

CLEARFIELD CITY COUNCIL MEETING MINUTES  
8:00 P.M. POLICY SESSION  
January 28, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	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
	Kelly Bennett	Police Sergeant
	Scott Hodge	Public Works Director
	Curtis Dickson	Community Services Deputy Dir.
	Ginger Myers	Recreation Sports Programmer
	Scott Hess	Development Services Director
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Mike Arave, Katherine Arave, Doyle Sprague, Kathryn Murray, Mike Millard, Robert Bercher, Mike Plowman – Boy Scout Troop 524, Marty Haslam – Boy Scout Troop 524, Charlie Low, Allen Young. Blake Haslam Bill Reilly, Brady Juglen, Karen Sparks, Kameron Sparks – Boy Scout Troop 590, David & Phyllis Bouwhuis, Roger Keally, Con L. Wilcox, Becky Brooks, Jessica Jorgensen, Deana Jorgensen, Barbara Bloomfield, Nancy Pedersen, David Tomczak, Kristi Bush, Scott Hall

Mayor Shepherd called the meeting to order at 8:07 p.m.

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

Councilmember Bush conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 12, 2013 WORK SESSION, THE DECEMBER 10, 2013 WORK SESSION, THE JANUARY 14, 2014 POLICY SESSION AND THE JANUARY 14, 2014 WORK SESSION

Councilmember Benson believed Ron Jones and Dan Gardner had not been listed as a “visitor” for the minutes from the January 14, 2014 City Council work session and policy session. Nancy Dean, City Recorder, responded those individuals hadn’t signed the attendance roster; however, she stated those names would be added to the minutes.

Councilmember Bush pointed out the importance of signing the attendance roster when attending City Council meetings.

**Councilmember Bush moved to approve the minutes from the November 12, 2013 work session, the December 10, 2013 work session as written, and the January 14, 2014 policy session and the January 14, 2014 work session as amended, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.**

#### APPOINTMENT TO FILL THE CURRENT VACANCY ON THE CITY COUNCIL

Mark Shepherd resigned his seat on the City Council on January 6, 2014 due to his being elected as Mayor in November 2013.

Councilmember Benson stated she enjoyed each of the presentations and complimented each for their desire to serve and expressed her opinion all candidates were deserving of the appointment and commented it would be nice to have each serve on a rotational basis.

Councilmember Bush commented it was going to be difficult to make a decision but stated he was looking for commitment and expressed his opinion the vacancy should be occupied by an individual who had expressed an interest in serving by completing the campaign process and participated in the last election as well as someone who had expressed interest in what was happening in the City and had been attending City Council meetings for several months. He stated he wanted an individual who was aware of the Council's goals and current issues concerning the City.

Councilmember Young stated he was looking for an individual with a different skill set which would enhance the Council with a different perspective and someone who was also informed of issues concerning the City at this time.

Councilmember LeBaron mentioned he was originally appointed to the Council and had not participated in an election process and was grateful for the opportunity granted to him to serve. He didn't believe the City could make a poor choice by selecting any of the candidates, as they were all capable of serving the City and complimented each candidate on their presentation and strengths. He stated during the previous year and a half he had the opportunity to work closely with Ron Jones and believed he deserved an opportunity to present his capabilities on the City Council.

Councilmember Bush announced there were current vacancies on both the Planning Commission and Parks & Recreation Commission and encouraged the individuals who wouldn't be selected to fill the City Council vacancy, to consider serving in that capacity.

Councilmember Benson mentioned the knowledge she gained by attending the City Council meetings had been invaluable.

**Councilmember LeBaron moved to appoint Ron Jones to the City Council, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.**

The Council took a break at 8:30 p.m.

The meeting resumed at 8:40 p.m.

### PRESENTATION ON THE BEAUTIFICATION COMMITTEE PROJECT REPORT FOR 2013

A beautification committee was formed and assigned to review the City's property maintenance ordinances for strengths and weaknesses. The committee also performed area-specific assessments of all City neighborhoods for condition and needs, identified possible landscaping, signage and other elements for implementation, and prepared lists of prioritized projects and needs. Adam Lenhard, City Manager, presented the findings of the committee. He recognized those residents who had participated in serving on the Beautification Committee. The Beautification Committee Project Report was distributed and Mr. Lenhard reviewed the findings and administrative actions included in the report with the Council.

Councilmember Bush inquired if the City was limited on the dollar amount of the fine associated with Code Enforcement. Brian Brower, City Attorney, responded the dollar amount of the fine was associated with the classification of the offense and explained how a portion of the fine could be suspended associated with the violation.

