

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 24, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Development Services Manager
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Terrence Jackson	IT Manager
	Devin Rogers	Police Lieutenant
	Scott Manookin	Police Sargent
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder
EXCUSED:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager

VISITORS: Madelaine Tesori, Robert Stotts, Kathryn Murray, Brady Jugler – Planning Commission Chair

Mayor Shepherd called the meeting to order at 6:00 p.m.

PRESENTATION BY MADELAINE TESORI ON A REQUEST FOR THE CITY TO CONSIDER OFFICIALLY CALLING FOR THE PREVENTION OF ANIMAL ABUSE

Madelaine Tesori distributed a handout with animal abuse facts and introduced herself as a student at Weber State University. She explained she was taking a lobbying class and had an assignment which required students to meet with and attempt to have a resolution passed by the City Council. She recalled being inspired to promote animal awareness after a cat from Clearfield was tortured and its abuse had a viral worldwide reaction. Ms. Tesori shared some research which indicated a correlating history of animal abuse with violent crime statistics. She said most cases of animal abuse were commonly reported by the public and often hard to prove.

Councilmember Phipps wondered what the acronym CFAWR stood for that was cited in the handout. Ms. Tesori apologized for not including it and recalled it was an animal protection organization. She searched online and shared CFAWR stood for Canadians For Animal Welfare Reform and referenced a website found containing information about animal cruelty syndrome.

Councilmember Peterson asked what the hope was in terms of outcome for passing a resolution that would be officially recognized, promoted, and something the Council would be supportive of for the City. Ms. Tesori expressed her desire would be to have a day set aside that the City could promote animal awareness.

Councilmember Phipps asked if there was a formal definition for what constituted animal cruelty. Ms. Tesori stated from her research the definition was very broad and included animal neglect, hoarding, cruelty, and abuse. There was a discussion about how to spread awareness in a positive way to educate City residents about animal statutes, reporting abuse, pet care, allowed quantities of animals, and education about caring for animals during a disaster.

Mayor Shepherd thanked Ms. Tesori for her presentation. Nancy Dean, City Recorder, suggested Ms. Tesori could prepare a draft of a resolution or proclamation for her project which would be reviewed by staff and at a future date be considered by the Council for adoption during a policy session.

DISCUSSION ON A PROPOSAL TO CREATE A CITY ONLINE TRAFFIC SCHOOL AND SUBSEQUENT PROPOSAL OF AMENDMENTS TO THE CITY'S CONSOLIDATED FEE SCHEDULE

Scott Manookin, Patrol Sergeant, stated as directed by Council, staff had been working to develop a traffic school program for the City which could help increase awareness and safety. He added it was also planned to supplement costs associated with the department's traffic division which would consist of two dedicated traffic enforcement officers. He reviewed how online traffic school worked; noted that participation was voluntary; highlighted sources of providing an online traffic school; went over fees surveyed from other cities; and acknowledged the fiscal impacts of having a traffic school.

Sergeant Manookin explained the basic options available to an individual should he/she receive a traffic citation. He indicated the option of pleading not guilty would allow a person to have a pretrial with the prosecutor and if not resolved then a trial with the judge. He continued if the person was found not guilty the case would be over and a conviction would not be reported to the Drivers License Division (DLD). He noted if the individual was found guilty the judge typically ordered a fine equal to the bail amount set by the State and the conviction was reported to the DLD. Sergeant Manookin continued the option of pleading guilty to a minor traffic violation would allow a person to pay the bail amount without having to appear in court. He added the conviction would be reported to the DLD which resulted in accumulated points that could result in the suspension of a driver's license. He stated the proposed option would allow a person to voluntarily enroll in traffic school if the individual pleaded guilty and qualified for a plea bargain requesting a plea in abeyance (PIA). Sergeant Manookin noted if a person was offered a PIA there would be a fine for the bail amount, an additional fee for the PIA which was an amount set

by the State currently \$25, and pay tuition for traffic school. He acknowledged if all those conditions were met the traffic violation would not be reported to the DLD.

Councilmember Phipps asked if there were any restrictions in the amount of PIA opportunities an individual would be given. Stuart Williams, City Attorney, responded the qualifications for any PIA were set by the attorney's office and approved by the judge. He indicated usually to qualify for a PIA the individual would need to have a clean driving record for a period of time which typically was a year. There was a discussion about some of the reasons an individual may or may not qualify for a PIA, some of which included severity of the traffic offense, quantity of offenses, and history of driving record.

Sergeant Manookin reviewed the methods the City could use to provide an online traffic school. He explained the four options which had been considered by a committee consisting of City staff members from the police department, legal department, finance department, customer service center and the court. He noted to provide an online traffic school the City could 1) contract with a third party; 2) purchase a program; 3) contract with a programmer to develop a program; or 4) have staff design and build a program. Sergeant Manookin acknowledged staff recommended the most cost effective way to provide an online traffic school would be for the City to contract with a third party. He indicated benefits of having a third party were having continued maintenance for the program, tuition fees collected by the third party to streamline the process, and the City's costs would be minimal.

