

AGREEMENT
between
CLEARFIELD CITY
and
MILITARY INSTALLATION DEVELOPMENT AUTHORITY

This Interlocal Cooperation Agreement (“Agreement”) is made and entered into as of July 1, 2016 by and between CLEARFIELD CITY (“Clearfield”), a municipal corporation of the State of Utah, and the MILITARY INSTALLATION DEVELOPMENT AUTHORITY (“MIDA”), an independent, nonprofit, separate body corporate and politic of the State of Utah. Clearfield and MIDA are sometimes referred to collectively as the “Parties,” and either may be referred to individually as a “Party.”

WITNESSETH:

WHEREAS, pursuant to Chapter 1, Title 63H Utah Code Annotated 1953, as amended (“MIDA Act”), MIDA created the Falcon Hill Project Area; and

WHEREAS, pursuant to the MIDA Act, MIDA exercises “exclusive police power within a project area” but may “enter into an agreement with a political subdivision of the state under which the political subdivision provides one or more municipal services within a project area”; and

WHEREAS, the Parties previously entered into a three year Interlocal Cooperation Agreement to provide such services that expires on June 30, 2016 and the Parties are interested in continuing the relationship by entering into this Agreement:

WHEREAS, MIDA has jurisdiction over a road that enters into Hill Air Force Base at the Clearfield exit from I-15 and certain property in the vicinity of the road, as more particularly shown in Exhibit A, attached and incorporated herein (“Service Area”) and which may be amended, as provided herein;

WHEREAS, Clearfield is willing to provide certain municipal services to MIDA in the Service Area on an as needed basis at the rates shown in Exhibit B, attached and incorporated herein (“Municipal Services”) which may be amended, as provided herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereafter set forth, the mutual benefits to the Parties to be derived, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

1. **Municipal Services.**
 - a. Clearfield will provide the Municipal Services to the Service Area when requested by MIDA or for public safety services, when dispatched to an incident in the Service Area.

upon being sent by certified mail, return receipt requested, postage prepaid; or, by email with a reply that it has been received. The notice shall be sent to:

To Clearfield:

Clearfield City Corporation
Attn: City Manager
55 S. State St., Suite 307
Clearfield, UT 84015

With a Copy to:

Clearfield City Attorney's Office
55 S. State St., Suite 332
Clearfield, UT 84015

To MIDA:

Ron Richins
MIDA Executive Director
450 Simmons Way, Suite 400
PO Box 112
Kaysville, UT 84037-0967
richinson@gmail.com

With a Copy to:

Paul Morris
MIDA General Counsel
5110 S. Ivybrook Circle
Murray, UT 84123
paultmorris@outlook.com

Either Party may change its mailing address or email address for purposes of this Agreement by giving written notice to the other Party.

7. **Liability and Indemnification.** Clearfield shall, defend, indemnify and hold MIDA harmless, including each of MIDA's officers, directors, managers, employees, agents, representatives, heirs, and assigns from any and all claims, demands, liabilities, damages, costs, expenses, rights, attorneys' fees, lawsuits and actions, of whatever kind or nature ("Liability"), resulting from Clearfield's providing of Municipal Services under this Agreement, except to the extent the negligence or willful acts of MIDA, its officers, directors, managers, employees, agents, representatives, heirs, or assigns, either cause or contribute to the Liability.

8. **Governmental Immunity.** Both Parties acknowledge they are local Governmental Entities under the Governmental Immunity Act of Utah (the "Act") and nothing in this Agreement shall be construed so as to waive any immunity, as it relates to third parties, enjoyed or bestowed upon either Clearfield or MIDA.

9. **Amendments.** This Agreement may be amended, changed, modified or altered only by an instrument in writing and signed by both Parties.

10. **Assignment.** Neither Party may assign this Agreement without the written consent of the other Party.

