CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
August 23, 2011 – REGULAR SESSION

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

Mission Statement: To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

6:00 P.M. WORK SESSION
Discussion on Amendments to Title 11, Land Use - Physical Therapy Uses
Discussion on the Rezone of the Municipal Campus from Commercial to Public Facilities
Discussion on the Award of Bid for Janitorial Services
Discussion on Ross Drive Street Improvements Bid

**ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA**

CDRA WORK SESSION
Revenue Report on the Clearfield Auto Parts Building

7:00 P.M. REGULAR SESSION
CALL TO ORDER: Mayor Wood
OPENING CEREMONY: Councilmember Sprague
APPROVAL OF MINUTES: July 26, 2011 – Work Session
August 9, 2011 – Regular Session
August 12, 2011 – Work Session

PUBLIC HEARINGS:
1. PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE CITY’S LAND USE ORDINANCE, TITLE 11, CHAPTER 11, REGARDING PHYSICAL THERAPY FACILITIES

BACKGROUND: The proposed amendments to Clearfield City’s Land Use Ordinance Title 11, Chapter11 would include Physical Therapy Facilities as a permitted use in the C-1, C-2, D-R and M-1 zoning districts and permitted with a Conditional Use Permit in the C-R zoning district.

RECOMMENDATION: Receive public comment.

2. PUBLIC HEARING FOR THE CLEARFIELD CITY MUNICIPAL CAMPUS REZONE

BACKGROUND: The property is approximately 7.23 acres and is located on the southeast corner of Center and State Streets. The request is for a rezone from C-2 (Commercial) to PF (Public Facilities). (TINs:12-001-0087, 12-001-0089 through -0099, 12-001-0112 and -0113, 12-001-0129 and -0130, 12-001-0145, 12-001-0166 and 12-001-0169)
SCHEDULED ITEMS:

3. CITIZEN COMMENTS

4. CONSIDER APPROVAL OF ORDINANCE 2011-08 APPROVING TEXT AMENDMENTS TO THE CITY’S LAND USE ORDINANCE, TITLE 11, CHAPTER 11, REGARDING PHYSICAL THERAPY FACILITIES

RECOMMENDATION: Approve Ordinance 2011-08 approving text amendments to the City’s Land Use Ordinance, Title 11, Chapter 11, regarding the use of Physical Therapy Facilities and authorize the Mayor’s signature to any necessary documents.

5. CONSIDER APPROVAL OF ORDINANCE 2011-09 APPROVING THE REZONE OF APPROXIMATELY 7.23 ACRES FROM C-2, COMMERCIAL, TO PF, PUBLIC FACILITIES ZONE

RECOMMENDATION: Approve Ordinance 2011-09 approving the rezone of approximately 7.23 acres from C-2, Commercial, to PF, Public Facilities Zone and authorize the Mayor’s signature to any necessary documents.

6. CONSIDER APPROVAL OF RESOLUTION 2011R-15 APPOINTING POLL WORKERS AND SETTING THE POLLING PLACES FOR THE MUNICIPAL ELECTIONS BEING HELD IN SEPTEMBER AND NOVEMBER

BACKGROUND: State Law (U.C.A. 20A-5-602 and 20A-5-301) requires the City Council to appoint poll workers and set the polling places prior to a municipal election. The Municipal Primary Election will be held September 13, 2011 and the Municipal General Election will be held on November 8, 2011.

RECOMMENDATION: Approve Resolution 2011R-15 appointing poll workers and setting the polling places for the Municipal Elections as recommended by the City Recorder and allow the City Recorder to make additions and corrections as needed and authorize the Mayor’s signature to any necessary documents.

7. CONSIDER APPROVAL OF THE AWARD OF BID FOR JANITORIAL SERVICES

BACKGROUND: The current janitorial services contract expired in July and is now being performed on a month-to-month agreement. Staff solicited bids for janitorial services and six vendors returned qualified bids with monthly quotes ranging from $9,762 to $14,226. The lowest qualified bidder was RBM Building Services, Inc. for the base price of $9,762 per month with a high of $10,022.01 for other months when additional services are needed.

RECOMMENDATION: Approve the award of bid to RBM Building Services and authorize the Mayor’s signature to any necessary documents.

8. APPOINT THE NEW CITY MANAGER

RECOMMENDATION: Appoint a new Clearfield City Manager and authorize the Mayor’s signature to any necessary documents.
**COMMUNICATION ITEMS:**

- Mayor’s Report
- City Councils’ Reports
- City Manager’s Report
- Staffs’ Reports

**COUNCIL MEETING ADJOURN**

Dated this 18th day of August, 2011.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’ provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.
DISCUSSION ON BOUNDARY ADJUSTMENTS WITH SYRACUSE CITY

Mayor Wood explained how a boundary adjustment would be needed with Syracuse City in conjunction with the SR 193 extension as the sound wall would naturally become the new boundary. He continued this would alleviate Syracuse from any maintenance specific to the placement of the sound wall. He indicated he had discussed the issue with Mayor Nagle, Syracuse City, and stated Ms. Nagle agreed with the proposed boundary adjustment. He reported Ms. Nagle brought up the issue regarding the expansion of the Syracuse cemetery. He indicated Syracuse had acquired some property adjacent to the cemetery which was within Clearfield’s boundary and suggested Clearfield be willing to modify that boundary as well.

Adam Lenhard, Interim City Manager, commented the improvement to the south side of 200 South as Syracuse City’s obligation; however, it was obvious that once the sound wall was installed it would create a new boundary and requested Syracuse City’s participation regarding the road improvements and indicated they had met the City’s requests.
He explained it was during said meeting that Syracuse City had requested the City’s consideration with the expansion of its cemetery. He emphasized the City would not stand to lose anything with the boundary adjustment as Clearfield did not receive any revenue from the property. He suggested if the cemetery boundary adjustment was agreed to language should be included in the agreement which specified the property could only be used for the expansion of Syracuse City’s cemetery. He clarified the location of boundary associated with the Tanner Heritage subdivision in conjunction with the cemetery.

Mr. Lenhard asked Scott Hodge, Public Works Director, if the calculation to receive B & C road funds was based on the gross area of the City. Mr. Hodge responded the City received those funds based on road miles. Mr. Lenhard then asked Mr. Hodge if he was aware of any impacts the City might accrue with the reduction of its total geographic area.

Councilmember Murray clarified the City would not be moving the sound wall; rather the sound wall would become the new boundary. Councilmember Sprague believed the City would be gaining a foot and would be giving away approximately ten acres with Syracuse City’s proposed boundary adjustments.

Councilmember Sprague believed Syracuse City should have approached Clearfield City regarding the boundary adjustment specific to the cemetery prior to purchasing the property adjacent to the cemetery. Mr. Lenhard commented since the City didn’t have anything to gain by granting Syracuse the requested boundary adjustment other than being a good neighbor, staff couldn’t provide a specific recommendation.

