

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
August 26, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Kim Dabb	Operations Manager
	Scott Hess	Development Services Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Jessica Hardy	Accountant
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: John W. Hansen, Marilyn Love – Sundowner Condominiums, Patricia A Maurer – Sundowner Condominiums, Kathryn Murray

Mayor Shepherd called the meeting to order at 7:00 p.m.

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

Councilmember LeBaron conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JULY 22, 2014 WORK SESSION, THE JULY 22, 2014 POLICY SESSION, AND THE AUGUST 12, 2014 POLICY SESSION

**Councilmember Bush moved to approve the minutes from the July 22, 2014 work session, the July 22, 2014 policy session, and the August 12, 2014 policy session as written, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT FOR RZN 1403-0005, A REZONE REQUEST FOR PROPERTY LOCATED AT 938 SOUTH 2000 EAST (TIN: 09-302-0008) FROM (C-2) COMMERCIAL TO (C-R) COMMERCIAL RESIDENTIAL

The property was currently owned by Thomas Rosenberg and had been listed and marketed for sale with John Hansen Real Estate for multiple years as a commercial property. There had been little to no interest in the property as a solely commercial piece of ground. In order to better utilize the property, the applicant had decided to pursue a rezone to Commercial Residential (C-R) to provide more opportunity for mixed use development on it. The public hearing would be continued until Tuesday, October 14, 2014.

Scott Hess, Development Services Manager, explained the request was to rezone approximately 7.09 acres from C-2, Commercial, to C-R, Commercial Residential. He stated the recommendation was to hold the public hearing, consider information provided by the applicant and within the staff report, provide feedback to the applicant, and continue the item until the October 14, 2014 meeting, allowing the applicant time to prepare a development agreement as required by the rezone.

He stated the points of consideration while referring to an illustration:

- The property was west of the Weber State University, Davis Campus and south of the Northrop Grumman building.
- The property has a significant slope running north and south.
- The property was north of the Pinnacle Apartments.
- The General Plan reflects an east/west travel corridor for a number of years.
- There is an existing private road which connects to 1500 East to the west.
- There was a short public road which turns into a private street that accesses the rear of a condominium complex as well as a housing development.
- Property in between the two owned by Clearfield CDRA.

He informed the Council that staff wasn't set that the corridor or future road needed to be on the southern property line of the property; however, the City did maintain an easement across the property and indicated the easement would need to be vacated and a new east/west travel easement would need to be prepared with any development.

He reported on other items which were noted:

- The CR Zone was originally intended for vertical mixed use with residential above the ground floor retail, which would make it easy to determine the required ground floor commercial calculation.
- The proposal was proposed horizontal mixed use with the residential component.
- The developer proposed a base level of residential housing and provided twenty percent of that number to determine the commercial figure. He reported the commercial figure was slightly short by approximately 2000 square feet.
- The Planning Commission had considered the conceptual plan and would be willing to recommend approval of the rezone with an approved development agreement and acceptance of Preliminary and Final Plat.

- The Planning Commission had strong feelings that 2000 East should include commercial development on both the north and south side of the access.

Mr. Hess referred to the conceptual plan to illustrate the previous points as well as the following:

- Property owned by the City with the developed parking lot.
- Where the east/west travel easement would be located.
- Where the proposed twin homes and commercial building would be located.
- The Planning Commission believed the commercial could either be split or another commercial building could be located on the north side of the development's entrance.

Mr. Hess stated the developer was looking for a discussion and input from the Council with what would need to happen in order for the rezone to take place. He pointed out the property had been zoned commercial and marketed for a number of years with no interest. He pointed out the topography issues related to the slope and the City didn't have high-quality twin homes.

Mayor Shepherd asked if the proposed 11,000 square foot commercial building was a two story building. John Hansen, developer, explained it was proposed to be a single level building. He explained the commercial component was just shy of the required square footage because he figured out the number of proposed residential development and based the twenty percent off of that figure; not realizing the commercial portion needed to be included in the twenty percent figure. He commented the Planning Commission strongly believed the commercial component should be on the north side of the entrance off of University Park Boulevard; however, he believed the fifty foot slope was a challenge. Councilmember Bush believed the commercial component should be along University Park Boulevard and proposed a two story building on the slope portion of the property and a one story on the higher portion. He pointed out the commercial component should be on the north side and the residential component would be a better fit along the south side because there were already apartments near the property. Councilmember Young expressed agreement. Councilmember LeBaron believed if the elevation issue could be addressed to accommodate the residential component it shouldn't be difficult to incorporate with the commercial development along University Park Boulevard.