11. **Disputes.** Any disagreement, dispute or claim arising out of or relating to this Agreement which cannot be settled by the Parties shall first be attempted to be settled through mediation before any Party may file an action in court.

12. **Counterparts.** This Agreement may be executed in counterparts by Clearfield and MIDA.

**MILITARY INSTALLATION
DEVELOPMENT AUTHORITY**

Ron Richins, Executive Director

ATTEST:

MIDA Staff

Approved and reviewed as to proper form
and compliance with applicable law:

MIDA General Counsel

**Exhibit B
Municipal Services**

PUBLIC WORKS LABOR:

Engineering	Billed amount plus 5%
Hourly Rate	\$45.00 / man hour
Overtime Rate and After Hours	\$60.00 / man hour

STREETS:

Street Maintenance	
Pothole Repair:	Hourly Rate (OT/After Hours if applicable) + Materials
Seal Coating:	Billed amount plus 10%
Concrete Repair:	Hourly Rate (OT/After Hours if applicable) + Materials
Street Striping and Markings:	Billed amount plus 10%
Street Sign Management:	Hourly Rate (OT/After Hours if applicable) + Materials
Snow Removal:	
Without De-icing	\$248.25 / hr. (incl. labor, equipment, and materials)
With De-icing	\$293.25 / hr. (incl. labor, equipment, and materials)

CULINARY WATER:

Setting and Reading Meters:	Hourly Rate (OT/After Hours if applicable) + Materials
Routine Water Samples	Hourly Rate (OT/After Hours if applicable) + Lab Cost
Flushing Lines and Hydrants:	Hourly Rate (OT/After Hours if applicable)
Repairing Water Leaks:	Hourly Rate (OT/After Hours if applicable) + Materials
Responding to Pressure and Quality Concerns:	Hourly Rate (OT/After Hours if applicable)

SANITARY SEWER:

Sewer Backups:	Hourly Rate (OT/After Hours if applicable)
Sewer Cleaning:	Billed amount plus 10%

STORM DRAIN:

Storm Drain Cleaning:	Billed amount plus 10% Storm Drain
Storm Drain Management Program:	Hourly Rate (OT/After Hours if applicable)
Repair and Maintain Storm Drains:	Hourly Rate (OT/After Hours if applicable) + Materials
Storm Sewer Utility Fee	Rate in Clearfield Consolidated Fee Schedule x number of Equivalent Service Units (ESUs). ESUs shall be recalculated when there is an increase in impervious surface within the service area. Clearfield shall provide written notice of the updated fee.

EQUIPMENT (PER HOUR):

Ten Wheeler Dump Truck	\$105.00
Bobtail Dump Truck	\$90.00
Backhoe	\$99.00
Frontend Loader	\$110.00
Street Roller	\$143.00
Air Compressor	\$55.00
Utility Pumps	\$65.00
Concrete Saw	\$125.00



CLEARFIELD CITY PARAT TAX MASTER PLAN

RATINGS SHEET

Notes:

