Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION
Discussion on the Proposed Amended Final Subdivision Plat for the Wilcox Farms Subdivision Plat located at 850 West 1600 South (TIN: 12-391-0014)
Discussion on the Award of Bid for Janitorial Services
Discussion on the Fourth of July Activities

(Any items not fully addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY SESSION
CALL TO ORDER: Mayor Shepherd
OPENING CEREMONY: Councilmember Benson
APPROVAL OF MINUTES:
November 10, 2015 – Work Session
November 10, 2015 – Appeal Hearing
November 24, 2015 – Work Session
December 8, 2015 – Work Session
December 8, 2015 – Policy Session

PUBLIC HEARINGS:
1. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED FINAL SUBDIVISION PLAT AMENDMENT FOR THE WILCOX FARMS SUBDIVISION LOCATED AT 850 WEST 1600 SOUTH (TIN: 12-391-0014)

BACKGROUND: The proposed amendment to this plat is for the purpose of creating two lots to be sold for 1) the development of multi-family housing, and 2) the expansion of a day care operation west of the property. An engineering review was completed and determined that the request for the amended subdivision met the minimum City standards as set forth within the C-2
(Commercial) zoning district. Staff has included the North Davis Fire District (NDFD) letter and engineering letter in the Staff Report. The Planning Commission recommended approval based on conditions identified by staff during its meeting on Wednesday, December 2, 2015.

RECOMMENDATION: Open the public hearing, receive public comment and close the public hearing.

SCHEDULED ITEMS:
2. CITIZEN COMMENTS
3. PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2015
   BACKGROUND: Chuck Ulrich of Ulrich and Associates, P.C. will present Clearfield City’s draft Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2015 and to address any questions the Mayor and Council may have concerning the report.
4. CONSIDER APPROVAL OF A PROPOSED SUBDIVISION PLAT AMENDMENT FOR THE WILCOX FARMS DEVELOPMENT LOCATED AT 850 WEST 1600 SOUTH (TIN: 12-391-0014)
   RECOMMENDATION: Approve the subdivision plat amendment for the Wilcox Farms Development located at 850 West 1600 South (TIN: 12-391-0014) and authorize the Mayor’s signature to any necessary documents.
5. CONSIDER APPROVAL OF THE AWARD OF BID FOR JANITORIAL SERVICES
   BACKGROUND: Staff solicited bids for janitorial services. Four vendors submitted qualified bids and each bid was reviewed and ranked by staff based on the guidelines included in the Request for Proposals (RFP).
   RECOMMENDATION: Staff will be prepared to make a recommendation of the award of bid for janitorial services.
6. CONSIDER APPROVAL OF ORDINANCE 2016-01 AMENDING TITLE 1, CHAPTER 7, EMPLOYEE APPEAL BOARD OF THE CLEARFIELD CITY CODE
   BACKGROUND: The City established an Employee Appeal Board to hear matters related to the discharge, suspension or involuntary transfer of employees. The current Board has five members consisting of employees and elected officials. State Law was amended to allow such appeals to be heard by a hearing officer. This ordinance amends the City’s policy in such matters to be heard by a hearing officer as opposed to the current five-member board.
   RECOMMENDATION: Approve Ordinance 2016-01 amending Title 1, Chapter 7, Employee Appeal Board of the Clearfield City Code and authorize the Mayor’s signature to any necessary documents.
7. CONSIDER APPROVAL OF RESOLUTION 2016R-02 APPOINTING “TEMPORARY JUSTICE COURT JUDGE(S)”

BACKGROUND: From time to time the Clearfield City Justice Court Judge may be absent from court or have a real or perceived conflict of interest that disqualifies the judge from hearing a particular case. State Law allows the City to appoint “Temporary Justice Court Judge(s)” to fill vacancies in such instances.

RECOMMENDATION: Approve Resolution 2016R-02 appointing “Temporary Justice Court Judge(s)” and authorize the Mayor’s signature to any necessary documents.

8. APPOINT SUMMER PALMER AS THE ADMINISTRATIVE SERVICES DIRECTOR

9. REAPPOINT CITY RECORDER AND CITY TREASURER

BACKGROUND: State Law requires the City Recorder and City Treasurer be appointed before the first Monday in February following a municipal election.

RECOMMENDATION: Approve the Mayor’s appointments of Nancy Dean, City Recorder and Rich Knapp, City Treasurer.

10. CONSIDER APPROVAL OF RESOLUTION 2016R-01 MAKING APPOINTMENTS TO THE NORTH DAVIS FIRE DISTRICT’S ADMINISTRATIVE CONTROL BOARD

BACKGROUND: Councilmembers Mike LeBaron and Ron Jones have been representing Clearfield on the North Davis Fire District’s Administrative Control Board. Due to results from the 2015 General Election Mayor Shepherd recommends appointing Councilmembers Keri Benson and Nike Peterson to serve as the City’s representatives on the Board for terms expiring December 31, 2018.

RECOMMENDATION: Approve Resolution 2016R-01 appointing Councilmembers Keri Benson and Nike Peterson to the North Davis Fire District’s Administrative Control Board and authorize the Mayor’s signature to any necessary documents.

11. APPROVE RESOLUTION 2016R-03 APPOINTING VERN PHIPPS AS CLEARFIELD CITY’S REPRESENTATIVE ON THE ADMINISTRATIVE CONTROL BOARD OF WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT

BACKGROUND: Clearfield City is a member of the Wasatch Integrated Waste Management District. Each member city of the District appoints one member to the Administrative Control Board.

RECOMMENDATION: Approve Resolution 2016R-03 appointing Councilmember Vern Phipps 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.
12. APPROVE RESOLUTION 2016R-04 APPOINTING REPRESENTATIVES TO SERVE AS ITS APPOINTEES ON THE TAXING ENTITY COMMITTEES FOR PROJECT AREAS ESTABLISHED BY THE CITY’S COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

BACKGROUND: Clearfield City has two appointments 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. Councilmember Bush currently serves in one of those appointments but the other seat is vacant due to results from the 2015 General Election. Mayor Shepherd recommends appointing Councilmember Vern Phipps to the Taxing Entity Committee to fill the vacancy and Councilmember Bruce Young as an alternate representative to the taxing entity committee.

RECOMMENDATION: Approve Resolution 2016R-04 appointing Councilmember Vern Phipps as a representative and Councilmember Bruce Young as an alternate representative 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.

13. MAYORAL APPOINTMENTS

BACKGROUND: Due to the results of the 2015 Municipal Election it is necessary to make new assignments to various boards and commissions for members of the City Council.

RECOMMENDATION: Approve and Consent to the Mayor’s appointments and authorize his signature to any necessary documents.

COMMUNICATION ITEMS:
 Mayor’s Report
 City Councils” Reports
 City Manager’s Report
 Staffs” Reports

**ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA**

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE OCTOBER 27, 2015 WORK AND POLICY SESSIONS AND THE DECEMBER 8, 2015 WORK SESSION

SCHEDULED ITEM:
2. CONSIDER APPROVAL OF RESOLUTION 2016R-01 ADOPTING POLICIES AND PROCEDURES FOR THE CLEARFIELD DEVELOPMENT AND RENEWAL AGENCY (CDRA)

BACKGROUND: The CDRA recently commissioned a Governance Report and one of the recommendations from that report was to adopt Policies and Procedures for the CDRA. Staff has drafted suggested Policies and Procedures for adoption.
RECOMMENDATION: Approve Resolution 2016R-01 adopting policies and procedures for the Clearfield Development and Renewal Agency (CDRA) and authorize the Chair’s signature to any necessary documents.

**ADJOURN AS THE CDRA**

Dated this 7th day of January, 2016.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the „Americans with Disabilities Act“ provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.
DISCUSSION ON THE SR-107 BRIDGE, ALSO KNOWN AS 300 NORTH OVERPASS

Adam Lenhard, City Manager, introduced Randy Jefferies and Nick Clark from UDOT and reviewed the circumstances under which the City had acquired the 300 North bridge from UDOT. He reminded the Council that Clearfield and West Point cities had agreed to take over responsibilities associated with 300 North in exchange for fast tracking and appropriating funding for the SR 193 extension. He stated City staff and members of the Council had expressed concern during the construction process and with the final result of the 300 North bridge rehabilitation project. He announced Scott Nelson, City Engineer, was present and prepared to speak about the project and mentioned UDOT representatives were also prepared to share an update.

Scott Nelson, CEC Engineering, distributed a handout which included punch list items he recommended be addressed prior to the City assuming the maintenance of the structure. He pointed out after some discussion with UDOT he was made aware that many of the items on the
list had not been included in the initial design and subsequently was not planned to be included with the exchange.

Mr. Nelson, CEC Engineering, also distributed a maintenance plan and budget document which had been completed by CEC Engineering and Horrocks Engineers to assist in budgeting for the overpass over the next 35 years. He reviewed the rehabilitation history included in the handout with the Council. Mr. Nelson expressed appreciation to Mr. Jefferies and Mr. Clark for their time in previous discussions and expressed confidence with what they had stated regarding the bridge and the rehabilitation process. He emphasized he was not placing blame or discrediting UDOT.

Mr. Lenhard spoke to the proposed total maintenance cost through 2050 and stated it would be a significant financial obligation to the City and informed the Council that he and Mayor Shepherd had suggested UDOT take the bridge back. He emphasized the agreement to assume responsibility for the bridge from UDOT was negotiated several years before but the City was still obligated to it. He indicated the City needed to be prepared for the financial obligation in future years. He mentioned the other funding sources which could be used for that purpose.

Randy Jefferies, UDOT, reviewed the challenges and timeline associated with the rehabilitation project. He pointed out the project was completed during the summer months when school was not in session to meet the timeline.

Nick Clark, UDOT, shared the history regarding the rehabilitation project and reported on the items completed during the project. He explained the hydro-demo process used on the bridge deck and indicated that process was directly related to cost overruns. He also spoke to the overlay process used on the deck to prohibit salt infiltration and indicated City staff could be easily trained to seal the deck in future years. He stated he had reviewed Horrocks’ maintenance plan and believed if the City directed funds toward maintenance future costs would be decreased and expressed his opinion a complete rebuild might not be necessary. He proposed a complete analysis be completed prior to complete replacement and suggested UDOT be looked at as a partner with future concerns/maintenance of the bridge.

Councilmember Bush expressed concern regarding the falling concrete near the T-braces on the underside of the bridge and inquired if there was maintenance for that specific concern. Mr. Clark responded the best prevention for that would be to clean the joints and emphasized all joints had been replaced during the rebuild. He shared an example to illustrate the cause for the decay of the concrete.

Councilmember Benson asked how often the sealant would need to be reapplied. Mr. Clark responded the sealant process should be addressed approximately every five years based upon the number of freeze/thaw cycles and suggested regular inspections would be the best indicator.

Mr. Jefferies requested Mr. Clark speak to the overall final product of the bridge rehabilitation. Mr. Clark stated this was the first time UDOT had used the hydro-demo process on a structure and expressed his opinion it was the best solution for the project. He added UDOT was happy with the end product even with the cost overruns. He indicated UDOT staff would be telling the legislature about the reconstruction project and was hopeful it would illustrate efforts to be
fiscally conservative given the fact the bridge would last another 20 to 25 years. He reported he had driven the bridge and expressed his opinion it was a smooth ride and stated he wouldn’t be recommending another coating process for the structure. He also indicated it was a sound structure.

Councilmember LeBaron asked what liability there would be to UDOT if significant design flaws were discovered in the future. Mr. Clark responded he didn’t have the authority to speak regarding that scenario and indicated he was only allowed to volunteer his expertise.

Mr. Jefferies mentioned concern had been expressed regarding the need to insure the bridge. Adam Lenhard, City Manager, responded discussion had taken place regarding that possibility because the City currently insured it’s Center Street/200 South bridge for replacement costs. He continued the quote to insure this structure was significant. Mr. Clark believed that was due to its age because it wouldn’t pass current seismic numbers unless it was completely redesigned and emphasized this was an old bridge with a new deck. He suggested setting aside funds the City would normally appropriate for insurability for future replacement costs.

Mr. Jefferies believed the estimated $56,000,000 replacement cost by 2050 was probably on the high side and expressed his opinion the bridge could be replaced for less and mentioned there were numerous funding sources which could be used for such purposes when the time came. He distributed a handout which identified a punchlist of items which had been addressed and reviewed it with the Council highlighting the following:

- New grates had been ordered and would be installed which were easily maintained.
- Yellow center striping applied.
- Cleanout caps had been installed.
- Reflectors on the parapet wall were ordered and will be replaced. He mentioned these had originally been installed but removed by pedestrians.
- Power wash and stain seal all patched supports on the back walls of the bridge would be completed when warmer weather allowed. He mentioned the retaining walls leading to the bridge were not included in the scope of the project.
- Narrow planting areas along the retaining walls would not be addressed as it was not included in the scope of the project.
- The electrical system under the bridge decks was also not included in the scope of the project.
- Concerns expressed by residents regarding dust and other issues had been resolved with the exception of replacement of a tree.

