

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
December 6, 2022

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Kenny England	Utility Superintendent
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Nancy Dean	City Recorder
	Chersty Titensor	Deputy City Recorder

VISITORS: Steve Hiatt, Jenna Nelson, Tom Koehler, Chuck Cowley

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

Councilmember Bush entered the meeting at 6:05 p.m.

DISCUSSION ON RENEWAL OF THE CONTRACT WITH THE HIATT GROUP, LLC FOR LOBBYING SERVICES

JJ Allen, City Manager, presented the effectiveness of lobbying efforts in 2022 and recommended extending the contract for another one-year term. Mr. Allen expressed the value in having a representative at the Capitol in the meetings and informal conversations that he could alert the City and comment on the City's behalf. Mayor Shepherd explained the upcoming need for lobbying assistance to secure financing from the Legislature for the Three Gate Trail system. He noted it would require some acquisition from Union Pacific. Councilmember Thompson brought up the potential for one-time money and due to the make-up of the new legislature expressed his desire for the City's presence at the Capitol. He questioned if there was

competition for the Transit Transportation Investment Fund (TTIF) monies. Mayor Shepherd said the rail stations would be the only qualifying project for TTIF monies, but the City didn't use those funds because it had established its own Community Reinvestment Area (CRA). Steve Hiatt, The Hiatt Group, explained the value in having representation at the Capitol during the Legislative session. He believed there were potential financial opportunities from the Legislature in the coming year. Mr. Allen explained the value was also in access to the policy issues that arose where Mr. Hiatt would be able to represent the City. Councilmember Peterson expressed her appreciation for his efforts in getting access to Governor Cox for the Youth Commission. She asked regarding development, whether there were funds available in addition to his lobbying services that could include any research or leg work needed to create proposals for one-time infrastructure opportunities or various projects and potential advocacy that Clearfield City could benefit from. Mr. Allen explained there were funds allocated in the budget to create plans, contract studies, marketing, etc. Mr. Hiatt explained his primary role was advocacy and gave the example of how the City lobbied for funding for Clearfield Station infrastructure. He explained he didn't prepare the pieces but made sure the City was in the conversations. He explained he would be able to identify what he could provide to the City as the Legislature provided budget numbers and understanding of what might be available during the upcoming session. He would only advocate for Clearfield City. Councilmember Roper approved to renew the lobbying services contract. Councilmember Phipps approved but said he needed to review each year.

There appeared to be consensus from the Council to renew the contract.

DISCUSSION ON THE REQUEST FOR PROPOSAL FOR JANITORIAL SERVICES

Curtis Dickson, Community Services Deputy Director explained the current contract for Janitorial Services would expire soon. Staff solicited bid proposals and received responses from five (5) qualified companies. The bid proposals ranged from \$134,400 to \$277,338.96 for the City's facilities (City Hall, Arts Center, Maintenance and Operations Center, Aquatic and Fitness Center). The current contract was for \$150,000 annually. The bid review committee met, reviewed, scored, and discussed the five qualified bidders and felt it was in the best interest of the City to award the contract to Caliber Cleaning. He reported the total bid price for the current year would be \$200, 940 plus extra cleanings; \$209,000 for the next budget year. The contract would be a three-year contract with the City's option to continue the contract each year. Mr. Dickson outlined the specific costs for supplies in addition to the cleaning service.

Mr. Dickson informed Council that staff reviewed the alternative of bringing janitorial services in-house instead of contracting them. Eric Howes, Community Services Director explained the considerations in reviewing the in-house option. He informed the Council that it would take the equivalent of six part-time custodians and a supervisor to oversee cleaning services. Staff had estimated that it would cost at minimum \$175,000 annually. That number did not include costs for cleaning supplies plus benefits for the full-time supervisor. He explained the benefits of contracted services outweigh the in-house option.

Mr. Dickson informed the Council a budget amendment for approximately \$25,000 to \$30,000 was needed for the remainder of FY 2023 budget, then the entire amount would be included in the FY 2024 budget. Mr. Allen stated the new purchasing policy wouldn't require the bid award

to be approved in a policy session by the City Council but it could be added if Council requested. Mayor Shepherd suggested it could be done as part of our budget amendment. Mr. Allen said it would be awarded and then included in the budget amendments in January 2023. There appeared to be consensus from the Council with that plan.

Mayor Shepherd recused himself and left the meeting at 6:25 p.m. Councilmember Roper presided as Mayor Pro Tem.

