

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
March 27, 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
	Scott Hodge	Public Works Director
	Devin Rogers	Police Lieutenant
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Dave Gracey, Chad Buck, Boy Scout Troop 382, Bob Bercher, Tyler Hipwell – Boy Scout Troop 310, Ryan Hipwell – Boy Scout Troop 310, Tanya Hipwell, Kristi Bush, Kaylene Jackson, Marisa Jackson

Mayor Shepherd called the meeting to order at 7:02 p.m.

Mayor Shepherd informed 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 Peterson led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 2, 2018 WORK SESSION, THE FEBRUARY 6, 2018 WORK SESSION, THE FEBRUARY 27, 2018 WORK SESSION AND THE MARCH 13, 2018 POLICY SESSION

Councilmember Roper moved to approve the minutes from the February 2, 2018 work session, the February 6, 2018 work session, the February 27, 2018 work session and the March 13, 2018 policy session, as written, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION ON THE CITY'S FUTURE LAND USE MAP FROM COMMERCIAL TO RESIDENTIAL FOR THE PROPERTY LOCATED AT 1215 SOUTH 1000 EAST (TIN: 09-022-0151)

Spencer Brimley, Community Development Director, explained the request for a General Plan Amendment was to change the property located on the corner of 1215 South and 1000 East from commercial to residential on the Future Land Use Map. He noted Chad Buck requested the General Plan amendment to allow for a rezone request for development of a townhome project. He indicated the request was reviewed by the Planning Commission on March 7, 2018 and it was also discussed during City Council work session on March 22, 2018. Mr. Brimley stated staff believed the recommendation followed the Land Use Guidelines of the General Plan; however, there were some concerns which were mentioned during work session that would be addressed during the public hearing for the rezone.

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

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:09 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST FOR THE PROPERTY LOCATED AT 1215 SOUTH 1000 EAST (TIN: 09-022-0151) FROM C-2 (COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

Spencer Brimley, Community Development Director, acknowledged the rezone request from C-2 (Commercial) to R-3 (Multi-family Residential) was for the purpose of building an eight unit townhome project. He noted the rezone was consistent with the area and would add a buffer between single family to the east and multi-family to the north. He mentioned there were concerns discussed in work session on March 22, 2018, about the western façade simplicity and its interaction with 1000 East. Mr. Brimley stated he had met with the developer, Chad Buck, and reviewed the concerns regarding fencing along the road, a landscape buffering, higher quality architecture, or even changing the orientation which would help soften the western façade. He continued Mr. Buck was open to considering options for the development which would allow for the property's rezone and consent of the Council.

Mayor Shepherd opened the public hearing at 7:11 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Peterson moved to close the public hearing at 7:12 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF ORDINANCE 2018-01 AMENDING THE CITY’S GENERAL PLAN FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT APPROXIMATELY 1215 SOUTH 1000 EAST FROM COMMERCIAL TO RESIDENTIAL

Councilmember Phipps stated it seemed like the best use for that land.

Councilmember Peterson moved to approve Ordinance 2018-01 amending the City’s General Plan Future Land Use Map by changing the Land Use Designation for the property located at approximately 1215 South 1000 East from Commercial to Residential 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 Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2018-02 REZONING THE PROPERTY LOCATED AT APPROXIMATELY 1215 SOUTH 1000 EAST FROM C-2 (COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

Councilmember Thompson moved to approve Ordinance 2018-02 rezoning the property located at approximately 1215 South 1000 East from C-2 (Commercial) to R-3 (multi-family Residential) 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 Thompson, Voting NO – None.

APPROVAL OF RESOLUTION 2018R-03 AUTHORIZING THE INTERLOCAL AGREEMENT WITH UTOPIA (UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY) TO ALLOW ACCESS TO THE CITY’S RIGHTS-OF-WAY FOR THE INSTALLATION AND MAINTENANCE OF ITS FIBER NETWORK

Stuart Williams, City Attorney, indicated UTOPIA Fiber was working on various fiber projects in partnership with Utah Education Network (UEN) for connectivity to schools throughout the State of Utah. He explained some of the schools that UTOPIA would serve were close to existing fiber routes and within Clearfield City. He noted the Interlocal Agreement would allow UTOPIA to access the City’s right-of-way. There was a discussion about the purpose, location of rights-of-way, potential benefits for residents and the City itself with the availability of fiber network in the City, and the additional financial impact to the City’s budget for revenue dollars received from municipal telecommunications taxes.

