

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
June 12, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
EXCUSED:	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	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: Denise Sly, Kerry Lund, Doug Kearsley – Dick Kearsley Service Center, Brent Hill, Bob Bercher, Kathryn Murray, Michael Rolow, Kyle Weeks – Dick’s Boat Shop, Erica Ashby, Tracy Weeks – Dick’s Boat Shop, Robert Regan, Faye Walton, Royce Stumps, Chris Stocurm, Jared Hadley, Melanie Kay, Jed Flint, Amelia Evans, Jo Martinez, Anthony Alarid, Adam Dragon, Matthew Gyte, Paul Porees, Mike Watson, Danny Pacheco, Ryan VanDyke, Leslie Mascaro, Kevin Porter, Don Ashby

Mayor Shepherd called the meeting to order at 7:01 p.m.

Mayor Shepherd informed the members of the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Phipps led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE APRIL 17, 2018 WORK SESSION AND THE MAY 1, 2018 WORK SESSION

**Councilmember Roper moved to approve the minutes from the April 17, 2018 work session and the May 1, 2018 work session, as written, seconded by Councilmember Peterson. The**

**motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

PRESENTATION ON THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO CLEARFIELD CITY

JJ Allen, City Manager, explained Rich Knapp, Finance Manager, and his staff in the finance division had done a significant job and he and his team received a plaque for the Distinguished Budget Presentation Award. He noted it was awarded to Clearfield City Corporation by the Government Finance Officers Association (GFOA) of the United States and Canada for the annual budget beginning July 1, 2017. He recognized Mr. Knapp for his hard work and dedication with the City's budgeting process. He mentioned the various efforts involved in budget preparation and its continual process with monitoring done by staff throughout the year, budget in brief preparation which was helpful for the general public, and the audit.

Mayor Shepherd expressed appreciation for Rich Knapp and his team with the budget.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE OF A SPECIFIC SET OF PROPERTIES LOCATED IN THE DOWNTOWN CORRIDOR CONSISTENT WITH THE RECENTLY ADOPTED FORM BASED CODE

Brad McIlrath, Senior Planner, indicated on June 6, 2018 the Planning Commission held a public hearing and made recommendation to the Council to approve the rezone of a specific set of properties located in the downtown corridor consistent with the recently adopted Form Based Code subject to a few changes which would be reviewed. He highlighted the background and context for the rezone so the public in attendance would have a better understanding of the history to date. He commented in an attempt to revitalize its downtown the City contracted with Zions Bank in the spring of 2015 to have a market analysis completed. Mr. McIlrath stated the study identified areas along the State Street corridor for redevelopment and the types of uses which would be appropriate within the current market environment. He identified the market study included Clearfield Station and Legend Hills; however, the Form Based Code adoption only addressed the areas along the downtown corridor. He continued staff worked with a consultant to develop a Downtown Small Area Plan which began in 2016 and was adopted by the City Council in March 2017. He added one of the main recommendations of the Downtown Small Area Plan was to adopt Form Based Code. Mr. McIlrath acknowledged on May 22, 2018, the City Council adopted the Form Based Code which provided design standards and guidelines as well as ordinance standards to govern the future development of the downtown area.

He highlighted the three main areas or place nodes identified in the Form Based Code including the Civic Center, Mabey Place, and Access Point. He stated the commercial corridor represented the areas between the place nodes along the corridor. Mr. McIlrath reviewed the Form Based Code principles of placemaking, codes based on form rather than land use, its proactive approach with developers, and clear plan implementation. He identified the properties included in the rezone request which would be changing from its current zoning to either CC – Corridor

Commercial, CV – Civic, TC – Town Commerce, TR – Town Residential, UC – Urban Commerce, or UR – Urban Residential. He explained there was a property at 179 Ross Drive which was listed as an included property due to a misalignment with the drawing; however, after further analysis staff was recommending it not be included with the rezone and continued with the R-1-8 zoning designation.

Mr. McIlrath reiterated the list of properties was reviewed with the Planning Commission on June 6, 2018. He stated there was a request received from Jed Flint asking that two of his properties be included with the rezone for TC - Town Commerce allowing for more suitable development plans in the future. He identified the addresses requested for inclusion with the rezone were at 608 South 1000 East and 628 South 1000 East and were just north of Auto Zone.

