

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 28, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Rob Sant – Lewis Young Robertson and Burningham, Inc., Donovan Gilliland, Brady Jugler – Planning Commission Chair, Dan Gardner, Lamont Hampton – Open Doors, Nancy Gardner

Mayor Shepherd called the meeting to order at 6:09 p.m.

DISCUSSION ON PARTICIPATION WITH THE GARDNER FOOD PANTRY LOCATED AT 245 NORTH 1000 WEST

JJ Allen, City Manager, indicated the Gardner family living at 245 North 1000 West had started an operation over the past several years which began as small food donations to assist needy in the community into a veritable food pantry that served hundreds each week. Councilmember Peterson said the Gardner family was now operating as West Side, LLC. Mr. Allen stated the Gardner family desired to make improvements to their property to better accommodate storing supplies and allowing better access to the donated products. He noted staff was working with the family to make sure the necessary construction permits were in order. He asked if the Council was interested in assisting the Gardner family with its efforts to service the needy in the community with either in-kind or financial means to offset the operation's financial load.

Mr. Allen reviewed the property's location and current operational set up. He stated the property with the Gardner home had a shed in the rear of the property which was being used to store donations received from Wal-Mart, WinCo, the LDS Bishop's Storehouse, and Open Doors. He continued hundreds came each week to obtain donations and in exchange volunteered services to assist with the pantry operations.

Mr. Allen indicated the staff report listed a few options the City might use to provide financial support if that was the desired approach. He continued resources could come from the Community Development Block Grant (CDBG) funding; however, it would be at least another year before those pass through funds would be an available option.

Councilmember Bush asked what type of improvements the Gardners were making to their property. Mr. Allen responded the Gardners had not requested help with any of the improvements, because they had many contractors which were providing in-kind services for property improvements. There was a discussion about the improvements being donating, the necessary permits, the current traffic flow impediments, the current conditions for storing food, and impacts to the neighbors.

Mr. Allen stated the Gardners were seeking relief from or assistance with either the electric bill or waste disposal fees. He noted the Gardners were personally funding the increased electrical costs related to cold storage or freezers, as well as landfill fees associated with disposing of excess waste on a weekly basis. He continued another option the City had should it desire to provide financial assistance was the budgeted Council donations fund; however, use of those funds would require a public hearing.

Councilmember Peterson suggested a hybrid approach by providing immediate assistance through the public process but then long term help with the application process for CDBG funding. Mayor Shepherd expressed his concern with using CDBG funds that were limited and already helping other groups, which would cut short the funding already allocated for Open Doors, Safe Harbor, and Davis Community Learning Center. Councilmember Peterson agreed CDBG funding might not be the best option. Mayor Shepherd proposed having the City provide vouchers for the use of the landfill which could help with the costs being experienced there. Councilmember Roper commented Mr. Gardner did not like to receive much publicity or recognition for his efforts and the landfill vouchers might be an option for less public announcement. There was a discussion about the options for funding, the City's involvement and impacts, setting up an account at the landfill, setting precedent, long term planning if there was a genuine need rather than an individual effort, volunteer help, and little to no publicity.

Mr. Allen recommended the Council put limits in place for any funding at the landfill and suggested it might be conditioned upon the Gardners obtaining all the necessary permits for its expansion and property improvements. Councilmember Bush asked if the Gardners still needed permits. Spencer Brimley, Community Development Director, stated they currently did not have any permits. Councilmember Bush suggested perhaps the City could waive any permit fees as a means of financial assistance.

Mr. Allen stated the service being provided recognized some social issues that most cities in Utah did not address. He did not see the City with a long term role with management or ownership in the operation. He expressed his opinion that if the operation involved more than just the Gardner family, Davis County might need to be approached for assistance.

