Mayor Shepherd called the meeting to order at 6:04 p.m.

**PRESENTATION FROM SAFE HARBOR ABOUT ITS PROGRAMS**

Kristen Floyd, Safe Harbor, thanked the City for funding some of Safe Harbor’s services through the Community Development Block Grant (CDBG). She updated the Council on services provided by Safe Harbor and its program improvements along with a review of statistics.

- Safe Harbor was functioning at full capacity.
- The crisis center had three levels of service.
  - An emergency facility with 31 beds to serve victims.
  - Transitional housing facility with 10 apartment units.
  - Outreach center for those not requiring crisis shelter or transitional housing.
- Last year’s Point-in-Time (PIT) Count data showed the largest population of those homeless had been impacted victims of domestic violence.
- Safe Harbor received funding to begin a Davis Forensics Nurse Examiners Group for sexual assault victims.
- Safe Harbor partnered with Intermountain Hospital in Layton and there was a private area set up that offered separation from others in the emergency room for conducting the sexual assault victim interviews of those victims ages 14 and older.
• Safe Harbor continued to partner with the Davis County Children’s Justice Center (CJC) to conduct interviews for children victims.

• Safe Harbor had begun a capital campaign to add an additional outreach facility of about 6,000 square feet which would provide additional services, training for economic empowerment, increased advocacy, and house the Davis Forensics Nurse Examiners Group. She noted the land for the facility had been gifted to Safe Harbor by Layton Intermountain Hospital.

Councilmember Thompson asked if the Domestic Violence Coalition had explored options of assisting victims with financial costs associated with court fees. Ms. Floyd responded Safe Harbor worked with Utah Legal Services and Victims’ Reparations to find resources but depending on the situation there may not be financial assistance available. She agreed more could be done to further explore indigent defense services as well as other options to allow for increased victim services.

There was a discussion about Utah having the highest level of domestic violence victims and the speculations of the cause of those statistics as well as tips on prevention. Ms. Floyd encouraged education at a younger age, listening to victims, and believing victims as critical factors for domestic violence prevention.

There was a discussion about the various ways victims could learn about Safe Harbor’s services which included law enforcement; community outreach efforts; and victims calling the crisis line directly. Ms. Floyd thanked the Mayor and Council for their time.

UPDATE ON THE VICTIM SERVICES PROGRAM

Teresa Allen, Victim Services Advocate, reviewed the City’s victim services program data for the 2018 fiscal year (FY18). She reported 513 victims were served, but additionally she had spent time mentoring other cities that had established victim advocate programs and mentoring at the Utah Office for Victims of Crime’s Victim Assistance Academy. She provided statistical comparisons from Clearfield City and Layton City to show the types of victims served during FY18.

Ms. Allen mentioned she would reapply for grant funding in April. There was a discussion about domestic violence crimes in relation to the socioeconomic status of an area; the need for education at younger ages; advantages of having an advocate as a point of contact to share resources with victims; how opportunities through networking with multiple advocates provided increased services for victims; and complications of the criminal justice system.

Councilmember Peterson wondered if contact had been made with school administrators to share resources. Ms. Allen responded initially when the City’s program started she had shared her contact information so administrators would know it had been established. She indicated contact had continued when individual cases had necessitated further involvement with school administrators, but formal meetings were not happening on a regular basis.
Councilmember Bush asked if grant funding received by the City would be reduced because additional cities had started victim advocate programs. Ms. Allen answered the money allotted was provided to serve a given population so it should remain similar to prior years. Stuart Williams, City Attorney, anticipated there should not be a reduction in funding due to other municipalities utilizing the grant funding; however, the funding availability would not be indefinite. He mentioned the application process had been expanded to a two year grant period.

There was a discussion about domestic violence statistics and barriers for the lesbian, gay, bisexual, and transgender (LGBT) group; how priorities were managed since there was a large need for services; and a new funding source option being explored to assist victims of domestic violence avoid homelessness. Ms. Allen stated her first priority was to assist with crisis intervention; however, a goal on the horizon included discovering additional resources to help victims with housing because it seemed to be a reoccurring problem. She noted there was a new funding source available not only for victims of domestic violence but all types of crime which provided flexible spending, quicker access to funds, and fewer restrictions with qualification. She expressed her desire for the City and or County to access the available funding and utilize it to fill the gaps especially inherent with domestic violence and homelessness.