Mr. McIlrath stated since the meeting with the Planning Commission, a property owner had requested the following parcels be excluded from the requested rezone:

- 627 South 1000 East
- 655 South 1000 East
- 1011 East 700 South
- 1017 East 700 South
- 1029 East 700 South

He mentioned staff was supportive of the request and asked the Council to consider removing the parcels east of 1000 East from the rezone since those were not included with the Downtown Small Area Plan or the Future Land Use Map of the City's General Plan. Mr. McIlrath reported the property owners for properties located at 293 South State Street and 275 South State Street (Rear) had requested a change from CC – Commercial to UC – Urban Commerce zoning designations. He indicated staff recommended approving all those properties which had requested exclusion, inclusion, and the change in designation as noted. He stated the Planning Commission also recommended the rezone of properties identified along the corridor of State Route 126 from 300 North to 1000 South and along the corridor of State Route 193 (700 South) from 1000 East to the rail corridor.

Mr. McIlrath addressed some of the comments received at the public hearing held on June 6, 2018 during the meeting with the Planning Commission. He explained several of the comments received were about the following concerns:

#### *Property Tax Increases*

Mr. McIlrath stated to the knowledge of staff property tax was assessed based on the use not the zoning designation. He continued the County Assessor's Office could more appropriately address the concern regarding property tax increases.

#### *Land Uses*

Mr. McIlrath reported another question was asked about property uses and if the zoning changed would require current uses to change. He explained if a use was legal prior to the zone change then it would still be legal after the zone change; however, if there were any new development or uses then those would be required to be in conformance with City Code and the Form Based Code adopted by ordinance.

### *Concerns with Not Being Informed*

Mr. McIlrath addressed the extensive public outreach efforts by staff to provide information and notice about the proposed form based code ordinance and rezone. He mentioned the outreach campaign and process over the past three years which included five steering committee meetings, an unboxing video posted on the City's website, a mailer which went out to all residents in the City announcing open house opportunities, an open house meeting held at the Clearfield Aquatic and Fitness Center on March 6, 2018, discussions during the monthly Community Leaders luncheons, information included in the utility bill and City newsletter, and the notices for public hearings regarding Form Based Code and the rezone of specific properties.

Mr. McIlrath indicated he was available to answer questions or explain further about the proposed rezone if needed following public comments.

Mayor Shepherd opened the public hearing at 7:21 p.m.

### PUBLIC COMMENT

#### *Opposed*

*Doug Kearsley*, Dick Kearsley Service Center, mentioned he spoke at the public hearing during the Planning Commission meeting held June 6, 2018. He expressed his opinion overall the plan was good and applauded the idea for what the City was attempting to accomplish. He expressed concern with the speeds along the State Road and felt it was shortsighted to consider anything but commercial properties facing State Street. He expressed his opinion sales tax added up faster than property tax dollars for the City. He indicated he wished his property could be left commercial. He encouraged the City to consider discussions with Utah's Department of Transportation (UDOT) about slowing the speeds down along the corridor.

Mayor Shepherd responded the City had already spoken with representatives from UDOT about the plans for the corridor and slowing the speeds down. He indicated they were responsive and thought it would also be a good idea; however, anticipated the City would be resistant to decreasing speeds which was not the case.

Mr. Kearsley mentioned after the Planning Commission meeting he had scheduled a meeting with Mr. Brimley and Mr. McIlrath. He expressed appreciation for their efforts in making the Form Based Code and the rezoning more understandable. He commented he thought it would be difficult to make the downtown area walkable and expressed his desire for his concerns to be considered.

*Kyle Weeks*, Dick's Boat Shop, thanked the Council for allowing him time to speak. He explained his business had been in the City for a long time. He stated the business had made plans for expansion and feared the new zoning requirements were too restrictive for his business' future. He expressed concern the rezone of his property to TC – Town Commerce required all

buildings in that zone to be two story; however, it was not practical to put a boat on the second floor of any building. Mr. Weeks indicated he would like to expand his business; however, he did not want to be required to grow upward. He expressed an interest in working with the City in order to benefit both parties.

