

CLEARFIELD CITY COUNCIL MEETING MINUTES
4:30 P.M. WORK SESSION
August 20, 2013

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| PRESIDING: | Don Wood | Mayor |
| PRESENT: | Kent Bush Kathryn Murray Mark Shepherd Bruce Young | Councilmember Councilmember Councilmember Councilmember |
| EXCUSED: | Mike LeBaron | Councilmember |
| STAFF PRESENT: | Adam Lenhard JJ Allen Brian Brower Greg Krusi Scott Hodge Eric Howes Curtis Dickson Natalee Flynn Summer Palmer Nancy Dean Kim Read | City Manager Assistant City Manager City Attorney Police Chief Public Works Director Community Services Director Community Services Deputy Dir. Public Relations/Special Events Acting Administrative Services Dir. City Recorder Deputy City Recorder |

VISITORS: Beverly Bradley – Standard Examiner

Mayor Wood called the meeting to order at 4:35 p.m.

INTERVIEWS WITH DEVELOPMENT SERVICES MANAGER CANDIDATES

The Council interviewed Charles Ewert and Scott Hess for consideration to fill the Development Services Manager vacancy.

Councilmember Murray moved to adjourn to a Closed Session for the purpose of discussing the character, professional competence, or physical or mental health of an individual. Utah Code Ann. § 52-4-204 and §52-4-205(1)(a), seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Mayor Wood, Councilmembers Bush, Murray, and Shepherd. Voting NO – None. Councilmembers LeBaron and Young were not present for the vote.

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

Councilmember Young arrived at 6:23 p.m.

The work session reconvened at 6:25 p.m.

DISCUSSION ON AN OUTREACH PROGRAM WITH CLEARFIELD HIGH SCHOOL'S STUDENT GOVERNMENT

Mayor Wood expressed his opinion the Youth City Council (YCC) was not functioning as desired and invited Natalee Flynn, YCC Advisor, to share the organization's current status. Ms. Flynn indicated there were currently five or six active members on the Council. She reported the YCC had a successful fundraiser during the Fourth of July celebration. She announced a recruitment advertisement would be in the September issue of the City newsletter. She reported on the parent meeting held earlier in the year and suggested City staff become more involved with the student government since some of the active members were already participating.

Mayor Wood reported on his meeting with the principal and the student government last spring at the end of the school year. He announced he would be holding monthly lunch and roundtables with the designated students in hopes of involving the youth in City events as well as supporting the youth at the school. He indicated this would also involve the student government from the Junior High. He pointed out the Student Body Officers already had an advisor and already had leadership opportunities. He reported Councilmember LeBaron had expressed his concerns with the Mayor's proposal.

Councilmember Young pointed out the YCC was previously informed by the City it had the current calendar year to recruit members willing to participate and function as an active Council and expressed concern about changing the direction at this time. A discussion took place regarding the YCC. Ms. Flynn reported some of youth currently participating in YCC were also participating in student government; however, the current YCC Mayor was not. Councilmember Young suggested identifying required participation criteria which if not met by the youth would allow dismissal from the YCC.

JJ Allen, Assistant City Manager, stated he would visit with Marliiss Scott, Public Relations, to see if an advertisement for recruitment could be in the September newsletter. The Council discussed other recruitment tools. Mayor Wood summarized the consensus of the Council to proceed until the end of the calendar year to see if the YCC could be revitalized. He stated it was his intention to maintain his commitment with Clearfield High's student government.

DISCUSSION ON INCREASES TO THE NORTH DAVIS SEWER DISTRICT USER FEES

Adam Lenhard, City Manager, explained the North Davis Sewer District (NDSD) had adopted an increase to its fee which would be a pass through fee on the City's utility bill to residents beginning July 1 of the current fiscal year. He mentioned in 2012 the City had adopted the one dollar increase per connection which was a pass through from the NDSD. He stated there was some confusion as to whether the City had received adequate notice regarding this year's increase; however, the City would have to amend its Consolidated Fee Schedule an additional \$1.50 per connection for the NDSD. He continued an additional increase of \$1.50 for next year had also been approved by the NDSD.

Mr. Lenhard indicated staff was requesting direction from the Council as to how it would like to pay the \$1.50 increase which was not collected from residents for the month of July by the City.

He stated it was staff's proposal to include the \$1.50 from July on the August bill. Councilmember Murray clarified that would be an increase of \$3.00 to the residents one time for the month of August and then it would revert back to \$1.50 in September. Councilmember Bush pointed out the \$1.50 increase would continue each year until 2016.

Mr. Lenhard emphasized the increase was not revenue which would be recognized by Clearfield City; rather, it was a pass through fee for the NDSB.

Councilmember Murray moved to adjourn the work session and reconvene in a special session at 6:58 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Murray, Shepherd, and Young. Voting NO – None. Councilmember LeBaron was not present of the vote.

The work session reconvened at 7:45 p.m.

DISCUSSION ON THE AWARD OF BID FOR RECREATION SOFTWARE

Eric Howes, Community Services Director, reminded the Council that staff had been conducting a review of recreation software bids for approximately nine months and reported it recommended the purchase of e-Trak Plus software. He explained \$22,000 had been appropriated for the software purchase and mentioned the "Class" software, which had been used for fourteen years, had an annual licensing/maintenance fee of \$15,000. He announced the new software cost was \$35,000 which was equivalent to the appropriated purchase cost plus the maintenance fee for the old software. Adam Lenhard, City Manager, explained during the budget process the annual maintenance fee had been eliminated because the City knew "Class" would not be supported during the year and that a new software product would be purchased.

