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 Green Waste Disposal

Discussion for a Rezone Request by Hamblin Investment Group for Property Located at Approximately 852 and 880 South 550 East from Residential (R-2 Multi-family) Zone to Residential (R-3 Multi-family) Zone

Discussion on an Interlocal Agreement with Layton City to Provide Sanitary Sewer Connection to Magic Wash Car Wash Located at the North East Corner of 1000 East and 1700 South in Layton

Discussion on a Proposed Rezone for Property located at Approximately 880 South State Street from Commercial (C-2) to Multi-family Residential (R-3)

Discussion on a Memorandum of Understanding and Property Acquisition with the Utah Transit Authority

(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 Phipps
APPROVAL OF MINUTES: June 13, 2017 – Policy Session

PUBLIC HEARINGS:

1. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST BY HAMBLIN INVESTMENT GROUP FOR PROPERTY LOCATED AT APPROXIMATELY 852 AND 880 SOUTH 550 EAST FROM RESIDENTIAL (R-2 MULTI-FAMILY) ZONE TO RESIDENTIAL (R-3 MULTI-FAMILY) ZONE

BACKGROUND: The proposal includes a request for approximately 0.328 acres to be rezoned from R-2 (Residential) to the R-3 (Residential) zone with the intent to expand the Kensington
Place townhomes project with six additional units. The request is consistent with the General Plan and the future land use map for this area. A rezone from R-2 (Residential) to R-3 (Residential) is consistent with the area and supports the recently completed and adopted Downtown Small Area Plan for the properties east of this site. The Planning Commission heard the request at its meeting on June 7, 2017 and recommended approval to the City Council with the conditions that a site plan be approved and an amended development agreement be approved and executed.

**RECOMMENDATION:** Receive public comment.

**SCHEDULED ITEMS:**

2. **CITIZEN COMMENTS**

3. **CONSIDER APPROVAL OF ORDINANCE 2017-12 AUTHORIZING THE REZONE OF PROPERTY LOCATED AT APPROXIMATELY 852 AND 880 SOUTH 550 EAST FROM RESIDENTIAL (R-2 MULTI-FAMILY) ZONE TO RESIDENTIAL (R-3 MULTI-FAMILY) ZONE**

**RECOMMENDATION:** Approve ordinance 2017-12 authorizing the rezone of property located at approximately 852 and 880 south 550 east from Residential (R-2 multi-family) zone to Residential (R-3 multi-family) zone and authorize the Mayor’s signature to any necessary documents.

4. **CONSIDER APPROVAL OF A PROCLAMATION DECLARING THE WEEK OF JULY 1 – JULY 7, 2017 AS INDEPENDENTS WEEK IN CLEARFIELD CITY**

**BACKGROUND:** Clearfield’s core of independently-owned businesses gives back to the community in goods, services, time and talent. Additionally the health of Clearfield’s economy depends on support of businesses owned by our friends and neighbors. These local business owners and their employees enrich residents’ shopping experiences with their knowledge and reflect a sense of place. The proclamation is a salute to community members and locally owned independent businesses that are integral to Clearfield.

**RECOMMENDATION:** Approve the Mayor’s signature to the Proclamation officially declaring July 1-July 7, 2017 as “Independents Week” in the City of Clearfield.

5. **CONSIDER APPROVAL OF RESOLUTION 2017R-09 AUTHORIZING THE INTERLOCAL AGREEMENT WITH LAYTON CITY TO PROVIDE SANITARY SEWER CONNECTION TO MAGIC WASH CAR WASH LOCATED AT THE NORTHEAST CORNER OF 1000 EAST AND 1700 SOUTH IN LAYTON**

**BACKGROUND:** Layton City has received a request for the development of a car wash at the northeast corner of 1000 East and 1700 South. The applicant has requested the ability to connect into the existing Clearfield City sanitary sewer system on 1000 East. The project will be known as Magic Wash and will be located in Layton City. Clearfield and Layton have worked together to formulate an agreement that is acceptable to all parties and allows for the development of this facility in Layton.

**RECOMMENDATION:** Approve Resolution 2017R-09 authorizing the Interlocal Agreement with Layton City to provide sanitary sewer connection to Magic Wash Car Wash located at the northeast corner of 1000 East and 1700 South in Layton and authorize the Mayor’s signature to any necessary documents.
6. CONSIDER APPROVAL OF RESOLUTION 2017R-08 ANNOUNCING THE INTENT TO ANNEX THE BOUNDARIES OF SUNSET CITY INTO THE NORTH DAVIS FIRE DISTRICT (NDFD)

BACKGROUND: On May 16, 2017, the Sunset City Council petitioned the North Davis Fire District (NDFD) for annexation into the District’s service area for fire protection and emergency medical services. The NDFD subsequently passed a resolution requesting Clearfield City take all necessary and appropriate action to annex Sunset City and all real property within its corporate limits into the NDFD. The Clearfield City Council acts as the Governing Body for the North Davis Fire District and as such must initiate the process on behalf of NDFD.

RECOMMENDATION: Approve Resolution 2017R-08 announcing the intent to annex the boundaries of Sunset City into the North Davis Fire District (NDFD) and authorize the Mayor’s signature to any necessary documents.

7. CONSIDER APPROVAL OF AND CONSENT TO THE MAYOR’S PROPOSED APPOINTMENTS OF CHRIS UCCARDI AS A REGULAR MEMBER OF THE PLANNING COMMISSION

BACKGROUND: Michael Millard recently resigned as a member of the Planning Commission. Chris Uccardi has been serving as an alternate member since 2016. Mayor Shepherd is recommending Chris Uccardi be appointed as a regular member of the Planning Commission.

RECOMMENDATION: Approve and consent to the Mayor’s appointment of Chris Uccardi as a regular member of the Planning Commission with a term expiring February 2019.

COMMUNICATION ITEMS:
Mayor’s Report
City Council Reports
City Manager’s Report
Staff Reports

**ADJOURN AS THE CITY COUNCIL**

Dated this 23rd day of June, 2017.

/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.
PRESIDING: Mark Shepherd Mayor

PRESENT: Kent Bush Councilmember
        Nike Peterson Councilmember
        Vern Phipps Councilmember
        Tim Roper Councilmember
        Bruce Young Councilmember
        Councilmember

STAFF PRESENT: Adam Lenhard City Manager
                Scott Hodge Public Works Director
                Greg Krusi Police Chief
                Eric Howes Community Services Director
                Spencer Brimley Development Services Manager
                Trevor Cahoon Communications Coordinator
                Nancy Dean City Recorder

EXCUSED: Stuart Williams City Attorney
        JJ Allen Assistant City Manager
        Wendy Page Deputy City Recorder

VISITORS: Bob Bercher, Jeff Baker, Jared Hadley, Stuart Jones, David Greaves

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

Councilmember Peterson led the opening ceremonies.


Councilmember Bush asked that the work session minutes from April 18 2017 be amended to indicate he left the meeting following the open house at Holt Elementary. He also asked that the list of visitors in the work session minutes from April 25, 2017 be corrected to indicate that “Brady Jugler” was in attendance as opposed to “Tim Jugler.”

