

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
April 16, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	Councilmember
	Mark Shepherd	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Jerry Stevenson – Senator, Alicia Emery

Mayor Wood called the meeting to order 6:10 p.m.

LEGISLATIVE UPDATE BY UTAH STATE SENATOR JERRY STEVENSON

Mayor Wood explained historically invitations had been extended to Utah State Senators and Representatives to share an update regarding issues or new bills pertinent to the City upon completion of the Legislative session.

Jerry Stevenson, Senator, commented he had enjoyed listening to the radio ads and billboards associated with the City’s marking campaign. He reported education had been treated very well during the most recent legislative session. He also mentioned the Legislature had been very conscious with spending and one-time funding options.

Councilmember Shepherd arrived at 6:15 p.m.

Senator Stevenson informed the Council he was currently the Assistant Appropriations Chair. He shared information regarding his bill specific to education. He expressed his opinion it was a great legislative session.

Mayor Wood expressed concern regarding bills from the previous ten years which he believed imposed upon the management of affairs specific to municipalities. He believed all cities and

towns were unique in challenges and expressed his concern that broad legislation was not effective or in the best interest of all municipalities. He believed the local elected officials were just as duly elected as the legislators and had a better understanding of how to address the needs of their individual municipalities. Senator Stevenson agreed with Mayor Wood's concerns and shared how he would like to be contacted during the legislative session. He believed the Utah League of Cities and Towns generally did a good job in representing municipalities' interests during the session. He encouraged the Council and staff to contact him with specific concerns regarding proposed bills and legislation.

Senator Stevenson left the meeting at 6:35 p.m.

PARKS AND RECREATION COMMISSION INTERVIEWS

The City Council interviewed Alicia Emery for consideration for the Parks & Recreation Commission vacancy.

DISCUSSION ON PARKS AND RECREATION COMMISSION VACANCIES

The Council discussed appointing Alicia Emery to the Parks & Recreations Commission and directed staff to proceed with the appointment.

DISCUSSION ON SPECIAL EVENTS PERMIT PROCESS AND POLICY

Eric Howes, Community Services Director, reported he had received numerous applications for a variety of special events to take place within the City and indicated those events presented challenges to City staff. He suggested adoption of a special events permit process and policy to address the challenges. He believed the current policy was not currently well defined and believed the new policy would be beneficial to applicants in educating them on what to expect throughout the process. He distributed a handout and directed the Council to Section 2 paragraph b and explained there wasn't a current policy to charge anything in the form of an application fee. He explained such a fee could cover any administrative costs associated with reviewing the application and determining what kind of support the event would need from the City.

Adam Lenhard, City Manager, commented philosophically it would be the idea that those creating the demand would be paying for the service. Mr. Howes stated the current policy assessed fees based on what was needed for the event and the City determined that cost. He believed most cities assessed a fee for the review process and shared an example of what took place during the review process.

Mr. Howes explained the difference between the application process and the support fee. He reviewed different types of events and it's corresponding designated event "levels". Mr. Lenhard suggested the inclusion of "use of a City street or facility or right of way" as part of a Level 1 event. He believed it would be an appropriate trigger for an event that took place on City property or within the right of way.

Councilmember LeBaron suggested the elimination of the number of attendees as a trigger but rather determining the level of the event based on the services which needed to be provided by the City. Mayor Wood expressed agreement with Councilmember LeBaron's suggestion but inquired how the fee would be assessed. Councilmember LeBaron then suggested the fee structure could be similar to pavilion rentals in that a maximum fee was assessed with a portion of it being refunded if the level of activity was modified by staff. Councilmember Young suggested assessing the fee on the back-end of the application. Mr. Howes pointed out the problems associated with collection of any fee on the back-end if event organizers backed out and changed their mind. Councilmember Bush suggested assessing a basic fee up front and then assessing a permit fee once the level designation had been determined by staff.

Mayor Wood expressed concern the insurance clause was cost prohibitive and would be a deterrent discouraging events from coming to the City. A discussion took place regarding other insurance options for organizers of special events. Brian Brower, City Attorney, pointed out the more involved the City was with issuing a permit, the more important the issue of insurance became on behalf of the event organizer. A discussion took place regarding the purpose of City Parks and the fact that tax dollars funded those parks and how much of the use should be borne by the entire community. Councilmember Young remarked the City should only be involved inasmuch as needed in order to provide services and suggested assessing fees a la carte such as closing a road. Councilmember Young believed the new special events policy should not have to include the City's involvement unless the involvement of City services was imperative to the special event. Mayor Wood reported on information he was able to access online specific to liability insurance. A discussion took place regarding insurance for different types of events.

Mr. Howes reported it was his intent to take the City's current policy and modify it to what had been done in the past while implementing insurance requirements. JJ Allen, Assistant City Manager, inquired when governmental immunity would be applicable. Mayor Wood inquired as to what point the City's liability insurance would not be applicable. Mr. Brower shared an example and believed if there were any negligence on behalf of the City, it would be held responsible to some extent.