Councilmember Shepherd agreed since the property wasn’t a specific benefit to Clearfield City a boundary adjustment could be made with the understanding the property could only be used as a portion of the cemetery. Brian Brower, City Attorney, suggested the City would also want to include a penalty clause to the agreement in the event another use was deemed more appropriate. Mr. Lenhard suggested the use of an open space easement to be used in this circumstance.

Councilmember Sprague expressed his opinion the property could have benefitted Clearfield City because Syracuse purchase of the adjacent property has prohibited the developer from building on it. Councilmember Shepherd agreed with Councilmember Sprague’s comments. Councilmember Murray inquired as to how Syracuse acquired the property. Mayor Wood reported it had been purchased from the landowner. He shared the history of previous negotiations specific to a land swap or boundary adjustment in exchange for the property adjacent to the cemetery.

Councilmember Shepherd expressed his opinion the City would be doing Syracuse a favor by agreeing to the boundary adjustment in conjunction with the SR 193 extension and sound wall and the 200 South reconfiguration. He pointed out the SR 193 extension was extremely
beneficial to Syracuse and reported they were currently working on a project which was contingent upon its completion.

Councilmember Shepherd inquired who would be landscaping that portion of the SR 193 extension project. Scott Hodge, Public Works Director, reported he would have to research further to determine that responsibility.

A discussion took place during which the Mayor requested each councilmember express their opinion in order to direct staff on how to proceed. Councilmember Sprague stated he did not want to give away land to Syracuse City. Councilmember Fryer believed in both instances the City would be doing Syracuse a favor with nothing in return and would like to see Clearfield receive something in return. Councilmember Shepherd believed the City wouldn’t be giving away land as the property adjacent to the cemetery wasn’t owned by the City; rather a boundary line adjustment would be moved. He also believed both requests were a give give on Clearfield’s part and would also like to see something more in return. He expressed his opinion it would be in the City’s best interest to foster good relations with Syracuse. Councilmember Murray inquired if Syracuse had indicated they wouldn’t be in favor of the boundary adjustment specific to SR 193 and 200 South if Clearfield was not agreeable to the boundary adjustment by the cemetery. Mayor Wood emphasized that wasn’t the case but that boundary adjustments made sense in both cases.

Mr. Lenhard stated the boundary adjustments would take a significant amount of work due to the noticing, public hearings, surveying, etc. and Syracuse suggested since the process would need to be completed for 200 South would Clearfield consider the cemetery property at the same time. Councilmember Sprague pointed out there was still a road and landscaping issue with 500 West near Barlow Park which was still not being maintained by Syracuse City. Mr. Lenhard suggested including that specific strip of property in these negotiations as Syracuse residents were direct beneficiaries of Barlow Park.

The result of the discussion was to request Syracuse maintain the small strip of property on 500 West near Barlow Park behind the homes in Syracuse City. The Council believed including the 500 West property would result in a more equitable trade. Mr. Hodge stated 500 West Street also needed to be completed in specific to curb and gutter because Clearfield only paved to the property line. Mayor Wood requested clarification on that boundary regarding its extension to Antelope Drive. Mr. Hodge explained how the street could be completed to go around the existing tower. Mayor Wood pointed out the beneficiary of the road extension near Barlow Park would be Syracuse City residents and suggested the City should request participation with the street, curb and gutter. Mr. Lenhard suggested the possible use of some escrow funds associated with the subdivision.
Mayor Wood clarified it was the Council’s desire to include the 500 West/Barlow Park adjacent property and to instruct staff to pursue that in conjunction with the 200 South boundary adjustment and also that of the cemetery.

DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DOWN PAYMENT ASSISTANCE PROGRAM

Stacy Millgate, CDBG Coordinator, distributed a handout reflecting the proposed verbiage change specific to the Down Payment Assistance Program guidelines and explained some homes previously purchased through the Program had been sold and there was approximately $30,000 available for re-programming. She referred the Council to the handout and pointed out the first proposed change was to decrease the maximum amount of grant funds from $5,000 to $3,000 per household. She mentioned the household sizes and maximum yearly income had also been updated. She explained the process in which the city was required to adhere prior to re-programming the remaining funds. She pointed out all reports in the future would reflect that any funds returned to the City would revert to the same account.

Mayor Wood inquired about homes on which had been foreclosed and the possible recouping of funds from those participants. Ms. Millgate believed there were four homes totaling approximately $16,000 because not all had received the maximum $5,000. She reported there was no language in the agreement which addressed default on behalf of the homebuyers. Ms. Millgate stated the Program had assisted 79 homebuyers since its inception.

She directed the Council to page 2 which reflected the funds would be dispersed at a 3 to 1 ratio. Councilmember Murray inquired if the City could change the maximum yearly income reflected on page 2. Ms. Millgate responded those figures were designated by the Federal Government. Councilmember Murray expressed her opinion the reflected maximum incomes were too high. Councilmember Shepherd pointed out the figures was based on Federal poverty limits.

Ms. Millgate directed the Council to page 3 which limited the property value to that of $397,500. Councilmember Shepherd stated HUD was in the process of changing those figures and suggested the verbiage reflect whatever the FHA loan limits were. Ms. Millgate reported the Housing Authority’s program was capped at a purchase price not to exceed $200,000.

Mayor Wood pointed out the original intent of the program was to revitalize aging neighborhoods and promote owner-occupied homes. He expressed his opinion inexpensive homes were more attractive to property investors which would be used for rentals and believed reducing the amount of the purchase price might have a better result of the Program’s intent.

Councilmember Shepherd believed if a first time homebuyer could purchase a $397,000 home they don’t need the City’s grant funds. He suggested capping the property purchase to something
more of $150,000. A discussion took place and the Council was in agreement to cap the property value at $150,000.

Mayor Wood inquired how the City could circumvent the potential problem associated with a homebuyer’s employment which could preclude them from residing in the home for the entire seven years. Brian Brower, City Attorney, explained how the City had addressed this issue specific to a job transfer in a specific situation. He expressed his opinion a recapture of funds would be different than a foreclosure based upon not fulfilling the contractual agreement and suggested the City work with Davis Housing Authority to strengthen the language in the agreement specific to default.

Mayor Wood inquired about the process required to amend to the language specific to the Down Payment Assistance Program. Ms. Millgate responded the public comment period would begin August 9, 2011 with the public hearing scheduled for September for the reallocation of funds. She expressed her opinion formal adoption by the Council was not required specific to the verbiage as that was more of an administrative function. Mr. Brower expressed his agreement with Ms. Millgate.

The Council took a break at 7:40 p.m.
The Council reconvened at 7:55 p.m.

UPDATE ON THE PARK VILLAGE AMENDED PLAT

Valerie Claussen, Acting Community Development Director, explained a request had been made by the surveyor which specified language be added to the plat reflecting the following; the lot lines and utility easements identified on the plat for lots 8-13 of Park Village Phase I and lots 41-46 of Park Village Phase II were being vacated by the recording of the amended plat at the Davis County Recorder’s Office. She pointed out the surveyor requested the information be provided to the City Council.

Ms. Claussen informed the Council the fence had been completed with landscaping in addition to the installation of water meters at prescribed times in conjunction with the issuance of building permits.