DISCUSSION ON THE DEVELOPMENT AGREEMENT WITH LAKESIDE
DEVELOPMENT PARTNERS, LLC FOR THE LAKESIDE SQUARE DEVELOPMENT
LOCATED AT APPROXIMATELY 325 THROUGH 375 SOUTH STATE STREET

Stuart Williams, City Attorney, presented modifications to the Development Agreement (DA) with Lakeside Development Partners, LLC for the Lakeside Square redevelopment project. Chuck Cowley, Lakeside Development Partners, agreed there was a logical gap in the DA although the documents provided the developer access to get onto the City's and owners' lands to improve the development, but not sure the improvements were mandated as condition of approval on the north side, it was clearly the developer's intent.

Councilmember Peterson asked for language to be added in the DA or one of the exhibits that recognized the development of the walkway and beach portion would be tied to the north side entitlements. Mr. Cowley clarified it would be a condition of approval. Mr. Cowley would work with the Mr. Williams on the new language for the DA and license agreements before the meeting scheduled for December 13, 2022.

Councilmember Phipps asked whether there would be a pedestrian gate providing access at Marilyn Drive. Mr. Cowley answered that there would be a pedestrian gate that would be closed when the park closed each night. Councilmember Phipps asked for clarification on which party would be responsible for the pond overflow on the south side. Mr. Cowley confirmed it would be maintained by the City. He acknowledged there was a civil device for maintaining the pond on private property and suggested there might need to be a maintenance agreement or easement in the future. Mr. Allen reminded the Council that the overflow drain was installed when the City constructed a pipe that would bring water from its well to Mabey Pond to help control the water levels more efficiently. Mr. Howes explained the City did enter into a Memorandum of Understanding (MOU) with the car repair business for the pipe and drain. Mr. Allen acknowledged it would need to be formalized with an easement. Mr. Cowley confirmed the appropriate time to formalize the easement would be during final subdivision plat approval. Brad McIlrath, Senior Planner, confirmed adding it to the final subdivision plat would be the best solution. Councilmember Bush asked if the easement needed to be addressed in DA. Mr. McIlrath stated it did not need to be addressed in the DA just recorded on the plat.

Councilmember Phipps questioned Exhibit 3C: Live Work Restrictive Covenant, Item 5 Amendment which stated, "This Declaration may be amended only by recorded written instrument signed by the then owner of the property as of the date of the recording of said Amendment." He was concerned that making amendments could be done by unilateral action of

property owner. Mr. Cowley explained that was not the intent. Suggested modifications were discussed to add joint agreement would be needed.

Councilmember Phipps requested clarification on Exhibit 5 “Waterfront Way Public Access Easement, in item 2 “Use of Easement Area” section 2.3 item (iv) “connecting any lights, apparatus, trailers, machinery, or other equipment to any utility service provided to the Easement Area or the Grantor Property...” Councilmember Phipps was concerned that the language sounded like it might prevent a vendor from plugging into the utilities. He gave the example of a food truck or other vendor. Mr. Cowley explained the property owners would work with the City to determine what would be needed to facilitate a market function. He pointed out the difference between right and privilege. If it was written as a right, it could be facilitated without any input from the property owner. He offered to work with Mr. Williams to add language that would revise that paragraph to include connectivity for appropriate City-approved functions. He assured the Council that access would not be unreasonably withheld. Councilmember Phipps also pointed out the same language was in Exhibit 6, section 2.6 prohibiting connection to the utilities.

Councilmember Phipps requested explanation of Exhibit 5, Item 7 “Indemnification.” There was a discussion as to how the paragraph could be enforced. Mr. Williams explained, each party would be indemnified from any negligence or misconduct by the other party or party’s employee. He explained it was standard language in contracts.

Councilmember Phipps directed the Council to Exhibit 6 “Recreation Easement and Reciprocal Maintenance Agreement” section 2.3 which stated, “Any event or gathering of eight (8) persons or more must be scheduled in advance through Grantor or a management company designated by Grantor.” He was concerned it was mentioned throughout the document and that the number was limiting. Mr. Cowley explained the reasons for limitations was for the benefit of the City so it could manage policing in the event it wanted larger groups to be dispersed. He informed the Council that the property owner would not be actively managing the issue. He conceded it could be revised to make the Council comfortable. Councilmember Thompson asked what the number for gathering was for a special events permit. Mr. Cowley explained it was there to give the police department the ability to come in and so gatherings did not become a nuisance. Councilmember Phipps shared his concern that an overzealous security guard would start throwing people out based on the language. Discussion was held as to what number would be adequate. Mr. Allen stated that if a party were acting in a disorderly manner the police could intercede without limiting the number. Mr. Allen asked about information on the park signage. Mr. Cowley informed the Council the signage would indicate opening and closing hours. The paragraph in the agreement was conceived to encourage advanced scheduling for larger parties. Therefore, a majority of the Council appeared to agree that a change was not needed to the language.

