

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
May 27, 2014

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

VISITORS: Steve Reid, Kevin Reid, Elijah Robertson & Family, Kati Penner, Ellie Penner, Mike Christensen – Thackeray Garn Company, Kathryn Murray, Bob Bercher, Tayler Green, Wendy Osborn

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 Jones conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE APRIL 22, 2014 WORK SESSION AND THE MAY 13, 2014 POLICY SESSION

**Councilmember Jones moved to approve the minutes from the April 22, 2014 work session and the May 13, 2014 policy session as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

PRESENTATION TO ELIJAH ROBERTSON FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Elijah Robertson had completed the requirements to receive the rank of Eagle Scout. Mayor Shepherd and the City Council desired to recognize Elijah and acknowledge his achievement.

Councilmember Jones presented Elijah with a certificate and commemorative coin acknowledging his achievement and asked about his Eagle Scout Project. Elijah reported he had gone door to door in his neighborhood collecting over 500 pair of new men's socks which he then donated to St. Anne's homeless shelter in Ogden.

PRESENTATION TO KEVIN REID FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Kevin Reid had completed the requirements to receive the rank of Eagle Scout. Mayor Shepherd and the City Council desired to recognize Kevin and acknowledge his achievement.

Councilmember Jones presented Kevin with a certificate and commemorative coin acknowledging his achievement and asked about his Eagle Scout Project. Kevin responded he had recruited volunteers to complete landscaping at Barlow Park.

SPECIAL RECOGNITION TO PATRICIA ERDMAN AND JENNIFER AND GREG FREEMAN AS CLEARFIELD HOMETOWN HEROES

Patricia Erdman founded the non-profit organization "Food Between Friends" which fed between 1,200 -1,500 low-income families in the community each year. The Program relied strictly on donations and private funding and was believed to be the only mobile food program in northern Utah. She picked up the food which was donated by local companies, boxed it, and had friends help deliver it. In addition to food drives, clothing drives were held a couple of times per year. As a senior at Weber State University, Ms. Erdman received the Newman Civic Fellow Award for her service in 2012. Jennifer and Greg Freeman were Clearfield residents and were some of the volunteers who picked up donated food for distribution and delivered the food boxes to low-income residents within the City. Mayor Shepherd and the City Council desired to acknowledge Ms. Erdman and the Freeman's for their service to the community by presenting them with Hometown Hero certificates.

SCHOLARSHIP PRESENTATIONS BY DR. SHELDON PECK TO CLEARFIELD HIGH STUDENTS

The Dr. Sheldon and Angela A. Peck Scholarship Award was awarded to deserving graduates of Clearfield High School with a career goal in Science or Health Sciences. Applicants were required to exhibit qualities in leadership, service, academics, write a personal essay and receive administrative and community recommendations. This year's recipients were: Tayler Green, Emily Hein, Brittney Nash, Emily Harvey, Ellie Penner and Ashlee Reed.

Dr. Peck explained his background and the premise behind his scholarships and presented the recipients with a certificate acknowledging their scholarship. Mayor Shepherd announced he had attended the awards ceremony at Clearfield High and expressed appreciation to Dr. Peck for acknowledging some of the great students attending the school.

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0002 AMENDING TITLE 11, CHAPTER 5 TO PROPOSE STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW

Scott Hess, Development Services Manager, stated staff was proposing a change to the Site Plan Review section of the City Code to allow for Administrative Site Plan Reviews for minor site plans, or those that had a limited impact burden on City infrastructure and neighboring developments. The Planning Commission considered changes to the Site Plan Ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide time for the public to provide comment. Mr. Hess requested the Council open the Public Hearing, receive any public comment and continue the public hearing until Tuesday, June 24, 2014, at 7:00 p.m.

Mayor Shepherd opened the public hearing at 7:14 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Young moved to continue the public hearing at 7:15 p.m. until June 24, 2014 at 7:00 p.m., seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0003 FOR TITLE 11, CHAPTER 14 TO PROPOSE STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Scott Hess, Development Services Manager, explained in November 2009, the City adopted new standards for all off street parking requiring it to be on an impermeable surface, effective January 1, 2015. The Clearfield City Council recently requested staff to consider alternatives to the ordinance which would limit the financial burden to the residents and that would allow gravel parking surfaces and their maintenance to remain in the Clearfield City Code in some form. The Planning Commission considered changes to the ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide time for the public to provide comment. Mr. Hess requested the Council open the public hearing, receive any public comment and continue the public hearing until Tuesday, June 24, 2014, at 7:00 p.m.