Councilmember Bush complimented the contractor, Granite Construction, for completing the project within the short timeframe. He mentioned he had personally spoken to the residents who had expressed concerns during the project and reported the Foreman had been good to resolve residents’ concerns as well as his own.

Mr. Jefferies stated UDOT was happy with the final product.

Randy Jefferies, Nick Clark and Scott Nelson left the meeting at 8:30 p.m.
DISCUSSION ON TITLE 9, CHAPTER 1, SECTION 5 – APPLICATION FOR SERVICE

Adam Lenhard, City Manager, explained the City had received a request from Michael Hansing, a rental property owner, asking the Council to consider amending the ordinance relative to utility deposits. He informed the Council that Rich Knapp, Administrative Services Director, would briefly review the policy regarding utility deposits and indicated Mr. Hansing would also have an opportunity to address the Council.

Rich Knapp, Administrative Services Director, explained the City had approximately 5900 residential accounts and currently the total amount of utility deposits was approximately $122,000. He reported the average utility bill was $65-$75 a month in the winter months and $120 per month in summer months and stated the $120 deposit would cover the City for only one month if the resident moved without paying the bill or providing a forwarding address.

He informed the Council that deposits were required from property owners and not the renters and emphasized the owner was the responsible party for the utility account and stated the deposit was held until 12 consecutive months of paying the account timely had occurred. He explained that the deposit was then refunded by applying it to the utility account. He indicated approximately $10,000 was credited to utility accounts in the form of deposits. He shared a scenario which illustrated the risk to the City if the utility deposit was not applicable to a specific address, but rather the property owner and pointed out the purpose of the deposit was to reduce the financial risk to the City.

Michael Hansing, property owner, explained he had recently acquired a new property to be used as a rental property. He believed he had established a long history of paying his utility accounts in a timely manner and understood he was responsible for the utility accounts relative to his properties as the property owner. He expressed his opinion there was less risk to the City from landlords not paying the utility bills than regular homeowners. He reported he had requested information which identified the number of bad accounts which were attributed to landlords and expressed his opinion the number would be very low as landlords wouldn’t want to shirk their responsibility. He wasn’t opposed to paying a deposit associated with the property’s utility account but believed $125 per property was excessive.

Mr. Hansing suggested a waiver be allowed to landlords based on previous payment history regarding their properties and requested the Council allow a fee waiver in the ordinance. He emphasized landlords desired to rent to good families and stated any additional cost the landlords had to pass on to renters encouraged them to live in adjacent cities. He requested the Council consider authorizing the City Manager or assigned designee authority to waive redundant deposits.

Mayor Shepherd thanked Mr. Hansing for his presentation and asked if there were questions from the Council and there were none. Adam Lenhard, City Manager, stated staff was requesting direction from the Council as to whether it desired staff to draft changes to the ordinance specific to the refundable deposit.
Councilmember LeBaron inquired if there was any way for staff to determine delinquency rates associated with rental properties compared to owner occupied. Mr. Lenhard believed staff could look into that. Councilmember LeBaron responded he would need to see specific numbers prior to considering any changes to the ordinance.

Mayor Shepherd suggested the landlord could pass the amount of the deposit on to the renter. Mr. Hansing responded the additional funds for the deposit could complicate the negotiation process and the landlord would then be responsible for refunding the deposit to the tenant. A discussion took place regarding Mr. Hansing’s position and the repercussions regarding the implementation of his requested change to the ordinance.

Mr. Lenhard reported the City had a high delinquency rate specific to its utility accounts and a few years ago the City recognized the need to implement a policy which would negate risk to the City. Mayor Shepherd requested direction from the Council as to whether it was in favor of staff drafting language to amend the ordinance.

Councilmember LeBaron responded the deposit for a utility account to a landlord should be considered a cost of doing business and stated he wasn’t in favor of modifying the language. Councilmember Young stated he was not in favor of changing the ordinance because it mitigated risk to the City unless there was evidence which reflected otherwise. Councilmember Bush questioned whether someone within the City could determine which applicant/property owner would be required to provide a deposit and which one could be waived. Mayor Shepherd stated based on those the comments there wasn’t enough interest from the Council to continue moving forward with amending the ordinance.

Mayor Shepherd expressed appreciation to Mr. Hansing for his participation and presentation during the meeting.

The Council took a break at 8:55 p.m.
The meeting resumed at 9:00 p.m.

**DISCUSSION ON THE CURBSIDE RECYCLING PROGRAM**

Rich Knapp, Administrative Services Director, reviewed the following information with the Council regarding the curbside recycling program:
- Twenty-six percent of City residents opted out during the first initial opt out period.
- In September a second opt out period was allowed for any reason after the recycling can had been delivered.
- After October 1, no resident was allowed to opt out.

Mr. Knapp reported there were currently 20 accounts who were insisting they be allowed to opt-out of the recycling program; however, there were daily requests to opt out of the program. Councilmember Benson inquired if any of those residents participated in the auto-pay for their utility accounts. She pointed out residents using auto-pay might not have received timely information regarding the opt-out information. Mr. Knapp emphasized even residents participating in auto-pay still received a bill. Councilmember Benson stated residents in her
neighborhood participating in auto-pay indicated they hadn’t received a bill and indicated the City didn’t offer paperless billing.

Mr. Knapp distributed a handout which identified additional windows of opportunity to discontinue recycling and reviewed it with the Council summarizing the following:

- Clearfield City currently had 65 percent of residents participating in the curbside recycling program.
- Roy City currently had a participation rate of 72 percent.
- Layton City has an opt-in program since September and was currently at 5 percent participation.

He introduced Beth Holbrook, Waste Management, to the Council and announced she would address questions or concerns from the Council. She suggested the Council consider what it wanted to say long term and whether or not the Council saw value in curbside recycling. She believed there were many residents asking for a curbside recycling program and the following points were brought out during the discussion:

- Councilmember Benson believed residents didn’t like being forced to do something.
- Councilmember LeBaron clarified the recycling product was not going to the landfill and emphasized the landfill was nearing capacity.
- Councilmember Young believed there were still a significant number of residents that hadn’t “bought” into the program and he didn’t want to force residents to participate.
- Councilmember Bush pointed out there were a number of residents that currently didn’t fill their trash can and also didn’t want to pay for the recycling program.
- Mayor Shepherd believed it was too early to implement change to the program and suggested it be revisited in a year.

Mr. Knapp clarified the Council wasn’t willing to allow the 20 residents to opt out at this time.

DISCUSSION ON TITLE 1, CHAPTER 7, SECTION 3E – APPOINTEVE OFFICERS AND TITLE 1, CHAPTER 8H – COMMUNITY DEVELOPMENT DEPARTMENT, AND TITLE 5, CHAPTER 2, SECTION 1 – SERVICES PROVIDED BY THE CITY

Adam Lenhard, City Manager, explained the following changes were needed to update current practices by the City:

- Appointive Officers – remove the title of Community Development Director as that term was no longer used.
- Community Development Department – remove the reference because the department hasn’t existed in four years.
- Include the curbside recycling program as part of the solid waste service provided by the City.

UPDATE ON THE WATER CONSERVATION PLAN

Adam Lenhard, City Manager, stated the City was required to submit a Water Conservation Plan to the State every five years and introduced Mark Baird, Water Superintendent, to the Council and announced he would review the highlights of the Plan. He added Eric Howes, Community
Services Director, and his staff had included additional detail to the Plan identifying what the City could implement with its facilities to exemplify and encourage water conservation.

Mr. Baird reported the City’s population had been updated as well as water usage per day per capita and pointed out that figure had decreased. He reported the City’s figure of 198 gallons of water per capita per day was significantly lower than the State’s average of 240. He indicated the more interesting items included in the report were added by Mr. Howes, specifically what the Parks Department was doing to encourage conservation.

Mr. Howes reported on the City’s water usage and informed the Council of those things which had been implemented by the City:
- A Central Control System which was connected to seventy percent of the City’s irrigation systems. He indicated they were controlled by a computer located in the Parks office and the other 30 percent were site specific controllers. He added the 70 percent were connected to a weather station which shut off irrigation once a designated amount of moisture was recorded. He also shared specifics regarding the water systems in the parks.

He stated staff had also identified items which could be implemented going forward to fully utilize the system and recommended the following:
- Thirty percent of the parks were not connected to the Central Control System
- Flow meters needed to be installed to determine how much water was being used
- Installation of Electronic Master Valves for the main lines which would automatically shut off water when a leak was detected could save 20 minutes of flowing water specific to the response time.

**DISCUSSION ON THE PARAT TAX PROJECT LIST**

Eric Howes, Community Services Director, distributed score sheets identifying possible projects which could be funded by PARAT Tax revenue, reflecting scores and ranking by the elected officials and reviewed it with the Council. During the review process discussions took place regarding the location, logistics and feasibility for some of the identified projects.

Adam Lenhard, City Manager, announced staff was proposing to assemble an exploratory committee to complete a feasibility study which would ultimately determine the best projects. He continued representation from the Council on the committee was welcome. Councilmember LeBaron clarified the projects would be funded solely with PARAT Tax revenue.

The meeting adjourned at 9:55 p.m.
Mayor Shepherd called the meeting to order at 6:00 p.m.

HEARING ON AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO ISSUE A CONDITIONAL USE PERMIT (CUP 1509-0003) FOR DAMON PEARSON ON BEHALF OF PEARSON SPECIALTIES LLC ON PROPERTY LOCATED AT 1964 SOUTH 275 EAST

Damon Pearson, Pearson Specialties, appellant, stated he was requesting the Number 5 Condition of his Conditional Use Permit by the Planning Commission be overturned by the Appeal Authority, particularly the condition to not operate as a secondhand dealer. He indicated his application for the CUP was submitted prior to the Council imposing a Temporary Land Use Regulation that halted any secondhand dealer licenses. He also commented that when he appeared in front of the Planning Commission he had been released from the hospital after an accident and was not very articulate because of his health. He felt like he could have addressed the questions about the term “gunsmith” better. He stated the Planning Commission saw a gunsmith as someone who simply repaired guns but a gunsmith was someone who prepared, built and sold as defined by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). He
stated the ATF did not have a license for gunsmithing but rather if someone wanted to be a
gunsmith he/she was required to have a dealer’s license. He explained that as a gunsmith
restoring historic and collectable guns he used old parts and if he was limited to only buying
from dealers then it would impact his ability to run a successful business.

Spencer Brimley, Development Services Manager, stated Mr. Pearson’s appeal addressed two
issues: 1) the term “gunsmith,” and, 2) his business license and CUP application preceded the
Temporary Land Use Regulation limiting further approvals for pawn or secondhand businesses.
He explained the burden of proof to overturn the Planning Commission’s recommendation fell to
Mr. Pearson and that his request for appeal did not meet the standard to overturn the Planning
Commission’s recommendation.

Mayor Shepherd asked if Mr. Pearson’s business was to rehab and/or manufacture guns. Mr.
Brimley replied that was the understanding of the business. Mayor Shepherd noted the Planning
Commission felt that the business was a secondhand business and/or pawn shop. Mr. Brimley
agreed that the Planning Commission believed that Mr. Pearson’s buying and then
manufacturing of guns could be presumed to be a secondhand business. He stated the intent of
the Commission was to not allow certain types of uses within residential neighborhoods. He
explained the Commission spent at least an hour discussing the issue resulting in multiple failed
motions prior to finding a common ground by adding the fifth condition to the permit that
allowed the request to be approved. Councilmember Jones clarified that the request was not
denied by the Planning Commission but rather a fifth condition was applied prior to approval.
Mr. Brimley responded that was correct. He added Mr. Pearson’s appeal was specific to the fifth
condition not the overturning of the Planning Commission’s decision. Mayor Shepherd asked
what the specific fifth condition was. Mr. Brimley recited, “…shall not function as a pawn or
secondhand business…” Councilmember LeBaron asked if it were possible to uncouple pawn
and secondhand business in the City Code. Mr. Brimley responded that City Code defined it per
State Statute and the two were paired.