Mr. Brower suggested a discussion take place between Bob Wylie, Administrative Services Director, and the City's insurance carrier to possibly reconsider the proposed policy. Mr. Howes reported this particular issue had been addressed at his recreation conference and believed the proposed policy was reflective of most cities.

Councilmember Shepherd shared first-hand knowledge of information specific to his involvement with an event in a neighboring City and believed the amount for liability insurance was high; however, those fees had been spread out evenly among the booth rentals. Councilmember Murray expressed concern the cost of insurance would discourage charitable types of events. Councilmember LeBaron suggested the City sponsor a specific number of events and allow the City's insurance to cover the event. Councilmember Murray didn't want to discourage charitable types of events from taking place within the City. Councilmember Young suggested the City look at other suggestions for some of the smaller events and believed the City's proposed policy should be reconsidered. The Council directed staff to consider other options and bring a modified policy to the Council at a future meeting.

The City Council took a break at 7:30 p.m.

The meeting resumed at 7:36 p.m.

UPDATE ON THE RETAIL LEAKAGE STUDY AND ANALYSIS

JJ Allen, Assistant City Manager, explained retail leakage reflected Clearfield residents purposely driving to neighboring cities to purchase goods and services because they weren't available within Clearfield. He stated the City had completed an RFP (Request for Proposal) process and reported the selection committee had selected Buxton as the best vendor. He reviewed the process used by Buxton and how the data would be compiled. He reported the item would be considered by the CDRA (Community Development and Renewal Agency) Board during the April 23, 2013 CDRA meeting.

Adam Lenhard, City Manager, stated after sitting through the presentation he believed the value offered by Buxton was exceptional given the type of information which would be provided and could be used to entice retailers to the City. A discussion took place regarding the information and how it would be used to promote economic development. Councilmember LeBaron inquired about Buxton's success rate and expressed concern regarding the data. He suggested the City should desire a percentage of results from the chosen company. A discussion took place regarding how Buxton measured its success rate. Mr. Allen stated Buxton not only consulted for municipalities but also for retailers using the same methodology and reported on some of the specifics which would be considered in the study. Mayor Wood believed the opportunity to the City in working with a nationally recognized company would be significant. Councilmember LeBaron believed if Buxton were as successful as its presentation indicated it should be willing to provide information requested from the City.

Mr. Lenhard shared specifics from the presentation that led staff to believe Buxton understood the challenges experienced by the City in conjunction with its proximity to Riverdale, Layton, Clinton and Syracuse cities. He stated Buxton believed it could provide something beneficial to the City. Councilmember Young believed the City should enter into the project with a clear idea of expectations and what it desired of the end product and expressed his belief the information could be beneficial to the development of the rail stop and Legend Hills areas.

Councilmember Bush suggested contacting some of the references provided by Buxton and asking them key questions as to how the provided information was successful. The Council expressed agreement and directed staff to do that. Mr. Allen referred to information he provided in the memo and how the City could access information in the twelve months following their completion of the project.

Mayor Wood pointed out the provided information could not be determined in house and expressed his confidence in Buxton.

The Council directed staff to proceed with approval and execution of the contract once references had been verified.

DISCUSSION ON THE CONSOLIDATED FEE SCHEDULE

Greg Krusi, Police Chief, reviewed the current fees in the Consolidated Fee Schedule and proposed fees specific to the police department with the Council. He distributed a handout reflecting a comparison of alarm fees and other Police Department fees from neighboring municipalities. Nancy Dean, City Recorder, explained the City should be prepared to justify the cost associated with providing a record. She suggested the fee should be in line with the "real cost" of providing the record. A discussion took place specific to the fee associated with obtaining a copy of a police report if the party were somehow involved. Brian Brower, City Attorney, distributed a handout reflecting a proposal to create discovery fees associated with the Court and Legal Department. He explained the statutes associated with the release of some information which could not be obtained through the Police Department and reviewed the proposed fees. He expressed his opinion the proposed fees were similar to other entities. He suggested the Council remember some of the individuals requesting police reports had a criminal case against them, and that constituted their involvement.

Councilmember Murray didn't believe the victim of a crime should have to pay for a police report in order to obtain necessary information. Councilmember Young expressed agreement with Councilmember Murray. Mayor Wood also believed information should be available to the victim.

Mr. Brower pointed out the difference in requests made by alleged perpetrator and individuals who might have actually been charged with a crime. A discussion took place regarding police report fees. Chief Krusi summarized that the Council desired to keep police report free if the requesting individual was involved; however, that individual's insurance company would be assessed a fee. Councilmember Bush suggested Mr. Brower's fee for a DVD be increased to \$25.

Chief Krusi reviewed the proposed implementation of the \$58 hourly rate for police contract services. He explained recent legislation limited an officer's ability to perform outside work in contract police services without being paid through the municipality. He explained the legislation created a need for the School District to contract with the City for extra security at high school sporting events. He continued the hourly rate was established at \$58 per hour. Chief Krusi suggested the fee should be added to the Consolidated Fee Schedule. The Council was in agreement with the fee.