Mayor Shepherd opened the public hearing at 7:15 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Jones moved to continue the public hearing at 7:16 p.m. until June 24, 2014 at 7:00 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT – PARKING IN C-1 AND C-2 ZONES

Scott Hess, Development Services Manager, explained on April 22, 2014, the Clearfield City Council enacted a temporary land use regulation regarding parking lots and facilities which was applicable to all commercially zoned property within Clearfield City. The City Council asked staff and the Planning Commission to review the parking ordinance within commercial zones and recommend language which would protect the City’s remaining prime commercial property from being developed into parking lots that were not necessarily tied to a primary commercial use. The Planning Commission considered changes to the parking requirements within commercial zones in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide time for the public to provide comment. Mr. Hess requested the Council open the public hearing, receive any public comment and continue the public hearing until Tuesday, June 24, 2014 at 7:00 p.m.

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

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Benson moved to continue the public hearing at 7:17 p.m. until June 24, 2014 at 7:00 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, 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 2014-12 AMENDING THE PHASING PLAN OF THE MASTER DEVELOPMENT PLAN (MDP) FOR CLEARFIELD STATION, A MIXED USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET TIN 12-066-0071, 12-067-0139

Scott Hess, Development Services Manager, explained the transit oriented development, Clearfield Station, received approval of a rezone to Mixed Use (MU), approval of a Master Development Plan (MDP), and execution of an approved Master Development Agreement

(MDA) by the Clearfield City Council on March 11, 2014. In developing the specific plans for culinary water, sanitary sewer, and storm water facilities the developer's engineer discovered that they were not able to adequately gravity drain sanitary sewer from all portions of the approved Phase 1B within the residential portion of the project. The amendment requested the City Council to consider trading the construction order of residential buildings between the approved Phases 1B, and 2B. On May 7, 2014 the Planning Commission's recommendation concluded that the proposed amendment to the phasing plan was not a material change to the MDP and recommended approval to the City Council based on the findings and discussion in the staff report. Mr. Hess shared a visual presentation which illustrated the new phasing plan for the construction of the buildings.

Brian Brower, City Attorney, emphasized the item was merely a recommendation from the Planning Commission; however, the City Council could determine if it was a significant change to the MDP which would then require the amendment go through the regular zoning ordinance process.

**Councilmember Young moved to approve Ordinance 2014-12 amending the phasing plan of the Master Development Plan (MDP) for Clearfield Station, a Mixed Use Development on approximately 70 acres located at 1250 South State Street TIN 12-066-0071, 12-067-0139 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, Jones and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

#### APPROVAL OF RESOLUTION 2014R-12 INDICATING THE CITY'S INTENT TO PURSUE A PARAT (PARKS, ARTS, RECREATION, AQUATICS AND TRAILS) TAX

Adam Lenhard, City Manager, explained the City Council desired to notify Davis County that it intended to submit an opinion question to voters during the November General Election relative to the imposition of a new local sales tax of 1/10 of 1 percent (one cent on a \$10 sale) for the purpose of funding facilities and programs to improve Parks, Arts, Recreation, Aquatics, and Trails (PARAT) in Clearfield. The resolution was intended to fulfill the notice requirement set forth in Utah Code 59-12-1402(6). He indicated a notice would be sent to Davis County.

**Councilmember Jones moved to approve Resolution 2014R-12 indicating the City's intent to pursue a PARAT (Parks, Arts, Recreation, Aquatics and Trails) Tax 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, Jones and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

#### APPROVAL OF THE AWARD OF BID TO ADVANCED PAVING AND CONSTRUCTION FOR THE SOUTH MAIN STREET IMPROVEMENT PROJECT

Scott Hodge, Public Works Director, stated bids were received from five construction companies for the South Main Street Improvement Project. The project included reconstructing the roadway from Antelope Drive to just short of Gordon Avenue and explained the repair process to the

Council. He explained how the City had completed the bid process and announced the lowest responsible bid was received from Advanced Paving and Construction with the bid of \$986,247. He pointed out this project would be completed using recycled asphalt with a Geo-Grid stabilizing material.