Mayor Shepherd expressed concern that any resident purchasing items on eBay and reselling
them would constitute a pawn or secondhand business. Councilmember LeBaron commented
only if they sold the item out of the garage not out of the home. Mr. Brimley agreed that the
Home Occupation chapter of the City Code allowed such out of the confines of the home but
once it was moved to the garage or shed it became a conditional use and subject to the public
process. Councilmember LeBaron suggested the City did not want to set a precedent for pawn or
secondhand use in a residential area. He continued if the City opened the door to the use in one
area it would need to be allowed in all areas.

Mayor Shepherd asked how the ordinance was affected if the gunsmithing took place in the
garage but the sale of the item took place in the home. Adam Lenhard, City Manager, responded
the issue was not whether the act occurred in the house or the garage but rather whether the use
was pawn or secondhand. He added if Mr. Pearson did all the business in his home there would
still be an issue about whether the business was a pawn or secondhand business. Mayor Shepherd expressed his opinion the use did not appear to be a secondhand business.

Councilmember Young stated the question was whether the application was a legal application and should have been accepted. Councilmember LeBaron commented the application was for a conditional use allowing the Planning Commission to indicate the use was legal but there were conditions associated with the operation of the business. He continued the question was if the City wanted to see pawn or secondhand businesses operating out of homes or garages. He explained the Planning Commission did not want to see that so they added the fifth condition that would not allow the business to operate as a pawn or secondhand use in a residential neighborhood.

Councilmember Bush commented neither the business license or land use application said anything about selling but rather indicated the use was gunsmithing or working on guns; therefore, it shouldn’t be allowed. He expressed his opinion that gunsmithing and then selling the guns were two different types of applications.

Councilmember LeBaron commented the appeal was challenging the fifth condition “…business shall not operate as a pawn or secondhand business as defined in City Code.” Councilmember Young stated the condition should be upheld as long as the Planning Commission was acting within its purview. He asked if that was the case. Councilmember LeBaron stated he believed the condition was within the purview of the Commission.

Mr. Pearson stated his application was using the term gunsmithing as it applied to the industry. He indicated he had to have a dealer license in order to gunsmith. Councilmember LeBaron added the Planning Commission was made aware of that distinction by the applicant.

Mayor Shepherd expressed his opinion that he did not see the business as a pawn or secondhand business. He added gunsmithing was a business and the approval of the business as gunsmithing allowed the use. Councilmember LeBaron asked Mr. Pearson if he had to purchase secondhand parts to gunsmith. Mr. Pearson replied he did. Councilmember LeBaron explained that was why the Planning Commission was concerned about the business being a pawn or secondhand business.

Mr. Lenhard explained the City Code contained an entire section addressing Home Occupations because the City recognized that within a residential zone there was a limited amount of commercial activity that could take place. He suggested if the City were to take such a strict interpretation of what constituted a pawn or secondhand business, many Home Occupations would violate the Code. He stated it was important to ask at what point the use would go from being incidental activity to the main use. He suggested that was an important distinction the Appeal Authority should consider. He stated consideration should be given as to whether pawn or secondhand use would be the primary use of the property. He continued it would be considered a violation if the use were the primary use. He indicated if the use were purely
incidental and a subordinate part of the gunsmithing it was allowed as a Home Occupation and very much in line with other approved Home Occupations. Councilmember LeBaron suggested the fact that the use was in the garage triggered the conditional use process.

Mayor Shepherd stated Home Occupation was defined as a secondary use. He continued there was a concern about whether gunsmithing was considered used or secondhand merchandise. He expressed his opinion that bringing parts together to produce a product was not considered secondhand. Councilmember Jones agreed that it did not appear to be secondhand rather more of a service to refurbish or restore an object. Councilmember LeBaron asked Mr. Pearson if he indicated to the Planning Commission that he also bought, refurbished and sold products. Mr. Pearson responded he did engage in that type of activity with other dealers and by State Statute that was not considered secondhand. He expressed his concern that from time he was brought a weapon to repair for which parts were not readily available. He continued in those instances he might need to locate the parts from other sources but even then he was required by law to run the serial numbers through the State system removing the secondhand nature of the transaction. Councilmember Young asked if Mr. Pearson ever bought a gun and resold it without work being done to it. Mr. Pearson indicated just buying and selling was not part of his business.

Councilmember Young expressed his opinion there were many businesses that took used parts and put them in something (automotive was the example used). Mr. Lenhard suggested those types of business would be considered pawn or secondhand if a strict interpretation were taken of State Statute. He expressed his opinion that State Statute likely did not intend to be interpreted to that degree. He urged the Appeal Authority to exercise caution on how Statute was interpreted or it may make a sweeping interpretation for how all Home Occupations were applied. He expressed his opinion he did not believe that was what the City’s ordinance intended. He stated the Home Occupation chapter allowed for limited commercial activity. He suggested Home Occupation was an incidental, subordinate use. He added the Code provided a process called “zoning determination” wherein the City looked at every use defined by ordinance, one being pawn or secondhand business, to align each to its closest definition. He stated there was an argument that the primary use of the property was still residential which permitted home occupation.

Councilmember LeBaron expressed concern about whether a lenient interpretation to the current appeal would require leniency for future appeals. Mr. Lenhard stated the precedent was that the City did allow incidental buying and reselling of goods. He expressed his opinion that particular precedent was well established by the existing Home Occupation ordinance.

Councilmember LeBaron asked why the City required a Conditional Use Permit (CUP) for garages. Mr. Lenhard suggested that requirement might have been the result of worry for the storage of hazardous materials for businesses such as automotive repair. Stuart Williams, City Attorney, indicated it was important to consider legislative intent behind the ordinance.
Councilmember Young suggested if legislative intent was part of the consideration in the current appeal, the stipulation by the Planning Commission did not need to be changed. Mayor Shepherd agreed. He stated legislative intent supported Mr. Pearson’s argument that his business was not functioning as a secondhand business. Councilmember LeBaron disagreed. Mayor Shepherd expressed his opinion it was a secondary use to the primary use of the property. Councilmember Young believed the Planning Commission’s decision should be upheld but there was still a question as to whether Mr. Pearson’s business fell under the definition of a pawn or secondhand business. He suggested that interpretation might not be a question for the Appeal Authority to decide.

Councilmember LeBaron moved to uphold the Planning Commission’s decision on the conditions placed upon Mr. Pearson’s Conditional Use Permit, leaving to staff the interpretation as to whether the business was defined as a pawn or secondhand business, and allowing Mr. Pearson to operate his business if staff deemed it not a pawn or secondhand business, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

There being no further business to come before the Appeal Authority, Councilmember LeBaron moved to adjourn at 6:42 p.m., seconded by Councilmember Benson. All voting AYE.
DISCUSSION ON AMENDMENTS TO THE GOOD LANDLORD PROGRAM

Adam Lenhard, City Manager, announced a change had been made to the State Law that controlled who the City could restrict from renting residential housing within the City. He indicated the Legislature would most likely be addressing the statute during its upcoming session next year and reported the statute was now different from the City’s language in its Good Landlord Agreement. He continued the language was too strict and distributed a handout reflecting the current language as well as the proposed amendment to the language. He pointed out the language was not in the ordinance, therefore no formal action from the Council was needed; however, staff desired the Council be made aware of the proposed change. He reviewed the proposed change with the Council. A discussion took place regarding the proposed amendment and how other municipalities would be accommodating the statute change. The Council agreed the agreement should be modified to meet State Law requirements.
DISCUSSION ON THE PUBLIC WORKS & PARKS FACILITIES IMPROVEMENT PROJECT

Scott Hodge, Public Works Director, distributed some illustrations of the future Public Works and Parks Facilities site and explained a firm had previously completed a needs assessment. He added part of the project would remove the road separating the current two facilities. He reported the City was currently in the first phase of the project and informed the Council that a property line adjustment had been approved with Jennmar, who had expressed interest in some additional property currently owned by the City. He added Jennmar was also giving some property to the City which would allow the property to be squared off.

Mr. Hodge explained the next phase of the project would be completing the roadwork which encompassed the following:
- Demolition of an existing house owned by the City.
- Relocation of Utilities.
- Relocation of the RV dump station.
- Installing curb, gutter and sidewalk along Main Street in front of the facilities.

Mr. Hodge directed the Council to page 2 of the illustrations which reflected a rendering of how the new facilities would look at completion. He reminded the Council the project consisted of four phases and a needs assessment had previously been completed for budgetary purposes. He pointed out the phasing of the project also allowed the facilities to be operational during the improvement project.

He announced a bid opening for the second phase of the project recently took place and reported bids were significantly higher than projected in the needs assessment. He distributed a handout reflecting the figures and reviewed them with the Council. He expressed his opinion the needs assessment didn’t accurately calculate costs specific to labor for the buildings and believed the initial needs assessment failed to capture the work which was required for the project; however, figures for the items pertaining to the new street, curb and gutter, etc. were much closer. He reviewed the submitted bids for the 1B portion of the project.

He pointed out there were not enough appropriated funds to complete the 1B portion of the project and was requesting direction from the Council on whether additional funding could be appropriated or if the project should be delayed. A discussion took place regarding the figures and possible options for moving forward with the project.

JJ Allen, Assistant City Manager, requested a review of the items identified for completion in Phase 2 of the project. Mr. Hodge responded new administration buildings for Public Works and Parks was scheduled for Phase 2 and directed the Council to the second page of the illustration handout for further explanation. He mentioned the new fuel station was also included in Phase 2 as well as the demolition of the existing administration buildings.

Mayor Shepherd asked what the original cost estimate was for Phase 1. Mr. Hodge responded the original needs assessment reflected a figure of $651,000 for Phase I. Mr. Lenhard added
$600,000 had been appropriated in the current fiscal year and $50,000 was used from the previous budget year.

Rich Knapp, Administrative Services Director, stated the City was not going to be able to pay for all four phases of the project from its reserves because of the cost differences being seen through the bidding process. He suggested the City would have to borrow funds to complete Phase 3 or wait longer than originally projected to complete the entire project. Mr. Hodge also mentioned the needs assessment had not accounted for architectural or engineering costs for the project. Mr. Lenhard indicated the City intended to pay cash for Phase 2 of the project and possibly borrow to complete Phase 3.

Mr. Lenhard clarified staff was suggesting using the same structure which was already in place, splitting the costs between the five funds (streets, water, sewer, storm drain and solid waste) for completing Phase 2, and bringing a budget amendment to the Council for the remaining funds at the same time the bid was awarded.

The Council toured the following facilities at the Public Works Facility:
- Salt storage building
- Sander racks
- Open storage area
- New location for fuel tanks and explained how the property would be squared off for the adjacent property owner, Jennmar
- New Parks building

The meeting adjourned at 6:45 p.m.
Mayor Shepherd called the meeting to order at 6:02 p.m.

**DISCUSSION ON TITLE 11, CHAPTERS 1, 2, 4, 5, 6, 11, 13, 14 – LAND USE AUTHORITY AND OUTDOOR STORAGE**

Spencer Brimley, Development Services Manager, shared a visual presentation which identified staff’s proposals to Title 11 of the Clearfield City Code and reviewed them with the Council. He stated the proposed language in Chapters 1, 2, 4, 5, 6, clarified the organizational structure. He stated the proposed ordinance also removed the City Council as the Land Use Authority.

Mr. Brimley explained the proposed change for City Code § 11-11D was the removal of outdoor storage as a conditional use in the M-1 (Manufacturing) zone. He indicated it would be included in the C-2 (Commercial) and M-1 (Manufacturing) zone as an accessory use to a primary use on a property. He clarified the purpose for the recommendation was to make Title 11 of the Code more consistent with the goals and objectives of the City relative to storage on property within the City. Mr. Brimley clarified language in Chapter 13 of the Code also addressed height restrictions relative to outdoor storage in the C-2 zone.
Adam Lenhard, City Manager, requested Mr. Brimley review the City’s current ordinance specific to outdoor storage and explain the genesis for the proposed amendment as well as the Planning Commission’s recommendation.

Mr. Brimley explained outdoor storage was currently a conditional use in the M-1 (Manufacturing) zone which required approval from the Planning Commission for any proposed use of outdoor storage. He stated the impetus for the change was that the City never intended outdoor storage in the M-1 zone to become a primary use on a property. He continued underdeveloped properties along the City’s commercial corridors which were being used for storage of items. He stated it was in the best interest of the City, for the General Plan, Vision 2020 and other identified goals and objectives to remove outdoor storage as a primary use, but allow it as an accessory use relative to a primary use being approved in M-1 or C-2.

Councilmember LeBaron informed the Council that the Planning Commission had concerns regarding availability for recreational vehicle (RV) storage for residents. He clarified the amendment wouldn’t allow for outdoor RV storage if the accessory use or conditional use was removed. He reviewed the main commercial corridor locations to which the amendments would be applicable and suggested agricultural zoned properties under the power corridor could accommodate RV storage. JJ Allen, Assistant City Manager, mentioned Utility Trailer and used it as an example to illustrate where the primary use was the manufacturing of semi-trailers; however, completed trailers were stored on the property, and indicated it would be consistent with the City’s proposed amendment.

