquired if the City had looked at other entities' successful Good Landlord Programs to determine what could be implemented for Clearfield to recognize success with its Program. Brian Brower, City Attorney, mentioned West Valley and Ogden City had experienced success with their Good Landlord Programs over the years and believed they each had been enacted for several years. Mr. Lenhard agreed their insight would be advantageous to the City.

Valerie Claussen, Development Services Manager, commented both of those cities had a significant number of staff solely dedicated to the implementation of the Good Landlord Program. Mr. Lenhard added the City didn't have any full time staff designated to implementation of the Program.

Councilmember Shepherd moved to adjourn the City Council work session and reconvene as the City Council for a policy session at 7:00 p.m., seconded by Councilmember LeBaron. All voting AYE.

The Council reconvened in a work session at 7:26 p.m.

Councilmember LeBaron expressed appreciation and complimented Mr. Richards on his data, research and presentation.

Mayor Wood clarified it would be Mr. Richards' proposal to amend the fees during a policy session. Mr. Lenhard commented the City would act similarly to what was done two years ago and decrease the fees by twenty-five percent. Councilmember Bush added the 3/4 plex units should be separated. Councilmember Shepherd expressed his opinion the twenty-five percent discount was no longer needed. A discussion took place regarding the discount and its effectiveness associated with the Good Landlord Program.

DISCUSSION ON SIDEWALK MAINTENANCE

Scott Hodge, Public Works Director, reminded the Council that the City only had the right-of-way for the curb, gutter, the park strip and sidewalk. He explained it had always been the policy of the City to only replace/repair sections of sidewalk when it was deemed to be priority; for example, to accommodate a disabled individual using the sidewalk. He pointed out the City had a limited funding source and reported there was a significant number of requests each year for sidewalk replacement. He stated most of the damage occurring to the sidewalks was due to the improper planting of trees or trenches due to new development of homes, the use of de-icers and occasionally from high temperatures experienced during the summer months. He mentioned another concern was the sidewalk that passed through the driveway approach and explained it had been the policy of the City that those sections were always the homeowner's responsibility for maintenance. He shared a rough illustration with the Council and pointed out staff had followed an unwritten policy regarding those issues. He noted there was nothing specified by ordinance.

He reported Layton City had an ordinance which stated the sidewalk, curb and gutter maintenance were the responsibility of the adjacent property owner including any damage. He continued other than routine snow removal or weed control nothing else had been addressed by other surrounding cities.

Councilmember Shepherd inquired why the City should ever assume any responsibility for the sidewalk in front of a resident's home. A discussion took place regarding the maintenance responsibility for the sidewalk. Mr. Hodge emphasized the area was a public right-of-way and was not actually owned by the resident. Mayor Wood pointed out upon completion of any subdivision the developer dedicated the sidewalk improvements to the City just as it did the street improvements and suggested that implied some ownership by the City. A discussion took place as to ownership and responsibility of the sidewalk.

Councilmember Young suggested the City could accept normal maintenance; however, damage to sidewalks caused by landscaping could then be the responsibility of the property owner. Brian Brower, City Attorney, believed the City's current ordinance already addressed that. He stated verbiage reflected the City could require removal of any trees causing damage to the sidewalk as well as the repair to the sidewalk. Mayor Wood pointed out neighboring trees could damage a sidewalk in front of another resident's property and expressed concern regarding who the City would expect to be responsible. A discussion took place specific to that issue.

Councilmember Murray asked why the City would want to adopt an ordinance. Mr. Hodge emphasized staff had only been following a guideline or unwritten policy in the past and believed an ordinance would clarify the City's responsibility as well as the property owner's responsibility.

Mayor Wood expressed concern how the City would enforce required maintenance on the resident. Mr. Hodge responded once a sidewalk issue was reported the public works department could send a letter requiring the property owner to replace/repair the sidewalk. A discussion took place regarding enforcement and Mr. Hodge requested direction from the Council. Upon completion of the discussion specific to liability issues, the Council directed staff to not pursue implementing an ordinance and continue with what had been done in the past.

DISCUSSION ON CEMETERY PLOT MAINTENANCE AND DEED NAME CHANGES

Eric Howes, Community Services Director, distributed handouts reflecting the cost for burial plots at the City's cemetery and a comparison of other cities' cemetery fees. He pointed out the City didn't actually sell plots rather the right to bury in the cemetery per State law.

