

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
May 24, 2016

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Mayor Pro Tem
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Spencer Brimley	Development Services Manager
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Lee Naylor	Accountant/Budget Analyst
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Buck Eckstrom, Justus Crawford, Paula Crawford, Bob Bercher, Tim Roper – Planning Commission, Jennacie Bouy – Syracuse High, Wayne Belleau – Legend Hills, Gary Wright – Legend Hills, Kathryn Murray, Britany Heslop, DJ Heslop, Kerry Heslop, Caden Heslop, Cameron Heslop, Spencer Heslop, Con L Wilcox.

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 the Public Hearing or Citizen Comments there were forms to fill out by the door.

Councilmember Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE MAY 10, 2016 POLICY SESSION

Councilmember Young moved to approve the minutes from the May 10, 2016 policy session as written, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

PUBLIC HEARING ON THE GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION ON A PORTION OF PROPERTY LOCATED AT APPROXIMATELY 1300 SOUTH 2000 EAST FROM COMMERCIAL TO RESIDENTIAL

Wayne Belleau, property owner and applicant, requested an amendment to the Future Land Use Map of the General Plan for the northwestern 7.50 acre portion of the property located at approximately 1300 South 2000 East. Mr. Belleau believed that the current market conditions in the area and the configuration of the parcels would make commercial development on that portion of the parcel difficult, and suggested the property's highest and best use was residential. The Planning Commission held a public hearing and recommended approval on May 4, 2016. Staff recommended denial of the General Plan amendment, believing that commercial development should be accomplished on portions of the vacant property before concluding that residential use was the highest and best use.

Spencer Brimley, Development Services Manager, shared an illustration and stated the entire 30 acres was identified in the City's land use map as commercial use; however, the request was to take 7.50 acres and change it in the future land use map to residential use. He reported Mr. Belleau had indicated the property was best suited for residential development. He also shared a conceptual site plan, submitted by the applicant, of the proposed development and shared an illustration of the entire city which identified all land uses for the City. He pointed out the entire commercially zoned property consisted of approximately six percent of the City. He stated the Planning Commission recommended approval to the Council by a split vote following significant discussion and staff had recommended denial based on criteria in the ordinance and didn't believe there was justification that merited the change on the future land use map. He stated the property owner/applicant had marketed the property for over 10 years as commercial.

Planning Commission Chair Tim Roper reported extensive discussion took place regarding the proposed amendment which ultimately concluded with approval by a split vote. He reported no one opposed the development from moving forward; however, the dissenting commissioners believed there was not sufficient information to fully approve the request. He continued concern was also expressed the City already had a significant amount of apartments and rental housing. He indicated it was the opinion of the developers the amendment would allow them to move forward with their development. He didn't believe there was strong opposition by members of the Commission.

Mayor Shepherd opened the public hearing at 7:08 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Young moved to close the public hearing at 7:09 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

PRESENTATION TO CADEN BANNING HESLOP FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

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

Councilmember Young invited Caden and his parents to come forward and he presented Caden with a certificate and commemorative coin to acknowledge his Eagle Scout recognition. Caden shared some of his scouting experiences with the Council and explained his project benefitted Mountain High School in Kaysville. He reported he had conducted a neighborhood food drive for the food bank located in the school and his troop assembled food boxes for those attending the school.

CITIZEN COMMENTS

Justus Crawford, resident, requested drifting secondhand smoke be included in the City's nuisance ordinance. He reported the Davis County Health Department stated smoking was not a right and deemed secondhand smoke to be a health hazard and there was no safe exposure. He read from the Utah State Judicial Code Title 78B, Chapter 6, Part 11-01 which stated a nuisance was anything which endangered health, indecent or offensive to the senses or obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property. He stated a nuisance might be a subject of an action and read from subsection 3 which identified a nuisance included tobacco smoke drifting into any residential unit that an individual rented, leased or owned from any other residential or commercial units.