Mayor Shepherd stated the City did not want to lose businesses and making the changes was meant to increase development opportunities for retail and commercial business. Mr. Allen responded perhaps the two story requirement for TC – Town Commerce zoning could be met by meeting the building height requirement of a two story building and yet it could remain a one story building. Mr. McIlrath confirmed staff would consider accommodations for a building which met the height requirements and fit within the zone.

Mr. Weeks asked if it was known what the height requirement was for the TC zone. Mr. McIlrath answered he would look up the code requirement. Mayor Shepherd expressed appreciation for the comments and asked Mr. Weeks to meet with staff to further review details of specific height requirements.

#### *In Favor*

*Robert Regan*, resident, stated he was the owner of property located at 606 South 1000 East which was in the access point area of the proposed rezone properties. He commented his property was directly north of the properties owned by Jed Flint at 608 South and 624 South 1000 East which had already been requested to be included in the rezoning. Mr. Regan expressed his desire to have his property included as well with the other proposed properties so his property was not isolated on the corner.

Mr. McIlrath suggested the City Council could choose to include the property at 606 South 1000 East if it approved the proposed rezones. Mayor Shepherd indicated staff would obtain the parcel number so it could be considered. He asked if there were any others in attendance wishing to address the Council about the rezone.

**Councilmember Peterson moved to close the public hearing at 7:31 p.m. seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

#### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE AMENDED FINAL SUBDIVISION PLAT FOR PROPERTY LOCATED AT 572 WEST 300 NORTH

Spencer Brimley, Community Services Director, stated an application had been made to amend the Final Subdivision Plat for property located at 572 West 300 North. He noted the current zoning of the property was R-3 (Multi-family Residential). He commented the item was noticed for public hearing and discussed at the Planning Commission meeting held May 2, 2018, resulting in a recommendation to the Council for approval of the Final Subdivision Plat. Mr. Brimley continued the item was subsequently noticed for a public hearing and consideration by the Council on the May 22, 2018; however, during the time period prior to the City Council

meeting further information was received by staff. He explained during the May 22, 2018 policy session the public hearing was tabled.

Mr. Brimley noted the current property was surrounded by R-1-8 (Single Family Residential) and A-1 (Agricultural) zoning. He reported the City Council approved a zoning change and entered into a Land Use Agreement with the property owner in 2001. He stated the agreement was to afford the property owner legal status for the property and associated buildings to assist the owner in being able to refinance the property; however, it was never recorded and subsequently the property was sold. Mr. Brimley explained the new property owner had made the request to develop the property based on the current R-3 zoning. He mentioned after the item was tabled on May 22, 2018, staff had been meeting with the developer to discuss in detail the property and come to a better understanding of what could be done on the site.

He stated as a result of ongoing discussions, the developer had agreed to propose a condominium project rather than apartments. Mr. Brimley commented the difference between an apartments and a condominiums was ownership because apartments were rented and condominiums were owned units. He acknowledged the developer was making a huge concession by offering to develop condominiums rather than apartments given the financial value provided by apartments. He indicated the developer had been willing to evaluate the project in order to be able to develop the property for what the code would allow in the R-3 zone and followed the direction of staff to build condominiums as a for sale product allowing for ownership rather than rental units. Mr. Brimley recognized the beautification improvements were also improved from the initial proposed development. He concluded the developer had been willing to work with the City and made a feasible approach to the development.

Mayor Shepherd opened the public hearing at 7:37 p.m.

#### PUBLIC COMMENT

##### *Opposed*

*Michael Rolow*, resident, stated his property was diagonally across from the proposed area. He expressed his opinion there was already a lot of traffic along 300 North and wondered if there would be any consideration given in an attempt to slow traffic down in the area.

Mayor Shepherd responded the City had not conducted a traffic study in the area. He stated 300 North was formerly a state road; however, currently the City owned it and could consider reviewing traffic in the area. Mr. Rolow explained the current difficulty and length of time some cars waited before entering 300 North from 500 West both east and west especially during heavier Hill Air Force Base traffic periods.