Councilmember Roper asked Mr. Gardner what the timeline was for all the site improvements to be completed. Mr. Gardner highlighted some of the improvements which were being donated by various contractors for concrete, asphalt, lumber, gravel, labor for grading, and electrical. Mr. Allen reminded Mr. Gardner a building permit was required for the construction. There was a discussion about the insufficient permitting process attempts and the Gardners' understanding of the process. There appeared to be some confusion and less flexibility compounded by the recent departure of the City's building official. Mr. Gardner reviewed the history of establishing the food pantry, its success, its growth, and the generous contributors as well as the volunteers which were helping to feed the needy in the community.

Mr. Allen wondered if there was a desire from the Council to work out an arrangement with Wastach Integrated that might be beneficial for the operation. The consensus of the Council was to have staff work towards assistance through the landfill. Mr. Allen asked if the Council had a desired annual limit in mind for the assistance. There was a discussion about the costs associated with disposing of waste and a \$200.00 monthly cap which was recommended for consideration to assist the Gardner family with operational costs of the growing pantry.

Mr. Allen introduced Mr. Gardner to Donovan Gilliland, developer, who was present and indicated Mr. Gilliland offered a connection (Creation West) might be willing to assist Mr. Gardner with the necessary drawings required by the City for a building permit.

Councilmember Bush commented he thought the City should waive the building permit fees. Mr. Allen asked if the Council was favorable to waiving the fees. The consensus of the Council was to waive the building permit fees. Nancy Dean, City Recorder, noted there would still need to be a public process. Mayor Shepherd asked if staff had received the direction it needed from the discussion. Mr. Allen answered yes. Mr. Gardner clarified once the building permits were resolved the City would be willing to assist with financial support. Mr. Allen responded once the building permit was in order, the City would hold a public hearing for waiving the building permit fees and the donation to cover landfill fees. Mr. Gardner thanked everyone for the positive response to the request for assistance.

DISCUSSION ON THE PUBLIC ART ORDINANCE

Brie Brass, Assistant City Attorney, stated she would not spend time reviewing the staff report; however, wanted to explain there were two versions of the proposed Art Mural Ordinance because one version had text restriction that did not allow for any kind of text. She indicated after the last work session discussion she had completed more research and found a court case on the west coast where a city had adopted a similar ordinance. She continued the court in that case had determined the city was making content-based decisions and found the statute was unconstitutional. She explained the decision had the potential to be applied to Clearfield's ordinance, but she wanted to present the two options for consideration and provide awareness

about the impacts of limiting text. Ms. Brass noted there were some minor edits which were brought to her attention which would still need to be completed on the draft version selected before final consideration by the Council.

Councilmember Bush asked if all the edits discussed during the previous work session had been made. Ms. Brass stated she had resolved most of them but there might still be a few things to update in the document. She asked if the Council had a preference on whether the name of the title should remain general as Public Art and the chapter titled Original Art Mural.

Councilmember Peterson expressed her desire to have the new title called "Public Art." Mayor Shepherd expressed his desire to use the limited text version. Councilmember Roper agreed it was safer to use a limited text ordinance. There was a discussion about whether or not limiting text was the preferred option, potential challenges for the artist if text were restricted, and the potential for murals to compete with the sign ordinance.

Councilmember Peterson stated the ordinance could always be revisited if problems were found, but wanted to move forward cautiously by limiting text. Ms. Brass indicated last work session it was discussed that the notification area for residential properties should include adjacent properties rather than those within 300 feet. She asked if the Council was comfortable leaving the notification area to only adjacent properties regardless of whether the mural was a residential or commercial mural. The Council appeared to be comfortable with the requirement.

Ms. Brass requested feedback on the language used for the program to be administered by the City Manager or designee, which would include the appeal process as well. She added any further appeal would need to follow the civil administrative process through the district court. The consensus of the Council was to keep the City Manager or designee as the administrative approach for the program.

Councilmember Peterson commented she had wondered about the application fees. Ms. Brass replied it had not been discussed if the collected fees should be made towards a designed fund or the General Fund. Mr. Allen stated he did not anticipate the mural program would be a significant revenue source. The consensus of the Council was to process the fees in the same manner as any other application fees.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:59 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 9th day of October, 2018**

/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, August 28, 2018.

/s/Nancy R. Dean, City Recorder