He reported Chief Krusi had reached out to the City Attorney to discuss the nuisance and because the Utah State Code addressing the nuisance was under the judicial section and the City's current ordinance didn't address secondhand smoke, law enforcement was unable to enforce action against the nuisance. He reported Utah Code did allow for action; however, after extensive research it was determined no one other than a Judge could enforce the Code. He stated after consulting with an attorney, the Code also didn't allow for recovery of court or attorney expenses. He didn't believe law abiding citizens should be required to bear the burden and expense for having the nuisance abated.

He reported on the numerous agencies which suggested he present his concern to the City requesting the City Code be changed. He expressed his opinion that City ordinances were designed to protect the health and safety of citizens and visitors of the City and believed drifting smoke was a health hazard and interfered with the comfortable enjoyment of life and property.

Mayor Shepherd responded he wasn't aware the issue was included in any code and reported staff would review the State Code and discuss the issue in a future work session.

DENIAL OF ORDINANCE 2016-03 APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO AMEND THE FUTURE LAND USE MAP OF THE GENERAL PLAN FOR PROPERTY LOCATED AT APPROXIMATELY 1300 SOUTH 2000 EAST

Wayne Belleau and Gary Wright, developers of Legend Hills, pointed out what had already been developed in the Legend Hills area and stated they had owned the property (31 acres) for approximately 16 years. Mr. Belleau indicated the proposal to amend the Land Use Map was specifically for 7.5 acres. He believed there were not sufficient traffic numbers and rooftops to attract the kind of retail the City desired at that location. He reminded the Council of the previous economic study completed approximately five years ago during Mayor Wood's tenure which identified services not currently being met within the City. He stated the property had been marketed for the previous ten years with no expressed interest and indicated the property was considered a remnant piece due to its location, shape, size and visibility. He expressed his opinion the property located at the corner of SR 193 and University Park Blvd was more suited for commercial development as opposed to multi-family housing because of the visibility, access from both roads, the triangular shape and the traffic. He informed the Council of his costs to carry the property and indicated he couldn't continue with the wait and see approach for the property because of that cost and believed the identified 7.5 acres would never develop commercially.

Gary Wright, developer, stated he needed the City's help in developing the property and shared some of his successes in other developments with the Council and suggested the developments were successful because of the factual statistics and research completed by those businesses. He stated he had also approached Smith's requesting they consider locating at the Clearfield site and was told there weren't enough rooftops/people to justify that development. He explained the City's help was needed in order for the realization of the commercial component for the remaining property in the future, and that could be accomplished by allowing the land use amendment. He mentioned the annual cost to continue marketing the property was significant and stated he was no longer willing to assume that cost and indicated if the opportunity presented itself for a permitted use which met the City's current zoning ordinance he was prepared to proceed in that direction.

Mr. Belleau emphasized he wasn't requesting the City consider trading viable commercial property for multi-family apartments and suggested the particular parcel wasn't viable for a commercial use. Mr. Wright believed the City had an opportunity at this time to provide housing that could be available for individuals who might work for Exeter Finance and AAA and suggested additional housing was needed in that specific area.

Councilmember Phipps stated he respected the Planning Commission and was never comfortable overruling its decision, however, he pointed out Clearfield City had more than its share of rental housing and didn't believe the change would be in the best interest of the city.

Councilmember Young stated given the high number of high density housing currently located in the City the Council had carefully considered the impact before approving additional multi-family housing and expressed concern regarding the future development of the entire acreage due to the limited access to that particular parcel of property. Mr. Belleau pointed out the

proposed access points on a provided illustration via University Avenue. Councilmember Young believed if that portion was to be developed as multi-family housing it would limit the flexibility of the potential viable commercial property. He suggested the commercial and residential development needed to be completed simultaneously on the site or at least sequential to the commercial development. Mr. Belleau suggested the property located at the corner of SR 193 and University Boulevard be required to have more commercial development due to its prime visibility. He continued the visibility for his small parcel was nearly non-existent.