1	Tables, Benches, and Trash Receptacles <i>All park and facility locations</i>	1	2	3	4	5	
2	Park Signage Replacement <i>16 Park Locations</i>	1	2	3	4	5	
3	BMX/Pump Track <i>Barlow park</i>	1	2	3	4	5	
4	Build Disc Golf Course <i>Island View Park</i>	1	2	3	4	5	
5	Continue Trail Around Pond and tie into Rail Trail <i>Steed Pond</i>	1	2	3	4	5	
6	Commission & Install Art on the Arts Center <i>Clearfield Community Arts Center</i>	1	2	3	4	5	
7	F-35 & Maintenance Area Playground <i>Fisher Park</i>	1	2	3	4	5	
8	Rehabilitate Tennis and Basketball Courts <i>Kiwanis Park</i>	1	2	3	4	5	
9	New Electronic Playgrounds <i>Steed and Fisher Parks</i>	1	2	3	4	5	
10	Remodel/Replace Amphitheater <i>Bicentennial Park</i>	1	2	3	4	5	
11	Skate Park Enhancements <i>Skate Park</i>	1	2	3	4	5	
12	Fish Cleaning Station <i>Steed Pond</i>	1	2	3	4	5	
13	Renovate/Remodel Existing Restrooms/Facilities <i>Steed, Kiwanis, Island View,</i>	1	2	3	4	5	
14	Add New Pavilion <i>Northern end of Fisher Park</i>	1	2	3	4	5	
15	Add New Pavilion <i>200 South Park</i>	1	2	3	4	5	
16	Add New Playground <i>Cornerstone Park</i>	1	2	3	4	5	
17	Develop and Landscape Around Pond <i>Steed Pond</i>	1	2	3	4	5	
18	Fish Cleaning Station <i>Mabey Park</i>	1	2	3	4	5	
19	Aquatic & Fitness Center Play Area Replacement <i>CAFC Leisure Pool</i>	1	2	3	4	5	
20	Challenge/Ropes Course (GoApe) <i>North Steed Park</i>	1	2	3	4	5	
21	Develop Dog Park <i>Barlow park</i>	1	2	3	4	5	
22	Refurbish Tennis courts, add Pickleball Courts <i>South Steed Park</i>	1	2	3	4	5	
23	New Playground Equipment (Swings) <i>200 South Park</i>	1	2	3	4	5	
24	Install New Restroom <i>Central Park</i>	1	2	3	4	5	
25	New Playground Equipment (2-5 yr. olds) <i>Island View Park</i>	1	2	3	4	5	
26	Playground Equipment with Wasatch Elementary <i>Central Park</i>	1	2	3	4	5	
27	Playground Replacement <i>North Steed Park</i>	1	2	3	4	5	
28	Replace Small Pavilions (10-18) <i>Train Watch, Kiwanis, Bicentennial, Island View</i>	1	2	3	4	5	
29	Veteran's Monument <i>Bicentennial Park</i>	1	2	3	4	5	

CITY OF PALO ALTO PROPOSED COUNCIL PROTOCOLS

All Council Members

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

All Council Members should:

- Demonstrate honesty and integrity in every action and statement
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Palo Alto government
- Prepare in advance of Council meetings and be familiar with issues on the agenda
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as these Council Protocols
- Represent the City at ceremonial functions at the request of the Mayor
- Be responsible for the highest standards of civility and honesty in ensuring the effective maintenance of intergovernmental relations
- Respect the proper roles of elected officials and City staff in ensuring open and effective government
- Provide contact information to the City Clerk in case an emergency or urgent situation arises while the Council Member is out of town

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

In Public Meetings

- Use formal titles.

The Council should refer to one another formally during public meetings as Mayor, Vice Mayor or Council Member followed by the individual's last name.

- Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- Honor the role of the presiding officer in maintaining order and equity.

Respect the Chair's efforts to focus discussion on current agenda items. Objections or disagreement about the agenda or the Chair's actions should be voiced politely and with reason, following the parliamentary procedure's outlined in the City Council Procedural Rules.

- Avoid personal comments that could offend other Council Members.

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- Demonstrate effective problem-solving approaches.

Council Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Council Members are role models for residents, business people and other stakeholders involved in public debate.

- Be respectful of other people's time.

Stay focused and act efficiently during public meetings, but refrain from public criticism of colleagues who are less so.

In Private Encounters

- Observe the Golden Rule.

Treat others as you would like to be treated. To apply this principle, simply ask yourself how you would like to be treated in similar circumstances, then treat the other person that way.

Council Conduct with City Staff

The key provisions on Council-staff relations found in section 2.04.170 of the Palo Alto Municipal Code:

“Neither the council nor any of its committees or members shall direct, request or attempt to influence, either directly or indirectly, the appointment of any person to office or employment by the city manager or in any manner interfere with the city manager or prevent the city manager from exercising individual judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.”