Mr. Rolow commented he was not in favor of the project; yet, realized there would not be much he could do to stop its progress. He mentioned he liked the view of the trees displayed on the aerial drawing and would prefer that view from his home over a building.

*Matthew Gyte*, resident, explained he lived across the street from the property and expressed disappointment that in 2001 zoning changes were allowed. He expressed his concern residents would not be able to do anything to prevent a multi-floor building development and expressed his opinion it would be out of place at that location. His stated his number one concern with the current proposal was the additional amount of vehicles which would be exiting the neighborhood from 500 West onto 300 North. He expressed his worry about the safety for the neighborhood with the amount of increased traffic and wondered if the City would do a safety analysis. Mr. Gyte acknowledged his other concern was overflow parking and suggested there should be a no parking zone along 300 North, so vehicles exiting from 500 West would have a better view of traffic. He expressed his fear the overflow parking area would be along 500 West in front of his house.

Mayor Shepherd commented he would have staff review traffic in that area since 300 North was now a City owned street and see how the project would affect it. Councilmember Roper stated other residents in the area had expressed similar concerns to him about traffic and safety.

**Councilmember Roper moved to close the public hearing at 7:42 p.m. seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

#### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED 2018/2019 FISCAL YEAR BUDGET (FY19)

Rich Knapp, Finance Manager, presented the final Fiscal Year 2019 (FY19 ) budget and reviewed the process, time, preparation, and work involved in preparing the budget. He stated the proposed budget reflected the City's commitment to providing quality municipal services, improving the livability and economy of Clearfield, as well as maintaining a highly-trained and motivated workforce. Mr. Knapp reviewed where the City received its revenues which were primarily taxes and utilities. He commented the changes in the FY19 budget projected an increase of \$150,000 in sales tax revenue and an additional \$150,000 increase in energy tax revenue, which would be used to advance service levels and maintain the City's healthy reserves.

He indicated the total appropriations for the entire budget were \$47,000,000 which included use of reserve monies. Mr. Knapp highlighted how the funds would be spent recognizing that almost 50 percent of the budget was spent on utilities and utility projects; however, debt service, general government, public safety, public works, community services, as well as community and economic development were other categories for expenditures. He stated the major changes in the FY19 budget from the prior year were increased sales tax and energy tax revenue projections, a decreased property tax rate by 11.4 percent, increases to health insurance premiums, adding a Deputy Public Works Director, and changing from a Planner I position to a Senior Planner. He acknowledged the City had received its certified tax rate from Davis County and if the decreased rate was adopted it would reduce the average resident's property taxes by \$17.18.

Mr. Knapp identified the major projects included in the FY19 budget.

- Street surface treatments - \$400,000

- Pedestrian crossing signal at approximately 300 West and Barlow Street - \$120,000
- Cornerstone Park parking lot and restroom additions - \$210,000
- Lighting upgrades at Island View Park - \$135,000
- Mill and overlay on South Main from 200 South to 700 South - \$345,000

He reviewed the revenues, operating expenditures and transfers, capital expenditures, total expenditures, and changes in available cash for the General Fund and Enterprise Funds. Mr. Knapp noted a large amount of reserve monies were being used for one-time capital projects and not for ongoing operational expenditures to spend down the excess cash on hand as recommended by State law.

He thanked Mayor Shepherd, the Council, department heads and staff for their hard work and effort involved in budget preparation. Mr. Knapp acknowledged the proposed budget was fiscally responsible and recommended it be approved.

Mayor Shepherd opened the public hearing at 7:48 p.m.

Mayor Shepherd asked for public comments.

*Doug Kearsley*, business owner, asked if the City anticipated 43 percent of its revenue from taxes, what percentage was from sales tax dollars or property taxes. Mr. Knapp responded he had the information but did not have the exact percentages at the meeting; however, the City's sales tax revenues were more than double the amount of its property tax revenues. Mr. Kearsley reiterated his concern addressed during the public hearing and stated if the City was not careful in its development it could lose its opportunity for sales tax revenue sources along the corridor.

Mr. Allen clarified eleven percent of property tax revenue and one percent of sales tax revenue were divided amongst many taxing entities and the City only received a portion of those tax revenues. Mayor Shepherd added even the one percent sales tax portion, which the City received was actually only half a percent because the other half went into a pool that was then distributed around the state to municipalities based on population. He thanked Mr. Kearsley for his comments.