Councilmember Shepherd moved to adjourn to a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation (Utah Code Ann. §52-4-205), seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd and Sprague. Voting NO – None. Councilmember Young was not present for the vote.

The minutes for the closed session are kept in a separate location.
PRESIDING: Don Wood Mayor

PRESENT: Marilyn Fryer Councilmember
Kathryn Murray Councilmember
Mark Shepherd Councilmember
Doyle Sprague Councilmember

EXCUSED: Bruce Young Councilmember

STAFF PRESENT: Adam Lenhard Interim City Manager
Brian Brower City Attorney
Mike Stenquist Assistant Police Chief
Scott Hodge Public Works Director
Valerie Claussen Acting Community Development Director
Stacy Millgate CDBG Coordinator
Eric Howes Community Services Director
Bob Wylie Administrative Services Director
Kim Read Deputy City Recorder

EXCUSED: Greg Krusi Police Chief
Nancy Dean City Recorder

VISITORS: Joann Weaver, Mike LeBaron, Joy Brown – American Legion, Vern Phipps

Mayor Wood informed the citizens present that if they would like to comment during Citizen Comments there were forms to fill out by the door.

Mayor Wood announced Councilmember Young was out of the country on vacation.

Councilmember Shepherd conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JULY 26, REGULAR SESSION

Councilmember Fryer moved to approve the minutes from the July 26, 2011 regular session as written, seconded by Councilmember Sprague. All voting AYE.

Mayor Wood introduced Eric Howes, the City’s new Community Services Director to those in the audience.
PRESENTATION TO KYLE JEFFRIES BY THE UNITED STATES ATTORNEYS OFFICE, DISTRICT OF UTAH, FOR SUPERIOR PERFORMANCE AS A LOCAL LAW ENFORCEMENT OFFICER

Deputy U.S. Attorney Drew Yeates was in attendance to present Sergeant Kyle Jeffries an award for “Superior Performance as a Local Law Enforcement Officer.”

Drew Yeates, Assistant U.S. Attorney, introduced Special Agent Kent Owens from the Bureau of Alcohol, Tobacco, Firearms and Explosives. He stated he was attending on behalf of Carly Christensen, U. S. Attorney for the District of Utah. He read from a letter which had been read during an award ceremony on July 19, 2011 at the U.S. Attorney’s Awards Ceremony which was held in Salt Lake City.

The letter stated Sergeant Kyle Jeffries had been awarded Superior Performance as a Local Law Enforcement Officer Award. The award recognized Sgt. Jeffries for his outstanding police work and relentless investigation of five brothers in Davis County. He continued in 2008 and 2009 the Rivera brothers were involved in a number of armed robberies and gun crimes in Clearfield and the Davis County area. He stated Sgt. Jeffries’ dedication to justice resulted in substantial criminal charges and prosecutions of Daniel, Michael, Edward, Paul and Ramon Rivera. In particular the award recognized Sgt. Jeffries’ superior performance in the investigation of three armed robberies in Davis County including the Family Dollars’ in Layton and Clinton and the Central Park Burger in Sunset. He continued during Sgt. Jeffries’ investigation of an armed robbery and attempted homicide in Clearfield, he connected Ramon and Michael Rivera to the previously mentioned robberies. He pointed out even though the robberies took place outside of Clearfield City, Sgt. Jeffries took the initiative of leading the investigations. The letter mentioned Sgt. Jeffries and his fellow officers left no stone unturned through the use of ballistics, recorded jail calls, forensics, subpoenaed phone records, cell site technology and interview techniques, a strong circumstantial case was developed against Ramon Rivera. He reported Mr. Rivera was charged federally for the robberies and has been sentenced to serve 57 years in federal prison. He stated Kyle Jeffries was genuinely deserving of the award for making Davis County a safer place to live.

Mr. Yeates stated he was also a resident of Davis County as was Special Agent Owens and they expressed their pleasure of working with Sgt. Jeffries on this particular case since they could have been affected by these crimes. He commented Mr. Rivera’s sentence was for 57 years which meant he would have to serve at least 50 years.

Mr. Yeates and Mr. Owens presented Sgt. Jeffries with his award.

Kyle Jeffries emphasized he had received significant help from fellow police officers for over six months which helped solve the cases commented on. He expressed appreciation to Mr. Yeates for taking the case to Federal Court and commented if the case had been tried in State
court Mr. Rivera would not have received the kind of sentence he did. He again expressed appreciation to the fellow Clearfield Police Officers.

Mayor Wood expressed appreciation to Sgt. Jeffries and the Clearfield Police Department for all they do to benefit the residents of the City.

CITIZEN COMMENTS

Joann Weaver expressed concern about barking dogs in her neighborhood during the nighttime hours and inquired about the City’s noise ordinance. She stated it was her understanding the noise ordinance had been eliminated from the City Code.

Brian Brower, City Attorney, stated the City did have a noise ordinance. He stated due to a court decision on a case which was prosecuted by the Davis County Attorney’s Office in the City’s Justice Court in which the noise ordinance was pursued under the State’s nuisance statute, which was worded similarly to that of the City’s, the statute was held to be unconstitutionally vague. He indicated because the language was so similar to that of the City’s ordinance a decision had been determined police officers could enforce the disorderly conduct statute. He pointed out the barking dogs was significantly different from the previous example and mentioned it would need to be addressed through Davis County Animal Control. He commented the City could use Davis County’s ordinance to enforce barking dogs. He stated he would be willing to contact Animal Control and follow up with Ms. Weaver’s concern.

APPROVAL OF THE AWARD OF BID FOR THE 200 SOUTH 1000 WEST TO 1500 WEST RECONSTRUCTION AND STREET IMPROVEMENT PROJECT TO ADVANCED PAVING AND CONSTRUCTION

Adam Lenhard, Interim City Manager, explained bids were received from five construction companies for the 200 South Roadway Improvement Project from 1000 West to 1500 West. The work that was proposed to be completed was the installation of curb and gutter on the south side of the road and the reconstruction of the roadway pavement. The lowest responsible bid was received from Advanced Paving and Construction with a bid amount of $580,580. He explained the project would be funded using available road bond funds.

Councilmember Shepherd inquired about the estimated time frame for completion of both 200 South road projects. Scott Hodge, Public Works Director, explained the current project was estimated for approximately 120 days to completion and stated this specific project was estimated to be completed in approximately 100 days. He commented there was only a small portion of pipework to be completed with this project and explained the process for the completion and added the same contractor would be completing both projects.
Councilmember Sprague inquired where Syracuse City’s boundary began on 200 South. Mr. Hodge explained the City would be very close to the boundary on the south side of 200 South. He indicated the curb and gutter on the south side would be on Syracuse City’s boundary. He indicated discussions had taken place and permission had been requested from Syracuse in conjunction with the sound wall for the State Road 193 extension.

Mayor Wood summarized a discussion had taken place during a work session in which minor boundary adjustments could be negotiated.