**Councilmember Young moved to approve the award of bid to Advanced Paving and Construction for the South Main Street Improvement Project for the bid amount of \$986,247.00 and approve funding for the project for the bid amount of \$986,247.00 with contingency and engineering of \$100,000.00 for a total project cost of 1,086,247.00; 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, Jones and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF 2014R-11 APPROVING THE DEPOT STREET REIMBURSEMENT AGREEMENT WITH CLEARFIELD STATION, LLC

JJ Allen, Assistant City Manager, explained one component of the Clearfield Station project was that the Developer extend Depot Street from the north into the northwest corner of the UTA property. This was an offsite improvement that would create frontage along other properties which could develop in the future (“benefitted properties”), and which should pay their fair share of the road (and utilities therein). This agreement provided for collection from benefitted properties and reimbursement to the developer and City for their actual costs beyond their fair share. He shared an illustration which identified the proposed Depot Street extension and the identified properties which could be developed anytime in the future.

Mr. Allen reviewed the proposed reimbursement costs which would be recognized by the developer. He announced the agreement had been amended and was provided to the Council on the dais. He announced another amendment had been identified prior to the meeting. Brian Brower, City Attorney, stated there would likely be properties that benefitted from the Depot Street extension which wouldn’t have frontage and shared the proposed new language. He stated a sentence in Paragraph 3b would read: The City shall allocate costs to the owners and developers of the Benefitted Properties in an equitable manner based on each Benefitted Property’s proportionate share of street frontage along the Depot Street extension, parcel size or other relevant factors as determined by the City.

Mayor Shepherd requested clarification of those properties which could be affected that didn’t have frontage. Mr. Allen responded the Hamblin and Meadow Park properties had been identified and mentioned the extension could possibly lend itself to development of other properties. He stated the new language just gave the flexibility it needed if the property developed in the future with other parcels which had frontage to Depot Street and identified those properties which could potentially benefit from the extension. A discussion took place and Mayor Shepherd expressed his concern with the proposed amended language.

Mr. Brower pointed out the exhibit identified the proposed properties which could potentially benefit from the Depot Street extension and commented the language could be subjective in that

the City would allocate costs in an equitable manner based upon each properties' share of street frontage, parcel size or other relevant factors. Councilmember Young expressed agreement with Mayor Shepherd's concern that unless the property owners received a direct benefit they shouldn't bear a proportion of the cost. A discussion took place regarding whether the Hamblin property would benefit from the extension. Mr. Allen suggested language could be included which stated property fronting Depot Street or access to. Mr. Brower suggested the following language: a proportionate share of street frontage or other street access thereto along the Depot Street extension.

Mike Christensen, Thackery-Garn, stated it was his position that access, easement, use or frontage – there was a benefit. He explained the idea in principle to the Council that any benefit or impact to the road by possible future development, reimbursement was appropriate. Mr. Brower suggested the inclusion of "or other access thereto" be added to the agreement where parcel size was referenced or "other relevant factors that could still be considered".

Councilmember Benson inquired how the Hamblin property was currently used. Mr. Allen responded its current use was for agricultural purposes.

Mr. Brower mentioned the agreement could reflect "those properties not currently accessed wouldn't pay unless they ultimately had frontage or some other access to Depot Street" and suggested the parcel size verbiage be eliminated. A discussion regarding possible verbiage took place.

Dean Smith, Thackery-Garn, suggested leaving frontage or parcel size language in the agreement and suggested including a sentence which eliminated the Hamblin property if it were never developed. Mr. Brower then suggested the following language, "...benefitted properties proportionate share of street frontage along the Depot Street extension, parcel size or other relevant factors as determined by the City. Benefitted properties which do not have frontage or other access to the Depot Street extension will have no obligation to participate or provide any cost reimbursement pursuant to this agreement." Mr. Smith expressed agreement to the proposed language, as did the City Council.

**Councilmember Young moved to approve Resolution 2014R-11 approving the Reimbursement Agreement as amended as per the discussion for Project Improvements with Clearfield Station, LLC, 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, Jones and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF RESOLUTION 2014R-10 AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH WEST POINT CITY AND SYRACUSE CITY FOR THE DEVELOPMENT AND MAINTENANCE OF LANDSCAPING ALONG THE NEWLY CONSTRUCTED SR 193 CORRIDOR

Eric Howes, Community Services Director, announced staff had been working with representatives of West Point City and Syracuse City to develop a landscaping plan for the

SR 193 corridor. The proposed agreement confirmed the intent of the three participating cities to use the funding provided by UDOT as part of the SR 193 project for the development and maintenance of landscaping along the corridor. The agreement further outlined the maintenance responsibilities of each of the cities once the proposed landscaping was completed.

