

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
October 8, 2013

PRESIDING:	Don Wood	Mayor
PRESENT:	Kathryn Murray Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember
EXCUSED:	Kent Bush Mike LeBaron	Councilmember Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Greg Krusi Scott Hodge Curtis Dickson Scott Hess Nancy Dean Kim Read	City Manager Assistant City Manager City Attorney Police Chief Public Works Director Community Services Deputy Dir. Development Services Director City Recorder Deputy City Recorder

VISITORS: Anthony Vasquez, Tyler Byington – Boy Scout Troop 572, Hunter Stegen – Boy Scout Troop 572, Lucas Walters – Boy Scout Troop 572, Wendy Byington – Boy Scout Troop 572, Dennis Byington – Boy Scout Troop 572, Mathew Dybas – Boy Scout Troop 312, Samuel Emerson – Boy Scout Troop 312, Jay Baird – Boy Scout Troop 312, Braden Thornock – Boy Scout Troop 312, Elijah Emerson – Boy Scout Troop 312, Ramos Derek – Boy Scout Troop 312, Rich Baker – Boy Scout Troop 312, Koral Vasquez, Blair Wall, Con L. Wilcox – Wilcox Farms, Jeri Wilcox – Wilcox Farms, Howard Kirkpatrick, Franklin Pforts, Samuel Pforts, Terri Park, Bill Park

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

Councilmember Shepherd conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 10, 2013 WORK SESSION AND THE SEPTEMBER 24, 2013 REGULAR SESSION

Councilmember Young moved to approve the minutes from the September 10, 2013 work session and the September 24, 2013 regular session as written, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

PRESENTATION TO TYLER BYINGTON FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Tyler Byington completed the requirements to receive the rank of Eagle Scout. Mayor Wood and the City Council desired to recognize Tyler and acknowledge his achievement.

Councilmember Young invited Tyler and his parents to come forward and he presented Tyler with a certificate acknowledging his achievement.

PRESENTATION OF THE YARD OF THE YEAR AWARD

Each year, Clearfield City sponsors a Yard of the Week contest throughout the City. The Parks and Recreation Commission members visited eleven different zones in the City during the summer and submitted a weekly winner. At the end of the summer, the Commission members judged the weekly winners and selected a winner for Yard of the Year. This year's Yard of the Year winner was William Park. The runners-up were Howard & Karen Kirkpatrick and Rodger and Edith Hanson.

Councilmember Shepherd read a congratulations letter from Councilmember Bush, liaison to the Parks & Recreation Commission, to the audience. Councilmember Shepherd presented certificates and gift cards to Yard of the Year winner William Park and runner-up Howard and Karen Kirkpatrick. He expressed appreciation for their efforts in improving the "look" of Clearfield City

PUBLIC HEARING ON GPA 1308-0004, A REQUEST BY CLEARFIELD CITY TO AMEND ITS GENERAL PLAN TO INCLUDE REFERENCES TO THE MIXED USE (MU) ZONE

Scott Hess, Development Services Manager, explained in January 2013, the Clearfield City Council approved Ordinance 2013-01, which created the Mixed Use (MU) Zone. However, before the new MU Zone could be utilized, as a matter of housekeeping, it should be incorporated into the General Plan. He reviewed the proposed changes with the Council and stated the Planning Commission recommended approval of the General Plan Amendments during its meeting on September 4, 2013.

Councilmember Shepherd clarified this would allow multi-family housing only within the MU zone. Mr. Hess responded yes. He continued the City had created the new MU zone but it was not currently reflected in the General Plan; however, the Planning Commission referred to the City's General Plan when making its recommendations for zoning to the City Council. He stated this would allow the General Plan to acknowledge what the ordinance allowed.