**Councilmember Phipps moved to close the public hearing at 7:50 p.m. seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED TRANSFERS OF RESOURCES FROM THE ENTERPRISE FUNDS TO THE GENERAL FUND FOR WATER USED BY THE CITY'S GENERAL OPERATION AND THE COST OF PROVIDING SERVICES NECESSARY FOR THE FUNDS TO OPERATE IN THE FISCAL YEAR 2018/2019 BUDGET (FY19)

Rich Knapp, Finance Manager, explained this public hearing was held for transparency purposes to provide information about two transfers in the FY19 budget. He stated the first transfer was to

recognize what it would have cost the City for water used by its general operations to water City parks. He indicated the proposed budgeted transfer was for \$100,000 from the General Fund to the Water Fund.

He indicated the second transfer was an allocation of funds from the Enterprise Funds to the General Fund to compensate for the cost of providing services necessary for the funds to operate. He reviewed the proposed transfer amounts from each fund which included \$137,610 from the Utility Admin Fund, \$339,339 from the Water Fund, \$346,380 from the Sewer Fund, \$195,663 from the Storm Water Fund, and \$46,140 from the Solid Waste Fund.

Mayor Shepherd opened the public hearing at 7:52 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Peterson moved to close the public hearing at 7:53 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

#### OPEN COMMENT PERIOD

*Bob Bercher*, resident, highlighted the efforts involved with collecting funds and construction of the Vietnam Memorial Wall Replica which would be located in Layton City. As a representative of the Utah Vietnam Veterans of America, Mr. Bercher invited Mayor Shepherd and the City Council to attend the dedication ceremony which would be held on Saturday, July 14, 2018 at 6:00 p.m. at Layton Commons Park. He stated the ceremony did not require an invitation; it would be free of charge, then later in the evening there would be a Bob Hope tribute show.

Mayor Shepherd expressed appreciation for the invitation and commented it was an impressive task for many years of effort. The audience in attendance applauded. Mr. Bercher provided the Mayor and Council with a flyer outlining the details of the event.

*Ryan VanDyke*, resident, stated he lived on 350 South and his property was adjacent to the Clearfield Mobile Home Park. He commented his property was about three feet higher than the trailer park property. He expressed his concerns about the future development of the property and requested the City consider a retaining wall and privacy fencing for the properties along 350 South to help offset the impacts should high density housing be developed in that area.

Mayor Shepherd acknowledged the City would take those concerns into consideration as the project moved forward and thanked him for his comments.

APPROVAL OF THE AMENDED FINAL SUBDIVISION PLAT FOR THE PROPERTY  
LOCATED AT APPROXIMATELY 572 WEST 300 NORTH

Councilmember Phipps commented the City was bound by the rule of law and when a developer was honestly doing something it felt was within the constraints of the law or zoning regulations, it was difficult for members of the Council to be put in a position to violate those things. He explained the City did not have a lot of options regarding its consideration of the proposed subdivision; however, the City could soften the fall and had attempted to do so with the good faith discussions between City staff and the developer to generate a reasonable approach to the subdivision.

Mayor Shepherd agreed and expressed his opinion the developer had been willing to consider some of the City's concerns regarding development of the property. Councilmember Phipps stated he was concerned about the traffic in the area. He suggested there were areas of development that were within the City's control and thought it should take appropriate steps to address traffic and parking to mitigate the impact for the surrounding residents.

Councilmember Roper stated it was sometimes difficult to eliminate emotions from the decisions; however, he acknowledged his responsibility was to make decisions based on the facts and the law.

Councilmember Peterson voiced her desire for a different remedy for the development but acknowledged the current situation was bound by law. She expressed appreciation for the feedback from residents on the things the City could do given the constraints of that situation. She stated there was an opportunity with the City owning 300 North to make the best of a difficult situation and determine what could be done to mitigate impacts moving forward.

