

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:30 P.M. POLICY SESSION
January 9, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Spencer Brimley	Development Services Manager
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Wendy Page	Deputy Recorder
EXCUSED:	Nancy Dean	City Recorder

VISITORS: Kathryn Murray, Robert Stotts, McCoy Ferry, Lorene Kamalu – Davis County Commissioner Candidate, Janis Zettel, Roy J. Zettel, Devin Prouty, Samuel McGee, Bob Bercher, Harrison Arave, Mike Arave, Julian N Stacy Stevens, Fernando Gonzales, Mauro Sustark, Hugo Bahena, Gina Mallough Kirkland, Kim Zettel, Colette Hadlock, James Cox, Dylan Bahena Dominguez, Giovanni Gonzales

Mayor Shepherd called the meeting to order at 7:30 p.m.

Mayor Shepherd informed the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Phipps conducted the opening ceremonies and invited McCoy Ferry, Boy Scout, to lead the audience in the pledge of allegiance.

APPROVAL OF THE MINUTES FROM THE OCTOBER 24, 2017 WORK SESSION, THE NOVEMBER 14, 2017 WORK SESSION, THE NOVEMBER 21, 2017 WORK SESSION, THE DECEMBER 12, 2017 WORK SESSION, AND THE DECEMBER 12, 2017 POLICY SESSION

Councilmember Bush mentioned the policy session minutes from December 12, 2017 on page seven referenced Ms. Christopherson as Mr. and should be updated.

Councilmember Phipps moved to approve the minutes from the October 24, 2017 work session, the November 14, 2017 work session, the November 21, 2017 work session and the December 12, 2017 work session, as written and the December 12, 2017 policy session, as amended, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

RECOGNITION OF JAMES COX FOR PARTICIPATION IN THE USA NATIONALS COMPETITION, DYLAN BAHENA DOMINGUEZ FOR PARTICIPATION IN THE USA NATIONALS AND REGIONAL SILVER GLOVES COMPETITION, AND GIOVANNI GONZALES FOR PARTICIPATION IN THE STATE SILVER GLOVES COMPETITION

Mayor Shepherd invited Julian N Stacy Stevens, Boxing Coach, with Lights Out Boxing in Clearfield to come forward and highlight the accomplishments of some of its students. Coach Stevens acknowledged three boxers were in attendance, two of which were ranked 8th in the United States and had only been boxing for a year. He recognized Giovanni Gonzales as winning the State Silver Gloves Award, James Cox as placing in the top ten of the USA Nationals competition, and Dylan Bahena Dominguez for placing in the top ten of the USA Nationals and winning the Regional Silver Gloves competition. Mayor Shepherd and the City Council presented each with a certificate and city pin in appreciation for their hard work and dedication.

PUBLIC HEARING TO RECEIVE COMMENT REGARDING (1) THE ISSUANCE OF APPROXIMATELY \$7,500,000 OF EXCISE TAX REVENUE BONDS, SERIES 2018; AND (2) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT FINANCED WITH PROCEEDS OF SAID BONDS MAY HAVE ON THE PRIVATE SECTOR

JJ Allen, Assistant City Manager explained on December 12, 2017, the City Council adopted Resolution 2017R-22 announcing the intent to issue and sale not more than \$7,500,000 aggregate principal amount of Excise Tax Revenue Bonds, Series 2018. He indicated the parameters resolution authorized the bond issuance process under the following conditions: not to exceed \$7,500,000, maturity in not more than 25 years, and interest not to exceed 6 percent. He noted the resolution called for a public hearing to provide an opportunity for the public to comment on the proposed issuance and sale of bonds. Mr. Allen stated regarding the sale of the bonds the City only planned to move forward with the issuance if the intended project came to fruition. He specified the funds were planned for land acquisition to redevelop and make infrastructure improvements to the City. He asked if there were any questions from the Council.