Councilmember Peterson questioned if the reference to Exhibit D “Best Management Practices” in Exhibit 6 “Recreation Easement and Maintenance Agreement” section 6.2 of the DA was the same document as stated in Exhibit 11 of the DA. Mr. Cowley said it was important to include documents that encompassed the whole agreement. He acknowledged the need for consistency in the documents and further explained the two documents (Easement and Maintenance Agreement

and the Development Agreement) needed to stand on their own so language for the pond maintenance was included in both. Councilmember Peterson requested that Exhibit D be included with the DA in the policy session because at that point in time it was missing from the DA. Mr. Cowley confirmed Exhibit D would be added as well as language to adequately cross reference the two documents.

Councilmember Phipps directed the Council to a reference throughout the documents related to easements being non-exclusive and that third parties could be involved. He wanted to know what type of third parties might be contemplated. Councilmember Peterson pointed out the language was also present in Exhibit 8, item number five. Mr. Cowley explained the non-exclusive use. He indicated the City and its residents would have the right to use Waterfront Way. The language allowed the property owner to also grant access to other parties, like tenants for example. He said it didn't impact the City's right to use Waterfront Way, however, the City couldn't exclude anyone else from using it. Mr. Williams provided further clarification.

Councilmember Phipps drew attention to Exhibit 7 and asked if the parking area on the south parcel would be resurfaced. Mr. Cowley explained that the intention was to have it re-slurried and restriped in some areas – mostly by the auto repair store and title loan business to improve efficiency.

Councilmember Phipps pointed out a possible inconsistency in the access times. He explained in Exhibit 10 "Temporary License Agreement between Property Owner and City" that in item 2.2 the access time reflected 7:00 a.m. to 9:00 p.m. but in Exhibit 6 "Recreation Easement and Reciprocal Maintenance Agreement" item 2.2 reflected 5:00 a.m. to 9:00 p.m. Mr. Cowley explained it should be corrected to reflect the same time in both documents.

Councilmember Phipps asked to review Exhibit 11 "Aquascape Best Management Practices for Mabey Pond" item 5 "Landscape Management" to verify the responsibility for maintaining the public space and the water. Mr. Allen pointed out the language in the exhibit that said, "...adjacent landscapes owned by the City..." Mr. Cowley explained it was focused exclusively on City-owned property.

Councilmember Phipps pointed out Exhibit 13 and questioned why there was no body to the document. Mr. Cowley explained it was for recordation only informing there was a memorandum of agreement as to the expanded open space. The document would be recorded against the property so if the property were to be sold the agreement could be reviewed by any new owner.

Councilmember Peterson directed the Council to the Development Agreement, Article 4.3. She expressed her understanding this was the developer's best estimate with the understanding that some things might change. She wanted to verify that the paragraph wouldn't be saying there was an open door to void the agreement and that changes would require both sides to come back for further review. Mr. Allen pointed out the paragraph specifically stated, "minor changes". Mr. McIlrath stated as authorized by the Form Based Code.

Councilmember Peterson asked to verify Exhibit 2 Parking diagram was the current version. Mr. Cowley acknowledged the exhibit was the current version. Councilmember Peterson requested clarification on the legend's labeling. Mr. Cowley explained there were two elements: Lakeside Apartments Commercial and Lakeside Apartments residential.

Councilmember Peterson wanted to verify that the previous discussions regarding the public space amenities such as festoon lights, infrastructure on the plaza, etc. would be included in either the architectural renderings or acknowledged in the DA as part of the built environment. Mr. Cowley recommended calling it out in the DA as there are additional site improvements the developer intended to provide with another exhibit that included images of the festoon lights, the art at the Champford corner, and the art plaza. He agreed to work with Mr. Williams to add language to the DA talking about design of site improvements agreed to by the Council and the developer.

Councilmember Peterson asked for clarification of Exhibit 9 Recital C regarding the width of the landscaped walkway. Mr. Cowley explained the width of the walkway was anticipated to be 30 to 45 feet wide from face of building to the waterline.