Mr. Howes shared the projected return on investment figures and indicated the City could recognize an annual savings of approximately \$5000. He shared the advantages with using the proposed new software. He added the software would allow the continuing use of the same payment gateways eliminating any hidden costs associated with online registration. Mr. Howes continued to explain how the proposed new software could contribute to efficiencies which would contribute to recognized cost savings in other areas.

Councilmember Murray asked where the additional funds could be recognized for the purchase. Mr. Lenhard responded funds could be recognized by implementing a pass along fee to users or an appropriation from the General Fund revenue. A discussion took place specific to user fees associated with offered programs and online service fees. Councilmember Murray expressed her opinion the funds should come from the General Fund revenue. Mr. Lenhard stated staff could look at services and determine which ones were appropriate to charge a transaction fee against to recover the additional \$15,000.

Mr. Howes requested the Council's approval for the purchase of the new software and its implementation. He shared the proposed timeframe associated with the proposed implementation by January 1, 2014 and stated he would be willing to come back to the Council at a later date with a proposal of user fees to pay for the additional cost. The Council directed staff to proceed

in purchasing the e-Trak Plus software. Brian Brower, City Attorney, reminded the Council the official action would require the budget to be reopened for the expenditure.

DISCUSSION ON THE REVENUE FROM THE SALE OF SURPLUS EXERCISE EQUIPMENT

Mayor Wood explained revenue from the sale of used exercise equipment from the Aquatic Center had previously been recognized in the General Fund. He continued since the equipment had originally been purchased from the Equipment Fund it seemed appropriate that the proceeds from the sale of the used equipment go back to the Equipment Fund. The Council expressed agreement with the proposal that any recognized revenue from the sale of surplus exercise equipment go back to the fund in which the expenditure was originally made.

DISCUSSION ON THE DESIGN FOR THE ENTRY WAY OF THE COMMUNITY ARTS CENTER

Eric Howes, Community Services Director, reminded the Council of the previous discussion about the entryway design of the Community Arts Center and that he had been directed to explore the costs associated with a more extensive design known as Option 2. Mr. Howes shared an illustration of the current entryway and both design options. He reviewed the original proposed costs and informed the Council that \$35,000 had been appropriated for the upgrade and expressed his opinion the estimated cost was significantly higher than the original design. He shared some other cost options which could possibly reduce costs with option 2 and reviewed them with the Council.

Councilmember Young stated he would not be able to support the new proposal given the additional costs. Councilmember Shepherd expressed agreement and could not justify the costs. A discussion took place. Councilmember Bush also expressed agreement with Councilmembers Young and Shepherd in not proceeding with option 2.

Mr. Howes stated he would proceed with option 1 for the entry.

DISCUSSION ON THE CREATION OF AN ETHICS COMMISSION

Brian Brower, City Attorney, distributed a draft ordinance regarding the implementation of an Ethics Commission. He continued the Legislature had enacted a State Ethics Commission to review complaints regarding elected officials and city managers. He indicated if the City didn't adopt its own ordinance any complaint would be referred to the State's Commission.

Mr. Brower informed the Council that the City had been approached by Layton City and other municipalities to participate with them in implementing an Ethics Commission. He explained an interlocal agreement would also be required in addition to the ordinance. He pointed out the proposed draft ordinance explained how a complaint would be addressed with the complaint being heard by the three city attorneys not involved in the complaint. He requested feedback, concerns or changes to the language in the proposed ordinance.

Councilmember Young expressed concern regarding potential frivolous or false complaints. He inquired if the excused city attorney would be allowed to provide legal counsel to staff or the elected officials. Mr. Brower responded the city attorney would be available to provide legal counsel and support and explained the circumstances under which an employee would be responsible for his/her own legal fees.

Mayor Wood expressed an understanding of Councilmember Young's concern and inquired if there was an evidentiary process associated with an ethics complaint and shared a hypothetical example. Mr. Brower responded there would be an initial review of the complaint and directed the Council to page 5, Section H, subsection 7, paragraph c, which specifically stated even if the complaint were true but didn't violate the Ethics Act, it would be dismissed. A discussion took place.

Councilmember Young inquired if adoption of the ordinance could be misinterpreted as incentivizing more frivolous complaints. Mayor Wood suggested numerous allegations could be made during an election season. Mr. Brower pointed out that the Council didn't have to participate in a local commission or adopt the proposed ordinance. He emphasized if an ethics complaint was made it could be addressed on the local level if the City had its own ordinance or by the State's Ethics Commission if the City hadn't adopted its own.

Councilmember Young inquired if there was an evidentiary threshold which would have to be met prior to the complaint being heard by a committee. Mr. Brower responded the State had already established what had to take place; rather, the real issue would be whether the City created its own body to conduct the review or would the complaint default to the State's designated body for an opinion.

Mr. Brower responded he would be willing to provide the Council with a brief memo providing explanation of the proposed process identified in the draft ordinance. He emphasized the Ethics Commission would review any complaint received by them. He directed the Council to page 7 of the proposed ordinance Section M, which specifically addressed Action by the City Council and pointed out whatever action was in response to the complaint would be up to the Council.

Mayor Wood requested the specific name of the act. Mr. Brower responded it was the Municipal Officer's and Employee's Act. He stated the Act was most recently updated to address the appointment of an ethics commission. Nancy Dean, City Recorder, stated she would email the specific legislation to the Council. Mr. Brower pointed out the identified provisions specific to complaints associated with elections.

The meeting adjourned at 8:35 p.m.

**APPROVED AND ADOPTED
This 10th day of September, 2013**

/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, August 20, 2013.

/s/Nancy R. Dean, City Recorder