Mayor Shepherd opened the public hearing at 7:41 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Roper moved to close the public hearing at 7:42 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

OPEN COMMENT PERIOD

Janis Zettel, resident, stated she had been living in Clearfield for 26 years and had a Volkswagen (VW) beetle in her tree that needed to be addressed. She indicated she had received a code violation notice which instructed there were fourteen days for her to take care of the violation. She said when the officer brought it over she was verbally notified she had seven days to address the issue. Ms. Zettel mentioned receiving the vehicle as a gift from her son. She noted the engine was not good and it sat in her backyard for years. She acknowledged moving the beetle to make room for her motorhome and painting it to look like a lady bug. She explained once it was finished she had a friend help her put it up in her tree where a tree house had previously been located. Ms. Zettel commented the code violation addressed it as an abandoned vehicle; however, she didn't feel it was a vehicle because it didn't work and couldn't be used for transportation. She referred to her vehicle as "Lucy" and said it was empty and didn't weigh much. She explained "Lucy" had received supportive notes on social media, a petition of support with over 650 signatures, and many in support of the metal sculpture as art rather than a vehicle. Ms. Zettel wondered what she could do to keep the VW in the tree. She recognized the City was concerned with safety and identified her husband would be speaking more about that topic; however, the object was bolted into the tree. She commented the City arborist said it was not hurting the tree and didn't think it would be a problem. She stated again she would like to know what could be done to keep her bug in the tree because it brought joy to so many.

Roy Zettel, resident, stated his comments were regarding the code violation which he had received. He read City Code § 5-1-3 and responded his wife's art project contained no fluids of any kind that would be a danger to the City. He indicated there were no chemical or material hazards because everything had been removed from the vehicle. He explained the windows and doors were intact and the passenger cab had been sealed so it could not be a habitation for rodents or other vermin. Mr. Zettel noted the car had been painted, clear coated and sealed in addition to the extensive measure of chaining, bolting and securing used to hold it in place in the tree. He expressed his opinion it was in compliance with that section of the Code. He asked if the Council had any questions. He mentioned the second violation was for City Code § 5-1-3 for a nuisance vehicle parking. Mr. Zettel commented he did not understand how he was in violation since it was a metal art structure which was not on the ground or endangering public safety, but rather mounted 10 feet high in a tree. He referred to the notice of violation instructions requiring the vehicle be removed from the tree. He asked if it was a realistic expectation for the object to be brought into compliance with that code. He noted in order to comply with the second section of the Code, the object would be required to be removed, registered or the owner could apply for a restoration permit for the vehicle. Mr. Zettel responded the car was an antique. He asked if he

would also need to file for an antique license in order to be in compliance. He expressed appreciation for those who came by and saw the car and talked to them about it. He asked if he would be notified if there was anything that could be done in reference to the code violation.

Adam Lenhard, City Manager, stated it had been communicated to him there was a miscommunication on the time frame for the notice rather than fourteen days it was communicated there was a seven day period for compliance. He acknowledged the City would be willing to work with the fourteen day notice time frame and if there was additional time needed to coordinate the removal efforts the City would be willing to work with them. He mentioned the City's position was the object was a junk or nuisance vehicle and the language of the Code was clear. Mr. Lenhard commented the problem had come to the City's attention by way of a complaint along with other probable violations in the area. He explained the Council would not be able to take any further action as it was not an item scheduled for discussion. He noted unless directed otherwise, the City planned to pursue its current course of action.

Mayor Shepherd commented the only way to change the course of action was to amend the ordinance which currently clearly defined vehicles and what was permissible.

Gina Mallough Kirkland, resident, stated she was part-owner of Clearfield Mobile Home Park which tried to offer affordable housing. She noted the facility had 44 to 54 families at a time living in the trailer park. She indicated her water bill was almost \$100,000 per year and was not based on usage but on 166 units. Ms. Kirkland indicated she was being treated unfairly and should only have to pay for the usage. She commented she had brought a copy of her bill and asked if it would be necessary to explain her situation further. Mayor Shepherd asked if she had contacted the utility department. Ms. Kirkland responded she had and staff recommended she come to address the City Council. She expressed her opinion the bill should be between \$3,000 and \$3,500 per month.

Mr. Lenhard recalled this had been an ongoing issue. He explained the fee was based on availability not usage. He requested JJ Allen, Assistant City Manager, get contact information from her so a follow up discussion could be arranged to look at the available options and find a resolution.

Colette Hadlock, nonresident, stated she had looked up the definition of vehicle and to be deemed a vehicle it needed to have a method of propulsion. She mentioned the definition of art was protected by the first amendment of the United States Constitution as freedom of speech and expression. She encouraged the City to review definitions for both vehicles and art. Ms. Hadlock commented artists had to start somewhere. She expressed her opinion the Volkswagen was a structure not a vehicle and after the extensive work done to it was no longer operable.