**DISCUSSION ON A REQUEST BY KIM KELLER TO AMEND THE CITY’S GENERAL PLAN FROM RESIDENTIAL TO COMMERCIAL FOR PROPERTY LOCATED AT APPROXIMATELY 755 EAST 200 SOUTH (TIN: 12-002-0015)**

Spencer Brimley, Community Development Director, stated the City received two requests both tied to the property at 755 East 200 South. He indicated the first request was to amend the City’s General Plan from Residential to Commercial and then if approved to rezone the property from residential to commercial. He commented the details of the requests provided would be discussed at the Planning Commission meeting on December 5, 2018; therefore, the current discussion was meant to be informational in nature. Mr. Brimley acknowledged the Planning Commission would forward its recommendation to the Council after its review. He added the public hearing and Council’s consideration were planned for the meeting on December 11, 2018. Mayor Shepherd mentioned there were a few items on the work session agenda that were informational in nature. He asked the Council to refrain from asking questions until the Planning Commission had a chance to review the requests.

Mr. Brimley pointed out the property was developed in 1989 as Mesa Storage. He stated it consisted of 1.35 acres currently zoned residential, was designated by the General Plan as residential, and the surrounding residential land uses were single-family (R-1-8). He commented the request to amend the General Plan from Residential to Commercial would be necessary to consider the request to rezone the property.

**DISCUSSION ON A REZONE REQUEST BY KIM KELLER TO REZONE PROPERTY LOCATED AT APPROXIMATELY 755 EAST 200 SOUTH (TIN: 12-002-0015) FROM R-1-8 (RESIDENTIAL) TO C-2 (COMMERCIAL)**

Spencer Brimley, Community Development Director, said the rezone request was tied to the request for an amendment to the General Plan previously discussed for the property at 755 East
200 South, commonly known as Mesa Storage. He reported the request would be consistent with the General Plan, if approved, and would provide buffering between the residential areas west of the Interstate (I-15) corridor in addition to aligning the property with its current uses. He indicated the Planning Commission would meet on December 5, 2018 and forward its recommendation to the Council for its consideration on December 11, 2018.

DISCUSSION ON A REZONE REQUEST BY CRAIG NORTH TO REZONE PROPERTY LOCATED AT APPROXIMATELY 1295 WEST 300 NORTH (TIN: 12-024-0014) FROM A-1 (AGRICULTURAL) TO R-2 (RESIDENTIAL)

Brad McIlrath, Senior Planner, mentioned the applicant, Craig North, requested a rezone for the property located at approximately 1295 West 300 North from A-1 (Agricultural) to R-2 (Multi-family Residential). He reviewed the history of the property and surrounding land uses.

- The property was one of five properties located along the south side of 300 North zoned A-1 (Agricultural).
- Its General Plan designation was Residential.
- The surrounding residential land uses were single-family.
- The City currently encouraged higher density development along the downtown corridor.

Mr. McIlrath explained the A-1 Zone allowed the development of single-family residential lots that had a minimum lot area of one third an acre. He indicated the R-2 Zone was designated for multi-family dwelling units with density up to eight units per acre. He noted the General Plan designated the R-1-8 zone as the City’s default residential single-family zone and was the preferred zone for future development of single family housing. He stated staff reviewed the request and planned to recommend the Planning Commission forward a recommendation of denial to the City Council based on the following findings:

- Surrounding residential uses were single-family and shared an existing single-family zoning classification.
- The rezone, if approved, would increase the residential density of the area without support from public transportation or additional pedestrian infrastructure and connections.
- The General Plan supported the increased use of the R-1-8 Zone as the preferred zone for development of single-family residential neighborhoods.
- The City was focused on allowing multi-family development within the downtown area and single-family development outside of the downtown corridor.