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who analyze problems and issues, make recommendations, and implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- Channel communications through the appropriate senior City staff.

Questions of City staff and/or requests for additional background information should be directed only to the City Manager, Assistant City Manager, City Attorney, City Clerk, City Auditor, Senior Assistant City Attorneys, or Department Heads. The Office of the City Manager should be copied on any request to Department Heads. Council Members should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Council Members. When in doubt about what staff contact is appropriate, Council Members should ask the City Manager for direction.

- All Council Members should have the same information with which to make decisions.

Materials and information supplied to a Council Member in response to a request will be made available to all members of the Council so that all have equal access to information.

- Never publicly criticize an individual employee.

Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Comments about staff in the office of the City Attorney, City Auditor or City Clerk should be made directly to these CAOs.

- Do not get involved in administrative functions.

Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- Check with City staff on correspondence before taking action.

Before sending correspondence, Council Members should check with City staff to see if an official City response has already been sent or is in progress.

- Do not attend staff meetings unless requested by staff.

Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.

- Limit requests for staff support.

Requests for staff support should be made to the City Manager, who is responsible for allocating City resources in order to maintain a professional, well-run City government. Any request, which would require more than one hour of staff time to research a problem or prepare a response, will need to be approved by the full council to ensure that staff resources are allocated in accordance with overall council priorities.

- Depend upon the staff to respond to citizen concerns and complaints.

It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the City Manager, who will follow up with appropriate staff. The staff should respond to all approved requests for information in an agreed upon timeframe, and it is appropriate to follow up with the Manager to determine how the concerns were resolved.

- Do not solicit political support from staff.

The City Charter states that “Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals of staff (e.g., City Manager and the Assistant City Manager) have professional code of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

Council Conduct With Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City’s leadership and should be treated with appreciation and respect.

- If attending a Board or Commission meeting, be careful to only express personal opinions.

Council Members may attend any Board or Commission meeting, which are always open to any member of the public. Any public comments by a Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- Limit contact with Board and Commission members to questions of clarification.

It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, or to advocate a particular policy perspective. It is acceptable for Council Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

- Remember that Boards and Commissions are advisory to the Council as a whole, not individual Council Members.

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. Council Members should not feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

- Be respectful of diverse opinions.

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

- Keep political support away from public forums.

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council Member.

- Inappropriate behavior can lead to removal.

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

ELECTRONIC MAIL COMMUNICATIONS

As society evolves in an increasingly electronic world, we need to have a reliable system to record and make public all e mail communications and responses to and from Council Members. Staff commits to working to create and implement such a system.

OTHER PROCEDURAL ISSUES

- Commit to annual review of the Council protocols and procedures.

At the beginning of each legislative year, the Council will hold a special meeting to review the Council protocols, as well as its adopted procedures for meetings.

- Don't politicize procedural issues (e.g. minutes approval or agenda order) for strategic purposes.
- Submit questions on Council agenda items ahead of the meeting.

In order to focus the Council meetings on consideration of policy issues and to maintain an open forum for public discussion, questions about agenda items should be discussed at the Council meeting rather than in one-on-one communications with staff prior to the meetings. Any clarifications or technical questions which can be readily answered can be handled before the meeting. Council Members are encouraged to submit their questions on agenda items to the City Manager or Assistant City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

- Respect the work of the Council standing committees.

The purpose of the Council standing committees is to provide focused, in-depth discussion of issues. Council should respect the work of the committees and re-commit to its policy of keeping unanimous votes of the committees on the consent calendar.

- The Mayor and Vice Mayor should work with staff to plan the Council meetings.

There are three purposes to the pre-Council planning meeting: 1) to plan how the meeting will be conducted; 2) to identify for staff any issues and questions that they should be prepared to respond to at the meeting; and 3) to discuss future meetings. The purpose of the meeting is not to work on policy issues. Only the Mayor and Vice Mayor should attend the pre-Council meetings with the City Manager and other CAO's.