**Councilmember Shepherd moved to approve the award of bid to Advanced Paving and Construction for the 200 South Roadway Improvement Project from 1000 West to 1500 West for the bid amount of $580,580, with contingency and engineering funding of $122,000, for a total project cost of $702,580; and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Murray. All voting AYE.**


The proposed amendments to the Community Development Block Grant (CDBG) funds consisted of revisions to the City’s Down Payment Assistance Program Guidelines. A public hearing will be held September 27, 2011 to finalize the amendments.

Stacy Millgate, CDBG Coordinator, reviewed the proposed amendments with the Council. She stated there were two specific amendments: the first was a small balance from Program Year 2011 which would need to be reprogrammed to another project in addition she also indicated there were several other projects which had remaining balances totaling approximately $81,000 and suggested reprogramming those funds to the 100 North infrastructure project which began July 1, 2011. She stated the second portion of the amendment was to clarify language in the 2011/2012 Action Plan regarding the returning of funds to the City from those residents’ participating in the Down Payment Assistance Program.

She pointed out HUD required a 30-day comment period which would begin today and the public hearing would be held on September 27, 2011.

Councilmember Shepherd stated he had received several phone calls inquiring about the City’s Down Payment Assistance Program. Ms. Millgate responded there had been a newspaper article regarding the Program which had sparked interest. She mentioned funds would not be available until after the Council’s approval on September 28, 2011. She commented there would be approximately $30,000 available and with the proposed change to the guidelines believed ten homes could be purchased with the assistance.
Councilmember Shepherd reported Davis County would be offering a Down Payment Assistance Program which would benefit residents in the County except for those homes in Clearfield and Layton Cities. Mayor Wood explained because Davis County was an entitlement entity, as was Layton and Clearfield in their own right. He stated because the City was also designated as an entitlement City it received its own CDBG funds and it would not have been in the best interest of the City to forfeit those funds to partner with the County, thus requiring Clearfield to complete for the County’s CDBG funds and eliminating itself as an entitlement city. A discussion took place specific to the County’s guidelines.

COMMUNICATION ITEMS:

**Mayor Wood**
1. stated a work session was planned for Friday, August 12, 2011 at 11:00 a.m.
2. reminded the Council of the Utah League of Cities and Towns conference scheduled for September in Salt Lake City. He suggested those interested in attending notify Nancy Dean, City Recorder or Kim Read, Deputy City Recorder, if they desired to attend. He announced he would be out of town and would not be attending.

**Councilmember Fryer** – reminded those in attendance the Community Theatre would be presenting the play “Nunsense” beginning August 11, 2011.

**Councilmember Murray** – nothing to report.

**Councilmember Shepherd** – stated he had attended the Birch Street block party which was well attended and believed they had great activities during the evening and agreed there were good people living in the neighborhood.

**Councilmember Sprague** – reported he had attended the neighborhood watch block party on Birch Street and expressed his opinion it was a great community and neighborhood.

**Adam Lenhard, Interim City Manager** – directed the councilmembers to the department head monthly update which was being provided similar to the agenda packet. He indicated hard copies would be provided after the meeting.

STAFFS’ REPORTS:

**Kim Read, Deputy City Recorder**
1. Informed the Council there would be no meeting on Tuesday, August 16, 2011.
2. Announced there would be a work session beginning at 6:00 p.m. prior to the policy session at 7:00 p.m. on Tuesday, August 23, 2011.
Valerie Claussen, Acting Community Development Director – reported letters of interest for the Planning Commission Alternate vacancy were being accepted until Monday, August 15, 2011.

There being no further business to come before the Council Councilmember Fryer moved to adjourn at 7:33 p.m., seconded by Councilmember Shepherd. All voting AYE.
Mayor Wood called the meeting to order at 11:07 a.m.

Mayor Wood explained Adam Lenhard had been appointed as the Interim City Manager in May and commented the City had completed an in-house recruitment process. He announced Mr. Lenhard was the only applicant and as part of that process was invited to share a presentation with the Council. He added only the councilmembers would be allowed to ask questions of Mr. Lenhard as that body would be appointing the City Manager position.

Adam Lenhard, Interim City Manager, shared a visual presentation with the Council as requested as part of the interview process to fill the City Manager position. The Council interviewed Mr. Lenhard.

The work session was moved to the Executive Conference Room located on the third floor of the City building at 12:02 p.m.

A short break was taken at 12:02 p.m.

The minutes for the closed session are kept in a separate location.
TO: Honorable Mayor and City Council  
FROM: Valerie Claussen, MPA, AICP  
Acting Community Development Director  
vclaussen@clearfieldcity.org (801) 525-2785 
MEETING DATE: August 23, 2011 
SUBJECT: A.) Public Hearing to consider ZTA 1107-0003, an amendment to Clearfield City Land Use Ordinance Title 11 Chapter 11 to include Physical Therapy Facilities as a permitted use in the C-1, C-2, D-R, and M-1 zoning districts and permitted with a Conditional Use Permit in the C-R zoning district.  

B.) Discussion and Possible Action on the adoption of Ordinance 2011-08, which would enact the text amendment ZTA 1107-0003, an amendment to Clearfield City Land Use Ordinance Title 11 Chapter 11 to include Physical Therapy Facilities as a permitted use in the C-1, C-2, D-R, and M-1 zoning districts and permitted with a Conditional Use Permit in the C-R zoning district. 

RECOMMENDATIONS 
A.) Hold a public hearing for ZTA 1107-0003, a text amendment to the City’s Land Use Ordinance Title 11 Chapter 11 regarding Physical Therapy Facilities.  

B.) Move to approve the adoption of Ordinance 2011-08, which would enact the text amendment, of approximately 7.23 acres located at the southeast corner of Center and State Streets from C-2 (Commercial Zone) to PF (Public Facilities Zone), based on the discussion and findings in this Staff Report; and authorize the Mayor’s signature to any necessary documents. 

PLANNING COMMISSION  
Planning Commission held a public hearing at their August 3, 2011 meeting. The Commission unanimously recommended approval of this rezoning.
ANALYSIS

Background
Under the current Land Use Ordinance Physical Therapy Facilities either requires a Conditional Use Permit (CUP) or is not permitted at all in some districts, even though a similar use, medical clinics, are permitted by right in the majority of the non-residential zoning districts. It is Staff’s recommendation that the classification of this particular use and the requirement of a CUP in the majority of the non-residential zoning districts should be updated to reflect a more similar use such as medical clinics.

Title 11 Chapter 3 defines a physical therapy facility as “A building or structure, or portion thereof, in which people receive training, treatment, or therapy to help them recover from a physical problem. No overnight or residential use of a physical therapy facility shall be permitted. This definition shall not include any building or structure which meets the definition of a Group Home for the Elderly, Group Home for Persons with a Disability, or Detention or Rehabilitation Facility”.