Mr. McIlrath commented Dean Kotter was in attendance as the applicant’s realtor and had expressed interest in addressing the Council and had been told the Planning Commission meeting would be a more appropriate setting for comments. Councilmember Bush asked how many acres would be affected by the rezone request. Mr. McIlrath answered it was 2.06 acres. There was a discussion about the intended plans of the applicant to build patio homes; the potential for higher density if the R-2 Zone was allowed; and the housing market with its current shortage of affordable housing.
Councilmember Bush expressed his concern there could be impacts from the site’s development to the property on the west and suggested accesses should be carefully considered during the planning phase to mitigate any problems.

Councilmember Thompson asked how far away the nearest bus stop would be from the property. Mr. McIlrath responded there was a bus stop on 1000 West which was about three blocks away. He stated the Planning Commission would be reviewing the item at its meeting on December 5, 2018.

DISCUSSION ON AN AMENDMENT OF THE FINAL SUBDIVISION PLAT LOT 2 OF THE DOLLAR TREE SUBDIVISION LOCATED AT APPROXIMATELY 585 NORTH MAIN STREET (TIN: 14-530-0002)

Brad McIlrath, Senior Planner, commented the applicant requested an amendment to the Final Subdivision Plat Lot 2 of the Dollar Tree Subdivision which was noticed for the Planning Commission meeting on December 5, 2018; however, the applicant requested the discussion be postponed until January. He indicated there currently was no reason to discuss the item because a more detailed discussion could occur following the Planning Commission’s review and recommendation. Nancy Dean, City Recorder, mentioned the public hearing had been noticed for the City Council meeting on December 11, 2018; consequently, it should be tabled to a meeting following the Planning Commission’s review.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE WOODWARD SUBDIVISION LOCATED AT APPROXIMATELY 1350 EAST 700 SOUTH (TINS 09-020-0015 AND 09-020-0036)

Brad McIlrath, Senior Planner, stated the City received a request to amend the existing property lines of the Woodward Subdivision to create a two lot commercial subdivision at approximately 1350 East 700 South. He indicated the plat included two existing commercial properties the Chevron gas station and JP’s Auto Repair shop. He reviewed the proposed boundary lines and how the realignment would provide a clear separation between the two uses. Mr. McIlrath noted there was a gap of about 8.8 feet along the east property line and the adjoining parcel which was not identified with a parcel number. He acknowledged a survey would be done and if it was determined that portion of land did not belong to anyone it would be helpful to include with Lot 2. He highlighted the proposed plans for the property included, which included changing the gas station to a 7-11, removing the existing car wash, and adding an additional row of fuel pumps.

Councilmember Bush speculated the gap on the east property line could have been from an old ditch line between properties years ago and perhaps was the reason it was not identified with a particular plat. Mr. McIlrath stated the City Engineer felt confident it did not belong to the Tai Pan Subdivision since it had recently been surveyed; however, requested the applicant provide a survey of the Woodward Subdivision to determine if that gap could be incorporated into Lot 2 so the legal description could be updated.
DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE 700 SOUTH MAVERIK SUBDIVISION LOCATED AT APPROXIMATELY 700 SOUTH AND 1000 EAST (TINS 09-017-0001, 09-017-0002, 09-017-0007, 09-017-0008, 09-017-0009, 09-017-0010, AND 09-017-0011)

Mayor Shepherd reminded the Council the subdivision request had not yet been reviewed by the Planning Commission and the topic was intended as informational rather than for discussion. Brad McIlrath, Senior Planner, confirmed the Planning Commission would be reviewing the applicant’s preliminary subdivision plat at its meeting on December 5, 2018, and the Council could consider the final subdivision plat at its meeting on December 11, 2018. He reviewed the proposed request to combine the properties into two lots for the 700 South Maverik Subdivision located at about 700 South and 1000 East. Mr. McIlrath identified Lot 1 would be the future location of a Maverik convenience store and Lot 2 would be provided for Dominion Energy to construct a new regulation facility.