Chief Krusi also distributed study results associated with police calls due to alarms. He reviewed the proposed implementation of a false alarm fee with the Council. He explained the Police Department had responded to approximately 1600 alarms with ninety eight percent of those being false alarms. He stated the alarm policy had not yet been drafted because staff was looking for direction from the Council. He directed the Council to the portion of the study which showed false alarm fees set by other municipalities. He suggested the implementation of a policy similar to Layton City's in which a \$50 fee was assessed on the third alarm on a quarterly basis. Councilmember Young inquired as to the City's cost associated with a false alarm. Chief Krusi responded the \$100 fee was significantly less than the actual cost to respond in such cases.

Mayor Wood expressed concern about the assessment of an annual alarm fee being collected up front during the business license process but agreed with the implementation of a false alarm fee. A discussion took place regarding the proposed alarm fee. Valerie Claussen, Development Services Manager, commented it wouldn't be cumbersome to collect a fee during the business license process. The Council determined to request information as to whether a business had an alarm during the business licensing process and assessing additional false alarm fees on a quarterly basis.

Valerie Claussen, Development Services Manager, distributed a handout regarding GIS (Geographical Information Systems) data pricing and digital data disclaimer. She explained the disclaimer would be specific to the requested date which would be signed by the requestor which addressed the following:

- The data was only as good as the data collected
- The City wouldn't verify the accuracy
- Data was intended for personal purposes and distribution for commercial purposes was prohibited

She reviewed proposed fees associated with GIS data pricing and comparisons from neighboring communities and pointed out the City's proposal was in line with other communities. The Council expressed agreement with the proposed fees.

Eric Howes, Community Services Director, distributed three separate handouts regarding fees included in the Consolidated Fee Schedule. He mentioned a question had been asked specific to perpetual care during a City Council in March. He clarified the perpetual care fee was now included in the purchase price of the cemetery plots and was recommending that fee be eliminated from the Consolidated Fee Schedule.

Mr. Howes reminded the Council of the agreement between the City and North Davis Junior High allowing the faculty to use the Aquatic Center at a discounted rate. He explained when the Council approved the agreement it requested statistics be provided at a later date. Mr. Howes referred to the handout reflecting the Corporate/Business membership group discount rates. He emphasized the rates were only available if the business was located in Clearfield City. He reviewed the rates on the handout and a discussion took place. He pointed out the businesses that brought in more than 30 members were still paying more than the resident rate even with the discount. He requested direction from the Council on the proposed rates. A discussion took place.

Councilmember Young expressed concern a group of individuals that had memberships to the Aquatic Center while working for the same company located within the City could participate as a group in order to obtain a reduced discount membership. He believed the goal should be to increase new memberships for the Aquatic Center instead of offering discounts to those that already had memberships which would increase revenue.

JJ Allen, Assistant City Manager, inquired if membership payments would be paid by the business and not the individual. Mr. Howes responded it could work either way and believed billing the third party or business wouldn't be difficult once the new software had been

purchased and implemented. Councilmember Young suggested the elimination of the discount specific to 5-9 members. The Council was in agreement with that proposal and the remaining suggested fee schedule and discounts. Mr. Howes stated he would remove that classification for the discounted rate.

Mr. Howes distributed the pyramid handout regarding the pricing and cost recovery pyramid specific to programs offered through the Community Services Department and reviewed the pyramid with the Council. Curtis Dickson, Community Services Deputy Director, shared the spread sheet with the Council reflecting costs and revenues associated with each program which identified the percentage of the self-sufficiency of the program. He reported the shared data was the beginning of the process and stated the same data would be collected for all recreation programs. He shared an example of a specific program and how the collected data would assist in designing programs in such a way that they would have a positive cost recovery. He shared the challenges associated with collecting the data specific to programs offered at the Aquatic Center.

Mayor Wood expressed his opinion providing recreational opportunities for the youth in the community shouldn't be lost by becoming so focused on a cost recovery model. He stated the youth of the community should never be excluded from the benefits of participating in City programs while youth from neighboring communities participated in recreational opportunities due to the disparity of household incomes. A discussion took and the Council agreed with Mayor Wood's comments. Councilmember Young pointed out the disparity between resident and non-resident participants in swimming lessons offered at the Aquatic Center and reported on the difficulty in registering for swimming lessons. He suggested those non-resident fees be increased. Mr. Howes stated it was the City's obligation to provide services to its residents as opposed to neighboring cities and it was his staffs' responsibility to find a way to do that by establishing a funding mechanism to do so.

Mr. Howes welcomed input and feedback from the Council on the model pyramid.

Councilmember LeBaron moved to adjourn as the City Council and reconvene as the CDRA in a work session at 9:00 p.m., seconded by Councilmember Young. All voting AYE.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 11th day of June, 2013**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

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Clearfield City Council Meeting Minutes, April 16, 2013, cont'd

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I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, April 16, 2013.

/s/Nancy R. Dean, City Recorder