

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
July 22, 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
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Scott Hess	Development Services Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder
EXCUSED:	Brian Brower	City Attorney

VISITORS: David Hansen, Michael Millard, Amber Huntsman – Thackeray Garn Companies, Sam J Chelemes, Chris Chelemes, Bob Bercher & Family, Mike Christensen – Thackeray Garn Companies, Kathryn Murray, Alan Christensen – Boy Scout Troop 486, Gareth Williams – Boy Scout Troop 486, Dallen Howes

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 Bush conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JUNE 10, 2014 WORK SESSION, THE JULY 8, 2014 POLICY SESSION AND THE JULY 15, 2014 WORK SESSION

**Councilmember Young moved to approve the minutes from the June 10, 2014 work session, the July 8, 2014 policy session and the July 15, 2014 work 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 COMMENT ON THE FINAL SUBDIVISION PLAT  
KNOWN AS CLEARFIELD STATION LOCATED AT 1250 SOUTH STATE STREET FOR  
PHASE 1 OF THE MIXED USE DEVELOPMENT

The Phase One Final Subdivision Plat for Clearfield Station was submitted to the City based on a very tight review timeframe. It was decided that the plans were not complete enough for the City to perform a comprehensive review and it was recommended that the application be pushed back in order to give time for the developer to provide a more thorough and complete submittal. The Planning Commission opened its public hearing on the final plat on June 4, 2014 and continued it until July 2, 2014 and the City Council held a public hearing on June 24, 2014 and continued the item to July 22, 2014. The additional time allowed the developer and the City time to adequately address issues and prepare the final plans.

Scott Hess shared a visual presentation and stated the request was the Final Subdivision Plat 1405-0003, Clearfield Station, located at approximately 1250 South State Street (TIN# 12-066-0071 and 12-067-0139). He stated the recommendation from the Planning Commission was to approve as conditioned based on the findings and discussion included in the Staff Report dated Wednesday, July 2, 2014.

Mr. Hess shared the following conditions of approval:

- The Final Subdivision Plat would be the recorded document which would designate the parcels on which individual buildings would be constructed and dedicating roads to the City and setting up rights of way.

He stated a series of changes that had been requested since the Master Development Plan were originally proposed and reviewed them with the Council. The Planning Commission reviewed these same changes and accepted the Plat as presented:

- Vacating what was called UTA Lot 1 which was located on the south side of the right-of-way to allow for the residential use on the south side of the main access road and pointed out the location on the visual presentation.
- The developer had been unsuccessful in obtaining a right-of-way easement for the northern entrance so it had been moved farther south to accommodate a curve radius needed for vehicles to turn from State Street into the development.
- The southernmost access connecting to 1000 East will be a slight curve which will connect to a future road accessing State Street after the intersection had been moved.
- All easements had been called out on the Plat to be vacated at the time the accesses were provided.
- The Developer had proposed the majority of the sewer for the entire project to be collected in the City's sanitary sewer collection at 1000 East to provide adequate service or the Developer shall upsize the City's system to accommodate the Project.
- All public roadway improvements, sewers, storm drainage, culinary water will be designed to be up to standard for the City Engineer and Public Works Director. He clarified this will allow the City to require the Developer to provide a secondary avenue to remove sewer from the Project.

Mr. Hess reviewed the Conditions of Approval with the Council:

- The Developer shall submit a final clean copy of the Final Subdivision Plat documents correcting all errors and omissions
- The Final Engineering Design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Department (adequate sanitary sewer service for the Project)
- Final Fire Infrastructure Design shall meet North Davis Fire District's standards and be to the satisfaction of the Fire Marshall
- An estimate of Public Improvements to be submitted, reviewed and approved by the City Engineer prior to obtaining any building permits and establishment of an Escrow Agreement to be set up subject to approval by the City Engineer and City Attorney
- No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the Final Plat
- All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement

Mayor Shepherd declared the public hearing open at 7:12 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember LeBaron moved to close the public hearing at 7:13 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE COMMENT FOR A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 3 PROPOSING AMENDMENTS TO THE DEFINITION OF "PARKS AND OPEN SPACE"

The applicant owned an existing commercial building in the City which was located on property zoned both B-1 (Buffer) and R-1-8 (Residential). In order to facilitate the use of his commercial building as a daycare facility while using the open space as the State-required outdoor play area, the applicant applied for a Zoning Text Amendment to amend the definition of Parks and Open Space. The requested change to the definition within Title 11, Chapter 3 would be effective across all zoning designations.