He continued the plat would also include the vacation of a previous street right-of-way that had been used for access to homes previously located on the property. Mr. McIlrath stated staff was recommending the plat be simplified to include only new property lines, easements, and areas of dedication and removing all the unnecessary items. There was a discussion about whether or not Maverik would be undergrounding power lines. Mr. McIlrath concluded there was nothing in the code that would require the power lines be buried. Mayor Shepherd expressed his opinion that Maverik probably would bury them to improve access and safety.

DISCUSSION ON THE STREET VACATION IN THE VICINITY OF 700 SOUTH AND 1000 EAST

Brad McIlrath, Senior Planner, stated the request for the street vacation of a right-of-way in the vicinity of 700 South and 1000 East would assist in the development of the properties for the 700 South Maverik Subdivision. He explained the existing right-of-way included access to water, sewer, and natural gas lines located within its boundaries. There was a discussion about the area including its grade, the size of utility lines, and the proposal from Maverik to replace the right-of-way with a twenty-foot public utility easement to allow for continued access. Mr. McIlrath mentioned staff reviewed the request and was recommending its approval conditioned upon its inclusion of the public utility easement.

There was a discussion about the timing of the project and the remaining processes needed before construction would begin.

DISCUSSION ON ALLOWING A BEER GARDEN AT THE 4TH OF JULY EVENTS HELD AT FISHER PARK

Eric Howes, Community Services Director, explained he was instructed to review the possibility of including a beer garden at the City’s Fourth of July events held at Fisher Park. He indicated staff contacted the Division of Alcohol and Beverage Control and reviewed City Code to see if the addition of a beer garden might be possible. He acknowledged that if the Council wanted to add the beer garden to its events then changes in City Code would need to be made because the
sale and consumption of alcoholic beverages was not permitted in City parks. Mr. Howes discussed the modifications that would be necessary to allow for the sale or use of alcohol in City parks or within close proximity to schools, churches, and playgrounds. He encouraged the Council to discuss the proposed addition of a beer garden at the Fourth of July festivities and then provide direction to staff.

The Council engaged in a debate about adding a beer garden to the City’s events along with its potential impacts.

Councilmember Thompson asked if modifications to the City Code created any loopholes for special event licensing that would impact other services provided by the City. He suggested more clearly defining special event as a way to prevent loopholes. Mayor Shepherd suggested setting a standard for mass gatherings as well that would limit any loopholes.

Councilmember Peterson asked if there was information about the number and type of police incidents seen at previous Fourth of July events and if any of those included possession or use of alcohol. JJ Allen, City Manager, responded there was no data available because there had been no arrests or alcohol related incidents reported. He added, anecdotally, there might have been instances where individuals were asked to dump out any alcohol that was discovered, but nothing had been officially reported. Police Chief Krusi agreed. He added the purpose for the police presence was to ensure safety and protection during the event. He continued by explaining that the police more often addressed tobacco violations because there were more apparent than alcohol.

Councilmember Roper asked if there were any concerns with monitoring the proposed restricted area for a beer garden. Mayor Shepherd explained the beer garden would be run by a brewery or other distributor, which would have its own beer license and be responsible for monitoring consumption. Councilmember Roper commented that his research showed that the company running the beer garden was typically responsible for security, wristbands, making sure identification was checked, and the alcohol stayed in the specified area. Stuart Williams, City Attorney, explained any other scenario would need to be reviewed by legal and the City’s insurance carrier.

Councilmember Peterson commented she had solicited feedback from residents on the possibility of the event including the sale of alcohol. She identified the concerns of those hesitant to include it and those against the sale of alcohol at the event as follows:

- There would be additional wear and tear on the park’s facilities.
- The location of the proposed beer garden and if access would be restricted to areas of the park previously used by children during the event.
- Burdening the police with additional responsibilities at an event that already required a full staff presence.
- Traffic management would be intensified if the proposed beer garden was perceived as a regional event. Additionally, driving under the influence (DUI) numbers might have the potential to increase over past events.
- The probability of choosing not to continue the proposed beer garden if it were deemed unsuccessful in any way.
Mr. Howes responded to the proposed location for the beer garden and indicated it would be about 25 feet from the playground and the bounce houses would be in a different location. Chief Krusi responded to the strain on police if the beer garden were included in the event and commented it was not anticipated to increase the need for a police presence. He explained the traffic congestion was not anticipated to increase because the number of parking spaces available was still the same. He also mentioned he did not have DUI numbers from previous events. Mayor Shepherd commented the consumption of alcohol would be limited and monitored so participants shouldn’t be leaving the event intoxicated. He also said the beer garden was proposed to be implemented on a trial basis to see if it worked the way anticipated and if it would bring in the anticipated revenue that might assist in offsetting costs for the Fourth of July event.