Councilmember Bush moved to approve the minutes from the April 18, 2017 work session and the April 25, 2017 work session, as amended; and, the May 2, 2017 work session, May 9, 2017 work session, May 23, 2017 policy session, and May 30, 2017 work session, as written, seconded by Councilmember Peterson. The motion carried upon the following
vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST BY SILVER PEAK ENGINEERING FOR PROPERTY LOCATED AT APPROXIMATELY 1250 SOUTH STATE FROM M-1 (MANUFACTURING) TO M-1-SP (MANUFACTURING WITH A SPECIAL PURPOSE OVERLAY)

The approximately 24 acres of property, as a portion of the entire 70-acre site known as Clearfield Station was previously granted conditional approval of a rezone from M-1, Manufacturing to M-U, Mixed-Use. The conditions of the 2014 approval included the approval of a Master Development Plan (MDP) and Master Development Agreement (MDA). However, the MDA was never executed causing the rezone specific to the approximate 24 acres to revert to its original M-1, Manufacturing zone. The current request for a rezone would facilitate a portion of the site to be developed as light manufacturing by Stadler Rail. One of the conditions of the rezone was the execution of a development agreement that would be recorded against the property. The public hearing was opened on May 23, 2017.

Spencer Brimley, Development Services Manager, pointed out the project would be developed in phases. He stated the first phase of the construction would be about 200,000 square feet with 400 employees. He noted the development would be Stadler Rail’s United States headquarters.

Mr. Brimley explained the Special Purpose Overlay was necessary to address conditions of development that might need to vary from the standard development regulations for a manufacturing facility. He pointed out the following items to be addressed by the associated development agreement:

- **Building Height**
  - Required by ordinance: Maximum Building Height up to 45 feet (City code § 11-11D-5)
  - Requested Change: Maximum Building Height up to 65 feet

- **Fencing**
  - Required by ordinance: “Walls or fences may be required along all property lines which are adjacent to a residential zone or use or public right-of-way. The exact location, height and type of materials of the wall or fence shall be approved by the planning commission as part of the site plan approval process.” (City Code § 11-11D-11(C))
  - Requested Change: Allow the use of black vinyl coated chain link security fence on north side of building and along test track as shown on the proposed site plan.

Mr. Brimley stated the Planning Commission expressed concern about the fencing not screening storage so staff would address the screening of storage in the agreement. He explained Stadler Rail intended the north side of the building to be used for big trucks coming and going from the site and for security purposes.

- **Exterior Building Materials**
  - Required by ordinance: “Permitted exterior building materials for main buildings shall be brick, stucco, stone, rock, or vinyl siding. Exposed tilt-up finished
concrete and metal may also be used as a primary material on buildings located in the M-1 manufacturing zone, provided there is incorporation of and significant variation in materials along the base and near the entrances of the building. Any building elevation facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock.” (City Code § 11-11D-11(F))

- Requested Change: North, west, and east portions of the building have proposed future additions. Due to these additions, the owner requests that a stone wainscot not be required in those areas. The proposed Wainscot on the office addition is a pre-cast concrete veneer.

Mr. Brimley explained timing would be addressed for the completing of the exterior improvements so the site would enhance the quality of the development.

- Driveway Width
  - Required by ordinance: “The placement of ingress and egress to commercial and industrial lots shall be subject to review and approval by the planning commission. Driveway approaches shall not be more than forty five feet (45’) in width or less than sixteen feet (16’) in width for one-way traffic and thirty feet (30’) in width for two-way traffic…” (City Code § 11-14-4)
  - Requested Change: Lowboy trucks that deliver train cars have a very large turning radius, which will require a larger drive approach width than as specified in the zoning ordinance. The maximum drive approach on the north end of the site is 120 feet wide.

- Flags
  - Required by ordinance: “The flags, emblems, or insignia of any nation or political subdivision. Corporation flags may not exceed twelve (12) square feet and may be flown in tandem with the state or national flag. Large flags flown in high wind may cause a noise nuisance and are subject to removal upon investigation.” (City Code § 11-15-7(A)(7))
  - Requested Change: This site will be the United States Corporate Headquarters for Stadler US. As such they are requesting some large flags near the entrance to the office building. These flags exceed the maximum size of 12 square feet shown in the zoning ordinance. A rendering, and details of the flags is shown in the application packet.

- Parking
  - Required by ordinance: “2 spaces for each 1,000 square feet of gross floor area or fraction thereof. This shall not apply to floor areas used exclusively for storage.” (City Code § 11-14-3)(B))
  - Requested Change: Much of this facility will be used exclusively for storage. Other areas, such as the assembly area, commissioning area, paint booths, welding and sand blasting areas will not be used exclusively for storage, but because they will be building train cars, there will not be a representative number of people in those spaces to justify the amount of parking required by the zoning ordinance. We propose that Stadler install 90 parking stalls near the office area for phase one of the project. If additional parking is required, Stadler will negotiate an agreement with UTA for use of their adjacent lot until additional spaces are built through the addition of phases two and three.
- **Off Street Loading**
  - Required by Ordinance: “For every building or part thereof having a gross floor area of ten thousand (10,000) square feet or more which is to be occupied by a commercial or industrial use or from which deliveries of materials or merchandise are made by motor vehicles, there shall be provided and maintained on the same lot with the building at least one off street loading space, plus one for each additional twenty thousand (20,000) square feet or major fraction thereof.” (City Code § 11-14-6)
  - Requested change: Stadler would like to provide only the off street loading areas deemed necessary for their operational needs.

Mayor Shepherd asked if there were any public comments.

There were no public comments.

**Councilmember Peterson moved to close the public hearing at 7:19 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED 2017/2018 FISCAL YEAR BUDGET

Utah Code required cities to hold a public hearing regarding the adoption of the upcoming fiscal year budget. City staff prepared and submitted to the Council a balanced tentative budget for the fiscal year 2017/2018 which would begin July 1, 2017 and end June 30, 2018. The submitted tentative budget was adopted on May 9, 2017 and included all funds.

Rich Knapp, Finance Manager, reviewed key points for the proposed 2017/2018 fiscal year budget with the Council. He explained the Council provided direction and goals for the budget during its Budget Kickoff meeting in January. He indicated the City was financially healthy and staff had budgeted the City’s resources in a responsible manner. He added the City would maintain a healthy reserve while spending down some of its reserves as part of the budget.

Mayor Shepherd opened the public hearing at 7:19 p.m. and asked if there were any public comments.

There were no public comments.

**Councilmember Roper moved to close the public hearing at 7:20 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**
PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED TRANSFER OF RESOURCES FROM THE WATER ENTERPRISE FUND TO THE GENERAL FUND FOR WATER USED BY THE CITY’S GENERAL OPERATION IN THE 2017/2018 FISCAL YEAR BUDGET

The City’s 2017/2018 fiscal year budget included a transfer of resources from the Water Enterprise Fund to the General Fund in the amount of $100,000. The transfer was the City’s effort to recognize water used by the City’s general operation for which the City’s Water Enterprise Fund was not compensated.

Rich Knapp, Finance Manager, explained the public hearing was to address a transfer that was used to address the fact that the City did not charge itself for water usage.

Mayor Shepherd declared the public hearing open at 7:21 p.m. and asked if there were any public comments.

PUBLIC COMMENT

In Favor

None.

Opposed

Dale Lorbeske, resident, stated he was opposed to the transfer of funds from the utility funds to the General Fund. He expressed his opinion that the transfers would create a hardship to the utility funds by depleting reserves that could be used for much needed repairs. He suggested the Council keep revenues in the utility funds so that they could be used for additional repairs.