Mayor Shepherd informed those present that the public hearing was regarding a text amendment that would apply across the City and not just to one particular property.

Scott Hess, Development Services Manager, shared the proposed ordinance change with the Council which would amend the existing definition within Title 11, Chapter 13, Section 3 – Open Space. Mr. Hess read the definition as it currently existed and stated the proposed amendment would add the following language: "A park or open space may be used to satisfy outdoor recreation requirements for a daycare, on either the same or adjacent property as the daycare, which may be fenced and secured during daycare hours of operation."

Mr. Hess reported the Planning Commission recommended denial of the proposed amendments and referred to the staff report included in the agenda packet for its findings and comments.

Mayor Shepherd declared the public hearing open at 7:14 p.m. He emphasized the public hearing was specific to a proposed text amendment to an ordinance and suggested it wasn't specific to any particular parcel of property, rather to the City as a whole.

Mayor Shepherd asked for public comments.

**OPPOSED:**

Mayor Shepherd read a letter he received from resident Brenda Provow expressing her opposition to the proposed text amendment.

Dave Hansen, resident, expressed concern the proposed ordinance change would be specific to one particular request or property owner and didn't believe it would be a wise idea for the City as a whole.

**IN FAVOR:**

Lori Miller, Clinton, expressed concern with the way in which comments would be received by the public during the public hearing and suggested the public hearing not be closed, but remain open in order for the public to make comments based upon the discussion by the City Council. She addressed issues expressed during the Planning Commission's public hearing. She suggested the City should be open to ideas from property owners/developers regarding ordinance changes because they would be looking for ways which would enhance their lives. She believed the language in the proposed amendment would be a benefit to the City.

Mayor Shepherd stated he would close the public hearing prior to the Council considering approval of the proposed text amendment.

Mr. Goupios stated his intention was to never bring anything detrimental, such as crime or traffic, to the neighborhood. He pointed out all of the good things he had done to enhance the neighborhood such as eliminating parking spaces to accommodate emergency vehicles and the installation of a vinyl fence. He stated he was willing to install additional lighting if needed to encourage safety. He expressed his desire to work with City officials in order to allow the daycare.

**Councilmember Bush moved to close the public hearing at 7:29 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 citizen comments.

APPROVAL OF THE FINAL SUBDIVISION PLAT KNOWN AS CLEARFIELD STATION LOCATED AT 1250 SOUTH STATE STREET FOR PHASE 1 OF THE MIXED USE DEVELOPMENT

**Councilmember LeBaron moved to approve the Final Subdivision Plat known as Clearfield Station located at 1250 South State Street for Phase 1 of the Mixed Use Development as presented by staff and the Planning Commission’s recommendations 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.**

DENIAL OF ORDINANCE 2014-18 AUTHORIZING A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 3 PROPOSING AMENDMENTS TO THE DEFINITION OF “PARKS AND OPEN SPACE”

Councilmember Bush responded to Ms. Miller’s public hearing comments specific to amending ordinances at the request of citizens. He stated the Council appreciated concerns brought to its attention by citizens regarding ordinances. He mentioned he had been involved with City planning for approximately 30 years and one of the first things he learned was the importance of not making an ordinance specific to certain, very specific issues such as “daycares”. He referred to Mr. Hansen’s comments and believed it was correct that the proposed amendment to the ordinance was designed primarily to benefit one specific business. He pointed out the proposed amendment would need to be applicable to all open spaces within the City and suggested the City could receive future applications from other types of businesses requesting the use of the City’s open spaces. He indicated the proposed daycare use in the open space was in a residential zone as opposed to a commercial zone and suggested the two should remain separate. He pointed out this was against the City’s ordinance as well as acceptable zoning practices. He complimented the Planning Commission’s findings and suggested the Council follow its recommendation.

Councilmember LeBaron expressed agreement with Councilmember Bush’s comments. He commended Mr. Goupios for all the great things he did to serve the City and its residents but emphasized the proposed amendment would apply to all open space in the City. He stated the ordinance could potentially have unintended consequences for other areas within the City.

Councilmember Young agreed with other comments from the Council. He mentioned the addition of a fence would defeat the purpose of unobstructed land mentioned in the open space definition. He suggested the property owner request a rezone for the specific piece of property as opposed to attempting to change the whole zone which might have a negative impact in the long run which could change the nature of the City’s open spaces.

Councilmember Jones stated he agreed with the previous comments and believed fencing off open space would no longer make the area “open space”. He agreed the proposed amendment could have unintended consequences.