Councilmember Peterson referred to Exhibit 12 "Memorandum of Agreement between Property Owner and City," Recitals B, C and the need for exhibit maps as previously discussed. She then referred to Recital D stating she wanted to make sure that the North Recreational Improvement that was known internally as preliminary improvements on the south parcel was included specifically in the North Recreational Improvement and shown by map as a condition of approval. Mr. Cowley confirmed that would be added as part of the DA because the developer must cause improvements to be built as condition of development of the north parcel. Councilmember Peterson wanted to also see an actual visual that drew a line around the public improvements on the north side with the sliver that came down the west side to the south side of the mother's beach.

Mr. Allen acknowledged that items that had been brought up were strictly housekeeping and not substantial red flags. He confirmed the DA would be on next week's agenda for action. Both parties acknowledged the ability to get the changes done before next week's policy meeting. The Council didn't think a work session on the item would be necessary prior to the policy meeting.

Mayor Shepherd re-joined the meeting.

DISCUSSION ON CITY'S WATER SYSTEM, WATER CONSERVATION, AND WATER RATES AND REVENUE PROJECTIONS

Kenny England, Water Superintendent, shared information about the City's efforts to provide safe culinary water considering various national and wtate water crises.

- Hire the right people.
- Funding: City Council has approved millions of dollars in funding in the past three years to improve the City's infrastructure.
- Working with all reporting agencies such as: The Division of Drinking Water; Division of Environmental Quality; Division of Water Rights; Davis County Health Department.

- Supplemental agencies such as American Water Works Association (many of City standards come from here) as well as Rural Water. (Training and operations)
- Hire Good Contractors
- “Treat each resident as if they are your Grandma!” (Ryan Hamblin, Hammy Quote)

Mr. England showed a picture with an example of a repair that took place after a big windstorm. Transformers had shifted and the Weber Basin’s fluoride station soft star that controlled the City’s SCADA (Supervisory Control and Data Acquisitions) was leaning and swaying back and forth because of the massive drums. It was recently replaced with a pad mounted transformer. He noted it had been like that for quite a while. There was a discussion on the SCADA software which controlled industrial processes by gathering data in real time from remote locations to control equipment. Mr. England informed the Council how staff utilize the SCADA system on the pressure reducing valves to anticipate problems.

He apprised the Council of the ways the City received water from the Weber Basin Water District and underground City owned wells. Presented information explaining the everyday operation of the water system.

- Listed City-owned assets and how the City managed and maintained those assets.
- Explained the difference between surface water and water from the aquifer. Councilmember Bush asked how the City knew the underground water was safe. Mr. England explained the sampling and testing involved. Adam Favero, Public Works Director, explained the process for the strict sampling schedule tested on the water which was monitored through the State’s website. The testing schedule depended on what had been in the water historically.
- Presented the annual water sampling requirements from the State of Utah and the processes applied by the Public Works department.
- Informed the Council of new lead and copper updates. He indicated service line inventory must be completed before October 16, 2024. Utah was set to receive roughly \$28 million per year over five years from the Bipartisan Infrastructure Law (BIL) for lead service and line inventory and replacement projects. Staff was concerned about any lead goosenecks attached to galvanized service. Staff would be meeting with Jones and Associates Consulting Engineers on December 7, 2022 to review a plan of attack and any updates. There was a concern about the timeframe for replacement. Mr. Favero explained the City water had never gotten close to the contamination thresholds.
- Presented the daily water use differences between summer and winter months.
- There was a discussion on peak day demand and how it impacted the City. Weber Basin Water Conservancy District gave a limit to the amount of water the City could take per day. If a city exceeded that limit, there would be an additional one-time charge of \$158,000. Mr. Favero explained the City exceeded the peak factor almost each year, but Weber Basin had not charged the overage fee previously. Weber Basin wanted the cities to bear the burden of updating the infrastructure and provide tanks and reservoirs or wells.
- Update on the City’s water conservation efforts.
 - Due to drought conditions during the past year, Weber Basin Water Conservancy District cut nearly 20 percent of the City’s contracted water amount.