Mr. Brimley pointed out the amendment would allow for outdoor storage in the C-2 (Commercial) zone where it wasn’t previously included, the City was proposing a height regulation of six feet, but as high as fifteen feet when all surrounding properties had the M-1 zoning designation.

Mr. Brimley reviewed the Planning Commission’s recommendation with the Council that outdoor storage as a conditional use remain in Title 11 of the City Code, approving the Zoning Text Amendments within Title 11, Chapters 1, 2, 4, 5, 6, 13, and 14 as well as staff’s recommendations.

Councilmember Bush announced he was in favor of staff’s recommendation because he wasn’t in favor of conditional uses. He believed there were certain places within the City in which RV storage would be an acceptable use and suggested it be separately discussed.

Mr. Allen suggested the City Council consider the highest and best use for properties when considering the proposed text amendments.

**DISCUSSION ON WEST SQUARE DEVELOPMENT AGREEMENT**

JJ Allen, Assistant City Manager, shared a visual illustration which identified the location of the proposed West Square development and oriented the Council. He reviewed the proposed Development Agreement with the Council pointing out the following:

- 141 units consisting of one, two, or three bedroom apartments
• Each unit would be no less than 700 square feet
• The awkward shape of the property would accomplish the construction of a large portion of Depot Street
• Met the City’s guidelines architecturally
• At least twenty-five percent of the area would remain in open space

Mr. Allen spoke to the public improvements which would be important to the project:
• Depot Street extension and waterline (subject to reimbursement from benefited properties)
• Off-site sewer and storm drain improvements on the Gunderson property west of Depot Street (to be reimbursed by the City)
• Storm drain crossing the property connecting Depot Street to 550 East (to be reimbursed by the City)
• Storm drain and detention basin for water generated off-site from properties to the north and east of the property (to be reimbursed by the City)
• Developer shall purchase excess City property east of Depot Street (previously approved by the City Council)

He reported the cost to the City for the offsite improvements would be nearly $300,000 and referred to the exhibit included in his staff report for the cost breakdown. He pointed out the exhibits to both the Development Agreement and the Reimbursement Agreement were not in final form because updates were still being made and stated he would make sure the final versions would be attached prior to execution of both agreements. He mentioned the property was located within RDA#9 boundaries and believed there would be an increase in the taxable valuation.

Councilmember Bush inquired about the amenities for residents of the proposed development. Mr. Allen pointed out the open space associated with the project and highlighted the following:
• Courtyard
• Pool
• Play structure
• Beautified areas (flower gardens etc.)
• Basketball court
• Dog park

Councilmember Bush asked about the private street associated with the adjacent development. Mr. Allen emphasized they were two separate projects and he couldn’t speak to whether permission had been granted to cross access the private street. Councilmember LeBaron believed discussions had taken place between the developers. Mr. Allen mentioned the private street would provide another access/egress point for the development.

DISCUSSION ON WEST SQUARE REIMBURSEMENT AGREEMENT

JJ Allen, Assistant City Manager, reported the Clearfield Station project was not currently moving forward and the West Square development was in need of the Depot Street improvements. He emphasized the West Square development would not be the only beneficiary
of the Depot Street improvements and pointed out all properties with frontage to Depot Street would also benefit from all improvements; therefore, they would each be obligated to pay their share when developed. He mentioned a list of the respective Tax Identification numbers was an exhibit to the agreement.

Mr. Allen reported the agreement identified West Square’s share of the surface improvements and the water system costs were thirty five percent of the total, with the remainder to be divided up based on acreage.

Mr. Allen pointed out the previous Depot Street Reimbursement Agreement with Clearfield Station was never executed so the City was considering that agreement was null and void and this new agreement with Ironwood would take its place. He explained the agreement would be recorded against all benefited properties and a title search would reflect the obligation.

DISCUSSION ON THE CONSOLIDATED FEE SCHEDULE

Eric Howes, Community Services Director, reviewed the proposed changes to the Consolidated Fee Schedule and explained the City’s intent was to increase use of the Arts Center for longer periods of time during the day as opposed to having to pay the hourly rate for an entire day. He highlighted the following and the proposed rates:

- Room rental fees
- Theatre/multi-purpose room fees
- Sound and Lighting fees associated with the Little Theatre

There were no questions or comments from the Council.

Councilmember Benson moved to adjourn the work session and reconvene in a CDRA work session at 6:31 p.m., seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

**The minutes for the CDRA are in a separate location**
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 Young conducted the Opening Ceremony.

Mayor Shepherd stated the minutes from the November 10, 2015 appeal hearing were not yet ready for approval and stated they were being removed from the agenda.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 24, 2015 POLICY SESSION AND THE DECEMBER 1, 2015 WORK SESSION

Councilmember Bush moved to approve the minutes from the November 24, 2015 policy session and the December 1, 2015 work session as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.
PRESENTATION TO NIKE PETERSON FOR HER SERVICE AS A MEMBER OF THE PLANNING COMMISSION

Nike Peterson served the City as a member of the Planning Commission since 2009 and had served as the Chair since June of 2010. During the General Municipal Election in November she was elected to the City Council; therefore, she would no longer continue serving on the Planning Commission. The Mayor and City Council recognized Ms. Peterson for her service to the City and presented her with a plaque expressing its appreciation and acknowledging her.

PUBLIC HEARING TO RECEIVE COMMENT ON TITLE 11, CHAPTERS 1, 2, 4, 5, 6, 11, 13, 14 – MINOR AMENDMENTS, APPEAL AUTHORITY, AND OUTDOOR STORAGE

Spencer Brimley, Development Services Manager, explained City staff had recommended corrections specific to the proposed changes of the title of “Director of Community Development” to “Planning and Zoning Administrator” and the removal of the term “Community Development Department” to be replaced with “City” or “Building Official” within Title 11 Land Use, Chapters 1, 2, 4, 5, 6, 11, 13 and 14 of the Clearfield City Code. Additionally, staff recommended the removal of the City Council as the Appeal Authority in specific instances, amendments to supplemental regulations for outdoor storage as well as regulations for parking lot landscape to be consistent with recent changes to Clearfield parking area and parking lot requirements were included. The changes would be effective across all applicable parcels of property and zones within the City.

Mr. Brimley continued it was proposed that outdoor storage be removed as a conditional use but included in the M-1 and C-2 zones as an accessory use. He explained the supplementary portion of the ordinance spoke to height restrictions and reviewed the height restrictions and limitations specific to zones and uses. He reported the Planning Commission had recommended approval of all amendments excluding Chapter 11 of the City Code, amending outdoor storage as a conditional use; however, staff was recommending approval of all proposed changes and emphasized it was his intent to provide the Council with an understanding of the Planning Commission’s recommendation.

Mayor Shepherd opened the public hearing at 7:09 p.m.

Mayor Shepherd asked for public comments.

Jo Barber, Wilcox Farms, explained it was his understanding that the Planning Commission’s main concern was with the outdoor storage amendment in the M-1 zone. He expressed concern the amendment would be eliminating outdoor storage as a commercial component. He suggested there might be some properties within an M-1 zone in which that would eliminate the highest and best use for the property. He understood the City’s concern with the current zoning allowing for outdoor storage along the City’s major corridors and expressed agreement with that philosophy. He believed a conditional use would allow the City the ability to designate conditions under which the outdoor storage would be permissible and shared a possible example. Mr. Barber also pointed out new residents locating to the City would need to have a place to store their recreational vehicles (RV) in close proximity to where they lived and believed the City needed
an option to provide outdoor storage to its residents and suggested the option continue to be available.

Councilmember Jones moved to close the public hearing at 7:15 p.m. seconded by Councilmember Benson. 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 ORDINANCE 2015-19 AMENDING TITLE 11, CHAPTERS 1, 2, 4, 5, 6, 11, 13, 14 – MINOR AMENDMENTS, APPEAL AUTHORITY, AND OUTDOOR STORAGE

Councilmember LeBaron pointed out the ordinance amendment was needed for the commercial corridors along 1700 South, 1000 West and SR 193. He stated he was not in favor of conditional use permits and using additional language to legitimize a specific use which may or may not be needed. He stated there were homes in several areas within Clearfield City which had options for RV outdoor storage. He pointed out problems associated with conditional use permits.

Councilmember Young expressed agreement with Councilmember LeBaron and believed the risks which were being eliminated by removing the conditional uses far outweighed any possible losses. He suggested if there were any areas within the City where the highest and best use for the property would be RV storage it should be considered specifically as opposed to generally speaking of the entire City.

Councilmember Bush stated he agreed with both Councilmembers LeBaron’s and Young’s comments and mentioned RV storage was different than outdoor storage of tires, steel, lumber, landscaping materials, etc. and suggested a separate definition specific to RV storage for locations such as under the power corridor be discussed at a later date. He announced he was also not in favor of conditional uses because they were arbitrary and expressed agreement with staff’s recommendation.

Councilmember Bush moved to approve Ordinance 2015-19 Amending Title 11, Chapters 1, 2, 4, 5, 6, 11, 13, 14 – Minor Amendments, Appeal Authority, and Outdoor Storage as proposed by staff 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.

DISCUSSION ON THE WEST SQUARE DEVELOPMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

JJ Allen, Assistant City Manager, announced a representative with Ironwood Development, Craig Winder, was in the audience, and stated the West Square Subdivision, a 141-unit apartment complex on 8.82 acres located at 850 South 490 East, received land use approval earlier in the year. He explained the zoning was already in place for the development. The proposed Development Agreement was one of the final items needed prior to construction of the
The Development Agreement set forth the obligations of the developer (Ironwood), especially concerning public improvements, and required the City to reimburse the developer for certain offsite improvements including improvements for Depot Street. It also reaffirmed the architectural and landscaping elements of the previously approved site plan, and the purchase of surplus City property to be incorporated into the project. He stated the development had been through the Site Plan approval with the Planning Commission.

DISCUSSION ON THE DEPOT STREET REIMBURSEMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

JJ Allen, Assistant City Manager, explained the plat for the West Square Subdivision included the extension of Depot Street for the length of the West Square property. However, West Square was not the only property which would benefit from the development of the street, especially when it connected to Clearfield Station. Consequently, the developer (Ironwood) had requested that a reimbursement agreement be utilized to collect a payment from future developers of the properties which would benefit from the improvements. The agreement set West Square’s share of the total water and street improvements costs at 35 percent, leaving 65 percent to be reimbursed by the developers of other benefited properties at the time that they developed, most of which would be borne by Clearfield Station. The term of the agreement was 30 years and explained Ironwood would have to capture the reimbursement within that time frame. He clarified the agreement was only applicable to surface improvements and water.

Mayor Shepherd pointed out a similar agreement had been drafted, although it was never executed, with Clearfield Station and inquired about the percentage split in that agreement. Mr. Allen responded the percentage split had not been identified because flexibility was needed relative to traffic counts. He believed the developers of Clearfield Station would benefit from Ironwood pioneering the project and reimbursing for those costs. He emphasized the agreement with Clearfield Station had never been fully executed and was considered null and void.

APPROVAL OF THE WEST SQUARE DEVELOPMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

Councilmember Jones moved to approve the West Square Development Agreement with Ironwood Development Group, L.C., 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.

APPROVAL OF THE DEPOT STREET REIMBURSEMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

Councilmember Young moved to approve the Depot Street Reimbursement Agreement with Ironwood Development Group, L.C., 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 2015-20 AMENDING THE CONSOLIDATED FEE SCHEDULE

Eric Howes, Community Services Director, explained staff was recommending the amendment to the City’s Consolidated Fee Schedule specific to building rental fees. He stated the proposed fees were an attempt to incentivize extended use of the Art Center and to increase usage of the facility and reviewed the proposed changes with the Council. He mentioned adjustments were also proposed to the theatre and the multi-purpose room.

Councilmember Young moved to approve Ordinance 2015-20 amending the Consolidated Fee Schedule 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.

APPROVAL OF THE FINDINGS, CONCLUSIONS AND DETERMINATION OF THE APPEAL AUTHORITY REGARDING THE PLANNING COMMISSION’S DECISION TO ISSUE A CONDITIONAL USE PERMIT (CUP 1509-0003) FOR DAMON PEARSON ON BEHALF OF PEARSON SPECIALTIES LLC ON PROPERTY LOCATED AT 1964 SOUTH 275 EAST

On November 10, 2015, acting in a quasi-judicial capacity as the land use appeal authority, the City Council heard an appeal regarding the Planning Commission’s decision to grant a Conditional Use Permit (CUP 1509-0003) for Damon Pearson on behalf of Pearson Specialties LLC on property located at 1964 South 275 East.