Councilmember LeBaron pointed out the City had previously been approached by parents of students attending Holt Elementary asking for open space to be fenced. He stated the Council had said no to that request and the Holt Elementary issue was being addressed in a different way. He expressed concern that a change in direction as it related to fencing of open space across the City would negatively affect more than one area.

Councilmember Benson referred to the Planning Commission's findings and reported she had discussed this issue with constituents who expressed the opinion to her that open space should remain open space void from any fencing or barriers. She stated she agreed with the Planning Commission's recommendation.

Mayor Shepherd stated the amendment had been proposed by a current business owner. He pointed out that Mr. Goupios had been a very responsible business owner and was an asset to the community. He commented the outcome of the vote on the proposed amendment was not a reflection on Mr. Goupios' business or his contribution to the community.

**Councilmember LeBaron moved to deny enacting Ordinance 2014-18 authorizing a Zoning Text Amendment to Title 11, Chapter 3, proposing Amendments to the Definition of "Parks and Open Space", thereby supporting the Planning Commission's recommendation, and to 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.**

#### APPROVAL OF CHANGES TO THE PARKS CAPITAL FACILITIES PLAN

Eric Howes, Community Services Director, explained the Parks Capital Facilities Plan (CFP) was completed in 2012 and adopted in February of 2013. He stated since that time, West Park Village Park had been completed, proposed changes to the size of Pinnacle Park to accommodate an increase in the size of the parking lot and changes to the proposed Clearfield Station project had necessitated that the CFP be revised to account for the changes.

**Councilmember Young moved to approve the Parks Capital Facilities Plan with the proposed revisions 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.**

#### COMMUNICATION ITEMS

##### *Mayor Shepherd*

1. Commented he had attended a few Change of Command ceremonies at HAFB and informed the Council of General Baker's pending change which would take place in August.
2. Informed the Council the Davis/Weber Chambers of Commerce Military Affairs Committee hosted a celebration for the airmen stationed at HAFB.
3. Stated he had the opportunity to address the children participating in Community Services "Recreate in the Park" by sharing a presentation on the history of Clearfield.
4. Reported the Fourth of July committee had met and reviewed the City's celebration. He concluded the event was successful and welcomed suggestions for next year's event.

5. Announced he had proposed a change to the City's logo by removing the F-16 planes and replacing them with F-35s.
6. Mentioned he had attended a concert at an outdoor venue during which a guitar solo of the National Anthem was played "Jimi Hendrix" style and mentioned his disappointment at the number of people that didn't stand and place their hand over their heart.
7. Reminded the Council of the final Open House scheduled for Tuesday, July 29, 2014, 6:00-8:00 p.m. at Antelope Elementary School. He announced UTA would also be participating with information relative to transportation.

**Councilmember Benson** – inquired if help was needed to distribute flyers announcing the Open House. Mayor Shepherd responded volunteers wouldn't be needed as they would be mailed.

**Councilmember Bush** – wished everyone an enjoyable Pioneer Day Holiday.

**Councilmember Jones** – nothing to report.

**Councilmember LeBaron**

1. Expressed appreciation to a quick response to an email received from a resident expressing concern regarding one of the City's parks.
2. He mentioned the three buildings owned by Davis Behavioral Health across from the Aquatic Center had been demolished and expressed excitement with potential future development.
3. Expressed appreciation to Mayor Shepherd for his rigorous schedule in representing the City.

**Councilmember Young** – nothing to report.

**Adam Lenhard, City Manager**

1. Reminded the Council City Offices would be closed on Thursday, July 24, 2014 and would reopen on Friday, July 25, 2014.
2. Reported staff was completing mid-year evaluations.

**STAFFS' REPORTS**

**Nancy Dean, City Recorder**

1. Informed the Council of its upcoming calendar:
  - The Council Open House scheduled for Tuesday, July 29, 2014 from 6:00-8:00 p.m.
  - Work session scheduled for Tuesday, August 5, 2014
  - Policy session scheduled for Tuesday, August 12, 2014
2. Mentioned a new sound system had been installed and staff was still trying to determine the best settings.

There being no further business to come before the City Council **Councilmember Bush** moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 7:50 p.m., seconded by Councilmember LeBaron. All voting **AYE**.

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

**APPROVED AND ADOPTED**  
**This 26<sup>th</sup> day of August, 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, July 22, 2014.

/s/Nancy R. Dean, City Recorder