Adam Lenhard, City Manager explained the purpose of the transfers actually saved the residents money which was consistent with direction from the State Auditor’s office. He also remarked staff was doing its best to stay in front of needed repairs. He stated staff had a three-year capital facilities improvement plan that helped allocate available revenue to infrastructure projects. He stated nearly half of the City’s budget was spent in the utility funds. He expressed his opinion that the 2017/2018 fiscal year budget adequately addressed the needs the City had for its water infrastructure.

Councilmember Young moved to close the public hearing at 7:26 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.
PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED TRANSFERS OF FUNDS FROM THE ENTERPRISE FUNDS TO THE GENERAL FUND FOR THE COST OF PROVIDING SERVICES NECESSARY FOR THE FUNDS TO OPERATE IN THE 2017/2018 FISCAL YEAR BUDGET

The City’s 2017/2018 fiscal year budget included transfers of funds from the Enterprise Funds to the General Fund. The transfers compensated the General Fund for the cost of providing services necessary for the funds to operate. The budget transfers were $143,942 from the Utility Admin Fund, $269,109 from the Water Fund, $319,546 from the Sewer Fund, $241,787 from the Storm Water fund, and $26,963 from the Solid Waste Fund.

Rich Knapp, Finance Manager, explained that the public hearing on the Enterprise Fund transfers was a new requirement under Utah State Law. He stated the transfers being discussed were for services being provided to the Enterprise Funds by the General Fund such as liability insurance fees, finance services, human resource services. He indicated the City recently commissioned a study on its rate structure and the transfers were built into the rates that were charged to residents.

Mayor Shepherd declared the public hearing open at 7:27 p.m. and asked if there were any public comments

There were no public comments.

Councilmember Roper moved to close the public hearing at 7:28 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF AND CONSENT TO THE MAYOR’S PROPOSED APPOINTMENTS OF INDIVIDUALS TO THE PARKS AND RECREATION COMMISSION

The Park and Recreation Commission had several vacancies. Interviews were held on two separate occasions to fill the vacancies. Mayor Shepherd recommended Jeff Baker, Jim Cordeiro, and Stuart Jones be appointed as regular members of the Parks and Recreation Commission, and David Greaves as an alternate member.

Councilmember Phipps moved to approve and consent to the Mayor’s appointments of Jeff Baker, Stuart Jones, and Jim Cordeiro as regular members of the Parks and Recreation Commission; and, David Greaves as an alternate member of the Parks and Recreation Commission, with terms expiring December 31, 2019. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.
Councilmember Phipps stated he had significant reservations with the project currently being proposed for the UTA (Utah Transit Authority) property. He added the fourth paragraph in the resolution that stated the proposed plan was the highest and best use for the property was a concern for him. He stated he had been involved in the planning for the site for a long time and its development was one of the reasons he sought to return to elected office. He recalled that previous councils believed UTA and the developer would help do great things for the City with the development of that property but that had not been the case. He commented that for many years the City had been prevented from doing something grand and bold on the site because it did not meet the needs of UTA and its developers. He expressed his opinion the proposed project was not the best use for the property and did not benefit Clearfield residents. He reiterated his opinion that the City was losing the opportunity to do something grand and bold on the property. He suggested the proposed project would impact Clearfield City for decades. He expressed concern that in the future residents would believe the City failed in its efforts to control the development of that property.

Mayor Shepherd commented it was difficult to force a particular type of development on property that was privately held. He stated Frontrunner ridership was the driving force for the property owner’s development of the property. He agreed the City might have grand ideas for the property’s development but it was hard to tie a property owner to that vision especially when the property was being used as it had been zoned for decades. He expressed concerns about stepping on the property rights of the owner. He also commented the UTA Board of Directors appeared to feel that the proposed project was the best development option for its property. He added the property was already zoned manufacturing and could be used for that purpose.

Councilmember Phipps expressed concern that the property was being declared surplus property and could be sold on the open market. He stated the City worked hard to create a special zone that allowed it to control the development of the property. He expressed concern that all those plans had changed.

Councilmember Peterson moved to approve Ordinance 2017-11 authorizing the rezone of property located at approximately 1250 South State Street from M-1 (Manufacturing) to M-1-SP (Manufacturing with a Special Purpose Overlay) and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Roper, and Young. Voting NO – Councilmember Phipps.

APPROVAL OF RESOLUTION 2017R-05 SETTING THE TAX RATE FOR ALL REAL AND PERSONAL PROPERTY IN CLEARFIELD AT 0.001745

Councilmember Phipps expressed appreciation for the Council’s determination to accept the certified tax rate as determined by Davis County. He remarked that he was concerned last year when the Council chose to hold a Truth-in-Taxation hearing and maintain its rate at 0.0018.
Councilmember Phipps moved to approve Resolution 2017R-05 setting the tax rate for all real and personal property in Clearfield at 0.001745 and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2017R-06 ADOPTING THE 2017/2018 FISCAL YEAR BUDGET

Councilmember Peterson thanked staff for its efforts in proposing a balanced budget that worked to best address the needs of the City.

Councilmember Young moved to approve Resolution 2017R-06 adopting the 2017/2018 fiscal year budget and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF THE AWARD OF BID FOR THE PUBLIC WORKS BUILDING PHASE 2 PROJECT TO NORTH RIDGE CONSTRUCTION

Staff solicited bids to build a new facility for the Parks maintenance operations and the Public Works administrative offices at 497 South Main, the current location of the City’s Public Works facilities. Eleven bids were received and the lowest responsible bid was received from North Ridge Construction with a bid amount of $4,043,000. Staff met with the architect and North Ridge Construction to value engineer the project to determine if there were any cost saving measures that could be taken to reduce the cost of the project without compromising it. The process identified savings of $222,715, which were agreed to by North Ridge Construction bringing the bid amount for the project to $3,820,285.

Councilmember Roper moved to approve the award of bid for the Public Works Building Phase 2 Project to North Ridge Construction with a value engineered bid amount of $3,820,285 and contingency fees in the amount of $204,715 for a total project cost of $4,025,000; and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2017R-07 FINDING THAT A SECTION OF PROPERTY LOCATED IN THE VICINITY OF 343 WEST 300 NORTH IS NOT A SIGNIFICANT PARCEL OF PROPERTY AND DIRECTING STAFF TO MOVE FORWARD WITH THE EXCHANGE OF SAID PROPERTY FOR THREE OTHER SECTIONS OF PROPERTY TO ADJUST THE PACIFIC STREET RIGHT-OF-WAY ALIGNMENT

The City was preparing to make improvements to Pacific Street from 300 North to 75 North which required minor adjustments to the current street right-of-way to better facilitate the project. Robert and Cheryl Landon owned property at 343 West 300 North and had mutually
agreed to exchange sections of their property with a section of property owned by the City as well as other betterments so the improvement project could be completed.

Councilmember Phipps asked if there was a financial component to the transaction. Scott Hodge, Public Works Director, stated the City agreed to some betterments for the Landons in exchange for the property. He noted those were relocating a cherry tree and planting a second tree, relocating some fencing, and adding a small section of driveway. Councilmember Phipps asked if the cost of the betterments was anticipated as part of the project. Mr. Hodge responded those costs were accounted for as part of the design for the project.

Councilmember Peterson moved to approve Resolution 2017R-07 finding that a section of property located in the vicinity of 343 West 300 North is not a significant parcel of property and directing staff to move forward with the exchange of said property for sections of property currently owned by Robert and Cheryl Landon as well as other betterments and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2017-10 AMENDING THE CONSOLIDATED FEE SCHEDULE ADJUSTING AQUATIC CENTER AND RECREATION FEES AND ADDING CHICKEN LICENSES

Staff is recommending amendments to the City’s Consolidated Fee Schedule specific to Aquatic Center and Recreation Fees and the addition of the chicken license. Eric Howes, Community Services Director, reviewed the proposed changes with the Council.