If the initial concern of requiring a CUP for this use was to ensure that no overnight or residential use of the facility occurred, this can be regulated through the business licensing process, what is already being done for medical doctors, chiropractors, and other similar type businesses. Physical therapy offices (and typically any medical office) usually indicate out-patient services only on their application which is always reviewed by Planning and Zoning. Any description that exceeds a typical out-patient medical office would be reviewed, and it is at that time the Zoning Administrator would make a determination on the categorization of the proposed use. Such as if there is overnight or residential care there are other use definitions (i.e. Rest Home) more appropriate and the applicant would be directed to obtain those approvals for the determined use.

Proposed Changes
Very similar to Physical Therapy Facility in restricting care to out-patient services only, a Medical Clinic is defined in Chapter 3 as “A building or structure, or a portion thereof, used primarily for the medical, dental, or surgical care of persons for less than twenty four (24) hour period.” With this comparison in mind, the proposed amendment considered where medical clinics were permitted by right and in what zoning districts it required a CUP and placed the Physical Therapy Facility in those same lists (See Attachment 1: Text Amendment for Physical Therapy Facilities “Exhibit A”).

Physical Therapy Facilities are proposed to be permitted by right in the C-1 and C-2 commercial zoning districts. Where it was not previously listed as a permitted or conditional use, Physical Therapy Facility was added to the list of permitted uses in the M-1 and D-R Zoning Districts, and lastly added as a conditional use in the C-R district (See Attachment 1: Exhibit A Text Language).

These proposed changes conform to the City’s Master Plan, specifically the Policy under the Land Use Element states, “Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan.” Updating a land use classification for a use that
has demonstrated over the years to be similar to medical offices should have the opportunity to be reflected in the City’s Land Use Ordinance.

Public Comment
No public comment has been received to date.

FINDINGS

Zoning Ordinance Text Amendment
Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below:

<table>
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<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
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<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>The Policy of the Land Use Element states “Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan”. A request to modify the classification of Physical Therapy Facilities is in substantial conformance with the Master Plan.</td>
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<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>No conditions are being recommended for this ordinance change.</td>
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ATTACHMENTS

1. “Exhibit A” Text Language
2. Ordinance 2011-08
“Exhibit A”

Text Amendment for Physical Therapy Facilities
(Revisions shown with in *italics* and deletions shown with strikethrough.)

TITLE 11
CHAPTER 11: COMMERCIAL AND MANUFACTURING ZONES

ARTICLE A. COMMERCIAL ZONE (C-1)

11-11A-2: PERMITTED USES:

The following buildings, structures, and uses of land shall be permitted in the C-1 Commercial Zone upon compliance with the requirements set forth in this Code:

Business services.

Medical clinics.

Offices.

Parks and open space.

Personal services.

PHYSICAL THERAPY FACILITIES. (ORD. CITATION)

Restaurants. (Ord. 01-06, 4-10-2001)

11-11A-3: CONDITIONAL USES:

The following buildings, structures, and uses of land shall be allowed in the C-1 Commercial Zone upon compliance with the requirements set forth in this Code and upon obtaining a Conditional Use Permit as specified in Chapter 4 of this Code:

Churches.

Colleges and universities.

Commercial parking facilities.
Convalescent facilities.

Daycare facilities.

Behavior, Drug, or Alcohol Treatment Facilities.

Hospitals.

Nursing or rest homes.

Physical therapy facilities.

Preschools, commercial.

Public uses.

Schools.

Specialized schools.

Vocational and technical training facilities. (Ord. 92-4, 6-23-1992; amd. Ord. 01-05, 2-27-2001)

TITLE 11
CHAPTER 11: COMMERCIAL AND MANUFACTURING ZONES

ARTICLE B. COMMERCIAL ZONE (C-2)

11-11B-2: PERMITTED USES:

The following buildings, structures, and uses of land shall be permitted in the C-2 Commercial Zone upon compliance with the requirements set forth in this Code:

Business services.

Firework Stands.

Hotels.

Medical clinics.

Mobile Food Vendors.
Offices.

Parks and open space.

Personal services.

Pet grooming facilities.

PHYSICAL THERAPY FACILITIES. (ORD. CITATION)

Restaurants.

Retail stores.

Temporary or Seasonal Merchants.

Theaters.

If any use permitted by this Section is classified by the currently adopted building codes as an “H-Occupancy” (hazardous), it shall become a conditional use, subject to the requirements of Title 4 of this Code. (Ord. 01-06, 4-10-2001)

11-11B-3: CONDITIONAL USES:

The following buildings, structures, and uses of land shall be allowed in the C-2 Commercial Zone upon compliance with the requirements set forth in this Code and upon obtaining a Conditional Use Permit as specified in Chapter 4 of this Code:

Amusement and recreation facilities.

Auditoriums.

Automobile repair.

Churches.

Colleges and universities.

Commercial parking facilities.

Convenience stores.

Daycare facilities.

Behavior, Drug, or Alcohol Treatment Facilities.

Motor vehicle sales.
Off-highway vehicle sales.

Pawn and Secondhand Businesses.

Payday Lending Establishments.

Physical therapy facilities.

Preschools, commercial.

Public uses.

Schools.

Specialized schools.

Taverns.

Taxidermists.

Veterinary services.

Vocational and technical training facilities. (Ord. 01-05, 2-27-2001; amd. Ord. 01-06, 4-10-2001; Ord. 02-02, 1-22-2002; Ord. 2006-10, 7-11-2006)

TITLE 11
CHAPTER 11: COMMERCIAL AND MANUFACTURING ZONES

ARTICLE C. COMMERCIAL ZONE (C-R)

11-11C-3: CONDITIONAL USES:

The following buildings, structures, and uses of land shall be allowed in the C-R Commercial Zone upon compliance with the requirements set forth in this Code and upon obtaining a Conditional Use Permit as specified in Chapter 4 of this Code:

A. In the commercial portion of the property:

Amusement and recreation facilities.

Auditoriums.
Commercial parking facilities.

Medical clinics.

Mobile Food Vendors.

PHYSICAL THERAPY FACILITIES. (ORD. CITATION)

Preschools, commercial.

Public uses.

B. In the residential portions of the property:


TITLE 11
CHAPTER 11: COMMERCIAL AND MANUFACTURING ZONES

ARTICLE D. MANUFACTURING ZONE (M-1)

11-11D-2: PERMITTED AND CONDITIONAL USES:

A. The following buildings, structures, and uses of land shall be permitted in the M-1 Manufacturing Zone upon compliance with the requirements set forth in this Code:

Automobile repair.

Business services.

Laboratories.

Manufacturing.

Medical clinics.

Mobile Food Vendors.

Offices.

Parks and open space.

Personal services.

Pet grooming facilities.
PHYSICAL THERAPY FACILITIES. (ORD. CITATION)

Public uses.
Restaurants.
Retail stores.
Warehouses.

TITLE 11
CHAPTER 11: COMMERCIAL AND MANUFACTURING ZONES
ARTICLE E. DOWNTOWN REDEVELOPMENT ZONE (D-R)

11-11E-2: PERMITTED USES:

The following buildings, structures, and uses of land shall be allowed in the D-R Downtown Redevelopment Zone upon compliance with the requirements set forth in this Code:

Auditoriums.
Business services.
Hotels.
Medical clinics.
Offices.
Parks and open space.
Personal services.