Councilmember Bush reviewed the history of the property. He explained the City was approached by the property owner to rezone the property from A-1 (Agricultural) and R-1-8 (Residential) to R-3 (Multi-family Residential) for the purpose of refinancing the property in 2001. He indicated the agreement was only made to allow the owner to refinance and it was signed and notarized by the owner; however, the document was never recorded as anticipated. He expressed his uncertainty as to why the owner would not divulge the agreement and its contents to the developer that purchased the property. Councilmember Bush acknowledged the agreement was not recorded; therefore, legally it was not recognized and the rezone was as if the agreement were never made. He stated the agreement stipulated that nothing was to be done on the property unless it was developed and then the maximum number of units would have been three. He expressed his disappointment that the owner did not abide by the agreement having sold it without the agreement recorded and with no mention of it.

Councilmember Bush commented that just because something could be done did not mean it should be done. He added the property could be developed according to R-3 zoning but expressed his opinion it should not be developed because it would be out of place in that area. He recognized the City could not do much unless it bought the property and stated if he had the money personally he would purchase it because he was conscious of the neighbors and the problems the development could cause.

Councilmember Bush clarified the Council's consideration for the request was not to rezone the property because that had been done previously; consequently, it was only to allow the developer to combine the two lots.

**Councilmember Peterson moved to approve the amended Final Subdivision Plat for property located at 572 West 300 North to combine lots creating a single lot for the purpose of developing a single 12-unit condominium building and directed staff to finalize the condominium plat through the administrative process and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, and Roper. Voting NO – Councilmember Bush.** Councilmember Thompson was not present for the vote.

APPROVAL OF ORDINANCE 2018-08 REZONING A SPECIFIC SET OF PROPERTIES LOCATED IN THE DOWNTOWN CORRIDOR CONSISTENT WITH THE RECENTLY ADOPTED FORM BASED CODE

Mayor Shepherd acknowledged during the public hearing there was a request to add the property at 606 South 1000 East to the rezoned properties. Nancy Dean, City Recorder, indicated she had provided a list of all the properties which had requested to be included, excluded or to have the designation changed and 606 South 1000 East could be added to the list for the Council's consideration. She noted the address would be sufficient for the property's identification during the motion.

**Councilmember Roper moved to approve Ordinance 2018-08 rezoning a specific set of properties included as Exhibit A located in the downtown corridor consistent with the recently adopted Form Based Code with the following property exclusions from the zoning change 573 South 1000 East, 597 South 1000 East, 607 South 1000 East, 627 South 1000 East, 655 South 1000 East, 1011 East 700 South, 1017 East 700 South, 1029 East 700 South; and exclude the address at 179 Ross Drive; and include properties with the zone change as requested for 608 South 1000 East, 628 South 1000 East, and 606 South 1000 East; and adjust the proposed designation from CC to UC for properties at 293 South State Street and 275 South State Street (Rear); 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, and Roper. Voting NO – None.** Not present for the vote Councilmember Thompson

APPROVAL OF RESOLUTION 2018R-07 SETTING THE TAX RATE FOR ALL REAL AND PERSONAL PROPERTY IN CLEARFIELD AT 0.001547 FOR FISCAL YEAR 2018/2019 (FY19)

Rich Knapp, Finance Manager, stated Davis County had published the City's total property evaluation and certified tax rate. He indicated the total property value assessment increased for residential properties about 10 percent and commercial properties about 23 percent. He identified the certified tax rate last year was 0.001745 and to maintain the same revenues the certified tax rate dropped to 0.001547. Mr. Knapp reported the average home value increased two percent;

consequently, the new rate would result in an average property tax decrease of about \$17 per year for residents. He noted the total new growth in the City would allow an additional \$2,200 in property tax revenue.

**Councilmember Phipps moved to approve Resolution 2018R-07 setting the tax rate for all real and personal property in Clearfield at 0.001547 for Fiscal Year 2018/2019 (FY19) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, and Roper. Voting NO – Councilmember Bush.** Councilmember Thompson was not present for the vote.

Mayor Shepherd acknowledged the approved action constituted about a ten percent decrease in the City's property tax rate. He commented \$17 per residence might not seem significant, but it would be a major decrease in tax revenues for the City.