Mr. Hess mentioned another comment from the Planning Commission was to have the building front 2000 East (University Park Boulevard).

Mayor Shepherd opened the public hearing at 7:16 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember LeBaron moved to continue the public hearing until Tuesday, October 14, 2014, at 7:23 p.m. seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

Brian Brower, City Attorney, announced the applicant was entitled to a decision from the City Council; however, it was staff's recommendation that prior to approving the rezone from C-2 to C-R, a development agreement would need to be put in place. He stated he and Scott Hess had talked to the owner's representative about the process who had indicated his preference to postpone the Council's action on the rezone to October allowing for time to complete a development agreement. John Hansen Company, representatives of the property owner, acknowledged from the audience that the property owner had agreed to the continuance.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT FOR RZN 1407-0006 AND RZN 1407-0007, REZONE REQUESTS FOR MULTIPLE PROPERTIES OWNED BY CLEARFIELD CITY AND THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA); SOME LOCATED WEST OF 888 SOUTH 2000 EAST AND OTHERS AT APPROXIMATELY 497 SOUTH MAIN, CLEARFIELD, UTAH

The (PF) Public Facilities zone was established to provide areas for the location and establishment of facilities which were maintained in public and quasi-public ownership and use. Clearfield City and the Clearfield Community Development and Renewal Agency owned property that was currently zoned R-3 and C-2. In order to create consistency with city-owned properties and to better reflect their public uses, the Community Development Department along with the Executive Department requested the Planning Commission consider the rezoning of the parcels to the Public Facilities (PF) zone. The Planning Commission heard the item at its regular meeting on Wednesday, August 6, 2014 and recommended approval of both rezones based on the discussion and findings included in the Staff Report.

Scott Hess, Development Services Manager, explained one of the properties was a triangular shaped property located west of 888 South 2000 East near the Northrop Grumman building. He mentioned there was currently a land lease with the current tenant of the building and indicated the property would be rezoned from Commercial and Residential to PF, Public Facilities. He stated the City had no interest in owning property that was zoned commercially or residentially; therefore, the request was to rezone the property to a PF zoning designation for the sake of consistency with other properties currently owned by the City. He emphasized there would be no usage change associated with the rezone. He stated the only comments made at the Planning Commission meeting were associated with the waterline project taking place north of the property.

Mr. Hess explained the other properties proposed for rezone were associated with the City's public works facilities located on South Main. He stated the City's properties were currently zoned M-1, manufacturing, and R-2, residential. He mentioned there was currently a road separating the public works facility and the parks facility which would be included with the proposed property rezone. He suggested the entire parcel would be reorganized into one parcel with a single zoning designation.

Brian Brower, City Attorney, agreed with Mr. Hess that the City was looking at the properties it owned to identify the appropriateness of rezoning them to PF, Public Facilities, for consistency purposes. He also indicated the City would be looking at properties in the City owned by other public entities for the appropriateness of a PF zoning designation. Mr. Brower stated there were differences in the permitted and conditional uses for both the R-3 and C-2 zones from the PF

zone. He clarified that any permitted or conditional uses listed in the PF zone would be permissible on the properties with that zoning designation. He added that any of the permitted or conditional uses with a conditional use permit in the PF zone would be allowed on these properties if the rezone was approved.

Mayor Shepherd opened the public hearing at 7:24 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Young moved to close the public hearing at 7:25 p.m. seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

#### CITIZEN COMMENTS

There were no public comments.

#### APPROVAL OF RESOLUTION 2014R-20 ACCEPTING FOR FURTHER CONSIDERATION THE ANNEXATION PETITION FILED BY SUNSET RIDGE DEVELOPMENT PARTNERS, LLC, THE LESSEE OF MILITARY LAND INCLUDED WITHIN THE FALCON HILL MILITARY INSTALLATION DEVELOPMENT AUTHORITY PROJECT AREA

On August 18, 2014, Sunset Ridge Development Partners, LLC, filed a petition of annexation with Clearfield City. The petitioner was the lessee of military land included within the Falcon Hill Military Installation Development Authority Project Area.