PHYSICAL THERAPY FACILITIES. (ORD. CITATION)

Restaurants.
Retail stores.
Theaters.

11-11E-3: CONDITIONAL USES:
The following buildings, structures, and uses of land shall be allowed in the D-R Downtown Redevelopment Zone upon compliance with the requirements set forth in this Code and upon obtaining a Conditional Use Permit as specified in Chapter 4 of this Code:

Amusement and recreation facilities.

Commercial parking facilities.

Daycare facilities.

Multiple-family dwellings, subject to the provisions of Section 11-11E-5.

Physical therapy facilities.

Preschools, commercial.

Public uses.

Single-family dwellings.

Taverns.

Two-family dwellings.
CLEARFIELD CITY ORDINANCE 2011-08

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11 of the Clearfield City Code by amending Chapter 11, Article A, Sections 2 and 3; Article B, Sections 2 and 3; Article C, Section 3, Article D, Section 2; Article E, Sections 2 and 3 of said title.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 11, Article A, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted Uses.”

Title 11, Chapter 11, Article A, Section 3 of the Clearfield City Code is hereby amended by removing PHYSICAL THERAPY FACILITIES from “Conditional Uses.”

Title 11, Chapter 11, Article B, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted Uses.”

Title 11, Chapter 11, Article B, Section 3 of the Clearfield City Code is hereby amended by removing PHYSICAL THERAPY FACILITIES from “Conditional Uses.”

Title 11, Chapter 11, Article C, Section 3 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Conditional Uses.”

Title 11, Chapter 11, Article D, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted and Conditional Uses.”

Title 11, Chapter 11, Article E, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted Uses.”

Title 11, Chapter 11, Article E, Section 3 of the Clearfield City Code is hereby amended by removing PHYSICAL THERAPY FACILITIES from “Conditional Uses.”

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.
Passed and adopted by the Clearfield City Council this 23rd day of August, 2011.

CLEARFIELD CITY CORPORATION

________________________________
Donald W. Wood, Mayor

ATTEST:

__________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:
TO: Honorable Mayor and City Council

FROM: Valerie Claussen, MPA, AICP
Acting Community Development Director
vclaussen@clearfieldcity.org (801) 525-2785

MEETING DATE: August 23, 2011

SUBJECT: A.) Public Hearing to consider RZN 1106-0002, a request by Clearfield City for the rezoning of approximately 7.23 acres located at the southeast corner of Center and State Streets from C-2 (Commercial Zone) to PF (Public Facilities Zone). (TINs: 12-001-0087, 12-001-0089 through -0099, 12-001-0112 and -0113, 12-001-0129 and -0130, 12-001-0145, 12-001-0166 and 12-001-0169)

B.) Discussion and Possible Action on the adoption of Ordinance 2011-09, which would enact the zone change request RZN 1106-0002, of approximately 7.23 acres located at the southeast corner of Center and State Streets from C-2 (Commercial Zone) to PF (Public Facilities Zone). (TINs: 12-001-0087, 12-001-0089 through -0099, 12-001-0112 and -0113, 12-001-0129 and -0130, 12-001-0145, 12-001-0166 and 12-001-0169).

RECOMMENDATIONS

A.) Hold a public hearing for RZN 1106-0002, a rezoning of the Clearfield City Municipal Campus from C-2 to PF zoning.

B.) Move to approve the adoption of Ordinance 2011-09, which would enact the zone change request RZN 1106-0002, of approximately 7.23 acres located at the southeast corner of Center and State Streets from C-2 (Commercial Zone) to PF (Public Facilities Zone), based on the discussion and findings in this Staff Report; and authorize the Mayor’s signature to any necessary documents.

PLANNING COMMISSION

Planning Commission held a public hearing at their August 3, 2011 meeting. The Commission unanimously recommended approval of this rezoning.
**PROJECT SUMMARY**

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
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<tbody>
<tr>
<td><strong>Project Name</strong></td>
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<tr>
<td><strong>Site Location</strong></td>
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<tr>
<td><strong>Tax ID Number</strong></td>
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<tr>
<td><strong>Applicant</strong></td>
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<td><strong>Owner</strong></td>
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<tr>
<td><strong>Proposed Actions</strong></td>
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<tr>
<td><strong>Current Zoning</strong></td>
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<tr>
<td><strong>Proposed Zoning</strong></td>
</tr>
<tr>
<td><strong>Land Use Classification</strong></td>
</tr>
<tr>
<td><strong>Gross Site Area</strong></td>
</tr>
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<table>
<thead>
<tr>
<th>Surrounding Properties and Uses:</th>
<th>Current Zoning District</th>
<th>Comprehensive Plan Land Use Classification</th>
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</thead>
<tbody>
<tr>
<td><strong>North</strong> Center Street, then NAPA Auto parts Store</td>
<td>C-2 (Commercial) and R-3 (Multi-family Residential)</td>
<td>Commercial and Residential</td>
</tr>
<tr>
<td><strong>East</strong> New Wasatch Elementary School site</td>
<td>C-2 (Commercial)</td>
<td>Commercial</td>
</tr>
<tr>
<td><strong>South</strong> Clearfield Town Square Development</td>
<td>C-2 (Commercial)</td>
<td>Commercial</td>
</tr>
<tr>
<td><strong>West</strong> State Street, then Davis County Health Department</td>
<td>C-2 (Commercial)</td>
<td>Mixed Use</td>
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</table>

**HISTORY**

**Prior to 2011** Various building permits were approved and issued for the existing buildings on the property

**May 4, 2011** FSP 1105-0007, Preliminary and Final Plat for Clearfield City Municipal Campus was recommended for approval by the Planning Commission

**May 24, 2011** FSP 1105-0007, Preliminary and Final Plat for Clearfield City Municipal Campus was approved by City Council
August 3, 2011

Planning Commission recommends approval of RZN 1106-0002 for a rezoning of the subject property from C-2 to PF zoning.

ANALYSIS

Background
The subject site is the City’s Municipal campus which includes City Hall, the Community Center and the Fire Station. The property is just over seven acres in size and located at the southeast corner of Center and State Streets. A final plat was recently approved a few months ago to combine the more than nineteen parcels of the campus into two parcels; Lot 1 for City Hall and the Community Center and Lot 2 for the Fire Station.

Master Plan
A request for a rezoning from C-2 (Commercial) to PF (Public Facilities) is consistent with the master plan, as the property is currently master planned commercial. Goal 1 of the Land Use Element states, “Maintain consistency between the City’s Land Use Ordinance and the General Plan.” A public facility zoning designation is appropriate as the uses on the property are public buildings and is compatible with the existing uses and zoning in the immediate vicinity. The request further implements the purposes of the City’s Master Plan.

Zoning Map Amendment
Base zoning and development standards can be met with this request. There is no minimum lot size, so long as the parking and landscape requirements are met. Both the parking and landscape is fully provided for on the property.

Public Comment
No public comment has been received to date.