Councilmember Bush questioned if the traffic school would be held in the City building. Sergeant Manookin responded the class would be online and a link would be provided on the City's website which would allow access to the third party's server for the traffic school and payment. Mr. Williams confirmed it would be an online school rather than a live school. He mentioned a live school was an option which had been discussed by the staff review committee; however, ruled out for multiple reasons.

Councilmember Phipps asked if there would be any cost to the City with set up fees or if all of the costs from the third party vendor would be collected from the associated tuition costs. Sergeant Manookin answered the City would not have any associated costs for setting up the links on the City website and the vendor would keep a portion of the tuition costs as its fee for services. He added the contracted services also provided record keeping documentation to the courts which would help identify those enrolled and completion dates for verification purposes.

Councilmember Phipps questioned how an online class would work. Sergeant Manookin shared an example of how the online traffic school would teach, test, and continue through the course once the questions were answered correctly. He explained the course would normally take an hour to complete, but was simple and could be used as safety training for all levels of understanding.

Sergeant Manookin indicated staff was proposing a cost of \$50 for the online traffic school fee. He stated cities which currently offered traffic school were surveyed for cost comparisons. He commented prices ranged throughout the State from forty dollars to one hundred dollars. Councilmember Young asked how much each test would cost the City from a third party vendor.

Sergeant Manookin answered the price negotiated with the vendor was \$10. He indicated if the City charged \$50 for the test it would generate \$40 in revenue which would be used to offset costs for traffic enforcement officers. He reviewed the potential revenue should the traffic school be implemented at a variety of fee amounts based on the PIA case volume of the Clearfield Justice Court during 2016. Sergeant Manookin projected there would be an increase in citations with the addition of two new traffic officers and suggested the revenue volume should also increase if the same percentage of cases qualified for a PIA.

Councilmember Phipps asked if the City received any of the revenue from the PIA fee. Mr. Williams responded the City did retain a portion of the PIA fee; however, was uncertain of that amount. He continued the PIA fee was not factored into the numbers presented as potential revenues from the online traffic school because there was still a cost associated with maintaining the PIA case while continued follow-up was necessary in determining if all requirements had been met before the case was closed.

Sergeant Manookin reviewed the benefits of having an online traffic school.

- No cost to the City if a third party vendor were used to provide the service.
- Educational opportunity for the City to teach the public about traffic safety.
- A voluntary program for qualified individuals with minor traffic violations.
- It would provide a convenient process to take care of a citation.
- An online traffic school could reduce staff workload for simple traffic citations.
- Individuals would be given the opportunity to legally avoid a conviction reported to the DLD.
- Potential revenue increase for offering the service which would be used to offset the traffic enforcement within the City.

Councilmember Phipps requested to know the process should those being cited for a traffic violation. Sergeant Manookin reviewed the process and the options a person would have for taking care of a traffic citation which included qualifying for a PIA and enrolling in the online traffic school from the City's website. He added the online traffic school was offered in English or Spanish languages which would make it even easier. Councilmember Phipps asked if an individual would also be able to request a PIA if they came in person to the court. Mr. Williams answered the PIA would be an option whether in person or online for those individuals that qualified; however, the goal would be to educate individuals about the online option which would reduce case load and potentially be a more convenient for the defendant.

Councilmember Phipps expressed concern that perception of the public would be negative. There was a discussion about the benefits of having a traffic school. Sergeant Manookin stated when he issued citations he had been asked frequently if the City offered a traffic school. He emphasized having a traffic school would be a helpful option for people who may be concerned about having their license suspended. He added it was also a completely voluntary program. Mr. Williams pointed out that an individual would not be limited to taking the online traffic school offered by the City and another traffic school could be selected for completing the necessary requirements of the PIA.

Mr. Williams indicated \$50 was the proposed fee and asked if that amount was acceptable to the Council and whether or not staff should proceed to formalize the contract with a third party as recommended. The consensus of the Council was a fee of \$50 was reasonable and staff could proceed as proposed to formalize the contract with the third party.

DISCUSSION ON AMENDMENTS TO CITY CODE, TITLE 7 – CIVIL PARKING ENFORCEMENT AND SUBSEQUENT PROPOSAL OF AMENDMENTS TO THE CITY’S CONSOLIDATED FEE SCHEDULE

Stuart Williams, City Attorney, stated staff had prepared a draft proposal for amendments to Title 7 of the City Code which included updates allowing for better enforcement of parking violations through the issuance of a civil infraction which also included language specific to a civil infraction hearing process. He reviewed the general updates to Title 7 of the City Code with the Council.