Councilmember Thompson moved to approve Resolution 2018R-03 authorizing the Interlocal Agreement with UTOPIA to allow access to the City’s rights-of-way for the installation and maintenance of its fiber network 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, Roper, and Thompson. Voting NO – None.

APPROVAL OF RESOLUTION 2018R-04 AUTHORIZING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY FOR ANIMAL CONTROL SERVICES

JJ Allen, City Manager, stated Chief Krusi had prepared the staff report. He indicated the item was discussed during work session on March 22, 2018. He noted the amendment to the Interlocal Cooperation Agreement between the City and the County for Animal Control Services was due to a slight increase in fees. He explained it was a standard process each year to evaluate the fees and add an amendment establishing the fee structure for the calendar year. Mr. Allen mentioned the total fees increased from the 2017 calendar year by \$4,302.99 which was largely due to operational costs. He acknowledged the increase was anticipated during the budget planning process. He asked if there were any questions.

Councilmember Roper asked if the City had a way to get feedback on the services it received. Mr. Allen responded the police department received the bill and likely a report indicating the number of calls and reasons for service. Councilmember Roper clarified his concern was regarding any feedback about issues handled by Animal Control and if residents felt their issues were being resolved. Devin Rogers, Police Lieutenant, answered it would be difficult to gauge how the residents felt about issues being resolved; however, when the City called Animal Control for assistance, it was always prompt and handled professionally. He acknowledged there had not been complaints to the police department about the provided animal control services. Councilmember Roper thanked Lieutenant Rogers for the feedback.

Councilmember Phipps moved to approve Resolution 2018R-04 authorizing an amendment to the Interlocal Cooperation Agreement with Davis County for animal control services 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 Thompson. Voting NO – None.

APPROVAL OF THE AWARD OF PROPOSAL FOR THE 500 WEST STREET EXTENSION PROJECT FROM 2000 SOUTH TO 1700 SOUTH ENVIRONMENTAL STUDY TO CRS ENGINEERS

Scott Hodge, Public Works Director, stated the City recently requested proposals for an environmental study in preparation for a future project along 500 West Street from approximately 1950 South and extending to 1700 South (SR-108) and then to D Street in the Freeport Center. He indicated there was a joint effort with Syracuse City to apply for federal

funding to extend 500 West; however, an environmental study would need to be completed prior to allocation of funds for the project.

Mr. Hodge mentioned the City received four proposals which were reviewed by a committee comprised of staff from both cities. He acknowledged the committee recommended awarding the proposal to CRS Engineers as the highest scoring proposal with a cost of \$78,885. He noted the timeframe for work completion was estimated to take about five months. Mr. Hodge stated the allocation of federal funding for the project was anticipated in year 2021 or 2022. He continued there was a possibility the funding could be awarded sooner if the environmental study was completed and other projects were not ready to receive funding or other sources of funding became available.

Councilmember Phipps wondered if the study would be good for a few years. Mr. Hodge confirmed the study would still be valid at the time of the anticipated project. He reviewed the necessary steps prior to project funding which included the study's review by Utah Department of Transportation (UDOT) and suggested final project designs could also be completed in preparation for the project.

Councilmember Roper moved to approve the award of proposal for the 500 West Street Extension Project from 2000 South to 1700 South environmental study to CRS engineers, the highest scoring vendor, 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 Thompson. Voting NO – None.

CONSIDER APPROVAL OF ORDINANCE 2018-03 ENACTING TITLE 1, CHAPTER 16 – CODE ENFORCEMENT IN THE CLEARFIELD CITY CODE

Stuart Williams, City Attorney, stated a draft copy of Ordinance 2018-03 was reviewed during work session on February 27, 2018. He acknowledged since the last discussion there had been questions and minor edits made to the draft copy which included changes to the proposed text based on the discussion, comments, and questions posed by the City Council. Mr. Williams mentioned an attachment to the staff report identified all the questions which had been asked along with staff's responses to each question. He recommended making three additional updates to Ordinance 2018-03 as follows: 1) change the word "*superfund*" to "*fund*;" 2) keep consistency in the Code by using one word to describe the funds rather than multiple words and referred to calling the funds "*enhancement funds*;" and, 3) remove the definition and word "*de novo*" and replace it with simpler language.