**Councilmember Jones moved to approve Resolution 2014R-10 authorizing an Interlocal Cooperation Agreement with West Point City and Syracuse City for the development and maintenance of landscaping along the newly constructed SR 193 corridor 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, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF RESOLUTION 2014R-09 AUTHORIZING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CLEARFIELD, SYRACUSE AND WEST POINT CITIES, AND UDOT (UTAH DEPARTMENT OF TRANSPORTATION) FOR THE DEVELOPMENT AND MAINTENANCE OF LANDSCAPING ALONG THE NEWLY DEVELOPED SR 193 CORRIDOR

Eric Howes, Community Services Director, explained the proposed agreement allowed for the establishment and maintenance of landscaping along the SR 193 corridor. Under the terms of the proposed agreement, Clearfield City would receive \$343,000 from UDOT for the purpose of the development of landscaping along SR 193. Clearfield City would then be responsible for the development of the landscaping and the maintenance of all improvements beginning at the back of the curb including fencing, sound walls, lighting, and all irrigation and landscaping in association with Syracuse and West Point Cities.

Councilmember Jones inquired how long the City would receive \$343,000. Mr. Howes clarified the funding received by the City was a one-time distribution.

**Councilmember Benson moved to approve Resolution 2014R-09 authorizing an Interlocal Cooperative Agreement between Clearfield, Syracuse and West Point Cities, and UDOT (Utah Department of Transportation) for the development and maintenance of landscaping along the newly developed SR 193 corridor 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, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

COMMUNICATION ITEMS

*Mayor Shepherd*

1. Informed the Council that he had the opportunity to attend the Clearfield High School Awards Ceremony during the past week. He mentioned a record number of students received an enormous amount of scholarship funds.
2. Announced the City was the recipient of the John L. Martin Partner Project Award from the International Partnering Institute for the coordinated efforts on the SR 193 extension from 2000 West to

I-15. He mentioned Councilmember Ron Jones accepted the award on behalf of the City. He presented the award to Adam Lenhard, City Manager, and requested he find an appropriate place for its display.

3. Stated the City Council would be completing a float for the parade with the assistance of Kathryn and Pat Murray. He requested the Council be prepared to work on the float the week prior to the Fourth.

4. He complimented the lifeguards at the Aquatic Center for their efforts within the past week with a near drowning.

**Councilmember Benson** – announced the schedule for the City’s “We’ve got Talent” contest in conjunction with the City’s Fourth of July Celebration. She expressed appreciation to Curtis Dickson, Community Services Deputy Director, for his assistance in advertising for the event.

**Councilmember Jones** – Informed the Council that when he accepted the John L. Martin Partner Project Award on behalf of the City for the SR 193 extension, comments were made about the smooth process of its completion. Those in attendance spoke of how well the three cities worked together on completing the project ahead of schedule but with no complaints.

**Councilmember Young** –nothing to report.

**Adam Lenhard, City Manager**

1. Complimented Eric Howes and his staff for their efforts over the Memorial Day Holiday regarding the City Cemetery. He reported his office had received a compliment from a resident that it was the best it had ever looked.

2. Reminded the Council that staff had been working with Zions Bank regarding possible refunding of the City’s bonds. He indicated the City would be sending a team to meet with the rating agencies within the next few months to present an update on the City’s finances with hopes to receive some savings on its debt.

3. Announced the City had been involved with discussions with Davis County and other entities within the County to be more efficient as a group regarding dispatch centers. He commented this was very early in the process to know if there would be any changes.

**STAFFS’ REPORTS**

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

Tuesday, June 3, 2014 - no meetings were scheduled

Tuesday, June 10, 2014 - work session beginning at 6:00 pm followed by a policy session

Tuesday, June 17, 2014 - open house at Holt Elementary

Tuesday, June 24, 2014 – policy session beginning at 7:00 p.m.

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 8:04 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

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

**APPROVED AND ADOPTED  
This 24<sup>th</sup> day of June, 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, May 27, 2014.

/s/Nancy R. Dean, City Recorder