He reported the City recently experienced a situation in which a non-resident desired to purchase six plots in the cemetery and solicited a resident to purchase the plots at the resident rate then a short time later paid the ten dollar transfer fee. He indicated this procedure recognized a \$3,000 savings for the non-resident. He stated there was currently no policy or ordinance which discouraged this kind of transaction.

Mr. Howes indicated the scenario was also an issue other cemeteries encountered and suggested the City implement a significant waiting period prior to allowing the transfer of the plot to

another person. He directed the Council to the handout comparing other cemetery fees for review.

Mayor Wood believed prior to transferring the plot, the individual must be able to prove residency or if they were not a resident the transfer fee should be equivalent to the difference between the residential and non-residential rate. Councilmember Shepherd stated that would be his recommendation as well. Mr. Howes explained the City only tracked the residency at the point of purchase.

JJ Allen, Assistant City Manager, asked if it mattered that the individual purchasing the transfer could prove residency at some time in his/her life. Mr. Howes commented cities throughout the State handled that situation in various ways. Councilmember Murray pointed out the difficulty when purchased plots were used for burying babies or children. Brian Brower, City Attorney, explained the plot owner would not need to transfer title on the plot in such a situation rather just allow the child to be buried in it. Mr. Howes pointed out current policy stated interment fees were applied based on the residency of the individual being buried in the plot regardless of whether the plot was owned by a resident or non-resident. Councilmember LeBaron expressed his opinion that it appeared the most logical conclusion to creating a deterrent in situations where residents purchased plots and then transferred title to a non-resident was to have the transfer fee for ownership of a plot be consistent with the difference between the resident and non-resident rate. Councilmember Young agreed. He commented the difference was when someone transferred title rather than just allowing someone to use the plot.

Mayor Wood reiterated his previous suggestion if a plot were being transferred to a non-resident the cost for doing that would be the difference between the resident and non-resident rate plus the \$10 administrative fee. Mr. Brower inquired if the difference would be calculated at the difference of fees at the time of transfer. The Mayor concurred in the affirmative. The Council was in agreement with Mayor Wood's recommendation and directed staff to proceed to that effect.

DISCUSSION ON THE PLANNING COMMISSION STIPEND

Mayor Wood stated he had wondered if members of the Planning Commission were being compensated adequately for their time. He indicated he had requested staff complete a comparison from other cities.

Valerie Claussen, Development Services Manager, distributed a handout reflecting neighboring communities' compensation for the Planning Commission. She explained the proposed stipend increase would still be below the \$600 threshold for tax withholdings. She pointed out there were also other methods of compensation the Council could consider. Brian Brower, City Attorney, emphasized anything over \$600 would need to be claimed as income for tax purposes.

A discussion took place regarding the proposed stipend increase and possible tax liabilities to members of the Commission. Councilmember LeBaron proposed increasing the rate for the Chair to \$75 per meeting and members to \$50 per meeting. The Council was in agreement and directed staff to proceed with changing the ordinance accordingly.

DISCUSSION ON THE FINAL SUBDIVISION FOR LIFETIME PRODUCTS

Valerie Claussen, Development Services Manager, explained Lifetime Products had some buildings located in the Freeport Center it would like to trade with Freeport Associates. She reported a preliminary subdivision plat approval would come before the Planning Commission on October 3, 2012 and a final plat approval to the City Council on October 23, 2012.

Adam Lenhard, City Manager, clarified Lifetime needed additional administrative space and wanted to remain in Clearfield and in the Freeport Center. He stated in order for the expansion to take place it would like to swap some property with Freeport Associates. He reported negotiations had taken place and terms had been agreed upon between the two. He expressed his opinion this would be a benefit to the City, Freeport Center and Lifetime.

The Council took a break at 8:27 p.m.

The work session resumed at 8:35 p.m.

Councilmember Young moved to adjourn to a Closed Session for the purpose of a strategy session to discuss the purchase, exchange, or lease of real property. Utah Code Ann. § 52-4-204 and §52-4-205(1)(d), seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

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

**APPROVED AND ADOPTED
This 23rd day of October, 2012**

/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 25, 2012.

/s/Nancy R. Dean, City Recorder