He reviewed the schedule for implementation which included hiring a Code Enforcement Officer, contracting for software, and time for staff to be trained. He anticipated by May 1, 2018 code enforcement could begin as intended through a civil enforcement process.

Councilmember Phipps expressed his appreciation for the consideration given to his own questions and comments. Mr. Williams indicated all the questions and answers were shared to help everyone better understand all the comments which had been received.

Mr. Williams explained Title 1, Chapter 16, Code Enforcement was to allow the ability to enforce selected ordinance violations through a civil administrative process. He noted the primary purpose was to obtain voluntary compliance. He reviewed the process for code enforcement which included issuance of a notice of violation, having a 14-day warning period for compliance, no longer having a criminal process subject to misdemeanor charges and jail time for an offense, a civil process would be enacted to provide an opportunity for due process rights and a hearing if necessary, and if there was non-compliance fines would accrue daily after the warning period. Mr. Williams commented compliance would be the ultimate goal and if it was obtained within the warning period, no fines would be required. He noted the biggest change with code enforcement was removing it from the criminal justice system and allowing for a civil process to regulate its enforcement.

Mayor Shepherd commented code enforcement and its administration would be handled by the Community Development Department rather than the Police Department. He indicated the heavy handed approach did not seem necessary; however, through code enforcement efforts the City hoped to make sure residents knew and understood the expectations of property maintenance as well as the impact to neighboring properties. Councilmember Bush expressed his opinion the civil process would be a better, quicker way to improve the City and its image. Councilmember Phipps added the objective was to have problems fixed rather than invoking punishment.

Councilmember Bush moved to approve Ordinance 2018-03 enacting Title 1, Chapter 16 – Code Enforcement in the Clearfield City Code and amend as to the changes indicated by the City Attorney 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 Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2018-04 AMENDING THE CITY’S CONSOLIDATED FEE SCHEDULE TO INCLUDE A FEE STRUCTURE FOR ENFORCING SELECTED ORDINANCE VIOLATIONS THROUGH A CIVIL ADMINISTRATIVE PROCESS

Stuart Williams, City Attorney, stated the adoption of Ordinance 2018-03 made it necessary to amend the City’s Consolidated Fee Schedule to include a fee structure for enforcing selected ordinance violations through a civil administrative process. He noted the proposed fee schedule should have reflected the standard fine for a violation penalty was \$50 per day of continuing violation for fourteen days rather than the ten days as drafted; therefore, recommended amending it with the fourteen day timeframe.

Councilmember Phipps moved to approve Ordinance 2018-04 amending the City’s Consolidated Fee Schedule to include a fee structure for enforcing selected ordinance violations through a civil administrative process, as amended with the 14-day recommendation and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVAL FOR THE PURCHASE OF THE CLEARFIELD MOBILE HOME PARK
LOCATED AT 442 SOUTH STATE STREET

JJ Allen, City Attorney, indicated the Clearfield Mobile Home Park area was in the heart of the City's downtown. He reviewed the history related to the City's purchase of the Clearfield Mobile Home Park. He acknowledged after many years of civil litigation, the probate court in late 2017 ordered the property owners to sell the property. Mr. Allen commented due to the Council's desire to have greater control over the future use of the property, as well as to better see to the relocation needs of the Park's residents, staff was directed to submit an offer on the property. He noted the City's offer of \$4,750,000 for the property was accepted February 26, 2018, and would be funded through the issuance of Excise Tax Revenue Bonds. He stated the offer was contingent upon the vote of the Council. Mr. Allen expressed sympathy for those households which would be impacted and needed to relocate, but he assured the City would work with those residents during the transition.

Councilmember Roper moved to approve the purchase of the Clearfield Mobile Home Park located at 442 South State Street in the amount of \$4,750,000 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 Thompson. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd

1. Attended the National League of Cities' Congressional City Conference March 11, 2018 through March 15, 2018. He stated the committees he served on spent some time discussing the needs and challenges of military families.
2. Reported attending the Stewart Security Summit on March 26, 2018 where Governor Herbert signed a bill which would help military families by enabling most professional licenses under the Division of Professional Licensing to be recognized as valid from another state for military spouses and potentially give preference for employment.
3. Attended recently the change of command ceremony on Hill Air Force Base (HAFB) for the 419th squadron and recognized the 75th fighter wing would also have a change in command soon and he planned to attend. He noted several serving at HAFB were reassigned to the Pentagon.
4. Thanked staff for its efforts with the various things happening in the City.