Councilmember Peterson stated she was not personally in favor of including a beer garden at the event. She indicated the results of her outreach showed a 50/50 split on the opinion of whether to include a beer garden at the event. She stated many of the respondents, whether they drank alcohol or not, commented they appreciated the City would consider the possibility of offering a beer garden at the event as a way of unifying the City. Mayor Shepherd commented he had received similar comments about it being a way to include all segments of the community in the event. He stated he had received a couple of comments about it interfering with the family nature of the event. He commented alcohol was sold at other venues, such as sporting events, that were considered family friendly and it did not appear to distract from those events. Councilmember Peterson stated she had comments from individuals regarding the concept of treating ‘alcohol’ and ‘family friendly’ as mutually exclusive terms. She had also received three comments about the availability of alcohol at the event being a deal breaker for their families. Councilmember Bush added he had several say they would not attend the event if alcohol were allowed.

Councilmember Roper added he received comments about Clearfield being a diverse community and the need to cater to all aspects of the community. He expressed his opinion that the Clearfield community was diverse and there was a need to provide opportunities to embrace the diversity. He expressed his support for offering a beer garden at the event as way to build a feeling of community.

Councilmember Phipps expressed his opposition to offering a beer garden at the event. He expressed his opinion the proposal was a solution looking for a problem. He didn’t believe there was a community uproar saying the event needed a place provided to buy beer. He commented he was not opposed to individuals drinking alcohol. He stated his objectives for the event were to have a comfortable, safe, family event. He commented the park was filled with generations of families that come to enjoy the Fourth of July in a safe and friendly environment. He stated the isolation of the beer garden did not foster families spending time together. He expressed his opinion that the Fourth of July festivities did not compare in scope to a sporting event where alcohol might be readily available. He commented he had spoken with people around the country that said there was not another state where a small municipality’s Fourth of July celebration had a beer garden. He stated allowing alcohol at the festivities would definitely change the nature of the event and it would be a different kind of activity. Councilmember Bush added there would be different kinds of people attend. Councilmember Phipps also said there would be different kinds of people attend. He acknowledged there were other appropriate events that provided
opportunities to offer beer gardens and that he would not be against such other events, but a beer
garden was not appropriate for the Fourth of July festivities. He commented he would likely not
want to attend the event if the beer garden existed.

Councilmember Bush agreed with Councilmember Phipps. He stated the availability of alcohol
at the event would create a whole different environment of people for the festivities. He said
inclusion was not a valid reason to include a beer garden at the event. He stated if the reason for
considering a beer garden was to increase revenue then there were better ways to find revenue.

Councilmember Thompson stated he did not have strong feelings about either allowing or
prohibiting alcohol at the event. He expressed his appreciation for the views that had been
expressed on both sides of the issue. He asked if the opposition was more about personal fears
than creating a negative family event. He wondered if there was a responsible way to allow
alcohol at the event. Mayor Shepherd expressed his opinion that offering a beer garden at the
event would not attract a different type of crowd. Councilmembers Phipps and Bush disagreed.

Councilmember Peterson stated she was on the fence about allowing the beer garden, but she
leaned more toward Councilmember Phipps objective for the event. She further explained her
first priority for the event was to throw a great party for the residents of Clearfield. She
commented it was nice when people from other communities enjoyed Clearfield’s festivities, but
she had no obligation to make sure anyone else in the County cared. She expressed her opinion
that she was hesitant any time there was a discussion about increasing the scope of the event
because it was already at capacity. She indicated no one had approached her about the event not
including alcohol until she posed the question. She stated alcohol at the event would be a
fundamental change to the festivities. She disagreed with the perception that anyone who came
to the event and enjoyed a beer would create problems, but she questioned whether providing a
beer garden was necessary. She wondered if the revenue source was the motivation for
consideration.