Councilmember Phipps asked when the Aquatic Center and Recreation fees had last been changed. Mr. Howes responded the fees had not been changed for about six years.

Councilmember Phipps moved to approve Ordinance 2017-10 amending the Consolidated Fee Schedule adjusting Aquatic Center and Recreation Fees and adding chicken licenses and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd
1. Reported he would be out of town June 19 through 22, 2017.
2. Recognized the new Parks and Recreation Commission members who were present in the meeting.

Councilmember Bush
1. Reported the Kiwanis awarded the Hope of America and Freedom Leadership awards at North Davis Junior High and the elementary schools.
2. Informed the Council that the North Davis Sewer District would meet Wednesday, June 21, 2017, in special session, to approve its tax rate.
3. Reported he would be attending the Utah Digital Government Summit on Thursday, June 15, 2017 in Salt Lake City.
4. Thanked staff and UDOT for its participation in the recent Neighborhood Open House at Wasatch Elementary. He expressed his appreciation for being able to interact with residents at the events and looked forward to continuing the meetings in the future.

**Councilmember Peterson**
1. Reported the Sunset City Council passed a resolution requesting annexation into the North Davis Fire District (NDFD). She continued the NDFD reviewed the proposal and approved moving forward in the process to annex Sunset City. She indicated the NDFD would contract with Sunset City to provide fire and emergency medical services while the request for annexation was processed.
2. Reminded the Council to come and help build the Council’s Fourth of July float on Saturday, June 24, 2017 at 8:00 a.m. at the City shops. She expressed appreciation for the Clearfield High School welding class participation in the project.

**Councilmember Phipps**
1. Reported the Hill Air Force Base Restoration Advisory Board indoor air sampling program was being discontinued. He explained there would be public hearings before that was official.
2. Reported Wasatch Integrated Waste updated its Solid Waste Management Plan as a result of the closing of the Burn Plant. He stated the document provided the planning for solid waste management over the next few years. He stated Nathan Rich volunteered to come and explain the new long term plan to the various councils throughout the County. He also reported the facility would begin construction of its transfer station in 2018.
3. Reported Wasatch Integrated Waste was committed to reuse and recycling. He stated it had been determined that the district needed to enhance its recycling capabilities. He also reported the contracts with waste haulers for the participating communities in the district had been reviewed by the district, and it was determined that there was some non-standard language that needed to be added when those contracts were renegotiated.
4. Reported Wasatch Integrated Waste was in the process of entering into an agreement with the South Davis Sewer District, which was willing to buy some of the district’s waste for its composting.
5. Explained the Burn Plant had been providing secure destruction of evidence for cities. He reported that service would still be available to cities.
6. Reported Wasatch Integrated Waste would be strongly enforcing its covered load fee. He stated there would be a $10 fine assessed for uncovered loads.
7. Stated green waste recycling was an important topic to be discussed. He commented green waste was a poor use of the available space in a landfill and when green waste was removed, capacity was increased.

**Councilmember Roper** – expressed appreciation for the City’s residents and their valuable feedback.

**Councilmember Young** – nothing to report.

**STAFF REPORTS**

**Adam Lenhard, City Manager**
1. Reported he sent the monthly update to the Council earlier in the day.
2. He thanked the City Council and staff for their efforts with the preparation of the budget. He noted it was no small accomplishment to cash fund the construction of the new Maintenance Operation Center at the Public Works facility. He stated it took years of careful planning to accomplish that goal. He expressed his hope that the budget represented the collective needs of the Council.
3. Updated the Council on the 700 South 1000 West intersection project. He stated one of the property owners had been difficult to reach in order to acquire easements that were necessary for the project.
4. Informed the Council that the City was trying to better coordinate volunteers with service needs in the community. He stated former Mayor Don Wood agreed to coordinate those efforts. He reported there had been a couple of meetings and the program was up and running.

**Nancy Dean, City Recorder** – reviewed the Council’s schedule:
- Joint meeting with the Planning Commission on June 20, 2017 in Multi-purpose Room, 2nd Floor
- Work and Policy Session on June 27, 2017
- No meeting on July 4, 2017
- Employee Summer Party at Boondock’s in Kaysville on Friday, June 23, 2017 at 6:00 p.m.

**Eric Howes, Community Services Director** – explained the new playground equipment purchased with PARAT Tax revenue would be delivered Thursday, June 15, 2017. He anticipated the North Steed Park, Train Watch Park and Fisher Park playgrounds should be completed by Friday, June 23, 2017. He stated there would be a community build for the playground at Train Watch Park on Friday, June 23, 2017 at 3:00 p.m.

**Councilmember Peterson moved to adjourn as the City Council and reconvene as the CDRA 8:14 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

**The minutes for the CDRA are in a separate location**
TO: Mayor Shepherd, City Council and Executive Staff

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

MEETING DATE: Tuesday, June 27, 2017

SUBJECT: Public Hearing, Discussion and Possible Action on RZN 1704-0011, a request by John Ryan, on behalf of Hamblin Investment group, for a Rezone of property located at approximately 852 & 880 South 550 East (TIN: 12-815-0001 & 12-815-0002) from Residential (R-2) zoning district to Residential (R-3) zoning district.

RECOMMENDATION

Recommend to the City Council Approval as proposed, RZN 1704-0011, a request by John Ryan, on behalf of Hamblin Investment group, for a Rezone of property located at approximately 852 & 880 South 550 East (TIN: 12-815-0001 & 12-815-0002) from Residential (R-2) zoning district to Residential (R-3) zoning district, based on the discussion and findings in the Staff Report.

The Planning Commission, at their meeting on Wednesday, June 7, 2017 recommended approval to the City Council as conditioned, of RZN 1704-0011, a request by John Ryan, on behalf of Hamblin Investment group, for a Rezone of property located at approximately 852 & 880 South 550 East (TIN: 12-815-0001 & 12-815-0002) from Residential (R-2) zoning district to Residential (R-3) zoning district, based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

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<tr>
<td>Land Use Classification</td>
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<tr>
<td>Gross Site Area</td>
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</tbody>
</table>
ANALYSIS

Zoning Map Amendment Information:
Clearfield City Zoning Map Amendment Requested: Parcels in question have been outlined in yellow to indicate the requested change from R-2 (Med-Density Residential) to R-3 (Multi-Family Residential).

<table>
<thead>
<tr>
<th>Surrounding Properties and Uses:</th>
<th>Current Zoning District</th>
<th>Comprehensive Plan Land Use Classification</th>
</tr>
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<tbody>
<tr>
<td>North</td>
<td>Brookshire Townhomes</td>
<td>R-3 (Multi-Family Res Zone)</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Homes</td>
<td>R-2 (Multi-Family Res Zone)</td>
</tr>
<tr>
<td>South</td>
<td>Kensington Place</td>
<td>R-3 (Multi-Family Res Zone)</td>
</tr>
<tr>
<td>West</td>
<td>Meadow Condominiums</td>
<td>R-3 (Multi-Family Res Zone)</td>
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</tbody>
</table>

The proposal includes a request for approximately 0.328 acres to be rezoned from R-2 (Residential) to the R-3 (Residential) zone with the intent to expand the Kensington Place townhomes project with six additional units. Should the zoning be approved, the applicant will be required to update the development agreement, to insure it is applicable to the entire Kensington place development. The applicant has provided elevations for the expansion. Since each unit will be platted separately, an amendment to the previously approved plat is required. The applicant has provided an amended plat for review by the Commission and Council, but the application has not yet been made, so that item has not yet been scheduled.
**General Plan and Zoning**
This the request is consistent with the General Plan and the future land use map for this area. A rezone from R-2 (Residential) to R-3 (Residential) is consistent with the area and supports the recently completed and adopted Downtown Small Area Plan for the properties east of this site. This request will allow for additional units adjacent to the State Street corridor, but not on State Street.