- Snow removal “parking” had the same restrictions with added language for emergency, snowbound cars, and obstructing plows.
- Truck parking was included in the proposed Chapter 5 of Title 7 of the City Code. . The truck routes referenced in proposed section 7-5-3 would need to be updated to include any proposed streets.
- Truck routes were proposed by the police department to include all of State Street, 1000 West, 300 North and Center Street west of State Street. These would be designated routes for trucks which would be reported to Utah’s Department of Transportation (UDOT).
- Parking of unregistered cars on the streets was a new section added to Title 7.
- Traffic Engineer language was updated to reflect the City Manager could appoint an individual as the traffic engineer.
- Traffic Control Devices was another new section added to help allow for signage which could restrict parking as necessary for the City owned parking lots.
- Vehicle Restoration Permits was moved from another City Code § 5-1-16 to Title 7 to be included with other appropriate vehicle regulations.

Mr. Williams advised as the City moved forward to enforce parking violations the purpose would be to provide safe and accessible parking for downtown and surrounding neighborhoods within the City limits. He noted complaints were to be expected; however, the goal of parking enforcement was to educate the public concerning parking policies and regulations, promote traffic and pedestrian safety, and ensure the proper and efficient flow of traffic throughout the City.

Mr. Williams explained the reason the City was moving from criminal enforcement to civil enforcement of parking violations. He commented a criminal parking citation had due process concerns and because it was a criminal offense could result in a warrant for arrest.

Councilmember Phipps asked why the Police were not able to leave parking tickets on the windshield anymore. Mr. Williams answered there was new case law which mandated how a person could receive notice of a violation and leaving it on the windshield was no longer a viable option for noticing criminal charges. He indicated civil parking citations would allow for 1) the registered owner to be cited as the responsible person for the vehicle, 2) notice could be left on

the car, and 3) privacy could be protected through improved procedures using a number for the responsible person rather than using a name, date of birth, or social security number for identification purposes.

Mr. Williams reviewed the due process procedures for a civil infraction which were included in the proposed Title 1 through a new Chapter 16 of the City Code. He clarified there was a gap in the numbering because Chapter 15 was reserved for the proposed code enforcement section which was being drafted and would be available for review at a later date. He mentioned civil infraction hearings would allow due process rights to those receiving a civil traffic infraction by providing a process to contest it. Mr. Williams explained the authority, duties, and limitations of the Civil Infraction Hearing Examiner (CIHE) were also addressed in the proposed chapter. He noted there would be a process for appeals and anticipated the Clearfield Justice Court would handle cases where an appeal was requested. He noted the infraction could also be handled criminally and the City was not limited to a civil process. Mr. Williams described the following information would be included on a civil infraction: the infraction number which identified the report number in the police software system; vehicle information which included year, make, model, and plate number; location of vehicle at the time of violation; name number which identified the responsible person by number rather than a name for privacy but also linked to the police software system; the violation(s) observed and each individual fine amount; and the fine scale and incentives for prompt payments.

Councilmember Bush wondered if the fine for the civil infractions could be paid online. Mr. Williams answered it would be available to pay online, by phone, or in person at the City's customer service center. He added proposed section 1-16-8 had a limit of four multiple default civil infractions before the vehicle could be deemed as a public nuisance and authorized by the City to be towed and held until unpaid fines, storage, and towing had been paid.

Mr. Williams addressed the proposed chapter for civil infractions would be consistent with the State's justice reinvestment initiative and allowed for decriminalization of minor offenses. He stated the chapter, as written, allowed the City the ability to charge someone criminally with a Class C Misdemeanor if the responsible person failed to appear or ignored the infraction completely which would be a totally separate charge in addition to the parking violation fines. He indicated the criminal charges would be issued through proper noticing of a summons by the City prosecutor's office. Mr. Williams acknowledged the option would allow for an alternative rather than towing the vehicle and the City could determine which method was preferred. He asked if the police department objected to keeping the proposed language which allowed for criminal charges, if necessary. Devin Rogers, Police Lieutenant, responded leaving the language allowed an enforcement option that could be utilized if necessary even though the desire would be to decriminalize parking violations.

Mr. Williams stated the violation maximum proposed amount for parking violations would be \$125 except commercial truck, fire lane, and handicap parking violations which would be \$200. He indicated the average fine amount would be \$25 if incentives were applied as anticipated. He reviewed the historical parking citation numbers from years 2006 until 2013 which were mainly generated from winter parking violations. He explained the anticipated revenue increases which ranged between \$4,850 and \$10,825 were based on the historical numbers with a \$25 fee amount.

Councilmember Bush asked if a ticket were left on a vehicle for a parking violation during snow removal season and a few days later that same vehicle was found still in violation what would be done. Lieutenant Rogers answered if a vehicle was snowbound with the new proposed language it could be towed after 48 hours. Mr. Williams commented in proposed section 7-4-22 for snow removal there was language added which allowed for towing the vehicle after 48 hours to accommodate for snow plowing of City streets in a timely manner.