Mayor Shepherd commented there were other communities in Utah and throughout the Country
that allowed beer gardens at Fourth of July events. Councilmember Roper agreed.
Councilmember Phipps countered it was not common to have beer gardens at events in small
towns. Mayor Shepherd suggested that was because other communities had different liquor laws.
He expressed his opinion that the purpose for providing a beer garden at the City’s event was to
give those already attending the event the opportunity to choose a drink they preferred.
Councilmember Phipps disagreed.

Councilmember Bush expressed his opinion that a beer garden would decrease attendance at the
festivities. Councilmember Phipps suggested it would change the attendance. Councilmember
Roper expressed a desire to try it and then roll it back if it was unsuccessful but he believed it
would likely be successful. He expressed his opinion that there would not be a huge impact to the
event because a beer garden was offered. Councilmember Phipps expressed his opinion that the
question wasn’t whether it would be successful, but how it would change the nature of the event.
Councilmember Peterson commented she was uncommitted either way. She stated it was easier
for her to consider a beer garden if it were handled by a third party, not the City, due to liability
concerns. She expressed her concern that it would be a fundamental shift in the festivities that
would be welcomed by many in the community, but there were also those that would take issue with it. She rejected any negative connotations that created a perception that all people who choose to enjoy alcohol at such an event would do so irresponsibly. Councilmember Thompson commented it was a culture change for the event. Councilmember Peterson commented she had a strong personal opinion about the matter, but acknowledged she represented a lot of people in the community and needed to set aside her personal opinion when considering what was best for the event. She reiterated she really didn’t want to change the event but if the beer garden were approved it needed to be a third party vendor, look at it in a year, and if issues were identified admit it was done wrong and reverse it.

Councilmember Bush reminded the Council that ordinances would need to be changed to allow it. Councilmember Phipps suggested there was a reason the ordinances were written. Councilmember Roper asked if the City was restricted in its location of the beer garden. Mr. Howes explained it depended on how any proposed ordinance was written, but it was likely there would be only one available location. Mr. Williams added the location restrictions were specific to the City ordinance not State Code. Councilmember Phipps reminded the Council that any change to the ordinance might apply to other events as well. He stated he did not oppose allowing a beer garden at other types of events, just the Fourth of July festivities because that event was particularly family oriented.

Councilmember Thompson commented any future vote by him would depend on how a proposed ordinance was worded. Councilmember Peterson commented she saw both sides of the issue. She suggested an ordinance be prepared for review. There was no consensus reached for including a beer garden at the Fourth of July event. Staff was directed to prepare an ordinance which could be reviewed by the Council for its consideration.

OPEN MEETING TRAINING

Nancy Dean, City Recorder, provided a training exercise for the Council to review and discuss open meeting law in accordance with State Law. There was a discussion about the following topics: electronic communications and the perception of using technology during open meetings; protecting the privacy of those speaking during meetings and no longer requesting addresses from those making comments; records created in social media settings and the importance of perception even if it were a thumbs up emoji; and proper forums for public comments. Ms. Dean expressed her opinion adding a disclaimer to the Facebook Live Video streaming of meetings would be a good idea to help the public understand that City Officials would not be able to address comments made through social media during its meeting. She mentioned those wishing to make comments that were unable to be present could submit them in writing to the City Recorder prior to a public meeting.

JJ Allen, City Manager, commented Police Chief Krusi would not be at the next City Council meeting so he recognized him for his thirty years of service to the City. He announced the retirement open house for Chief Krusi would be held on January 2, 2019. He also invited the Council to attend a farewell party for the two departing Davis County Commissioners planned for January 4, 2019 from 2:00 until 4:00 p.m.
Councilmember Bush moved to adjourn at 8:31 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVED AND ADOPTED
This 12th day of February, 2019

/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, December 4, 2018.

/s/Nancy R. Dean, City Recorder