Councilmember Bush explained his reasoning for voting nay was because the City's certified tax rate was continuing to drop each year and he expressed his fear eventually it would likely require the City to have a large property tax increase. He expressed his opinion that if the City maintained the same rate year over year it could probably avoid a huge increase.

APPROVAL OF RESOLUTION 2018R-06 ADOPTING THE FISCAL YEAR 2018/2019 (FY19) BUDGET

**Councilmember Peterson moved to approve Resolution 2018R-06 adopting the Fiscal Year 2018/2019 (FY19) budget and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

APPROVAL OF RESOLUTION 2018R-08 AUTHORIZING INDIVIDUALS TO MAKE CHANGES TO THE CITY'S PUBLIC TREASURERS INVESTMENT FUND (PTIF) ACCOUNTS

Rich Knapp, Finance Manager, stated the City invested about half of its revenue in the Public Treasurers Investment Fund (PTIF). He reported the Utah Office of the State Treasurer was rolling out a new online PTIF account management platform. He indicated it required the City to adopt a resolution authorizing and naming two individuals to act in behalf of the City in making changes to the PTIF account as needed. Mr. Knapp acknowledged he and Brian Hogge, Senior Accountant, were the proposed authorized individuals named in the PTIF Resolution to allow dual controls. He noted in order to make changes the Resolution needed to be in place by the end of June.

**Councilmember Peterson moved to approve Resolution 2018R-08 authorizing individuals to make changes to the City's Public Treasurers Investment Fund (PTIF) accounts 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, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

APPROVAL OF RESOLUTION 2018R-05 AFFIRMING THE CITY COUNCIL REVIEWED THE 2017 MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT FOR CLEARFIELD CITY

Scott Hodge, Public Works Director, indicated the Utah Department of Environmental Quality asked the City to complete an annual report for its collection system to evaluate the technical and financial needs of its water system. He stated the Wastewater Planning Program Report for 2017 was reviewed by the Council during work session on June 5, 2018. He commented Resolution 2018R-05 affirmed the Council reviewed and considered the report.

**Councilmember Phipps moved to approve Resolution 2018R-05 affirming the City Council reviewed the 2017 Municipal Wastewater Planning Program Report for Clearfield City and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

COMMUNICATION ITEMS

***Mayor Shepherd***

1. Reported the Have a Heart home was under construction and moving along quickly.
2. Spoke at Boys State earlier and answered questions related to municipal government.
3. Announced he would be out of town June 18 through 20, 2018 and again Jun 25 through 26, 2018. Mayor Pro Tem Peterson would be taking care of business in his absence.
4. Mentioned mistakes were made in the past regarding the zoning of 572 West and 300 North and there were difficult decisions made earlier as a result. He recognized the developer of the project had been conscious of the City in trying to minimize the effects by working with staff. He expressed appreciation for the efforts thus far by the developer.
5. Expressed his opinion that although it was great to pass on a tax decrease, the City operated on a thin budget and because things constantly changed it could necessitate a sizable increase to property tax in future years so the City could continue to employ quality staff and provided its current level of services.

***Councilmember Bush***

1. Presented awards from the Kiwanis Club at ten local and neighboring city schools.
2. Attended the Memorial Day services for Syracuse and Clearfield cities.
3. Attended the Community Leader Luncheon on May 15, 2018.
4. Toured with Weber Basin Water Conservancy District and received good information on the water process.
6. Planned to attend the pop up neighborhood party on June 14, 2018; however, due to other obligations would arrive late.

***Councilmember Phipps***

1. Attended the City’s Memorial Day services and expressed appreciation to staff for its hard work and sacrifice of time on what should be a day off of work.
2. Shared updates about Wasatch Integrated. He reported a contract was awarded for the construction of its new transfer station and it was scheduled for completion by February 2019. He

indicated that a resolution was passed with the intent to bond to allow for construction of a recovery facility. He explained the long term plans involved with the recovery facility and its financial impacts which were anticipated. He noted the recovery facility should increase its capability for recycling items and would reduce the amount of materials buried in the landfill. He announced old mattresses would soon be shred to eliminate waste because of an agreement between Wasatch Integrated and Geocycle. He commented green waste was a large percentage of the volume delivered to the landfill especially during the summer months. He expressed his concern something needed to be done to help reduce the amount of green waste and was optimistic perhaps the recovery facility may be able to work with South Davis Sewer District to sell any clean green waste in the future. He anticipated the recovery center would be operational in 2020.