APPROVAL OF THE AWARD OF BID FOR THE 300 NORTH WATERLINE
IMPROVEMENT PROJECT FROM PACIFIC STREET TO 825 WEST TO SILVER SPUR
CONSTRUCTION

Scott Hodge, Public Works Director, stated the City recently bid a project to install waterline just west of the railroad tracks heading west beginning at Pacific Street to 825 West. He indicated the

project included installing a new 12-inch culinary water pipeline which would run parallel to the existing 8-inch pipeline. He explained the additional line would be helpful as the area was still developing to the south. Mr. Hodge noted the City received six bids and the lowest bid was from Silver Spur Construction for a total project cost of \$478,317.10. He mentioned the City had not worked with Silver Spur Construction in the past; however, the City engineer contacted the references provided with the bid and received favorable comments about projects the contractor had done for other jurisdictions. He stated the engineer was recommending the bid award and asked if there were any questions.

Mayor Shepherd confirmed the bid award was \$478,317.10 and contingency and engineering costs would bring the total project cost to \$585,000. Mr. Hodge indicated those amounts were correct.

Councilmember Phipps asked what the original budget amount was for the project and if the award would be within budget. Mr. Hodge answered the budget for the project was about the same as the bid with the contingency and engineering fees. He stated there was \$650,000 available for the total project.

Councilmember Peterson moved to approve the award of bid for the 300 North Waterline Improvement Project from Pacific Street to 825 West to Silver Spur Construction for the bid amount of \$478,317.10; approve funding for the bid amount of \$478,317.10 with contingency and engineering costs of \$106,682.90 for a total project cost of \$585,000; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd – granted Mr. and Mrs. Zettel a reprieve from the fourteen day notice period for the code violation which was issued until the Council could review the City Code and address the issue. He indicated the enforcement would be delayed until after the work session discussion.

Councilmember Bush

1. Reported the Clearfield High School “Falcons are Fabulous” assembly was a positive experience.
2. Joined in the public open house meeting on the 800 North Street Roadway Improvement Project which was held on January 3, 2018 at Doxey Elementary in Sunset.
3. Attended the Utah Taxpayer's Association conference on January 8, 2018.
4. Requested the Council discuss as soon as possible during a work session City Code § 5-1-3 which was mentioned during the open comment period.

Councilmember Peterson – recognized staff for its efforts during the holidays specifically on Christmas Eve in restoring water to families and keeping the roads plowed. She additionally expressed appreciation to police and fire personnel.

Councilmember Phipps – recognized the Parks and Recreation Commission had awarded prizes for the Holiday Yard Decorating Contest. He mentioned there were 26 yards nominated and expressed appreciation for the residents who participated by decorating during the holidays. He thanked the Parks and Recreation Commission for helping to make the contest successful.

Councilmember Roper

1. Requested further discussion on the code issue which was mentioned during the open comment period at an upcoming work session.
2. Attended the youth commission meeting and reported many of the youth would be attending Local Official's Day on January 24, 2018.
3. Thanked staff for working hard behind the scenes.

Councilmember Thompson

1. Acknowledged Clearfield High School's efforts to support Safe Harbor which was a domestic violence shelter. He mentioned he was trained by Safe Harbor and recognized domestic violence was an important issue in the community to combat.
2. Shared his support of the boxers who were recognized and indicated he loved the sport.
3. Expressed it was an honor to serve on the City Council.

STAFF REPORTS

Adam Lenhard, City Manager – congratulated the boxers for their accomplishments.

Wendy Page, Deputy Recorder – reviewed the Council's schedule:

- Work Session on January 16, 2018.
- Work and Policy Session on January 23, 2018.
- Work Session on January 30, 2018 with Syracuse City Council.
- Annual Kick Off Meeting on February 2, 2018 at the Natural History Museum of Utah
- Joint Work Session with the Planning Commission on February 6, 2018
- Work and Policy Session on February 13, 2018

Ms. Page expressed condolences to the Dean Family. She reported to the Council that Nancy Dean, City Recorder, was not in attendance due to the recent passing of her mother-in-law.

Councilmember Bush moved to close the meeting 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) at 8:08 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE: Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

The City Council reconvened in policy session at 9:23 p.m.

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn at 9:24 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE: Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

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

**APPROVED AND ADOPTED
This 13th day of February, 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, January 9, 2018.

/s/Nancy R. Dean, City Recorder