FINDINGS

Zoning Map Amendment
Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Map Amendments. The findings and staff’s evaluation are outlined below:
<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>Goal 1 of the Land Use Element states “Maintain consistency between the City’s Land Use Ordinance and the General Plan”. A rezoning from C-2 (Commercial) to PF (Public Facilities) for the City’s Municipal Campus, which includes City Hall, the Community Center, and the Fire Station is consistent with the purposes and intent of the Master Plan.</td>
</tr>
<tr>
<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>No conditions are being recommended for this zone change.</td>
</tr>
</tbody>
</table>

**ATTACHMENTS**

1. Ordinance 2011-09
CLEARFIELD CITY ORDINANCE 2011-09

AN ORDINANCE REZONING CERTAIN SPECIFIED PROPERTIES WITH CURRENT PUBLIC FACILITY USES FROM C-2 (COMMERCIAL TO PF (PUBLIC FACILITIES) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY.

PREAMBLE: This Ordinance rezones certain properties within the City that currently have public facility uses from C-2 (Commercial) to PF (Public Facilities) and amends the City’s Zoning Map to reflect those changes. The new zoning designations enacted by this ordinance will also help to keep or bring the properties into conformance with the City’s General Plan.

WHEREAS, the City is requesting changes in the zoning for certain properties located within the City in order to assure that those properties are zoned appropriately and reflect the City’s planning efforts as set forth in the City’s General Plan; and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended to the Clearfield City Council that certain rezones be approved; and

WHEREAS, the Clearfield City Council received and reviewed the proposed zoning changes recommended by the Clearfield City Planning Commission; and

WHEREAS, following proper notice, as set forth by state law, the City Council held a public hearing on the matter and received input thereon; and

WHEREAS, after the public hearing, the City Council carefully considered comments made during the public hearing as well as the Planning Commission’s recommendations regarding the proposed rezones; and

WHEREAS, following its public deliberation, the City Council has determined that the zoning changes listed below are in the best interests of Clearfield City, its residents as well as businesses and will most effectively implement the City’s planning efforts;

NOW, THEREFORE, be it ordained by the Clearfield City Council that:

Section 1. Zoning Changes: The zoning for the following properties is hereby changed as specified below:

From C-2 (Commercial) to PF (Public Facilities) the properties described specifically in Exhibit “A”.
Section 2. Amendments to Zoning Map: The Clearfield City Zoning Map is hereby amended to reflect the changes in zoning outlined in Section 1 above and the City’s Zoning Administrator is hereby directed to have a new Zoning Map prepared showing said rezoning.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

Dated this 23rd day of August, 2011, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

___________________________________
Donald W. Wood, Mayor

ATTEST

_________________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
Existing Zoning C-2
Proposed Zoning PF

Legend
- RZN_1106-0002 Street center lines
- City Boundary
- State
- Parcels
  - major
  - minor
  - private

Boundary Description
Being a part of the Northwest Quarter of Section 1, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and more particularly described as follows:

Beginning at the intersection of the East right-of-way of State Street (U.S. Highway 91) and the centerline of Center Street and proceed 300° 41' 20" W 1,530.02 feet and 309° 45' 42" 135.74 feet from the Northwest corner of said Northwest Quarter Section, and running Thence N99° 49' 41" E, along the centerline of said Center Street, W73° 06', Thence S99° 49' 41" E, 23.65 feet, to a point on the back of an existing curb and gutter; Thence along said back of the curb and gutter, the following five (5) courses: 1) Thence along a non-urban curve to the left a distance of 12.88 feet, having a radius of 5.06 feet; Long Chord bears N1° 55' 27" W 12.27 feet; Thence N98° 47' 26" E 18.67 feet; Thence along a curve to the left a distance of 9.46 feet, having a radius of 7.96 feet; Long Chord bears S0° 21' 39" E 8.77 feet; Thence S98° 47' 26" E 13.85 feet; Thence S98° 47' 26" E 22.63 feet; Thence S98° 47' 26" E 35.00 feet; Thence S98° 47' 26" E 65.67 feet; Thence N98° 47' 26" E 35.00 feet, to a point on the back of the existing curb and gutter; Thence along said back of the curb and gutter to the following eight (8) courses: 1) Thence S99° 49' 41" W 31.95 feet; Thence N99° 49' 41" W 15.71 feet; Thence N99° 49' 41" W 15.71 feet; Thence along a curve to the left a distance of 8.85 feet, having a radius of 2.86 feet; Long Chord bears S3° 51' 32" W 7.68 feet; 4) Thence S99° 49' 41" W 7.89 feet; 5) Thence along a curve to the left a distance of 22.68 feet, having a radius of 22.68 feet; Long Chord bears S2° 52' 15" W 21.83 feet; 6) Thence along a curve to the right a distance of 8.02 feet, having a radius of 37.11 feet; Long Chord bears S0° 15' 24" W 50.08 feet; 7) Thence along a curve to the left a distance of 21.29 feet, having a radius of 21.29 feet; Long Chord bears S2° 52' 15" W 21.83 feet; 8) Thence S99° 49' 41" W 303.51 feet, as the North line of Clearfield Town Square, LLC parcel; Thence along the North line of said parcel the following five (5) courses: 1) Thence N99° 49' 41" W 27.80 feet; 2) Thence N99° 49' 41" W 1.00 feet; 3) Thence S99° 49' 41" W 110.62 feet; 4) Thence S99° 49' 41" W 110.62 feet, to the East right-of-way line of State Street (U.S. Highway 91); Thence along said East right-of-way and a 3-degree circular curve to the right a distance of 304.14 feet, having a radius of 1,860.68 feet; Long Chord bears S24° 53' 20" W 508.55 feet, to the point of beginning.

Contains 354.896 Sq. Ft. or .23 Acres

08/16/2011

Clearfield City
we've got it made
CLEARFIELD CITY ORDINANCE 2011-08

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11 of the Clearfield City Code by amending Chapter 11, Article A, Sections 2 and 3; Article B, Sections 2 and 3; Article C, Section 3, Article D, Section 2; Article E, Sections 2 and 3 of said title.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 11, Article A, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted Uses.”

Title 11, Chapter 11, Article A, Section 3 of the Clearfield City Code is hereby amended by removing PHYSICAL THERAPY FACILITIES from “Conditional Uses.”

Title 11, Chapter 11, Article B, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted Uses.”

Title 11, Chapter 11, Article B, Section 3 of the Clearfield City Code is hereby amended by removing PHYSICAL THERAPY FACILITIES from “Conditional Uses.”

Title 11, Chapter 11, Article C, Section 3 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Conditional Uses.”

Title 11, Chapter 11, Article D, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted and Conditional Uses.”

Title 11, Chapter 11, Article E, Section 2 of the Clearfield City Code is hereby amended by adding PHYSICAL THERAPY FACILITIES to “Permitted Uses.”

Title 11, Chapter 11, Article E, Section 3 of the Clearfield City Code is hereby amended by removing PHYSICAL THERAPY FACILITIES from “Conditional Uses.”