Councilmember LeBaron moved to approve and adopt the Findings, Conclusions and Determination of the Appeal Authority regarding the Planning Commission’s decision to grant a Conditional Use Permit (CUP 1509-0003) for Damon Pearson on behalf of Pearson Specialties LLC on property located at 1964 South 275 East 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 THE AWARD OF BID TO BRINKERHOFF EXCAVATING FOR THE PUBLIC WORKS AND PARKS FACILITIES UPGRADE PHASE 1B

Scott Hodge, Public Works Director, expressed appreciation to the Council for its visit to the Public Works and Parks Facilities on Tuesday, December 1, 2015 and reviewed the scope of work needing to be completed for phase one of the upgrade project. He stated bids were received from four construction companies to install the utilities and construct the new 575 South roadway from South Main Street to Jennmar, work to be completed as part of the Public Works and Parks Facilities Upgrade Phase 1B project. The lowest responsible bid was received from Brinkerhoff Excavating with the bid of $585,989.45.

Adam Lenhard, City Manager, explained staff had learned a valuable lesson from this project and expressed an apology to the Council. He stated the original scope of work estimated by the consultant for the current phase underestimated the costs associated with phase one of the
project. He added the cost estimates associated with phases A and B were good fair deals for the taxpayer and explained the mistake was not having a more in depth engineer’s estimate early on in the process. He indicated staff would be approaching the original consultant’s document with a more critical eye.

Councilmember Benson moved to approve the award of bid to Brinkerhoff Excavating for the Public Works and Parks Facilities Upgrade Phase 1B for the bid amount of $585,989.45 and approve funding for the project for the bid amount of $585,989.45 with contingency and engineering costs of $90,010.55 for a total project cost of $676,000.00; 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.

APPROVAL OF RESOLUTION 2015R-30 AUTHORIZING THE NORTH DAVIS FIRE DISTRICT (NDFD) ANNEXATION

In 2014, Clearfield City annexed a portion of the Military Installation Development Authority’s (MIDA’s) Falcon Hill Project Area into its boundaries. The North Davis Fire District also recognized a need to annex the same area into its boundaries. On August 25, 2015, the City Council, acting as both the legislative body for the municipality as well as the Governing Body of the North Davis Fire District adopted a resolution stating the NDFD’s intent to annex MIDA’s Falcon Hill Project Area in its boundaries for the purpose of providing fire protection, emergency medical and ambulance services and consolidated 911 services within the area. The City Council recognized that public health, convenience and necessity require the annexation of the proposed Annexed Area to the District. On October 6, 2015 a public hearing was held on the annexation which also started a 60-day comment period which ended December 7, 2015. No comments were received.

Councilmember LeBaron moved to approve Resolution 2015R-30 authorizing the North Davis Fire District (NDFD) Annexation 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.

COMMUNICATION ITEMS

Mayor Shepherd
1. Informed the Council that he had met with the Family Connection Center earlier in the morning regarding its Sub for Santa program. He stated the City’s donations made a significant improvement to the program and mentioned Farmington residents had been encouraged to donate. He spoke of the Center’s endeavors in providing a Thanksgiving dinner to 500 families.
2. Reported at his most recent meeting with Wasatch Integrated Waste it was announced the old road to the landfill had been eliminated and access was now immediately off of SR 193 near the Grey Hawk subdivision. He mentioned the new road was a great improvement. He announced a thrift shop had been opened at the landfill for items which were still in usable condition and was operated and staffed by clients of Pioneer Adult Rehab Center (PARC). He encouraged the public’s support of their endeavor.
3. Announced the Fourth of July committee had started meeting to discuss events for the 2016 celebration.
4. Informed the Council that UDOT had its first meeting with businesses regarding 650 North/I-15
intersection improvements.
5. Stated he had met with MIDA (Military Installation Development Area) and reported a new
office building had been proposed to be built in the Falcon Hill Project Area at HAFB.
6. Announced he would be out of town beginning tomorrow morning and would be back in town on
Thursday, December 10, 2015.
7. Expressed appreciation to Councilmembers Jones and LeBaron for their service and stated it had
been a privilege to serve with both of them.
8. Complimented the Community Services staff’s efforts for the holiday decorations outside of City
hall.
9. Wished everyone a Merry Christmas.

**Councilmember Benson**
1. Stated she would also miss working with Councilmember Jones and LeBaron.
2. Expressed gratitude to staff for assisting her during the past year.
3. Wished everyone a Merry Christmas.

**Councilmember Bush**
1. Thanked the scouts, leaders and parents for their attendance at the meeting.
2. Announced the City conducted a Holiday Lighting contest every year. He stated it was currently
taking place and requested nominations be made to the Community Services Department.
3. Informed the Council that the Kiwanis “Coats for Kids” coat drive was ongoing.
4. Reported he would be attending the North Davis Sewer District Board meeting on Thursday,
December 10, 2015 at 6:00 p.m. He indicated a public hearing was scheduled for the adoption of next
year’s budget. He also mentioned a public hearing was scheduled to allow the bonding agency to consider
the opportunity to bond when needed.
5. Expressed appreciation to Councilmembers Jones and LeBaron for their service to the City. He
stated he enjoyed working with them and wished them well in the future.
6. Wished staff and residents a Merry Christmas and Happy Holiday Season.

**Councilmember Jones** – stated he was grateful for the opportunity to serve the residents and City in the
capacity as a City Council member. He mentioned his time on the Council had been enjoyable.

**Councilmember LeBaron**
1. Stated he was grateful for the friendships which he had made in the capacity as a member of the
City Council.
2. Expressed appreciation to Mayor Shepherd for mentoring him.

**Councilmember Young**
1. Expressed appreciation for the opportunity to work with Councilmember Jones and
Councilmember LeBaron.
2. Expressed appreciation to staff in working with the Council this past year in helping the City
move forward.
3. Wished everyone a Merry Christmas.

**Adam Lenhard, City Manager**
1. Stated it had been an honor to work with Councilmembers LeBaron and Jones.
2. Reported he had spoken to a colleague who was previously affiliated with the City and had
briefly spoken of things taking place within the City and the direction in which the City was going. He
continued this individual had expressed appreciation for the City and how good it was that it was in such a great position. He stated it had been a great year for the City.

STAFFS’ REPORTS

Nancy Dean, City Recorder – Reviewed the Council’s calendar:
- No City Council meetings were scheduled until January 12, 2016.
- City Christmas party on Friday, December 11, 2015.
- Farewell dinner for Councilmembers Jones and LeBaron was scheduled for Tuesday, December 29, 2015 at 6:30 p.m.
- Oath of office ceremony was scheduled for Monday, January 4, 2016, at 6:00 p.m. She announced Lieutenant Governor Cox would be in attendance.
- New Year Kick-off meeting was scheduled for Friday, January 29, 2016.

2. Expressed gratitude at the opportunity to work with Councilmembers Jones and LeBaron.

There being no further business to come before the Council, Councilmember Benson moved to adjourn at 8:02 p.m., seconded by Councilmember LeBaron. Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.
TO: Mayor Shepherd, City Council, and Executive Staff

FROM: Spencer W. Brimley
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: January 12, 2016

SUBJECT: Public Hearing, Discussion, and Possible Action on FSP 1511-0004: A request by Con Wilcox to amend the Wilcox Farms Subdivision Plat, Lot 26, located at 850 W. 1600 S. (TIN: 12-391-0014). The property is approximately 3.61 acres and is located in a C-2 (commercial) zoning district.

RECOMMENDATIONS

Planning Commission Recommendation
The Planning Commission recommended the City Council move to approve as conditioned FSP 1511-0004 to the City Council, a request by Con Wilcox to amend the Wilcox Farms Subdivision Plat, Lot 26, located at 850 W. 1600 S., based on findings and discussion in the staff report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
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<tbody>
<tr>
<td>Project Name</td>
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<tr>
<td>Site Location</td>
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<tr>
<td>Tax ID Number</td>
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<tr>
<td>Applicant</td>
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<tr>
<td>Property Owner</td>
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<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Master Plan Land Use</td>
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<tr>
<td>Gross Site Area</td>
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</tbody>
</table>
**Surrounding Properties and Uses:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Property/Zone Description</th>
<th>Current Zoning District</th>
<th>Comprehensive Plan Land Use Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Agricultural Land</td>
<td>A-1 (Agricultural)</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Rocky Mountain Power Corridor</td>
<td>A-1 (Agricultural)</td>
<td>Manufacturing</td>
</tr>
<tr>
<td>South</td>
<td>America First CU/Auto Zone</td>
<td>C-2 (Commercial)</td>
<td>Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Anderson Tire/Let them be Kids</td>
<td>C-2 (Commercial)</td>
<td>Commercial</td>
</tr>
</tbody>
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ANALYSIS

Background
Properties in this area have been sold and developed starting in the later 1990s. The proposed amendment to this plat is for the purposes of creating two lots to be sold for 1) the development of multifamily housing, and 2) the expansion of a day care operation just to the west of the property. Lot 25 will be approximately 1.215 acres in size and is intended to be sold to the owner of lot 13 for the expansion of their business. Lot 26 will be approximately 1.880 acres in size and will be sold to a multi-family developer for multi-family housing development. The southern portion of lot 26 is also under consideration for a rezone from C-2 to R-3.

Master Plan and Zoning
The parcel in question is shown on the Future Land Use plan as Residential but the current zoning on the parcel is Commercial. The proposed amended plat is consistent with both the Master Plan and zoning. The southern portion of the property is under consideration for the R-3 zoning designation.

Subdivision Plat Approval
Subsequent to the proposed subdivision the two new parcels as proposed meet the minimums required by the as set forth within the C-2 zoning district. An Engineering review was completed and determined that the request for subdivision meets the minimum City standards. The improvement plan drawings for the cul-de-sac and drive approaches will be submitted, reviewed, and approved prior to plat recordation. Staff has included the reviewer’s comments below and the North Davis Fire District letter and the Engineering letter are attached for the Commission’s information.

At the time of development, the proposed subdivided parcels are subject to Site Plan approval. Impacts on the City’s infrastructure and services, setbacks, and other development standards will be reviewed and compliance ensured through the Site Plan approval process and subsequent building permit construction drawing submittals.

Engineering Review
Engineering has reviewed the proposal and is requiring additional technical documents prior to the issuance of final approval. These documents will be required following City Council approval of the final amended plat.

Fire District
1. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 ½” connection facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met.
2. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow for this project. The Fire Prevention Division of this Fire District shall witness this test and shall be notified a minimum of 48 hours prior to the test.
3. All fire apparatus access roads shall be a minimum all-weather, drivable and maintainable surface. There shall be a minimum clear and unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end roads created in excess of 150 feet in length shall be provided with an approved turn-around.
The plat submitted by Con Wilcox with the proposed amendments to the Wilcox Farms Subdivision, Plat Lot 26, is substantially complete. Staff has reviewed the proposed plat and the amendments and is working with the applicant’s engineer to include all remaining necessary requirements.

Public Comment
No public commend has been received to date.

CONDITIONS OF APPROVAL

1) The final engineering design (Improvement Plans) are set forth in a letter dated November 13, 2015, and shall be met to the satisfaction of the City Engineer.

2) North Davis fire District approval required as set forth in the letter dated January 4, 2016.

3) Pursuant to the Subdivision Ordinance 12-4-5(D), an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties (as outlined in 12-8-4).

4) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS

1. Wilcox Farms Amended – Phase 5 Subdivision Plat, Lot 26
2. NDFD Letter
3. Engineering letter
TO: Spencer Brimley / Community Development  
FROM: John Taylor / Fire Marshal  
RE: Wilcox Farms Phase 5  

DATE: January 4, 2016  
I have reviewed the site plan submitted for the above referenced project. The Fire Prevention Division for Fire District has the following comments/concerns.

1. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 ½" connection facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met.

2. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow for this project. The Fire Prevention Division of this Fire District shall witness this test and shall be notified a minimum of 48 hours prior to the test.

3. All fire apparatus access roads shall be a minimum all-weather, drivable and maintainable surface. There shall be a minimum clear and unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end roads created in excess of 150 feet in length shall be provided with an approved turn-around.

These plans have been reviewed for Fire District requirements only. Other departments must review these plans and will have their requirements. This review by the Fire District must not be construed as final approval from Clearfield City.