Rezone requests are not obligatory, but are discretionary. Changes to the language of the General Plan allows the City to review rezone requests to multi-family (R-3) on a case by case basis, evaluating the merits of each specific project.

**Zoning Map Amendment**
The applicant is requesting a 0.328 acres, across two parcels, to be rezoned to R-3 (Residential) from R-2 (Residential). The applicant will be required to meet all other standards for development, including, but not limited to, parking, landscaping and site development, and site and building design standards.

**Public Comment**
No public comment has been received to date.

**FINDINGS**

**Zoning Map Amendment**
Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Map Amendments. The findings and staff's evaluation are outlined below:

<table>
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<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
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<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>This condition can be met. The General Plan land use designation is Residential. The R-3 Zone is consistent with a permitted use in the land use category shown as Residential. This request is consistent with the area as well. Allowing parcels along 550 E to be rezoned to R-3 further supports downtown plans and objectives of the Downtown Small Area Plan for the City.</td>
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<tr>
<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>N/A.</td>
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</table>

**CONDITIONS OF APPROVAL**

1. The change to the Zoning Map Amendment be conditioned upon:
   a. Submittal and approval of a Site Plan; and
   b. An amended development agreement with the City, which shall be approved, fully executed, and recorded against the property in conformance with the Site Plan.
CLEARFIELD CITY ORDINANCE 2017-12

AN ORDINANCE REZONING THE 0.328 ACRES OF THE PROPERTY LOCATED AT APPROXIMATELY 852 AND 880 SOUTH 550 EAST (TINs: 12-815-0001 AND 12-815-0002) IN CLEARFIELD, DAVIS COUNTY, UTAH, FROM (R-2) MULTI-FAMILY RESIDENTIAL TO (R-3) MULTI-FAMILY RESIDENTIAL AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY.

PREAMBLE: This Ordinance rezones the 0.328 acres of the property located at approximately 852 and 880 South 550 East (TINs: 12-815-0001 and 12-815-0002) in Clearfield, Davis County, Utah, from (R-2) Multi-family Residential to (R-3) Multi-family Residential and amends the City’s Zoning Map to reflect those changes. The new zoning designation set forth in this ordinance, which will only take effect after the developer meets the stated conditions precedent, is in accordance with the City’s General Plan and General Plan Map and maintains consistency between the City’s Land Use Ordinance and the General Plan.

WHEREAS, pursuant to an application received by the City’s Community Development office, the City Council must consider a change in the zoning for 0.328 acres of the property located at approximately 852 and 880 South 550 East (TINs: 12-815-0001 and 12-815-0002); and

WHEREAS, following proper notice, as set forth by state law and the City’s Land Use Ordinance, the City Council held a public hearing on the application for a change in the zoning for this property and allowed for public comment thereon; and

WHEREAS, after the public hearing, the City Council carefully considered any comments made during the public hearing, the developer/landowner’s position, as well as the Planning Commission’s recommendations regarding the proposed rezone; and

WHEREAS, following its public deliberation, the City Council has determined that upon the developer meeting certain conditions precedent as set forth herein, the zoning changes listed below are in the best interests of Clearfield City and its residents and will most effectively implement the City’s planning efforts while allowing the subject property to be put to its highest and best use;

NOW THEREFORE BE IT ORDAINED by the Clearfield City Council that:

Section 1. Zoning Changes: The zoning for the following property will be hereby changed as specified below:

After the developer has met the conditions precedent recommended by the City’s Staff, including but not limited to the following: 1) a Site Plan being submitted and approved by the Planning Commission, and, 2) an amended development agreement with the City being approved, fully executed, and recorded against the property in conformance with the Site Plan; then the 0.328 acres of the property located at approximately 852 and 880
South 550 East (TINs: 12-815-0001 and 12-815-0002) in Clearfield, Davis County, Utah, will be rezoned from (R-2) Multi-family Residential to (R-3) Multi-family Residential.

Section 2. Amendments to Zoning Map: Once the conditions precedent as set forth in Section 1 above have been met by the developer and the property has been rezoned from (R-2) Multi-family Residential to (R-3) Multi-family Residential, then the Clearfield City Zoning Map will be amended to reflect the changes in zoning outlined in Section 1 above and the City’s Development Services Manager is hereby directed to have a new Zoning Map prepared showing said rezoning.

Section 3. Effective Date: This Ordinance shall become effective only upon the developer’s meeting of the conditions precedent recommended by the Planning Commission as well as those set forth above and its posting in three public places within Clearfield.

Dated this 27th day of June, 2017, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

_________________________________
Mark R. Shepherd, Mayor

ATTEST

_________________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
Independents Week PROCLAMATION
on Behalf of Local First Utah

Whereas, Independents Week provides a time to celebrate the independence of the members of the community of Clearfield and the entrepreneurial spirit represented by our core of local independent businesses; and

Whereas, the individual decisions every community member makes today affect the future of Clearfield; and

Whereas, Clearfield’s local independent businesses help preserve the uniqueness of the community and give us a sense of place; and

Whereas, Clearfield’s core of independently-owned businesses give back to this community in goods, services, time and talent; and

Whereas, the health of Clearfield’s economy depends on our support of businesses owned by our friends and neighbors; and

Whereas, Clearfield’s independent business owners and employees enrich the shopping experience of community members shopping with their knowledge & passion;

Therefore, as we celebrate Independents Week 2017, we acknowledge that the ability to choose the direction of Clearfield lies within each of us.

NOW, THEREFORE, I, Mark Shepherd, Mayor of the City of Clearfield, do hereby proclaim the week of July 1-7 2017, as: "Independents Week" and salute our community members and locally owned independent businesses who are integral to the unique flavor of Clearfield and honor their efforts to make Clearfield the place we want to live and work.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of Clearfield City to be affixed this 27th day of June, 2017.

Mark Shepherd, Mayor
TO: Mayor Shepherd, City Council, and Executive Staff

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

MEETING DATE: Tuesday, June 27, 2017

SUBJECT: Discussion and Possible Action on:

Interlocal Agreement for a utility service specific to a sanitary sewer service connection for the Magic Wash Car Wash, on a portion of property located at the North East corner of 1000 East and 1700 South (Antelope), in Layton Utah.

RECOMMENDATIONS
Recommend approval the interlocal agreement with Layton and Clearfield City for the purpose of providing sanitary sewer service to a new car wash facility located in Layton.

PROJECT SUMMARY

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<td>Site Acreage</td>
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ANALYSIS

Background
Layton City has received a request for the development of a car wash at the NE corner of 1000 E and 1700 S (Antelope Drive). The applicant has requested the ability to connect into the existing Clearfield City sanitary sewer system on 1000 E. The project will be known as Magic Wash and will be located in Layton City. Although this project is not located in Clearfield City the developer has requested the use of Clearfield’s existing utilities (sanitary sewer) for their project. The property is approximately 9.023 acres in size, but will be subdivided to create a single lot for the use of the car wash. Clearfield City has received a request to provide sanitary sewer service to this property for a period of 50 years, as outlined in the attached agreement.