Councilmember Shepherd inquired if the Council didn't approve the amendment to the General Plan, could multi-family housing be allowed in the MU zone. Mr. Hess responded it could be allowed. He continued to explain that any recommendation that would be made with a development site plan for the MU zone would be recommended that it didn't meet the General Plan. He clarified the General Plan amendment would provide an opportunity within the General

Plan to approve projects within the MU zone. He emphasized this provided consistency with the land use ordinances and the General Plan.

Councilmember Shepherd expressed concern the amendment would allow multi-family housing in a specific project yet nowhere else within the City. Councilmember Murray expressed disagreement and believed multi-family housing was also allowed in the R-3-R, (multi-family redevelopment) the CR, (Commercial with Residential) and the DR (Downtown Redevelopment) zones. Councilmember Shepherd expressed his opinion the General Plan specified otherwise. Scott Hess, Development Services Manager, commented the General Plan allowed for a wide variety of housing and suggested the proposed change was inherent to proposed housing for the Clearfield Station project.

Councilmember Shepherd stated there was only one area of the City which could meet the 40 acre parcel requirement and expressed concern multi-family housing would only be allowed with that specific project. Brian Brower, City Attorney, clarified the current General Plan did allow multi-family housing in those zones identified by Councilmember Murray, and the proposed amendment would add another allowable zone. He continued the General Plan currently created an exception for the R-3-R, redevelopment of existing, CR, commercial and residential, and the MU which was similar to the CR and the DR. He didn't believe the amendment would create any more of a conflict.

Adam Lenhard, City Manager, reminded the Council that the UTA project was originally intended to be developed with standards of the CR zone and once the City realized how complex the development would be it was then determined to create a new zone specific to that development. He believed if the MU zone existed at the time the General Plan was last amended, it was his opinion it would have been included with the previous zones, which allowed for multi-family dwellings. He pointed out since the CR zone had been included in the last General Plan amendment and given that the UTA project was intended to be developed with the CR zone standards, he believed this amendment was consistent with the original idea for the TOD development.

Councilmember Shepherd expressed disagreement. He believed if the MU zone was available, which allowed the higher density housing, the General Plan would not have been amended. Mr. Lenhard clarified the CR zone did allow for higher density housing. Councilmember Shepherd expressed concern the General Plan was being amended while not addressing other proposed multi-family housing locations within the City. Mr. Lenhard responded the draft represented the direction which was given to staff based upon a recommendation from the Planning Commission and from a previous work session.

Councilmember Young expressed his opinion the MU zone was more restrictive than the CR zone because it allowed the City to place further restrictions on the development. He continued since the CR had already been approved with the higher density component he didn't believe it should be an issue with placing a higher restrictive zone in a mixed use development.

Councilmember Shepherd emphasized his concern was the City was amending the General Plan and was not addressing a known conflict or issue with multi-family housing general to the City as a whole.

Mayor Wood declared the public hearing open at 7:28 p.m.

Mayor Wood asked for public comments.

Con Wilcox, resident and owner of Wilcox Farms Development, expressed appreciation for the opportunity to address the Council. He stated it was his understanding the Planning Commission and City Council would be addressing the statement in the General Plan regarding multi-family dwellings as it would apply to all zones not just the MU (Mixed Use) zone. He indicated he had been involved in meetings held in June, July and August during which discussions took place relative to the issue. He stated based on those discussions a decision was made to delay the Wilcox Farms project with the understanding that clarification to the General Plan would be forthcoming. He mentioned the meeting's agenda had no mention of clearing up the statement in the General Plan except to specifically address the use of the MU zone.

Mr. Wilcox reported some facts relative to Wilcox Farms Development:

- 25 businesses locating to Clearfield City since 1998
- 15 years of continuing marketing for commercial development
- The triangular shape of the parcel of property is a challenge due to the power corridor to the east
- The parcel is also surrounded by commercial development on Antelope Drive and 1000 West

Mr. Wilcox pointed out the General Plan was changed for the property in 2010 from commercial to residential with full support of the Council. He continued the plans presented to the Council at that time was for a townhome designed community which consisted of 1700 square foot homes with three bedrooms and a two car garage, family owned properties. He emphasized the current proposal was for the very same development and they would not be apartments. He stated he had met on numerous occasions with staff regarding the design of the project and reported on some of the suggestions made by staff.