Any questions or concerns may be addressed to me at your convenience.
13th November 2015

Clearfield City
55 South State Street
Clearfield City, Utah 84015

Attn: Spencer W. Brimley, Development Services Manager
Proj: Wilcox Farms Amended – Phase 5
Subj: Plat & Improvement Drawing Review

Dear Spencer,

I have completed my review of the above referenced project and submit the following comments for consideration. The items noted will need to be considered and addressed prior to receiving recommended approval from our office.

**General Note:**

1. An electronic copy of the Plat & Improvement drawings and details must be submitted to the Public Work Department via our office for record keeping upon design completion and prior to approval of the Plat & Improvement drawings from our office.

**Plat:**

1. The Developer’s contact information is needed on the Plat. The Plat shows a generic note in regards to the Developer’s information, and it needs to be completed on the Plat.

2. The Owner’s signing the Plat need their name(s) printed below the signature line in the “Owners Dedication” contained on the Plat.

**Improvement Drawings – have not been submitted for review.**

1. The Improvement Drawings need to be submitted for review and should include all the standard City improvements. Listed below are the typical improvement and reports which are needed:

2. Notes need to be placed on the improvement drawings indicating all deteriorated, damaged or missing surface improvements surrounding the perimeter of the development and on-site be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, landscaping replacement, site lighting, dumpster screening, concrete improvement, etc.
3. The Storm Water Calculations and storm water facilities should be designed for a 24-hour, 100-year storm water event. The design and calculation will need to be submitted for review.

The storm water detention basin and collection system will need to have the standard operating and control facilities, i.e., inlet/outlet control structure, interior over-flow control, outlet control orifice, over flow spillway, and all basin maintenance/landscaping improvements. The design of the storm water on-site collection piping system, finish contours lines, site grades, 12” freeboard berm, and all general on-site facilities will need to be submitted for review along with the drainage drawings and detail plans for their construction.

The discharge water from the detention basin will need to be piped to the nearest underground storm water piping system.

4. The sanitary sewer service laterals should be shown on the improvement drawings.

5. The culinary water service laterals and meters should be shown on the improvement drawings.

6. A Street Light should be shown at the end of the cul-de-sac, unless the Public Works Department is not requiring a street light.

7. The top back of curb elevations with curb slopes and driveway approaches need to be shown.

8. A street cross-section is required with all grades, pavement material depths per the original geotechnical report, for the “Wilcox Farms” development.

9. The survey monument detail needs to be shown.

10. The Plan & Profile drawing details of 1600 South Street needs to be included for review.

11. A fire hydrant should be shown to be installed in the cul-de-sac.

12. All other items required by other departments needs to be included with the final approved Plat & Improvement Drawings.

We would be happy to meet with the Developer and/or his Engineer to review the above items should they have any questions.

Sincerely,

CEC, Civil Engineering Consultants, PLLC.

N. Scott Nelson, PE.
City Engineer

Cc. Scott Hodge, Public Works Director
    Dan Schuler, Public Works Inspector and Storm Water Manager
    Michael McDonald, Building Official
CLEARFIELD CITY ORDINANCE 2016-01

AN ORDINANCE AMENDING TITLE 1 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 1 of the Clearfield City Code by amending all of Chapter 7, Section 9.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1, Enactment:

Title 1, Chapter 7, Section 9, Administrative Appeal Procedure is hereby amended to read as follows:

1-7-9: ADMINISTRATIVE APPEAL PROCEDURE:

A. Employment; Applicability: Each employee of Clearfield City shall hold employment without limitation of time, being subject to discharge, suspension of over two (2) days without pay, or involuntary transfer to a position with less remuneration as set forth herein and in accordance with UCA 10-3-1106, as amended. All other disciplinary actions, including but not limited to oral or written reprimands, and employees discharged or involuntarily transferred to a position with less remuneration as a result of layoff or reorganization, are outside the jurisdiction of the Employee Discipline Hearing Officer and may not be the subject of an appeal. This section shall not apply to any officer appointed by the Mayor or City Manager, nor to any of the positions set forth in UCA 10-3-1105, as amended.

B. Limitation: Nothing in this section may be construed to limit the city's ability to define cause for an employee termination or reduction in force.

C. Employee Discipline Hearing Officer: The City Manager shall appoint a Hearing Officer pursuant to the following requirements:

   (1) The Hearing Officer shall be selected by a public hiring process;

   (2) The Hearing Officer shall be an independent contractor with a term of at least one year; and

   (3) The City Council shall ratify the City Manager’s appointment of the Hearing Officer.

D. Appeal Procedure:

   (1) All appeals must be initiated by filing a notice of appeal with the City Recorder within ten (10) calendar days from the date of the order from which the appeal is taken.

   (2) The notice of appeal must include the following:
a. The specific reasons for the appeal, including but not limited to the reasons why the appellant believes the City’s decision was in error;

b. The written pre-discipline notice received by the appellant;

c. The written decision or order which is being appealed by the appellant;

d. The mailing address to be used for further communication with the appellant; and

e. The appellant’s signature.

(3) An appellant’s failure to timely submit a notice of appeal in full and complete compliance with this section shall result in a forfeiture of all appeal rights of the appellant.

(4) No later than five (5) calendar days following the filing of the notice of appeal, the Hearing Officer shall:

   a. Schedule a hearing at the Hearing Officer’s sole discretion, no sooner than 30 calendar days and no later than 45 calendar days after the filing of the notice of appeal.

(5) Provide the date, time and place of the hearing to:

   a. The appellant;

   b. The appellant’s counsel, if any;

   c. The City’s legal counsel;

   d. The Human Resource Division;

   e. The Department Head.

E. Disposition of the Appeal: Upon receipt of a notice of appeal, the City Recorder must mail or personally deliver a copy of the appeal to the department head, City Manager, Human Resource Office, and City Attorney’s office.

F. Hearing – General Procedures:

   (1) The Hearing Officer shall conduct the hearing in accordance with Utah Code Annotated 10-3-1106(4)(a), as amended. At the hearing, the appellant may:

       a. Appear in person and be represented by counsel;
b. Have a hearing open to the public, if appellant so desires;

c. Confront the witnesses whose testimony is to be considered; and

d. Examine the evidence to be considered by the Hearing Officer.

(2) The Hearing Officer has no subpoena power.

(3) The Hearing Officer has no contempt power.

G. Evidence to be considered by the Employee Discipline Hearing Officer:

(1) No later than twenty (20) calendar days before the date of the appeal hearing set by
the Hearing Officer, the City shall provide to the appellant and the Hearing Officer a
complete copy of the record relied upon by the City for the disciplinary action, as well as
a complete witness list. This record shall include all documents the City relied on in its
discipline decision, including similarly situated employees within the department with
similar discipline under the current department head or chief.

(2) No later than ten (10) calendar days before the date of the appeal hearing, the
appellant must submit all evidence (other than the record submitted by the City) which
the appellant wishes to rely upon, as well as a complete witness list.

(3) The Hearing Officer shall not consider any evidence not timely submitted as provided
in this Section, other than witness testimony. The Hearing Officer shall not hear the
testimony of witnesses not included on a timely submitted witness list as provided in this
Section, with the exception of rebuttal witnesses.

H. Decisions and Burden of Proof:

(1) The Hearing Officer shall review a decision using a “substantial evidence” standard
of review. “Substantial evidence” is that quantum and quality of relevant evidence that is
adequate to convince a reasonable person to support a conclusion. If the Hearing Officer
finds that there is “substantial evidence” to support the City’s action, the Hearing Officer
shall uphold the action. If the Hearing Officer finds that there is not “substantial
evidence” to support the City’s action, the Hearing Officer shall overturn the decision. If
the Hearing Officer overturns the City’s action, the Hearing Officer’s decision shall
provide that the City shall compensate the appellant as required by state law.

(2) The Hearing Officer’s decision shall be in writing, shall adopt findings of fact and
conclusions of law in support of the Hearing Officer’s decision, and shall be certified to
the City Recorder within fifteen (15) calendar days of the date of the hearing.

a. The Hearing Officer may extend the 15-day period to a maximum of sixty (60)
calendar days if the Hearing Officer has good cause and the consent of both the
City and the employee.
(3) The Hearing Officer shall keep a record of the proceedings.

(4) The ruling by the Hearing Officer shall be the final administrative decision of the City.

I. Public Access:

(1) The Appellant may decide whether or not the public is allowed at the hearing.

(2) The Hearing Officer may expel any person who is disorderly during the hearing.

J: No Additional Rights Created: The process set forth in this Chapter is not intended and shall not be interpreted to create or establish any interest or right in employment or employment benefits. The City hereby undertakes no additional obligations beyond those set forth by state and federal law.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 12th day of January, 2016.

CLEARFIELD CITY CORPORATION

_______________________________
Mark R. Shepherd, Mayor

ATTEST:

_______________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:
NAY:
EXCUSED:
CLEARFILED CITY RESOLUTION 2016R-02

A RESOLUTION AUTHORIZING THE APPOINTMENT OF TEMPORARY JUSTICE COURT JUDGES

WHEREAS; from time to time the Clearfield City Justice Court Judge may be absent from court or have a real or perceived conflict of interest that disqualifies the Judge from hearing a particular case; and

WHEREAS; pursuant to Utah Code Ann. § 78A-7-208, the appointing authority may appoint a “Temporary Justice Court Judge” to fill vacancies from any Justice Court Judges holding office within the judicial district or from the qualified retired Justice Court Judges; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CLEARFIELD CITY, UTAH, THAT: Judge James L. Beesley, Judge David L. Miller, Judge Catherine J. Hoskins, Judge Reuben J. Renstrom, or any other justice court judge currently holding office within the Second Judicial District or in an adjacent county; or that meets the Utah Supreme Court’s requirements to be a senior court judge, is hereby appointed as the “Clearfield City Temporary Justice Court Judge” to serve in the event of the absence or disqualification of the Clearfield City Justice Court Judge.

Adopted by the City Council of Clearfield City, Utah, this ___ day of January, 2016.

CLEARFIELD CITY CORPORATION

______________________________
Mark Shepherd, Mayor

ATTEST:

______________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
CLEARFIELD CITY RESOLUTION 2016R-01

A RESOLUTION APPOINTING COUNCILMEMBERS KERI BENSON AND NIKE PETERSON AS REPRESENTATIVES ON THE NORTH DAVIS FIRE DISTRICT’S ADMINISTRATIVE CONTROL BOARD

WHEREAS, as a municipality that created the North Davis Fire District (the “District”), Clearfield City is afforded representation on the District’s Administrative Control Board (the “Board”); and

WHEREAS, Councilmembers Mike LeBaron and Ron Jones had been appointed to represent Clearfield City with terms expiring on December 31, 2018; and

WHEREAS, the City’s appointments are left vacant as a result 2015 Municipal General election; and

WHEREAS, Mayor Mark Shepherd has proposed that the City Council appoint Councilmembers Keri Benson and Nike Peterson to represent Clearfield City on the Board; and

WHEREAS, as the municipal legislative body that created the District, the Clearfield City Council finds it is in the best interests of those residents being served by the District to have Councilmembers Keri Benson and Nike Peterson appointed to the Board;

NOW, THEREFORE, be it resolved by the Clearfield City Council that Councilmembers Keri Benson and Nike Peterson are hereby appointed to serve as Clearfield City’s representatives on the Administrative Control Board of the North Davis Fire District.

Be it further resolved that the terms of office shall be January 1, 2016 through December 31, 2018, subject to all applicable state statutes and city ordinances.

PASSED AND ADOPTED this 12th day of January, 2016.

ATTEST: CLEARFIELD CITY CORPORATION

______________________________ ________________________________
Nancy R. Dean, City Recorder  Mark R. Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:
CLEARFIELD CITY RESOLUTION 2016R-03

A RESOLUTION APPOINTING VERN PHIPPS AS THE CLEARFIELD CITY REPRESENTATIVE TO THE ADMINISTRATIVE CONTROL BOARD OF WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT

WHEREAS, Clearfield City is a member of the Wasatch Integrated Waste Management District; and

WHEREAS, each member city of the District appoints one member to the Administrative Control Board of Wasatch Integrated Waste Management District; and

WHEREAS, Mayor Mark R. Shepherd had been serving as Clearfield City’s representative,

NOW, THEREFORE, be it resolved that the Clearfield City Council approves the appointment of Vern Phipps as the City’s representative on the Administrative Control Board of Wasatch Integrated Waste Management District.

Be it further resolved that the term of office shall be January 1, 2016 through December 31, 2017.

PASSED AND ADOPTED this 12th day of January, 2016.