The need for Clearfield City to provide utility services to a project in Layton City requires execution of an agreement between Clearfield City, Layton City, and the developer. Clearfield and Layton have worked together to formulate an agreement that is acceptable to all parties and allows for the development of this facility, in the City of Layton. Staff has provided a copy of the agreement. The agreement has been reviewed by Public Works, Clearfield City Attorney Legal and has been recommended for approval to the
Council. It is the conclusion of staff that the agreement provide the appropriate controls for all parties involved and protection for Clearfield City to provide the requested sewer service to the property. The interlocal agreement provides parameters and requirements for the service to be provided. The agreement is broken down into a few parts for ease in administering the terms of the agreement. Staff has provided the sections from the agreement in this report, for review.

**Interlocal Agreement**

The agreement is comprised of 4 sections that create the requirements and obligations for the agreement. Each section has additional explanation to provide protection and security for Clearfield City proceeding forward. The following are the sections of the agreement:

1. **Sanitary Sewer Service.** Clearfield will allow the Property to connect to its sanitary sewer system. The sewer shall be billed as required by Clearfield and the costs shall be paid to Clearfield by the Property’s owner. Clearfield will determine the requirements of the sanitary sewer line so as to provide the necessary volume of water for the service (including the size and location of any connections).

   Before connecting the property owner shall pay Layton for the cost of the connection fees and sanitary sewer impact fees which will be turned over to Clearfield. The Property’s owner will be responsible for Clearfield’s monthly sanitary sewer utility fees.

   If system improvements are necessary to provide adequate sewer service, the costs of those improvements shall be at the expense of the Property’s owner and not Layton or Clearfield. Clearfield will exercise its same standard of care for the maintenance of its facilities servicing this property.

2. **Future Development.** Connection of utility services is limited to the parcel identified on Exhibit “A”. Clearfield reserves the right for site plan review of all additional phases at time of development, to ensure the utility services will be sufficient to serve additional phases. Should additional development cause an increase in services requiring system upgrades (as determined by Clearfield), any such improvement shall be at the Property owner’s expense and the anticipated increase in demand shall be subject to Clearfield’s impact fees then in effect.

3. **Conditions for Utility Connection.** Before connecting, all applications, project reviews, and impact fees shall be paid in full and the property owner must establish an account for utility services with Clearfield. Additionally, fencing as shown on construction documents, including the approved site plan, shall be installed prior to Layton issuing a certificate of occupancy for the building.

4. **Terms.** This Agreement shall remain in effect for Fifty (50) years. It may be modified at any time by written agreement of the parties. This Agreement may be renewed at any time upon written agreement by the parties.

**ATTACHMENTS**

1. Site Plan
2. Interlocal Agreement
INTERLOCAL COOPERATIVE AGREEMENT

for
Sanitary Sewer Service at Magic Wash Development

This agreement is entered into this _____ day of ______, 2017, by and between Layton City, a Utah municipal corporation (hereafter “Layton”), and Clearfield City, a Utah municipal corporation (hereafter “Clearfield”).

WHEREAS, Layton has a proposed development known as Magic Wash located at approximately 2150 W. Antelope Dr., Layton, UT, and bearing Davis County Tax ID# Add ID after parcel split (hereafter “Property”), which is contiguous to its common boundary with Clearfield; and

WHEREAS, Layton does not have sanitary sewer readily available to the Property and Clearfield has agreed to provide this utility to the Property under the following terms; and

WHEREAS, Layton and Clearfield want to provide necessary utilities near the common boundaries; and

WHEREAS, it is more economical and convenient for the Property to receive sanitary sewer service through Clearfield rather than Layton at the present time, and it is not expedient for Layton to develop these utilities at this time; and

WHEREAS, this agreement is authorized by the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code Annotated.

NOW, THEREFORE, the parties agree as follows:

1. **Sanitary Sewer Service.** Clearfield will allow the Property to connect to its sanitary sewer system. The sewer shall be billed as required by Clearfield and the costs shall be paid to Clearfield by the Property’s owner. Clearfield will determine the requirements of the sanitary sewer line so as to provide the necessary volume of water for the service (including the size and location of any connections).

   Before connecting the property owner shall pay Layton for the cost of the connection fees and sanitary sewer impact fees which will be turned over to Clearfield. The Property’s owner will be responsible for Clearfield’s monthly sanitary sewer utility fees.

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2. **Future Development.** Connection of utility services is limited to the parcel identified on Exhibit “A”. Clearfield reserves the right for site plan review of all additional phases at time of development, to ensure the utility services will be sufficient to serve additional
phases. Should additional development cause an increase in services requiring system upgrades (as determined by Clearfield), any such improvement shall be at the Property owner’s expense and the anticipated increase in demand shall be subject to Clearfield’s impact fees then in effect.

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4. **Terms.** This Agreement shall remain in effect for Fifty (50) years. It may be modified at any time by written agreement of the parties. This Agreement may be renewed at any time upon written agreement by the parties.

Executed on the day and date above.

LAYTON CITY

Mayor

ATTEST:

Reviewed and approved as to proper form and compliance with applicable law.

City Attorney

CLEARFIELD CITY

Mayor

ATTEST:

Reviewed and approved as to proper form and compliance with applicable law.

City Attorney
CLEARFIELD CITY RESOLUTION 2017R-09

A RESOLUTION APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN LAYTON CITY AND CLEARFIELD CITY FOR CLEARFIELD CITY TO PROVIDE A SANITARY SEWER CONNECTION TO ITS SANITARY SEWER SYSTEM FOR MAGIC WASH LOCATED AT APPROXIMATELY 2150 WEST ANTELOPE DRIVE, LAYTON UTAH

WHEREAS, Layton has a proposed development known as Magic Wash located at approximately 2150 West Antelope Drive, Layton, which is contiguous to the common boundary with Clearfield; and

WHEREAS, Layton does not have sanitary sewer readily available to the property; and

WHEREAS, Layton and Clearfield are desirous of cooperating in providing necessary utilities along and near the common boundaries; and

WHEREAS, it is more economical and convenient for the property to receive sanitary sewer service through Clearfield rather than Layton at the present time, and it is not expedient for Layton to develop these utilities at this time; and

WHEREAS, an Interlocal Cooperation Agreement is necessary to govern the terms and conditions under which Clearfield will provide the maintenance and oversight of said utilities; and

WHEREAS, the Clearfield City Council has reviewed the attached Interlocal Cooperation Agreement and finds that it is able to cooperate with Layton to provide said utilities.

NOW THEREFORE BE IT RESOLVED, by the Clearfield City Council, that the attached Interlocal Cooperation Agreement is approved and the Mayor is hereby authorized to execute the agreement.

DATED this 27th day of June, 2017.

CLEARFIELD CITY CORPORATION

________________________________________
Mark R. Shepherd, Mayor

ATTEST:

____________________________
Nancy R. Dean, City Recorder
VOTE OF THE COUNCIL

AYE:

NAY:
INTERLOCAL COOPERATIVE AGREEMENT

for
Sanitary Sewer Service at Magic Wash Development

This agreement is entered into this _____ day of ______, 2017, by and between Layton City, a Utah municipal corporation (hereafter “Layton”), and Clearfield City, a Utah municipal corporation (hereafter “Clearfield”).