Mr. Wilcox requested the City follow through with the directions and recommendations made to Wilcox Farms Development since 2010.

Councilmember Shepherd moved to close the public hearing at 7:32 p.m. seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

PUBLIC HEARING ON FSP 1307-0004, A REQUEST BY MARK THAYNE, ON BEHALF OF EVERGREEN HOLDING, LLC, FOR A FINAL SUBDIVISION PLAT TO SUBDIVIDE A COMBINED ACREAGE OF 6.91 ACRES INTO TWO PHASES WITH A TOTAL OF 27 LOTS WHICH WILL BE KNOWN AS THE JON'S PARK SUBDIVISION PHASE 1 AND PHASE 2

The request was to subdivide a combined acreage of 6.91 acres into two phases with a total of 27 lots which would be known as the Jon's Park Subdivision Phase 1 and Phase 2. The site was located in the vicinity of 125 North and 150 North Pacific Avenue and was currently zoned R-1-Open (Residential). The public hearing was opened and continued from the meeting on September 10, 2013.

JJ Allen, Assistant City Manager, shared a visual presentation identifying the two phases of Jon's Park Subdivision and stated the subdivision was located at approximately 125-150 North and Pacific Street. He explained Jon's Park had been approved in 2010 and indicated at that time the developer had chosen to not move forward, however, he pointed a development agreement had been approved and executed and stated it was still in place even though the plat approval from that time had expired. He continued that due to that expiration the developer was required to reapply in order to pursue the project.

Mr. Allen reported the developer had reapplied for the Subdivision Plat which came before the Planning Commission last month and stated it had been recommended for approval. He indicated during the process of reconsidering the plat, some items had been identified which needed to be addressed in the development agreement. He reported the Council would be considering an addendum to the development agreement later in the meeting. He briefly reviewed the items:

- Road improvements on Pacific Street
- The enabling of those improvements to be escrowed

Mr. Allen informed the Council of the conditions associated with the approval of the subdivision included the following:

- Ensuring the Plat was in concurrence with the city engineer's satisfaction in meeting the City's standards
- Water detention requirement which counted toward the open space requirements for the subdivision. He shared specifics regarding the storm water detention basins and the need for the designation of an HOA or Assessment Area to maintain the subdivision's open spaces. He stated that particular issue had not yet been determined and indicated the developer would be in favor of whichever option was in his financial best interest. He suggested staff would be suggesting revised language be included in the motion which reflected the option of designating an Assessment Area for condition #4 and requested the motion would also include verbiage specific to that in the plat approval.

Mayor Wood declared the public hearing open at 7:37 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Young moved to close the public hearing at 7:38 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Murray and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

PUBLIC HEARING ON RZN 1304-0007, A REQUEST BY MICHAEL CHRISTENSEN, ON BEHALF OF THE THACKERAY GARN COMPANY, FOR A REZONING FROM C-2 (COMMERCIAL) AND M-1 (MANUFACTURING) TO MU (MIXED USE)

JJ Allen, Assistant City Manager, explained UTA (Utah Transit Authority) currently owned the 72 acres located at approximately 1250 South State Street and had hired Thackeray Garn to develop it. The rezone was one of the steps required for the development process. He explained the Planning Commission had not been able to act on the rezone application and stated the developer had requested the public hearing be continued until Tuesday, November 12, 2013.

Mayor Wood declared the public hearing open at 7:40 p.m.

Mayor Wood asked for public comments.