Kristi Bush, Beautification Committee member, stated members of the Committee were very excited about the proposed "Take Pride in Clearfield" day and believed the event would be very successful if the Committee was designated to oversee the event. She expressed frustration about the time process associated in getting things accomplished at the City level and expressed her opinion time was of the essence in putting volunteers to work once they've made a commitment and suggested the event take place in the month of May.

Mayor Shepherd complimented the Beautification Committee for their efforts.

### OATH OF OFFICE TO RON JONES

Ron Jones had been appointed earlier in the meeting to fill the City Council vacancy created by Councilmember Mark R. Shepherd being elected to Mayor during the 2013 municipal election. Nancy Dean, City Recorder, administered the Oath of Office to Councilmember Ron Jones.

### CITIZEN COMMENTS

Nancy Pederson, resident, expressed concern regarding the City's animal control ordinance. She pointed out the City had adopted Davis County's Animal Control Ordinance with the exception of the allowance of three dogs. She stated the City's current ordinance only allowed for two dogs. She emphasized her daughter, Deana Jorgensen, was a responsible pet owner who had taken her dog to the vet after being attacked in her own yard by a neighbor's dog and was now

caught up in the enforcement of the ordinance, being told to get rid of one of her dogs. Ms. Pederson believed the City didn't need to have an ordinance different from the County's as there vicious dog ordinances, roaming dog ordinances and nuisance dog ordinances which addressed most issues regarding problem dogs. She agreed if dog owners were not responsible there were other ordinances which could be used to address the issue. She informed the Council Davis County had allowed up to three dogs in its ordinance because eighty five percent of the dogs brought to the animal shelter were there because of the two dog requirement and suggested the City Council consider changing their ordinance.

Deana Jorgensen, resident, stated when she moved to Clearfield several years ago it was evident many of her neighbors had three dogs and assumed three dogs were allowed. She explained new neighbors moved in, installed a fence and two of their dogs came into her yard and attacked her dog which required it to be taken to the vet who in turn called Animal Control who in turn informed her she would need to get rid of one of her dogs. She expressed the difficulty in considering which one of her family members to get rid of. She stated her dogs were considered "therapy" dogs for her husband and daughter and suggested the City consider changing its ordinance.

Jessica Jorgensen, resident, read a statement to the Council expressing her love for her dogs and the importance they were to her as she was an only child. She stated getting of even one dog would be like getting rid of a brother or sister.

Councilmember LeBaron inquired if the Jorgensen's had some kind of certification identifying the dog as a "therapy" dog or documentation from a therapist that the dogs were meeting a medical need. He believed as there was some implied linkage associated with need for "therapy" dog expressed his opinion the City had that liberty to modify the Ordinance specific to that allowance. He emphasized the City was landlocked consisting of small lots and stated the ordinance was put in place because of the need to limit the number of dogs in a small geographical area.

Councilmembers LeBaron and Bush directed staff to consider modifications specific to the Animal Control Ordinance. Ms. Jorgensen expressed concern regarding the time frame since Davis County Animal Control had only allowed her 30 days to retain the three dogs. Adam Lenhard, City Manager, instructed Ms. Jorgensen to have Clint Thacker, Davis County Animal Control Director, contact him if he had any questions which might allow for a longer time period.

#### REAPPOINT THE CITY RECORDER

State Law required the City Recorder be appointed before the first Monday in February following a municipal election.

**Councilmember Young moved to approve and consent to the Mayor's reappointment of Nancy Dean as City Recorder, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPOINT THE CITY TREASURER

State Law required the City Treasurer be appointed before the first Monday in February following a municipal election.

Mayor Shepherd stated he had visited with staff and considering the City's direction proposed a recommendation of appointing Rich Knapp as the City Treasurer.

**Councilmember LeBaron moved to approve and consent to the Mayor's appointment of Rich Knapp as City Treasurer, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF THE AWARD OF PROPOSAL FOR LANDSCAPE DESIGN SERVICES FOR CITY GATEWAYS TO PROJECT ENGINEERING CONSULTANTS (PEC)

Curtis Dickson, Community Services Deputy Director, stated staff solicited proposals for the design of City gateways and parks signage including the surrounding landscape, etc. Thirteen firms submitted proposals and each proposal was reviewed and ranked by staff based on the guidelines included in the request for proposals (RFP). The top five firms were brought in for individual interviews with the selection committee. Based on the review, staff was recommending that Project Engineering Consultants (PEC) be awarded the contract for the provision of the services.