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WHEREAS, Layton does not have sanitary sewer readily available to the Property and Clearfield has agreed to provide this utility to the Property under the following terms; and

WHEREAS, Layton and Clearfield want to provide necessary utilities near the common boundaries; and

WHEREAS, it is more economical and convenient for the Property to receive sanitary sewer service through Clearfield rather than Layton at the present time, and it is not expedient for Layton to develop these utilities at this time; and

WHEREAS, this agreement is authorized by the Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code Annotated.

NOW, THEREFORE, the parties agree as follows:

1. **Sanitary Sewer Service.** Clearfield will allow the Property to connect to its sanitary sewer system. The sewer shall be billed as required by Clearfield and the costs shall be paid to Clearfield by the Property’s owner. Clearfield will determine the requirements of the sanitary sewer line so as to provide the necessary volume of water for the service (including the size and location of any connections).

   Before connecting the property owner shall pay Layton for the cost of the connection fees and sanitary sewer impact fees which will be turned over to Clearfield. The Property’s owner will be responsible for Clearfield’s monthly sanitary sewer utility fees.

   If system improvements are necessary to provide adequate sewer service, the costs of those improvements shall be at the expense of the Property’s owner and not Layton or Clearfield. Clearfield will exercise its same standard of care for the maintenance of its facilities servicing this property.

2. **Future Development.** Connection of utility services is limited to the parcel identified on Exhibit “A”. Clearfield reserves the right for site plan review of all additional phases at time of development, to ensure the utility services will be sufficient to serve additional
phases. Should additional development cause an increase in services requiring system upgrades (as determined by Clearfield), any such improvement shall be at the Property owner’s expense and the anticipated increase in demand shall be subject to Clearfield’s impact fees then in effect.

3. **Conditions for Utility Connection.** Before connecting, all application, project review, and impact fees shall be paid in full and the property owner must establish an account for utility services with Clearfield. Additionally, fencing as shown on construction documents, including the approved site plan, shall be installed prior to Layton issuing a certificate of occupancy for the building.

4. **Terms.** This Agreement shall remain in effect for Fifty (50) years. It may be modified at any time by written agreement of the parties. This Agreement may be renewed at any time upon written agreement by the parties.

Executed on the day and date above.

LAYTON CITY

________________________________
Mayor

ATTEST:

________________________________
Reviewed and approved as to proper form and compliance with applicable law.

City Attorney

CLEARFIELD CITY

________________________________
Mayor

ATTEST:

________________________________
Reviewed and approved as to proper form and compliance with applicable law.

City Attorney
CLEARFIELD CITY RESOLUTION 2017R-08

A RESOLUTION TO CONSIDER THE NORTH DAVIS FIRE DISTRICT’S REQUEST TO ANNEX SUNSET CITY INTO THE NORTH DAVIS FIRE DISTRICT, WHICH INCLUDES:

- DESCRIBING THE BOUNDARIES OF THE AREA PROPOSED TO BE ANNEXED
- DESCRIBING THE SERVICES TO BE PROVIDED
- PROVIDING FOR THE HOLDING OF A PUBLIC HEARING ON SAID REQUESTED ANNEXATION
- PROVIDING FOR THE GIVING OF NOTICE AND THE HOLDING OF SUCH PUBLIC HEARING
- RELATED MATTERS

WHEREAS, by Resolution No. 2004R-25 duly adopted on October 12, 2004, the Clearfield City Council (the “Council”) acting as the Governing Body, created the North Davis Fire District (the “District”) to provide fire protection, emergency medical and ambulance services and consolidated 911 services, as authorized by Article Section 7 of the Utah Constitution and by the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated 1953, now known as the “Special Service District Act,” Title 17D, Chapter 1, Utah Code Annotated, 1953 (the “Act”); and,

WHEREAS, it appears that the Sunset City Council adopted Resolution No. 2017-08 on May 16, 2017 petitioning annexation into the District; and,

WHEREAS, it appears Resolution No. 2017-08 of the Sunset City Council was made in accordance with Section 17D-1-401 of the Utah Code; and,

WHEREAS, it appears that the Sunset City Council determined that the public health, convenience and necessity require the annexation to the District of the geographical area of Sunset City as hereinafter described (the “Annexed Area”) pursuant to the Act and Article XI, Section 7 of the Utah Constitution; and,

WHEREAS, it appears that all property included within the boundaries of the Annexed Area will be directly benefitted by the services provided by the District; and,
WHEREAS, the Annexed Area contains all real property within the boundaries of Sunset City, Utah; and,

WHEREAS, the Administrative Control Board of the District, comprised of representation from West Point City and Clearfield City carefully reviewed the feasibility and desirability of annexing Sunset City into the North Davis Fire District; and,

WHEREAS, on May 25, 2017, the Administrative Control Board adopted Resolution No. 2017-R-08 requesting that the geographical area of Sunset City be annexed into the District;

NOW THEREFORE BE IT RESOLVED by the Clearfield City Council that:

Section 1. The boundaries of the Annexed Area are as described in the Notice of Intention set forth in Section 6 hereof and in Exhibit “A” attached hereto.

Section 2. The District shall provide fire protection, emergency medical and ambulance services and consolidated 911 services within the Annexed Area through facilities owned, acquired or constructed for that purpose.

Section 3. A public hearing on the question of the annexation to the District of the Annexed Area shall be held by the Council at its regular meeting place in the Clearfield City Hall, 55 South State Street, Clearfield, Utah at 7:00 p.m. on August 8, 2017 at which time and place all interested parties may appear and be heard either in support of or in opposition to the proposed annexation to the District of the Annexed Area as more fully set forth in the Notice of Intention set forth in Section 6 hereof.

Section 4. Notice of the intention of the Council to annex to the District the Annexed Area shall be given by the City Recorder through the publication of a Notice of Intention in the Standard Examiner, a newspaper published and having general circulation in Clearfield City and the District, once a week during four consecutive weeks, the first publication to be not fewer than five days and no more than 20 days before the date of the public hearing. Notice of the intention of the Council to annex to the District the Annexed Area shall also be given by the City Recorder in accordance with § 45-1-101 and § 17D-1-205 of the Utah Code for thirty-five (35) days before the date of the public hearing.

Section 5. The notice to be so given shall be in substantially the following form:
NOTICE OF INTENTION TO ANNEX SUNSET CITY INTO THE NORTH DAVIS FIRE DISTRICT

NOTICE is hereby given to all persons interested that on Tuesday, June 27, 2017, the Clearfield City Council, (the “Council”) acting as the governing body of the North Davis Fire District (the “District”), adopted a resolution stating its intent to annex Sunset City (the “Annexed Area”) into the jurisdictional boundaries of the District, as petitioned for by Sunset City.

The following information is provided in further accordance with Utah State Code §17D-1-205:

- The boundaries of the Annexed Area are described and set forth in Exhibit “A” to the Intent Resolution and as described below.