Councilmember Peterson inquired about the concern expressed by the members of the Planning Commission during its meeting regarding the proposed amendment to the Land Use Map. Councilmember Benson reported originally it did not appear there would be a split vote by the Planning Commission until Mr. Wright shared more information regarding possible development of the property. She believed it possible the decision was made out of fear or emotions. She believed the Planning Commission was leaning toward denying the request, as suggested by staff; but when the vote was taken it passed by a split vote. She indicated when she was campaigning for her seat on the City Council residents expressed concern about the number of apartments located within the City. She added she now understood the need for rooftops to entice commercial development because of her experience as a councilmember.

Mr. Wright complimented Mr. Belleau's Legend Hills' development and shared some of the other developments which had been turned down by Mr. Belleau over the years because of his vision for the area.

Councilmember Benson asked if the 144 additional units would be sufficient to spur additional commercial development. Mr. Wright responded he didn't know what numbers were reflected in Smith's economic study and emphasized he didn't want to mislead the Council into thinking approval for the residential project would result in prime commercial development; but did believe it would require more residential development.

Mayor Shepherd agreed the parcel was probably most suited for residential development but believed the developers' need for the additional multi-family housing was more about their bottom line because they didn't know if the 144 units would be sufficient for the commercial component. Mr. Belleau identified some of the neighboring establishments in the Legend Hills area and believed the 144 units would help the existing development and suggested it would allow the developers to service their debt until the commercial development was recognized. Mayor Shepherd spoke of precedence already set by the Council in requiring commercial in conjunction with the residential. Mr. Wright distributed a brochure highlighting the projects developed by Wright Development Group and its quality.

Councilmember Peterson expressed concern for the number of multi-family developments recently approved and ready to break ground and wondered if more of those types of developments would still be needed in the next few years.

Councilmember Bush explained the City was in the process of addressing the General Plan for the City specific to neighborhoods and specific areas and suggested the City should wait until studies were completed to justify a specific designated use. Mr. Wright announced he was

prepared to provide completed research specific to the parcel which justified the need for additional multi-family housing.

Councilmember Peterson emphasized her concern was specific to using a balanced approach in approving projects/developments and stated she wasn't comfortable with the amendment.

Councilmember Young moved to deny Ordinance 2016-03 the Planning Commission's recommendation to amend the Future Land Use Map of the General Plan for a 7.5-acre portion of the property located at approximately 1300 South 2000 East from Commercial to Residential, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

APPROVAL OF THE AWARD OF BID FOR THE 2016 ROADWAY MAINTENANCE PROJECT TO ADVANCED PAVING AND CONSTRUCTION

Scott Hodge, Public Works Director, explained bids were received from three construction companies to make improvements to various roads throughout the City. The project included applying asphalt pavement surface treatments to various streets throughout the City. The lowest responsible bid was received from Advanced Paving and Construction with the bid of \$345,800 for standard-weight chips or \$383,500 for light-weight chips. He identified the area in which a different surfacing product would be used on the roads to potentially prolong the life of the road. He explained why the City determined to use the light-weight chips for the project.

Councilmember Bush moved to approve the award of bid for the 2016 Roadway Surface Improvement Project to Advanced Paving and Construction for the bid amount of the \$383,500 for the light-weight chip option and approve funding for the project for the bid amount of \$383,500 with contingency and engineering of \$50,000 for a total project cost of \$433,500; 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, Peterson, Phipps and Young. Voting NO – None.

APPROVAL OF THE AWARD OF BID TO FOR THE 25 NORTH WATERLINE IMPROVEMENT PROJECT TO SNAP EXCAVATION

Scott Hodge, Public Works Director, announced bids were received from six construction companies to install a new 8-inch waterline in 25 North Street from 1400 West to 1450 West. The lowest responsible bid was received from Snap Excavation with a bid of \$82,533. He reminded the Council the City had experienced several water leaks in that location. He indicated the City hadn't done previous work with the contractor and reported the engineer had contacted references and received favorable comments regarding its work ethic and completed product.