Councilmember Young inquired about the cost of the proposal. Mr. Dickson explained the proposal specified it was not to exceed \$40, 000, which had been appropriated during the budget process.

**Councilmember Bush moved to approve the award of proposal for landscape design services for City gateways to Project Engineering Consultants (PEC) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVE RESOLUTION 2014R-01 APPOINTING MARK R. SHEPHERD AS CLEARFIELD CITY'S REPRESENTATIVE ON THE ADMINISTRATIVE CONTROL BOARD OF WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT

Clearfield City was a member of the Wasatch Integrated Waste Management District. Each member city of the District had the power to appoint one member to the Administrative Control Board.

**Councilmember LeBaron moved to approve Resolution 2014R-01 appointing Mayor Mark R. Shepherd as Clearfield City's representative on the Administrative Control Board of Wasatch Integrated Waste Management District and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon**

**the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVE RESOLUTION 2014R-02 APPOINTING TWO REPRESENTATIVES TO SERVE AS IT'S APPOINTEES ON THE TAXING ENTITY COMMITTEES FOR PROJECT AREAS ESTABLISHED BY THE CITY'S COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

Adam Lenhard, City Manager, explained Clearfield City must be represented on the taxing entity committee for any urban renewal, economic or community development project areas which either now exists or which may henceforth be created by the Clearfield Community Development and Renewal Agency. Mayor Shepherd was proposing to appoint Councilmember Kent Bush and Councilmember Mike LeBaron to the taxing entity committee.

**Councilmember Young moved to approve Resolution 2014R-02 appointing Councilmember Kent Bush and Councilmember Mike LeBaron as representatives to serve as appointees on any taxing entity committee for project areas established by the City's Community Development and Renewal Agency and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

MAYORAL APPOINTMENTS

Due to the results of the 2013 Municipal Election it was necessary to make new assignments to various boards and commissions for members of the City Council.

Mayor Shepherd briefly reviewed some of the appointments with the Council and pointed out ex-councilmember Murray would remain on the North Davis Fire District Board as she was the Chair of the Board and her appointment had not yet expired.

Brian Brower, City Attorney, suggested the verbiage "as listed in the agenda packet" be included in the motion.

**Councilmember LeBaron moved to approve and consent to the Mayor's appointments as listed in the agenda packet and authorize his signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

COMMUNICATION ITEMS

*Mayor Shepherd –*

1. Informed the Council the City had met with UDOT and reported it had been a good meeting. He reminded the Council they should have received an email informing it of what had transpired.
2. Announced the School Board had approved the creation of the Clearfield Station CDA this past week.

**Councilmember Benson** – Pointed out the Planning Commission’s meetings were held the first Wednesday of every month.

**Councilmember Bush** – Expressed agreement with Councilmember LeBaron’s remarks suggesting the applicants consider submitting a letter of interest for the Planning Commission vacancies. He mentioned there was currently one alternate position for the Planning Commission and suggested increasing the alternates to two members to ensure a quorum was present.

**Councilmember Jones** –

1. Stated he was honored at being selected to fill the City Council vacancy and suggested the other applicants consider serving on the Planning Commission and believed there could possibly be more changes taking place on the Commission.

**Councilmember LeBaron** – Complimented those individuals who had submitted letters of interest for the City Council vacancy and announced due to the earlier appointment of Ron Jones to the City Council and the election of Keri Benson to City Council, there were two vacancies on the Planning Commission. He suggested some of the applicants consider submitting a letter of interest for the vacancies. He mentioned members of the Planning Commission received a small stipend for their services.

**Councilmember Young** – nothing to report.

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

#### STAFFS’ REPORTS

**Nancy Dean, City Recorder** –

1. Reviewed the February City Council schedule; work session scheduled for February 4, 2014 beginning at 6:00 p.m. during which interviews for the Planning Commission and Parks & Recreation Commission would be taking place; Policy Sessions for February 11, 2014, and February 25, 2014 beginning at 7:00 p.m.

2. Expressed appreciation to the Council for its confidence and support with her reappointment as City Recorder.

There being no further business to come before the Council **Councilmember Bush moved to adjourn at 9:29 p.m., seconded by Councilmember. All voting AYE.**

**APPROVED AND ADOPTED  
This 11<sup>th</sup> day of February, 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, January 28, 2014.

/s/Nancy R. Dean, City Recorder