Councilmember Phipps wondered if there would be more proactive parking enforcement for snow because of the new civil process. Lieutenant Rogers stated a majority of the parking complaints were received during the winter months; however, the civil process would ensure the enforcement of any parking violations. There was a discussion about providing communication with residents which could help eliminate negative reactions toward the new updates and processes as well as remind them about the laws, traffic flow, and safety purposes which necessitated the changes.

Councilmember Bush questioned if winter parking on the streets would still have a limited time period. Lieutenant Rogers indicated enforcement for winter parking violations would begin the first day of November of each year and continue until March 15 of the following year. Mr. Williams commented the restricted hours were found in City Code § 7-4-22(A) which were between 12:00 a.m. or midnight until 5:00 a.m. There was a discussion about striking a balance between no enforcement and being heavy handed.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:57 p.m., seconded by Councilmember Peterson. All voting AYE.

The City Council reconvened in work session at 7:19 p.m.

Mr. Williams continued his presentation on proposed changes to Title 7 of the City Code. He acknowledged the fiscal impact would be no cost to the City, with a potential increase in revenue that would be dependent upon the number of civil parking infractions issued, the timeliness or manner of payment, and the fee determined by the Council for each type of violation. He asked if there were any questions about the proposed changes or language as discussed.

Councilmember Phipps reviewed with the Council several questions he had pertaining to the proposed language of Title 7 and the proposed section for Title 1, Chapter 16. A discussion ensued which helped provide understanding, clarified language, and identified potential updates. The general consensus of the Council was to make the following changes to the proposed documents as itemized:

- Proposed section 7-3-3(5) was very detailed and if the standards changed the City Code would need to be updated; consequently, it was suggested to have the traffic engineer utilize the standards for evaluating mid block crosswalks and reference where the standards could be found.
- Proposed section 7-3-4(H) used the word “oil” station which was recommended to be updated to “gas” station.

- It was suggested proposed section § 7-3-7 remove the language “in conformance with the provisions of this title; provided, that in the event of a fire or other emergency or” and “as conditions may require, notwithstanding the” and add additional language authorizing officers for both the police and fire departments to direct traffic as needed in the event of an emergency.
- Proposed section 7-4-9(A) needed additional language so the city manager “or designee” could determine the permitted angled parking.
- Proposed section 7-4-9(B) also needed to add the reference for the city manager “or designee” for consistency.
- Proposed sections 7-4-15(A) and (B) were nearly identical. It was suggested to include alleys with the streets for a definition of blocking traffic. And update the language in Subsection B to the definition of blocking traffic for a driveway entrance or access.
- Proposed section 7-5-3(A)(1) needed to have the following streets designated as truck routes:
 - State Road 126: north Main Street, from 800 North to Center Street
 - State road 126: State Street, from Center Street to Antelope Drive (1700 South)
 - State Road 108: Antelope Drive (1700 South), from 1000 East to 1000 West
 - State Road 193: 700 South, from 2000 East to 1000 West
 - 1000 West: From 800 North to Antelope Drive (1700 South)
 - 300 North: From North Main Street to 1500 West
 - South Main Street: From 200 South to 700 South
- Proposed section 7-6-1 was requested to remove language “the city council finds that there is a need for” and “the city council further finds that an appropriate method of enforcement is;” also clarifying the purpose of the chapter and its application.
- Proposed section 7-6-5(B) was the same as proposed section 7-6-6 and one could be removed.
- Proposed section 1-16-8(B) referred to a hearing. It was requested to specify what type of hearing it would be and add the wording “with the CIHE” to add clarity to that section.

Councilmember Peterson pointed out proposed section 1-16-5 where the CIHE had the possibility of rotating from multiple individuals. She questioned if each CIHE used discretion during an informal process, how the City planned to keep continuity so all parking tickets were not appealed. Mr. Williams responded staff training would be necessary to keep continuity and the preference was to have one person assigned as the CIHE rather than multiple staff members. There was a discussion about the anticipated methods an individual could use to resolve a parking violation, the importance of the customer service center, and CIHE training and processes.

Mr. Williams asked if the Council was comfortable with the proposed fees and moving forward incorporating the changes discussed during the meeting. The consensus of the Council was to incorporate the mentioned changes for consideration and that fees were appropriate. Mayor Shepherd requested when the documents had been updated, a red-lined copy be sent out for the Council to review prior to the policy session.

There being no further business to come before the Council, **Councilmember Young moved to adjourn at 8:35 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

**APPROVED AND ADOPTED
This 9th day of January, 2018**

/s/Mark R. Shepherd, 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, October 24, 2017.

/s/Nancy R. Dean, City Recorder