A PART OF SECTIONS 23, 24, 25, 26, 35 & 36, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALE LAKE BASE & MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH BOUNDARY LINE OF DAVIS COUNTY, STATE OF UTAH, WHICH IS APPROXIMATELY 594 FEET MORE OR LESS SOUTH AND 1,320 FEET MORE OR LESS EAST FROM THE WEST QUARTER CORNER OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN AND RUNNING THENCE WEST 4,587 FEET MORE OR LESS TO THE WEST LINE OF THE RIGHT-OF-WAY OF THE UTAH TRANSIT AUTHORITY (UTA); THENCE IN SOUTHEASTERLY ALONG THE WEST LINE OF THE SAID UTAH TRANSIT AUTHORITY RIGHT-OF-WAY 10,059 FEET MORE OR LESS TO THE SOUTH LINE OF THE NORTH ONE-HALF (1/2) OF SECTION 35, TOWNSHIP 5 NORTH RANGE 2 WEST AND THE NORTH BOUNDARY LINE OF CLEARFIELD CITY; THENCE ALONG SAID SECTION LINE AND NORTH BOUNDARY LINE OF CLEARFIELD CITY EAST 4,066 FEET MORE OR LESS TO A POINT 1,320 FEET MORE OR LESS EAST OF THE WEST LINE OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 2 WEST THENCE NORTH 10,013 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINS: 962 ACRES, MORE OR LESS
• The services proposed to be provided within the Annexed Area include fire protection, emergency medical, ambulance services, and consolidated 911 services.

• The District may annually levy taxes upon all taxable property within its boundaries and may impose fees and charges to pay for all or a part of the fire protection, emergency medical and ambulance services and consolidated 911 services to be provided by the District. The taxable property in the Annexed Area, if annexed to the District, will become subject to the District's then currently authorized uniform tax levy for District services and for payment of the District's outstanding indebtedness.

• Fees or charges may be imposed to pay for some or all of the services provided for by the District to the Annexed Area.

• All interested parties may appear before the Council at the scheduled public hearing and be heard either in support of or in opposition to the proposed annexation of the Annexed Area to the District. In order to protest against the proposed annexation of the Annexed Area to the District, each protest must be filed in writing with the City Recorder of Clearfield City in accordance with Section 17D-1-206 of the Utah Code and must explain the reason(s) for the protest. All protests must be filed no later than sixty (60) days after the Public Hearing to be held on Tuesday, August 8, 2017. At the Public Hearing, the Council will give full consideration to all protests which shall have been filed and will hear and consider all interested persons desiring to be heard. After the conclusion of the Public Hearing and after the time for filing any protests, the Council shall adopt a Resolution either ordering the annexation of the Annexed Area to the District or determining that such annexation should be abandoned.

• If within 60 days after the hearing adequate protests have not been filed with the City Recorder as required by law, the Council may adopt a Resolution annexing the Annexed Area into the District or determine that such annexation should be abandoned.

• Section 17D-1-212 of the Utah Code Annotated 1953, as amended, provides that a person may file an action in district court challenging the annexation if (a) the person filed a written protest under Section 17D-1-206; (b) the person is a registered voter within the District; (c) alleges that the actions or procedures violated the law or is an owner of property in the Annexed Area and alleges that such property will not be benefitted by a service that the District provides.
• Any person who fails to protest in writing at or prior to the above stated time and place or who fails to file an action in district court within thirty (30) days in accordance with Section 17D-1-212 is estopped from later protesting a finding by the Council that the Annexed Area will be benefitted and shall be deemed to have consented to the annexation of such land to the District.

• The Public Hearing will be held at the regular meeting place of the Clearfield City Council in the Clearfield City Hall, 55 South State Street, Clearfield, Utah, at 7:00 p.m. on Tuesday, August 8, 2017.

GIVEN by order of the City Council of Clearfield City, this 27th day of June, 2017.

CLEARFIELD CITY CORPORATION

/s/NANCY R. DEAN
City Recorder

Section 6. This Resolution shall take immediate effect upon its adoption and approval.

ADOPTED AND APPROVED this 27th day of June, 2017.

CLEARFIELD CITY CORPORATION

______________________________
BY: MARK R. SHEPHERD
Mayor

Attest:

______________________________
NANCY R. DEAN
City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
RESOLUTION NO. 2017-R-08

A RESOLUTION REQUESTING THAT CLEARFIELD CITY AS THE GOVERNING AUTHORITY OF THE NORTH DAVIS FIRE DISTRICT TAKE ALL NECESSARY AND APPROPRIATE ACTION TO ANNEX SUNSET CITY AND ALL REAL PROPERTY WITHIN ITS CORPORATE LIMITS INTO THE NORTH DAVIS FIRE DISTRICT.

WHEREAS, in 2003 a feasibility study was conducted to explore the possibility of a regional fire service entity; and,

WHEREAS, the North Davis Fire District was created in 2005 in accordance with the Special Service District Act with Clearfield City as the governing authority; and,

WHEREAS, in 2005 Sunset City elected not to become part of the North Davis Fire District; and,

WHEREAS, Sunset City has now adopted Resolution No. 2017-08 requesting that Sunset City be annexed into and become a member city of the North Davis Fire District; and,

WHEREAS, the Administrative Control Board of the North Davis Fire District has carefully reviewed the feasibility and desirability of annexing Sunset City into the North Davis Fire District,

NOW, THEREFORE, be it resolved by the Administrative Control Board of the North Davis Fire District as follows:

SECTION ONE: REQUEST FOR ANNEXATION

That Clearfield City, acting as the governing authority of the North Davis Fire District, take all necessary and appropriate legal action to annex Sunset City and all real property lying within its corporate limits into the North Davis Fire District in accordance with the Special Service District Act, Part 4 of the Utah Code.

SECTION TWO: TIME FOR ANNEXATION

That Clearfield City as the governing authority expedite annexation of Sunset City into the North Davis Fire District so that annexation can be completed in time for the Sunset City property to be added to the tax rolls for the year 2018.

PASSED AND ADOPTED by the Administrative Control Board of the North Davis Fire District this 25th day of May, 2017.
NORTH DAVIS FIRE DISTRICT
Administrative Control Board

By: [Signature]
GARY PETERSEN, Chairman

ATTEST:

[Signature]
MISTY ROGERS, Executive Secretary
RESOLUTION NO. 2017-08

A RESOLUTION DECLARING INTENT FOR SUNSET CITY CORPORATION TO PETITION THE NORTH DAVIS FIRE DISTRICT FOR ANNEXATION

WHEREAS, in April 2003 a feasibility study was conducted to explore the possibility of a regional fire service entity involving several cities in the northern area of Davis County, including Sunset City; and,

WHEREAS the North Davis Fire District was subsequently created to include West Point City and Clearfield City at which time Sunset City declined to be part of said District; and,

WHEREAS the North Davis Fire District is a special service district which provides fire protection and emergency medical services; and,

WHEREAS the North Davis Fire District has operated successfully for many years; and,

WHEREAS it is necessary and desirable for and on behalf of the citizens and residents of Sunset City to petition for inclusion as a member city of the North Davis Fire District.

NOW, THEREFORE, be it resolved the Sunset City Council as follows:

Section One: PETITION FOR ANNEXATION

That in accordance with Section 17D-1-401 of the Utah Code that Sunset City petition the North Davis Fire District to be annexed into and become a member city of the North Davis Fire District.

Section Two: ANNEXATION

That if the terms and conditions of annexation are deemed to be in the best interests of Sunset City and its residents and inhabitants that Sunset City approve and proceed with all necessary steps and procedures set forth in Title 17D of the Utah Code to complete the annexation of Sunset City into and as a part of the North Davis Fire District.

Approved and adopted by the Sunset City Council this 16th day of May, 2017.

BEVERLY K. MACFARLANE, Mayor

ATTEST:

SUSAN R. HALE, Recorder