Councilmember Bush requested clarification regarding the options included in the bid. Mr. Hodge responded staff would discuss the options with the contractor to determine the best method to proceed in that specific location.

Councilmember Peterson moved to approve the award of bid for the 25 North Waterline Improvement Project to Snap Excavation for the bid amount of \$82,533 and approve funding for the project for the bid amount of \$82,533 with contingency and engineering of \$23,000 for a total project cost of \$105,533; 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, Peterson, Phipps and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd

1. Reported he had attended UDOT's presentation regarding the West Davis Corridor which eliminated the Shared Solutions option. He indicated the final EIS would be completed around April 2017 and believed the project was still a long way off.
2. Expressed appreciation to Councilmembers Benson and Peterson for representing him and the City to welcome members of the 388th and 419th Units home from a six month deployment.
3. Informed the Council that he attended an awards ceremony at HAFB.
4. Reported he had attended the quarterly meeting with the Davis Community Learning Center and indicated the Bountiful food pantry had expressed a desire to implement a similar facility within Bountiful City.
5. Informed the Council that he and Councilmember Bush had attended the Clearfield High School scholarship awards ceremony and awarded the City's scholarship.
6. Reported he would be meeting with Layton City and Davis County regarding the circulator or Midtown connector.
7. Announced he would be out of town June 6-8 and June 10-11, 2016.

Councilmember Benson

1. Informed the Council that she had been participating with Circles which was a program offered through the Family Connection Center which assisted low income participants. She indicated the course taught, mentored and educated participants on how to find and keep a job, how to use food to create recipes and healthy meals, basic life skills, etc. She stated she would be providing information to Marliss Scott, Public Relations, to publicize the event.
2. Announced the 'We've Got Talent' auditions would begin in two weeks.

Councilmember Bush

1. Reported he had attended lunch at Job Corps on Wednesday, May 11, 2016, at the request of Mayor Shepherd.
2. Stated he had also attended an appreciation luncheon at Chancellor Gardens.
3. Announced the North Davis Sewer District would be having an open house for the public on Friday, June 17, 2016 from 10:00 a.m. to 2:00 p.m. He stated tours would be available and suggested the event would allow residents to gain a better understanding of the processes of the facility and the need for the recent fee increases.

Councilmember Peterson

1. Informed the Council that the build date for the Fourth of July float was Saturday, June 18, 2016. She stated attendance from the Council was required.

Councilmember Phipps

1. Announced the Parks & Recreation Commission was planning a “Tour of City Parks” which was a scavenger hunt like activity for residents. He explained the activity would encourage residents to get out and visit and participate in activities at the parks.
2. Reported he had a meeting earlier at Wasatch Integrated Waste. He mentioned the recent wind storm had impacted the facility and suggested discussions should take place on how the City would handle future wind storms.
3. Reported on the mixed waste processing facility and shared information specific to that process.

Councilmember Young – nothing to report.

STAFF REPORTS

Adam Lenhard, City Manager – Informed the Council that no meeting was scheduled for Tuesday, June 7, 2016 and reminded the Council the mid-year retreat was scheduled for Thursday, June 9, 2016, at 12:00 noon. He announced the Planning Commission had been invited to participate in the discussion specific to the strategic plan.

Nancy Dean, City Recorder – Reviewed the Council’s calendar:

- Tuesday, May 31, 2016 work session beginning at 6:00
- Tuesday, June 14, 2016 Policy session
- Tuesday, June 28, 2016 Policy session

There being no further business to come before the Council, **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:28 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 14th day of June, 2016**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, May 24, 2016.

/s/Nancy R. Dean, City Recorder