- Due to the increased conservation efforts from the community, as well as City staff, the City was on track to come in between 90 to 95 percent of its allotted amount and had pumped almost the exact same amount as the year before from the wells.
- Councilmember Thompson was impressed that even during growth water was being conserved. Councilmember Peterson emphasized the policy of the City to limit growth to corridor areas and limited landscaping involved in an effort to conserve.
- Needs, Objectives and Challenges:
 - There were currently water meter radio antennas shortages. Due to aging systems the meters batteries were dying, and the chip shortage had been affecting the City's ability to replace them for the last six months. He explained staff was having to read 600 meters per month manually. Mr. Favero explained the manual meter reading was causing problems in many departments.
 - There was currently a brass fitting shortage.
 - There were current revisions regarding lead and Copper piping – meeting with engineering firm to review those regulations.
 - Reviewed water system flushing – Councilmember Peterson ask how much the City coordinated with North Davis Fire Department (NDFD) to be aware of the public perception of keeping a hydrant running. Mr. Favero explained there were two employees that were hired for that specific program. Currently, there was not a whole lot of coordination being pursued because the City hadn't been able to spend the time flushing the system for a while. He agreed the City would need to determine the NDFD's requirements for flushing water and if it matched the City's requirements. He explained staff had been waiting to see how the drought progressed but would have to flush the system whether the water has been replenished or not. He also stated that once the meter-reading issue was resolved staff could review the best practices for flushing the system. Councilmember Bush asked if there was a standard amount that needed to be flushed. Mr. England explained the amount flushed depended on what was in the water.
 - Reported there were valve failures throughout the City, mainly in Freeport. The two new employees would assist in directing a valve exercising system.

Mr. Allen asked how many pressure zones were in the system. Mr. England answered there were nineteen zones. He explained that they had spent a long-time re-building those with pressure reducing valves (PRV) recently and drastically reduced water leaks. There was a discussion on how PRVs worked and the process and impact on the whole system.

Councilmember Thompson mentioned that the main issue that effected Jackson, Mississippi were manpower issues and education/compensation balance. He questioned the difficulty in finding employees. Mr. England explained that in the past employment competition was with the construction industry but now competing with Uber or jobs with more flexible schedules. Mr. Favero explained staffing employees in those positions was difficult because the schedule could be so varied and employees could be called out at any time of day or night. Councilmember Thompson mentioned that the City already subcontracted some of its needs (i.e. janitorial services) and questioned whether there were entities that could help the City moving water

around to help with staffing issues. Mr. Favero explained the City had contracted with a company to rebuild PRVs. Mr. Favero was confident that was the right direction. Mr. Allen added it was more complex to outsource water issues because the City needed to be aware of the accuracy of the system. He explained it made more sense to have people in-house to monitor water issues.

Mr. England explained the employment training and education process for new employees. They were first required to receive commercial driver's license (CDL) and the Department of Transportation (DOT) required a standardized education process which included two weeks/40 hours per week in Tooele, which was approximately \$3,500 for two employees. He explained after receiving the license, the employees were encouraged to get various water certifications: water certification, waste water certification, backflow certification, Registered Storm Water Inspector (RSI) certification. He further explained the benefit of the current pay plan was that the pay could potentially increase based on receiving certifications. Mr. England explained there were different levels of certification that was based on the population of the City. The employees were encouraged to get certification for the City's level of classification.

Water Rates and Revenue Projections

Rich Knapp, Finance Director, discussed consumption and revenue rates. Emergency rates were still in effect and would be until further discussion in the spring. Water revenues were up slightly from May to October when the emergency rates were enacted – base fees was intended to be increased 7.5 percent on January 1, 2022.

Drought Rates

- 2022 Water revenue was \$250,000 short from the rate study prediction. Consumption had dropped severely and hurt revenues.
- The emergency rates were tied to the five levels of drought severity Weber Basin established.
- Next spring the City would need to evaluate the drought conditions and update key assumptions in the study to see if enough revenues would be generated to cover operating costs and capital costs. Conditions had changed since the rate study.
- Sewer charges about \$70,000 short of study projections.
- Storm charges about \$30,000 over study projections.

New Rates – Effective January

- When emergency rates were lifted, the new baseline of water consumption rates for 2023 might need adjusting.
- He suggested adjusting the emergency rate up in 2023 to reflect rate study increases, unforeseen costs increases and a greater reduction in consumption.
- Projected average monthly increase of \$2.02 for single-family residential.

Mayor Shepherd commented that there was no way around higher rates, either the residents would pay higher for emergency rates or higher for regular rates otherwise the fund would go the wrong direction. Mr. Howes said if landscaping didn't change dramatically then consumption would go up in drier years. Mr. Knapp said on the water study he tried to get the consultant to

focus more on the base rate. The intent was for the base rate to produce more of the future revenue; however, the rate study tried to get base rate to 60 percent of revenue. Mr. Favero said as population grew then water would become more expensive.

Councilmember Bush moved to adjourn at 8:25 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 28th day of February, 2023**

/s/ Mark 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, December 6, 2022.

/s/ Nancy R. Dean, City Recorder