ATTEST: CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder
Mark R. Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:
NAY:
CLEARFIELD CITY RESOLUTION 2016R-04

A RESOLUTION OF THE CLEARFIELD CITY COUNCIL APPOINTING REPRESENTATIVES TO SERVE AS ITS APPOINTEES ON ANY TAXING ENTITY COMMITTEE FOR PROJECT AREAS ESTABLISHED BY THE CITY’S COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

WHEREAS, the Clearfield Community Development and Renewal Agency (the “CDRA”) was created to transact the business and exercise the powers provided for in Utah’s Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act (the “Act”); and

WHEREAS, the Act, more specifically Utah Code Ann. § 17C-1-402 (2)(a)(i)(C) (2013), provides that the Clearfield City Council shall appoint by resolution two representatives to serve on any taxing entity committee when the CDRA has caused a taxing entity committee to be created; and

WHEREAS, Councilmember Bush currently serves as one member of the Taxing Entity Committee; and

WHEREAS, the second seat was left vacant as the result of the recent 2015 municipal election;

NOW THEREFORE BE IT RESOLVED by the Clearfield City Council as the legislative body for Clearfield City that:

1. Commencing with the date of this resolution, Clearfield City Council Member Vern Phipps is hereby appointed as Clearfield City’s official representative and Council Member Bruce Young as an alternate representative to the taxing entity committee for each and every project area which either now exists or which may henceforth be created by CDRA or the City until further notice from the Clearfield City Council; and

2. Said appointees are hereby authorized to attend meetings of any Taxing Entity Committee created by the CDRA, to vote on behalf of Clearfield City and the CDRA on all matters coming before any such taxing entity committee, and to approve or disapprove any project area budgets and/or amendments thereto for each and every project area on behalf of Clearfield City, its CDRA, and governing board; and

3. City staff is hereby directed to provide written notice to the CDRA of these newly appointed taxing entity committee representatives by providing the CDRA with a copy of this resolution.
PASSED AND ADOPTED by the Clearfield City Council this 12th day of January, 2016.

CLEARFIELD CITY CORPORATION

________________________________
Mark R. Shepherd, Mayor

ATTEST:

________________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
MAYORAL APPOINTMENTS

I, Mark R. Shepherd, Mayor of Clearfield and acting under statutory authority as the local government executive, hereby appoint representatives to serve on various committees and assignments as designated in the attached Exhibit “A”.

Said appointments to be ratified by the Clearfield City Council acting under statutory authority as the local legislative body prior to taking effect on January 12, 2016.

Dated this 12th day of January, 2016.

Mark R. Shepherd, Mayor

ATTEST: Nancy R. Dean, City Recorder
Mayor Mark Shepherd
North Davis Fire District Board Member
Davis County Council of Governments (COG)
Utah Economic Development Corporation Board Member
Utah Defense Alliance Board Member
Military Installation Development Authority (MIDA) Board Member
Weber State Davis Campus Advisory Council Member
Family Connection Center Board Member
Davis County Business Development Fund Committee Board Member
Davis Community Learning Center Board Member
Clearfield Job Corps Community Relations Council
Community Development and Renewal Agency (CDRA) Member
Building Authority Member

Council Member Kent Bush
Mayor Pro-Tem
North Davis Sewer District Board Member
Affordable Housing Liaison (various agencies as required)
Tax Entity Committee Representative
Community Development and Renewal Agency (CDRA) Vice-Chair and Member
Building Authority Member
Clearfield Foundation for Arts, Parks and Recreation Board Member

Council Member Vern Phipps
Wasatch Integrated Board Member
Tax Entity Committee Representative
Parks and Recreation Commission Liaison
Community Development and Renewal Agency (CDRA) Member
Building Authority Member
Clearfield Foundation for Arts, Parks and Recreation Board Member

Council Member Bruce Young
Mosquito Abatement Board Member
Tax Entity Committee Alternate Representative
Community Development and Renewal Agency (CDRA) Chair and Member
Building Authority Chair and Member

Council Member Keri Benson
North Davis Fire District Board Member
Planning Commission Liaison
Community Development and Renewal Agency (CDRA) Member
Building Authority Member
Council Member Nike Peterson
North Davis Fire District Board Member
Community Development and Renewal Agency (CDRA) Member
Building Authority Vice-Chair and Member
DISCUSSION ON THE REAL ESTATE PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 75 NORTH MAIN

JJ Allen, Assistant City Manager, shared a visual illustration and identified the location of the vacant building located at 75 North Main and stated the City had the opportunity to purchase the property. He explained the potential the location had relative to future economic development. He emphasized the sale would be contingent upon the Board’s approval of the purchase.

Director Benson inquired what the City intended to do with the building. Mr. Allen responded it would be demolished. Director Shepherd shared the history regarding the building and pointed out there was no parking because the building took up almost the entire parcel.

Director Benson asked who owned the property for the billboard. Mr. Allen explained in addition to the parking lot adjacent to the building, that property was also owned by Albion Laboratories; however, Mr. Baker had in the past received the billboard lease revenue. He stated Albion and Mr. Baker had come to an agreement regarding that issue. A discussion took place regarding the development potential of other adjacent vacant properties in the vicinity.
Director Bush expressed concern regarding the purchase price. Mr. Allen indicated he also had the same concern; however, he believed the purchase would be a win-win for all parties in the future and stated the proposal was where the negotiation process had ended. Director Shepherd spoke to the advantages of the City owning the property and demolishing the building.

Director LeBaron inquired what would happen to the property if the City decided against the purchase. Mr. Allen explained the possibility of litigation. The Board expressed no objections to the purchase.

The meeting adjourned at 7:58 p.m.
Chair Young called the meeting to order at 7:43 p.m.


Director Shepherd moved to approve the Clearfield Community Development and Renewal Agency (CDRA) minutes from the August 11, 2015 policy session, the August 18, 2015 work session and the August 25, 2015 policy session as written, seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.
PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CDRA 2015/2016 FISCAL YEAR BUDGET

State Law required a public hearing before the Board approved amendments to the CDRA budget. Rich Knapp, Administrative Services Director, proposed amendments to the 2015/2016 fiscal year budget.

Rich Knapp, Administrative Services Director, reminded the Board there would be an increase in the amount of funds appropriated for the Sales Tax Bond for the General Fund in the amount of approximately $19,000. He also spoke to the acquisition of property and demolition of a structure located at 75 North Main. He pointed out an error in the Staff Report which reflected $45,000 for that project as opposed to the actual budget amount of $60,000.

Chair Young opened the public hearing at 7:44 p.m.

Chair Young asked for public comments.

There was no public comment.

**Director Bush moved to close the public hearing at 7:45 p.m. seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

Nancy Dean, Secretary, suggested the Board consider the purchase agreement for property prior to considering approval of a Resolution to amend the 2015/2016 fiscal year budget.

**APPROVAL OF THE REAL ESTATE PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 75 NORTH MAIN**

JJ Allen, Assistant City Manager, explained the vacant building located at approximately 75 North Main had been offered to the City for a purchase price of $45,000. If acquired, the property would be held by the City for redevelopment at a future time. He stated the property owners had accepted the City’s offer and the CDRA budget had sufficient funds for the transaction.

**Director LeBaron moved to approve the Real Estate Purchase Agreement for property located at 75 North Main for a purchase price of $45,000 and the demolition costs of $15,000, for a total project cost of $60,000 and authorize the Chair’s signature to any necessary documents, seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**
APPROVAL OF RESOLUTION 2015R-06 AMENDING THE CDRA 2015/2016 FISCAL YEAR BUDGET

Director Shepherd moved to approve Resolution 2015R-06 adopting amendments to the CDRA 2015/2016 fiscal year budget and authorize the Chair’s signature to any necessary documents, seconded by Director LeBaron. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.

There being no further business to come before the Community Development and Renewal Agency, Director Shepherd moved to adjourn as the Community Development and Renewal Agency at 7:49 p.m., seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.
Chair Young called the meeting to order at 6:31 p.m.

DISCUSSION ON PROPOSED POLICIES AND PROCEDURES

JJ Allen, Assistant City Manager, reminded the Board that last year it had commissioned a Governance Report for the CDRA and one of the recommendations from the report was to adopt formal policies and procedures. He reported the consultant had provided a template which was used to draft the proposed policies and procedures and distributed a copy to the Board. He requested members of the Board review it and indicated it would before the Board for consideration in a future meeting. He briefly reviewed the draft with the Board highlighting the following:

- The budget
- An Annual Report
- Project Area Creation
- Incentives
- Real Property Acquisitions
- Disposition of Real Property
• Eminent Domain
• Confidentiality and Protected Records
• Procurement

A discussion took place about the language in the eminent domain section of the draft document and Director LeBaron suggested eliminating “when critically necessary” because it was subjective.

The meeting adjourned at 6:38 p.m.
Staff Report

To: CDRA Board of Directors
From: JJ Allen, Assistant City Manager
Date: January 6, 2016
Re: CDRA Policies and Procedures

I. RECOMMENDED ACTION

Approve Resolution 2016R-01 adopting Policies and Procedures for the Clearfield Community Development and Renewal Agency (CDRA).

II. DESCRIPTION / BACKGROUND

The recent Governance Report for the CDRA recommended as a best practice that the CDRA adopt policies and procedures relative to budgeting, reporting, project area creation, incentives, property acquisition and disposition, eminent domain, record keeping, and procurement. The attached document has been prepared and reviewed with the CDRA Board in a work session to that end.

III. LIST OF ATTACHMENTS

- CDRA Policies and Procedures
A RESOLUTION ADOPTING POLICIES & PROCEDURES FOR THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

WHEREAS, Clearfield City established the Community Development and Renewal Agency (CDRA) as a tool to provide the City a redevelopment plan and take action that would revitalize, upgrade and develop certain areas of the City with quality developments which are conducive to the long range goals of the City; and

WHEREAS, the Board of Directors for the CDRA consists of the members of the City’s governing body; and

WHEREAS, the Board of Directors desires to establish policies and procedures governing its actions that provide fair and equitable decisions; and

WHEREAS, staff was directed to draft policies and procedures for the CDRA; and

WHEREAS, staff submitted the policies and procedures for consideration;

NOW, THEREFORE, be it resolved by the Board of Directors of the Clearfield Community Development and Renewal Agency that the Policies & Procedures for the CDRA in the form attached hereto as Exhibit “A” are hereby adopted.

Passed and adopted at the Community Development and Renewal Agency Board meeting held on January 12, 2016.

Dated this 12th day of January, 2016.

VOTE OF THE BOARD

AYE:

NAY:
I. **Annual Budget**

A. **Annual Budget Policy.**

The Agency intends to fully comply with the requirement contained in the Community Development and Renewal Agencies Act, Title 17C of the Utah Code (the “Act”) for the Agency to adopt an annual budget each year.

B. **Annual Budget Procedure.**

Each year the Chief Executive Officer (CEO) will oversee the preparation and adoption of the Agency’s annual budget, according to the following steps, in order:

1. Prepare the draft annual budget for a first review and discussion with the Board, at the Board’s final meeting in May.

2. Make any changes to the draft annual budget as directed by the Board, and then prepare the final budget.

3. Arrange for a public hearing to be held by the Board, before June 22, as follows:
   a) Publish a notice of public hearing at least once in a newspaper of general circulation within the agency boundaries, one week before the public hearing.
   b) Publish the same notice on the Utah Public Notice Website at least one week before the public hearing.
   c) Make the annual budget available for public inspection at least three days before the date of the public hearing.
   d) Comply with any other public notice requirements in the Act or other Utah law.

4. Hold the public hearing regarding the final budget.

5. After the close of the public hearing, coordinate Board approval of the annual budget.

6. Within 90 days after the Board adopts the annual budget, file a copy of the annual budget with the county auditor, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity that levies a tax on property from which the Agency collects tax increment.

7. Amend the budget on an as-needed basis by following the same steps above.
II. **Annual Report**

A. **Annual Report Policy.**

The Agency intends to fully comply with the Act’s requirement for the Agency to provide an annual report on each of the Agency’s active project areas. The Agency understands that the annual report, if used properly, can work as both an informational tool and a tool of persuasion with the taxing entities. The Agency should prepare an annual report that is informative, persuasive, and reflective of the nature of the Agency’s activities within each active project area. The annual report should highlight the accomplishments within each active project area. The Agency will prepare and submit an annual report pursuant to Section 17C-1-603 of the Act, so that the Agency does not also have to hold an annual TEC meeting. However, the CEO shall have discretion to hold an annual TEC meeting in addition to providing the annual report.

B. **Annual Report Procedure.**

The CEO will cause an annual report to be prepared pursuant to the Section 17C-1-603 of the Act, and will cause the annual report to be delivered to the entities listed in Section 17C-1-603 of the Act by November 1. The annual report shall also be provided to the Agency’s Board. The CEO, or his/her designee, may employ such consultants and legal counsel for the preparation of the annual report as is deemed helpful or necessary.