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.
Passed and adopted by the Clearfield City Council this 23rd day of August, 2011.

CLEARFIELD CITY CORPORATION

________________________________
Donald W. Wood, Mayor

ATTEST:

__________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:
CLEARFIELD CITY ORDINANCE 2011-09

AN ORDINANCE REZONING CERTAIN SPECIFIED PROPERTIES WITH CURRENT PUBLIC FACILITY USES FROM C-2 (COMMERCIAL TO PF (PUBLIC FACILITIES) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY.

PREAMBLE: This Ordinance rezones certain properties within the City that currently have public facility uses from C-2 (Commercial) to PF (Public Facilities) and amends the City’s Zoning Map to reflect those changes. The new zoning designations enacted by this ordinance will also help to keep or bring the properties into conformance with the City’s General Plan.

WHEREAS, the City is requesting changes in the zoning for certain properties located within the City in order to assure that those properties are zoned appropriately and reflect the City’s planning efforts as set forth in the City’s General Plan; and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended to the Clearfield City Council that certain rezones be approved; and

WHEREAS, the Clearfield City Council received and reviewed the proposed zoning changes recommended by the Clearfield City Planning Commission; and

WHEREAS, following proper notice, as set forth by state law, the City Council held a public hearing on the matter and received input thereon; and

WHEREAS, after the public hearing, the City Council carefully considered comments made during the public hearing as well as the Planning Commission’s recommendations regarding the proposed rezones; and

WHEREAS, following its public deliberation, the City Council has determined that the zoning changes listed below are in the best interests of Clearfield City, its residents as well as businesses and will most effectively implement the City’s planning efforts;

NOW, THEREFORE, be it ordained by the Clearfield City Council that:

Section 1. Zoning Changes: The zoning for the following properties is hereby changed as specified below:

From C-2 (Commercial) to PF (Public Facilities) the properties described specifically in Exhibit “A”.
Section 2. Amendments to Zoning Map: The Clearfield City Zoning Map is hereby amended to reflect the changes in zoning outlined in Section 1 above and the City’s Zoning Administrator is hereby directed to have a new Zoning Map prepared showing said rezoning.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

Dated this 23rd day of August, 2011, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

______________________________
Donald W. Wood, Mayor

ATTEST

______________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
CLEARFIELD CITY RESOLUTION 2011R-15

A RESOLUTION APPOINTING POLL WORKERS AND SETTING VOTING PRECINCTS AND POLLING PLACES FOR THE SEPTEMBER MUNICIPAL PRIMARY ELECTION AND NOVEMBER MUNICIPAL GENERAL ELECTION

WHEREAS, Clearfield City Corporation (the “City”) is holding municipal elections in September and November of 2011; and

WHEREAS, State Law requires the City’s governing body to appoint or provide for the appointment of three registered voters residing in the county as poll workers at each voting precinct; and

WHEREAS, State Law requires the City’s governing body to identify municipal voting precincts for the municipal general election being held during the municipal elections in September and November of 2011;

NOW THEREFORE BE IT RESOLVED by the Clearfield City Council that pursuant to Title 20A, Chapter 5, Part 3 and Title 20A, Chapter 5, Part 6 of the Utah Code:

1) the registered voters identified in ‘Exhibit A’ are hereby appointed to serve as poll workers in the precincts assigned by the City Recorder for the municipal elections being held in September and November of 2011; and

2) the combined voting precincts identified in ‘Exhibit B’ are hereby approved as official polling places for the municipal elections to be held in September and November of 2011; and

3) the City Recorder is hereby authorized to make change as needed to the poll workers and polling locations to facilitate the operations of the elections.

Passed and adopted by the City Council at its regular meeting on the 23rd day of August, 2011.

CLEARFIELD CITY CORPORATION: ATTEST:

_________________________  _________________________________
Donald W. Wood, Mayor    Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
EXCUSED:
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<tr>
<th>POLL_NAME</th>
<th>FIRST</th>
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<th>LAST</th>
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<td>Marie</td>
<td>Bingham</td>
<td>Receiving Clerk</td>
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<td>Antelope</td>
<td>Tracy</td>
<td></td>
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<td>Poll Manager</td>
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<td>Lyn</td>
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<td>Clark</td>
<td>Thompson</td>
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<td>M</td>
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<td>Leann</td>
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<td>Crystal</td>
<td>Lyn</td>
<td>Peterson</td>
<td>Provisional Clerk</td>
</tr>
</tbody>
</table>
2011 Clearfield City Polling Locations
(Polls are open 7 a.m. to 8 p.m.)

Antelope Elementary
1810 South Main
Clearfield, Utah
Precincts CF02, CF03, CF08, CF09, JC01

Clearfield City Hall
55 South State Street
Clearfield, Utah
Precincts CF01, CF05, CF06, CF07, CF13, CF14, HA02

Holt Elementary
448 North 1000 West
Clearfield, Utah
Precincts CF04, CF10, CF11, CF12
Executive Summary
Janitorial Maintenance Services Bid

The Bids for Janitorial Maintenance Services for City facilities closed on July 26, 2011. The contract for Janitorial Services includes year round janitorial services to city facilities including the Community Center, City Municipal Building and Justice Center, Parks and Buildings shop, Public Works Shop, Youth Resource Center, and the Aquatic Center. Additionally, the contract would include seasonal services to buildings in Steed and Fisher Parks and areas of the Aquatic Center that are shared with the school district.

Thirty-nine vendors reviewed the bid and by the deadline, eleven bids were received. Of the total number of bids received, five were incomplete leaving six (6) qualified bids. A mandatory pre-bid meeting was held on July 19, 2011 to provide vendors with the opportunity to visit each of the areas included in the bid and verify measurements.

A committee including Steve Guy, Donna Russell, Randy Goodnight, and Gary Cohen reviewed the qualified bids and rated each proposal based on the following criteria:
1. Experience and expertise of contractor for services (company profile).
2. References / Site visits
3. Cost / Fees.
5. Staffing and ability to maintain account.
6. Added value.

In the 2012 budget, $125,000 is included for the provision of these services. Through the evaluation process, RBM Building Services, with offices in Salt Lake City, received the highest ranking from the committee. RBM Building Services was also the lowest responsible and responsive bid with an annual contract cost of approximately $112,190.40. The term of the proposed agreement would be for one year with a two (2) year extension at sole option of the city. The term of the resulting agreement shall be for a period of one (1) year beginning September 1, 2011 ending August 31, 2012.
## RFB JANITORIAL SERVICES

1 Vendor - Monthly w/ summer CAC

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Cost of annual contract w/ 3 mo. CAC  $112,190.40

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| Gary             |                        |           |          |             |       |
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| Redlee           | 18 6 6 4               |           |          |             | 34    |
| American Bldg Maint. | 24 8 8 0       |           |          |             | 40    |
| ISS              | 24 8 6 0               |           |          |             | 38    |
| Wasatch          | 24 8 8 0               |           |          |             | 40    |
| BearCom          | 24 8 6 0               |           |          |             | 38    |