Brian Brower, City Attorney, stated the City had received the annexation petition from Sunset Ridge Development Partners, LLC, to annex the Falcon Hill project area, which was leased military land. He clarified that under the statutory framework associated with MIDA (Military Installation Development Authority), the City wouldn't provide any infrastructure or perform traditional municipal services other than what had been identified in the Interlocal Agreement. He reviewed the annexation process with the Council and indicated the resolution would only be accepting the annexation petition which would begin the process for adjusting the City's boundaries.

Paul Morris, MIDA, stated the annexation was important to MIDA because portions of the newly built Northrop Grumman building and parking lot were located within the City's boundary. He announced a new building currently under construction was not located within the City's boundary and there was a need for the tax rate to be the same because of the current bonding associated with construction of the facility. He explained the need for consistency of the tax rate for the facilities at Falcon Hill and stated a level playing field for tax purposes would benefit the City. He indicated portions of the new building would be used by the Air Force.

**Councilmember Jones moved to approve Resolution 2014R-20 accepting the annexation petition filed by Sunset Ridge Development Partners, LLC for further consideration**

**pursuant to Title 10, Chapter 2, Part 4 of the Utah Code, which also directs the City Recorder to begin the certification process, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2014-19 REZONING MULTIPLE PROPERTIES OWNED BY CLEARFIELD CITY AND THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA); SOME LOCATED WEST OF 888 SOUTH 2000 EAST, AND OTHERS AT APPROXIMATELY 497 SOUTH MAIN, CLEARFIELD, UTAH

**Councilmember LeBaron moved to approve Ordinance 2014-19 rezoning multiple properties owned by the City and the Community Development and Renewal Agency (CDRA) and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF THE AWARD OF BID FOR THE CLEARFIELD ARTS CENTER ENTRY REMODEL AND WINDOW REPLACEMENT PROJECT TO SAUNDERS CONSTRUCTION

Eric Howes, Community Services Director, explained the project originally went out to bid in May and all bids were rejected because they exceeded the budgeted amount for the project. He reported staff reconsidered the project and modified the improvements and began the bid process for the Arts Center Entry Remodel and Window Replacement Project for a second time in August. He reported six contractors returned qualified bids and the lowest responsible bidder was Saunders Construction of Ogden, Utah with a total amount of \$151,000.00. He stated the received bids ranged from \$151,000.00 to a high bid of \$211,900.00. He clarified the project included soffits, the north and west entrees and replacement of all windows.

**Councilmember Benson moved to approve the Award of Bid for the Clearfield Arts Center Entry Remodel and Window Replacement Project to Saunders Construction for the amount of \$151,000.00, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

COMMUNICATION ITEMS

*Mayor Shepherd*

1. Reported he had attended General Baker’s farewell party on Friday, August 22, 2014 and announced the general would be leaving for Ohio on September 9, 2014. He indicated he was being replaced by General Buhler.
2. Informed the Council that he met with the generals from the Hill Air Force Base (HAFB) and other local community leaders on Monday, August 25, 2014. They had all expressed appreciation for the City’s support and indicated the Base was reputable for the community’s support.

*Councilmember Benson* – nothing to report.

***Councilmember Bush***

1. Reported he had attended the North Davis Sewer District’s meeting on Thursday, August 14, 2014. He updated the Council on the sewer line project taking place on 1000 East and indicated it was nearing completion.
2. Announced he attended the Parks & Recreation Commission meeting and stated the commissioners were out and about in the City deciding on the Yard of the Year winner.
4. Informed the Council that the Kiwanis Club was trying to decide the best way to conduct its Coats for Kids drive this season.
5. Suggested the City determine the dates for next year’s Take Pride in Clearfield. He indicated it would be a good idea for some of the organizations to schedule and calendar the event to ensure volunteers’ availability.

***Councilmember Jones*** – nothing to report.

***Councilmember LeBaron*** – nothing to report.

***Councilmember Young*** – nothing to report.

***Adam Lenhard, City Manager*** – nothing to report.

**STAFFS’ REPORTS**

***Nancy Dean, City Recorder*** – Updated the Council of the following meeting schedule:

- No meeting was scheduled for Tuesday, September 2, 2014
- Regular policy session scheduled for Tuesday, September 9, 2014.

There being no further business to come before the City Council **Councilmember Jones moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 7:38 p.m., seconded by Councilmember Bush. All voting AYE.**

*\*\*The minutes for the CDRA are in a separate location\*\**

**APPROVED AND ADOPTED  
This 9<sup>th</sup> day of September, 2014**

**/s/Mark R. Shepherd, Mayor**

**ATTEST:**

**/s/Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, August 26, 2014.