III. **Project Area Creation**

A. **Project Area Creation Policy.**

The Agency Board may create urban renewal project areas for the purpose of remediating blight, economic development project areas for the purpose of promoting job creation and tax base growth, and community development project areas for any other legal purpose desired by the Agency. The Agency Board may create a project area on its own volition, or at the request of one or more property owners or proposed participants. The Agency will strive to fulfill the purposes of the Act by obtaining maximum tax increment participation by the taxing entities and leveraging those tax increment revenues in the way that will achieve maximum private participation in the project area. The Agency is not a municipality and therefore does not fall under the provisions of Utah Code Ann. § 10-8-2; however, the Agency intends that, for each project area, the Agency will prepare a single benefit analysis that complies with Utah Code Ann. §§ 17C-2-103(2), 17C-3-103(2), or 17C-4-103(11), as applicable, as well as the intent and purposes of Utah Code Ann. § 10-8-2 and related Utah case law.

B. **Project Area Creation Procedure.**

Each proposal to create a project area will be submitted to the Agency Board and will proceed only after designation of the proposed project area boundaries by resolution of the Agency Board. Project area creation will proceed according to the requirements and procedures set forth in the Act.
The CEO may implement any additional procedures beyond the minimum procedures required by the Act. For example, the CEO may, among other things, cause the Agency staff, Board members, consultants, and legal counsel to negotiate with and make presentations to taxing entities, to hold open-house sessions for members of the public, and to consult with property owners or potential developers/participants within the proposed project area boundaries.

IV. Incentives

A. Incentive Policy.

The Agency intends to provide reasonable opportunities for owners of property within established project areas to participate in the stated purposes of the applicable project area plan. Such reasonable opportunities may include the provision of development incentives within established project areas, including land and real property incentives, tax increment incentives, sales tax incentives, public infrastructure construction, or any other type of incentive deemed appropriate by the Board on a case-by-case basis. The Agency is authorized under Utah Code Ann. § 10-3-1304 (prohibiting agency officers and employees from securing special privileges for themselves or others), Price Development Company v. Orem City, 2000 UT 26, 995 P.2d 1237 (suggesting that public entities should carefully evaluate the anticipated return on the disposition of public money or property), and related Utah law. The Agency may consider intangible and non-monetary economic development, community development and/or urban renewal benefits in its analysis of the return to be derived from the provision of any incentive.

B. Incentive Procedure.

All discussion for potential incentives shall be facilitated by the CEO or his/her designee. The CEO (or designee) will review all requested incentives, and will also have responsibility for identifying incentives in a proactive manner when necessary for the fulfillment of an adopted project area plan. The Agency may provide an incentive according to the following steps, in this order:

1. Incentive Identification. The CEO, and any staff, consultants or legal counsel specifically engaged by the CEO or any developers/participants/brokers working with the Agency, will identify the proposed incentive and the proposed recipient of that incentive.

2. Justification Review. The CEO, and any staff, consultants or legal counsel specifically engaged by the CEO, will evaluate the proposed incentive to verify whether the incentive is:

   a) Necessary to further the stated purposes of an applicable project area plan,
   b) Reasonable and sufficient in amount, considering

      (1) the needs of the potential recipient,
      (2) the population likely to benefit from the recipient's use of the incentive,
      (3) the Agency's current available funds,
      (4) estimated tax increment and/or sales tax revenue receipts from the project area in future years, and
      (5) other incentives that may be necessary to fulfill the stated purposes of the applicable project area plan, and
Likely to provide the Agency with a return on investment, including promotion of the general welfare, and
Is located within an established project area, and if it is not, whether there is some other legal basis for providing the incentive.

The CEO or his/her designee shall present the preliminary evaluation of the proposed incentive to the Board for determination, by the Board, of whether to engage an independent consultant to prepare a more comprehensive study evaluating the Agency's anticipated return on the proposed incentive transaction.

3. Participation Agreement. Legal counsel will assist the CEO (or designee) in negotiating and drafting a written participation agreement that outlines the amount of the incentive and any corresponding performance obligations of the participant.

4. Submission to Agency Board. The CEO (or designee) will submit a draft participation agreement to the Agency Board for final consideration and potential approval. The CEO, his/her designee, and/or legal counsel may include a staff report describing the general terms, justification, analysis, and other relevant matters with respect to the proposed participation agreement.

5. Signature. If the Agency Board approves the form of participation agreement then the appropriate parties will cause the agreement to be fully executed and carried out.

V. Real Property Acquisitions

A. Real Property Acquisition Policy.

The Agency Board has sole discretion regarding the purchase of real property by the Agency. In general, the Agency Board will consider purchasing real property when the purchase is necessary or helpful for carrying out approved project area plans or other written policies or programs of the Agency.

B. Real Property Acquisition Procedure.

The Agency may acquire real property according to the following steps, in this order:

1. Property Identification. The CEO and any staff, consultants or legal counsel specifically engaged by the CEO, or any developers/participants/brokers working with the Agency, will identify the property to be considered for acquisition.

2. Affordability Review. The CEO and any staff, consultants or legal counsel specifically engaged by the CEO, will evaluate the proposal to verify whether the land is affordable. This affordability review may include the following:

   a) Estimate the purchase price,

   b) Review Agency funds, including bond proceeds, if any,

   c) Analyze the available tax increment, now and in the future, to achieve all goals set forth in the project area plan, and
d) Evaluate how the acquisition will help achieve the project area plan and, if applicable, the master development plan.

3. **Plan Compatibility Review.** The CEO and any staff, consultants or legal counsel specifically engaged by the CEO, will review the proposed acquisition to verify that the acquisition is consistent with all Agency goals, policies, and plans, including the applicable project area plan and master development plan.

4. **Appraisal.** The CEO or his/her designee may order an appraisal (as defined by applicable State law) of the property.

5. **Purchase Agreement.** Legal counsel will assist the CEO (or designee) in negotiating and drafting a real estate purchase agreement.

6. **Due Diligence.** The CEO will cause the following due diligence to be completed by staff, consultants, or legal counsel, as deemed necessary or appropriate on a case-by-case basis by the CEO:
   a) Appraisal review
   b) Survey and title review
   c) Phase I environmental review, and if necessary, Phase II review
   d) Seller disclosures
   e) Other information deemed pertinent by the CEO

7. **Submission to Agency Board.** The CEO or his/her designee will submit a draft real estate purchase agreement to the Agency Board for final consideration and potential approval. The CEO, his/her designee, and/or legal counsel may include a staff report describing the general terms, due diligence, and other relevant matters with respect to the proposed land acquisition. The Agency Board will generally review the proposal in closed session. If the Agency Board approves the form of real estate purchase agreement then the appropriate parties will cause the agreement to be fully executed and carried out.

8. **Closing.** The CEO or his/her designee facilitates closing in accordance with the terms and conditions of the purchase agreement.

**VI. Disposition of Real Property**

**A. Real Property Disposition Policy.**

The Agency intends to hold title to real property when necessary or helpful for stated objectives of the Board, including but not necessarily limited to objectives stated in approved project area plans. In general, the Agency will generally dispose of real property in exchange for the receipt of consideration equal to the fair market value of the real property at the time of disposition. However, as authorized by the Act and the Board, the Agency may from time to time authorize dispositions in exchange for less than fair market value when the disposition is necessary or helpful for the fulfillment of the purpose of either an adopted project area plan or some other incentive-related program established by the Board. The Agency is authorized under Utah Code Ann. § 10-3-1304 (prohibiting agency officers and employees from securing special privileges for themselves or others), *Price Development Company v. Orem City*, 2000 UT 26, 995 P.2d 1237 (suggesting that public entities should carefully evaluate the anticipated return on...
the disposition of public money or property), and related Utah law. The Agency may consider intangible and non-monetary economic development, community development and/or urban renewal benefits in its analysis of the return to be derived from the disposition of real property.

B. **Real Property Disposition Procedure.**

The Agency may dispose of real property according to the following steps, in this order:

1. **Property Identification.** The CEO or his/her designee will identify the property to be considered for disposition.

2. **Fair Market Value Review.** The CEO and any staff, consultants or legal counsel specifically engaged by the CEO, will evaluate the proposed disposition to determine the appropriate disposition price. This evaluation should generally include consideration of the:
   
   a) Appraised value (as defined by applicable State law).
   
   b) Current Agency funds, including bond proceeds, if any,
   
   c) Analysis of available tax increment, now and in the future, to achieve all goals set forth in the project area plan,
   
   d) Evaluation of how the disposition will help achieve the project area plan or other program created by the Board.
   
   e) If the disposition will be for less than full fair market value, the purpose and justification for the discount or incentive, as further described in the “Plan Compatibility Review” section below.

3. **Plan Compatibility Review.** The CEO and any staff, consultants or legal counsel specifically engaged by the CEO, will review the proposed disposition to verify that such disposition is consistent with all Agency goals, policies, and plans, including the applicable project area plan and/or program guidelines established by the Board.

4. **Disposition Agreement.** Legal counsel will assist the CEO or his/her designee in negotiating and drafting a disposition agreement.

5. **Submission to Agency Board.** The CEO or his/her designee will submit the draft disposition agreement to the Agency Board for final consideration and potential approval. The CEO, his/her designee, and/or legal counsel may include a staff report describing the general terms and relevant matters with respect to the proposed disposition. The Agency Board will generally review the proposal in closed session. If the Agency Board approves the form of disposition agreement then the appropriate parties will cause the agreement to be fully executed and carried out.

6. **Closing.** The CEO or his/her designee will facilitate closing in accordance with the terms and conditions of the disposition agreement.

7. **Notice of Disposition.** Within one month after the closing, the CEO or his/her designee will prepare a summary of the disposition and cause the summary to be:
   
   a) Posted on the Utah Public Notice website, and
   
   b) Published once in a newspaper of general circulation in the Agency’s boundaries.
VII. **Eminent Domain**

**A. Eminent Domain Policy.**

The Agency intends to utilize its limited power of eminent domain, as prescribed and limited by the Act, only when critically necessary for the removal of blight pursuant to an adopted urban renewal or pre-1993 redevelopment project area project area plan, and only when requested by petition of the property owners in the manner set forth in the Act. Before utilizing its power of eminent domain, the Agency will use every effort to work with property owners for the mutually agreeable purchase of land.

**B. Eminent Domain Procedure.**

If eminent domain appears necessary for the removal of blight within an established project area, the CEO or his/her designee will first consult with the Board regarding the potential use of eminent domain. If a two-third (2/3) majority of the Board agrees that eminent domain will be necessary, the CEO or his/her designee will consult with legal counsel regarding the statutory procedure for carrying out eminent domain within an urban renewal project area or pre-1993 redevelopment project area. The CEO, staff, consultants and legal counsel will take the necessary steps for the Agency to proceed with the exercise of eminent domain.

VIII. **Confidentiality and Protected Records**

**A. Confidentiality and Protected Records Policy.**

The Agency understands that, because of its unique purpose to encourage, among other things, job growth and economic development, the Agency often receives confidential and proprietary private information. The protection of that private information serves the interests of the public by facilitating the Agency’s activities without compromising such private information to public disclosure. The Agency therefore intends to protect all private information submitted to the Agency to the maximum extent permitted by Utah law.

**B. Confidentiality and Protected Records Procedure.**

The CEO or his/her designee shall oversee the receipt and classification by the Agency of any private, confidential, or proprietary private information. Under the Utah Government Records Access and Management Act, Title 63G, Chapter 2 of the Utah Code (“GRAMA”), the Agency may classify certain records as protected records, including but not necessarily limited to “records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract.” Utah Code Ann. § 63G-2-305(35). The CEO or his/her designee shall review all private information submitted to the Agency, including but not necessarily limited to information submitted as part of the project area creation or incentive application/evaluation procedures, and classify all qualifying information as protected from public disclosure under GRAMA. Any information classified as protected shall be provided to the Board only in a closed session. If requested by the person submitting the protected information, all Agency officers, employees, consultants, agents, and members of the Board who have
access to the protected information shall only review that information after signing a confidentiality or nondisclosure agreement.

IX. **Procurement**

A. **Purchasing Policy.**

The Agency’s purchasing policy is to provide for the fair and equitable treatment of all persons involved in purchasing by the Agency, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

B. **Purchasing Procedure.**

The Agency’s purchasing procedures shall mirror those adopted by Clearfield City (Clearfield City Code Title 2 Chapter 3), with the corresponding modifications for personnel, titles, offices, etc., (e.g. City Manager = CDRA CEO, City Council = CDRA Board, etc.).