3. Reported he would be out of town June 13, 2018 through June 15, 2018.

### ***Councilmember Peterson***

1. Attended leadership meetings for the Clearfield and Syracuse Communities Who Care Coalition. She mentioned the coalition was comprised of residents, social and behavioral health professionals, and community leaders working together to solve the growing problem of drug abuse.

2. Reported Open Doors held an event on May 31, 2018 at Kiwanis Park to help break down barriers and build connections between those in poverty and the community law enforcement officers. She expressed appreciation to Chief Krusi, North Davis Fire District and City staff for attending the event.

3. Invited attendance at the Community Leaders Lunch on the third Tuesday of each month at noon to help build connectivity in the City.

4. Requested participation from the Council to construct its Fourth of July float. She noted there were two planned events for float building on Saturday, June 23, 2018 and on Saturday, June 30, 2018.

### ***Councilmember Roper***

1. Attended the Weber Basin Water Tour and reported it was educational.

2. Met with the Davis Area Chamber of Affairs Committee to plan for the upcoming legislative session in 2019. He stated he would be participating on two subcommittees for the upcoming year.

## **STAFF REPORTS**

### ***JJ Allen, City Manager***

1. Expressed his gratitude to Rich Knapp and staff for their work on the budget. He expressed his appreciation to the Council for adopting a responsible and prudent budget. He acknowledged Mayor Shepherd shared his concern about the ability to sustain the budget over time with the lower tax rate; however, staff would work to implement the budget as directed by the Council.

2. Reported the monthly staff report was emailed and asked the Council to contact him with any questions.

3. Thanked Eric Howes and staff for their efforts with the City's Memorial Day service.

4. Attended the CIRCLES event on May 31, 2018 at Kiwanis Park acknowledging it was a good community building event.

5. Invited the Council to attend the employee appreciation event and summer picnic being held at Boondocks on June 22, 2018.

6. Announced he would be out of office June 20, 2018 through June 23, 2018 enjoying southern Utah.

7. Expressed his appreciation for the elected officials. He noted there were tough decisions to be made, things to accomplish, work to be done and often times without gratitude, a sample of which occurred during the meeting.

*Nancy Dean, City Recorder* –reviewed the Council’s schedule:

- **Work Session on June 19, 2018**
- **Policy Session on June 26, 2018**
- **No meeting planned for July 3, 2018**
- **Work Session on July 10, 2018**
- **No meeting planned for July 17, 2018**
- **No meeting planned for July 24, 2018**
- **Joint Work Session with the Planning Commission along with Work and Special Session scheduled for July 31, 2018**

*Trevor Cahoon, Communication Coordinator*

1. Introduced a giant blow up duck named “Mabey” and indicated it would be at the neighborhood pop up parties during the summer. He announced the first neighborhood party was planned for Central Park on June 14, 2018 at 6:00 p.m. He indicated the next neighborhood party would be held at Island View Park on July 21, 2018. He mentioned it would be a less formal gathering with staff being present for about an hour and local neighborhoods would be invited with a postcard mailer to visit the park, meet staff and see the City vehicles from various departments.
2. Updated the Council on the Fourth of July events which were being promoted on social media sites, in the utility bill, and with the City newsletter. He commented more details would be coming about the pancake breakfast and staff shirts as they were finalized. He recommended the webpage could be visited for additional details at [ccjuly4@clearfieldcity.org](mailto:ccjuly4@clearfieldcity.org). He commented five bands were contracted for the evening’s entertainment and would begin at 4:00 p.m. for the Fisher Park festival. He added there was a play list available on the website for a sneak preview of the bands.

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn as the City Council and reconvene as the CDRA in policy session at 8:48 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Roper. Voting NO – None.** Councilmember Thompson was not present for the vote.

*\*\*The minutes for the CDRA are in a separate location\*\**

**APPROVED AND ADOPTED  
This 31<sup>st</sup> day of July, 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, June 12, 2018.

**/s/Nancy R. Dean, City Recorder**