Koral Vasquez, resident, expressed her approval of the rezone; however, she expressed concern about the inclusion of Depot Street in the development associated with Clearfield Station. She stated she owned property adjacent to the UTA property and expressed her excitement for the development. She expressed her concern with the extension of Depot Street connecting to the development and explained she had recently built a large outbuilding on her property. She expressed concern the road extension would take a significant portion of her property which would negatively affect her intentions for her property and encouraged the Council to consider other options. She emphasized she was in favor of the rezone and that her comments were specific to how the Depot Street extension would negatively impact her property.

Mayor Wood commented the City had a Streets Master Plan which identified development of future streets which reflected the Depot Street extension in order to accommodate the Transit Oriented Development. He encouraged Ms. Vasquez to continue participating in future meetings of the Planning Commission specific to Clearfield Station in order to determine if other options for the road extension could be accommodated. He believed Ms. Vasquez's concerns would be better addressed during the Site Plan approval process. He made note of Ms. Vasquez's concerns.

Councilmember Shepherd moved to continue the public hearing until the City Council Meeting scheduled for November 12, 2013, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF ORDINANCE 2013-11 AUTHORIZING MINOR MODIFICATIONS TO THE CITY'S GENERAL PLAN TO INCLUDE THE NEWLY ENACTED MIXED USE (MU) ZONE ALONG WITH OTHER MINIMAL ASSOCIATED CHANGES

Councilmember Shepherd commented he was not in objection to the General Plan modifications but stated he was concerned about the implication of the changes and suggested the multi-family housing issue would need to be considered in the future. Mayor Wood suggested the Council proceed carefully because of the City's previous action in down zoning some properties.

Councilmember Murray moved to approve Ordinance 2013-11 authorizing minor modifications to the City's General Plan to include the newly enacted Mixed Use (MU) Zone along with other minimal associated changes and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF FSP 1307-0004, A REQUEST BY MARK THAYNE, ON BEHALF OF EVERGREEN HOLDING, LLC, FOR A FINAL SUBDIVISION PLAT FOR JON'S PARK SUBDIVISION PHASE 1 AND PHASE 2

Brian Brower, City Attorney, clarified the designation of the HOA had been identified in the development agreement but pointed out JJ Allen, Assistant City Manager, had commented during the earlier public hearing the designation of an Assessment Area was being considered by the developer. He suggested the inclusion of language specific to the designation of either an HOA or Assessment Area for the common spaces be included in the motion if the Council so desired. He mentioned this would allow the flexibility on the developer's part.

Councilmember Murray requested clarification specific to street improvements in the development. Scott Hodge, Public Works Director, explained the adjustment for the "crown" in the road was specific to Pacific Street and would meet City standards. He added funds designated for the escrow account would be used by the City at a later date to complete the street improvements. He stated the cul-de-sacs would be "Slurry" sealed and mentioned the existing road would need to be cut in order to pipe for storm drainage which would then be "Chip" sealed. He emphasized Pacific Street would remain as it was until the City completed the desired improvements.

Councilmember Young moved to approve FSP 1307-0004, a request by Mark Thayne, on behalf of Evergreen Holding, LLC, for a final subdivision plat for Jon's Park Subdivision Phase 1 and Phase 2, with the option of establishing an HOA or Assessment Area to maintain open spaces, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF THE ADDENDUM TO THE DEVELOPMENT AGREEMENT FOR JON'S PARK SUBDIVISION

On April 22, 2013, the City Council approved the final plat for Jon's Park, and the corresponding Development Agreement was executed on June 29, 2010. However, the final plat was never recorded and no construction ever took place, resulting in the expiration of that plat approval. The Planning Commission approved the plat, with conditions, during its meeting on September 4, 2013. In the course of reviewing the resubmitted plat application, it became apparent the existing Development Agreement would need to be amended.

JJ Allen, Assistant City Manager, explained there was a Development Agreement in existence for Jon's Park Subdivision since 2010 which the City believed was still valid, however; there were a few points which needed to be clarified as the City moved forward in approving a Final Plat.

- The new Final Plat from 2013 would replace and supersede the Plat from 2010
- Section E in the addendum addressed the point of creating either an Assessment Area or HOA
- Section C in the addendum spoke to the Escrow of the Pacific Street improvements. He mentioned the previous agreement identified financial participation of \$5,000 on behalf of the City toward the storm drainage improvements and explained that was why the language of "less than \$5,000" to the total escrow amount for asphalt, storm drainage, curb and gutter, etc. He mentioned the improvements would not only exist from where the development fronted Pacific Street but would also extend down the cul-de-sac to the south on the north side of the Center Street bridge.
- Section D identified what had been stricken from the Agreement which had been included in Section C relative to the Escrow Funds.
- Section E spoke to the Councilmember Murray's question regarding Slurry and Chip seal. He referred to Mr. Hodge's earlier comments in which the development would take sanitary and storm sewer south connecting at 300 West. He explained this would require the asphalt to be cut and patched and stated it was the City's preference for a chip seal repair.

Mr. Allen informed the Council the developer's signature was already on the Addendum.

Brian Brower, City Attorney, stated no additional language would be necessary in the motion as optional language was already included in the Addendum.

Councilmember Shepherd moved to approve the Addendum to the Development Agreement for Jon's Park Subdivision and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF ORDINANCE 2013-08 AMENDING TITLE 1, CHAPTER 7 OF THE CLEARFIELD CITY CODE BY ADDING SECTION 10, ESTABLISHING A MUNICIPAL ETHICS COMMISSION

Brian Brower, City Attorney, stated recent Legislation established an Ethics Commission to review and address complaints regarding activities of certain elected and appointed officials. He explained the City was approached by Layton City requesting participation in an Ethics Commission and the City determined this would be in its best interest as opposed to participation in the State's Commission. He reminded the Council that the issue had been previously discussed in a work session and staff was directed to proceed with the agreement with Layton, Roy and Bountiful cities.

Councilmember Young moved to approve Ordinance 2013-08 amending Title 1, Chapter 7 of the Clearfield City Code by adding Section 10, establishing a Municipal Ethics Commission and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF RESOLUTION 2013-17 AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CREATION OF AN ETHICS COMMISSION AS PROVIDED FOR BY STATE LAW

The Interlocal Agreement would allow the City to participate with Bountiful, Layton and Roy cities in creating an Ethics Commission as provided for by State Law to review any complaints regarding the actions of a local entity's elected officials and any executive officer.

Councilmember Murray moved to approve Resolution 2013-17 authorizing an Interlocal Agreement with the creation of an Ethics Commission as provided for by State law and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

COMMUNICATION ITEMS

Mayor Wood – nothing to report.

Councilmember Murray – nothing to report.

Councilmember Shepherd –nothing to report.

Councilmember Young – encouraged the youth in attendance to consider participating with the Youth City Council (YCC). He announced the YCC was currently in a recruitment process and mentioned meetings were held the first and third Thursday of every month at 7:00 pm at City Hall.

Adam Lenhard, City Manager – nothing to report.

STAFFS' REPORTS

Nancy Dean, City Recorder

1. Announced Early Voting would begin Tuesday, October 22, 2013 at City Hall. She stated the early voting schedule was available on the City's website.
2. Reminded the Council Election Day was Tuesday, November 5, 2013 and stated residents could vote at Antelope Elementary, Holt Elementary or City Hall.
3. Informed the Council that Clearfield High Student Government would be sponsoring Meet the Candidates on Tuesday, October 15, 2013, 7:00 pm at Clearfield High School Media Center.
4. Announced the City Council meeting schedule: policy session on Tuesday, October 22, 2013 at 7:00 pm and a work session on Tuesday, October 29, 2013 beginning at 6:00 pm.

Councilmember Shepherd moved to adjourn the regular session and reconvene in a work session at 8:04 p.m., seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Murray, Shepherd and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.

**APPROVED AND ADOPTED
This 12th day of November, 2013**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, October 8, 2013.

/s/Nancy R. Dean, City Recorder