Councilmember Bush – Reported attending the National League of Cities' Congressional City Conference March 10, 2018 through March 15, 2018. He stated the meetings were good and the economic development national concerns were about affordable housing and deteriorating infrastructure. He indicated the power between state and local government seemed to be a national problem. He expressed his desire to report on the meetings he participated with at the conference in an upcoming work session.

Councilmember Peterson – nothing to report.

Councilmember Phipps

1. Represented the City at the request of the Mayor by attending the Air Force Association Scowcroft Awards Banquet on March 15, 2018.

2. Attended the Wasatch Integrated board meeting. He indicated the transfer station was proceeding; however, material cost increases had caused some problems with the project. He noted plans were to increase the recycling potential at the facility and he planned to attend the retreat in Park City on April 21, 2018, to learn more about waste management.
3. Mentioned the Parks and Recreation Commission set goals at its last meeting and one of the goals was to improve communication with the City Council.

Councilmember Roper – announced the Youth Commission participated in a service project to clean up Fisher Park and the Aquatic Center. He stated the next meeting was planned for a visit to the North Davis Fire District.

Councilmember Thompson – nothing to report

STAFF REPORTS

JJ Allen, City Manager

1. Reported meeting with residents of the Clearfield Mobile Home Park on March 16, 2018, and had another group meeting scheduled for March 28, 2018. He anticipated after tomorrow's meeting residents would be meeting as needed with the contracted property manager. He indicated if there were additional questions about the process or assistance that information could be provided.
2. The City would be issuing Excise Tax Revenue Bonds on March 28, 2018, and the purchase of the Clearfield Mobile Home Park was scheduled for Thursday, March 29, 2018.
3. Mentioned all staff participated recently in customer service training. He explained part of the effort was a survey which provided valuable feedback and was primarily positive. He noted as a core value customer service was an important area of focus and the training was worthwhile for staff, because all employees of the City had some degree of interaction with the public.
4. Announced there would be an Open House for the Station Area Plan on Thursday, March 29, 2018.
5. Reported the City's Easter Egg Hunt and Egg Dive would be held on Saturday, March 30, 2018.
6. Noted Everyone Matters Day would be April 11, 2018.
7. Mentioned the Utah League of Cities and Towns Conference would be April 25, 2018 through April 27, 2018.

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

- **Work Session on April 3, 2018**
- **Work and Policy Session on April 10, 2018**
- **Work Session on April 17, 2018**
- **Work and Policy Session on April 24, 2018**

Spencer Brimley, Community Development Director – announced an open house was planned for March 29, 2018 to receive public input and discuss principles and concepts that created place. He indicated the open house would be held in the multipurpose room at City Hall from 6 to 8 p.m.

Trevor Cahoon, Communication Coordinator – reviewed the schedule of events planned in conjunction with Celebrate Clearfield Week which was scheduled to begin on April 27, 2018.

- Arbor Day activities would be held at Central Park, 326 East Center Street at 10:00 a.m. on April 27, 2018.
- Summer Blitz was planned for the annual recreation preview at the Aquatic Center from 3:30 p.m. until 7:00 p.m. on April 27, 2018, to kick off the summer season with special discounts.

- Take Pride in Clearfield Day would be April 28, 2018, with various projects around the City. He mentioned residents could meet at Fisher Park, 937 South 1000 East, at 7:30 a.m. for a light breakfast prior to project participation.
- The Cultural Outreach and Pool Party would be sponsored by the City's Police Department and Latinos in Action (Clearfield High and North Davis Junior High School chapters) on May 3, 2018 from 6:00 p.m. to 8:00 p.m. at the Aquatic Center. He highlighted several of the activities scheduled for the evening which included food, dancing, entertainment, booths, Davis County K-9 Unit, North Davis Fire District, and the pool would be open for free swimming.
- Search the City Scavenger Hunt would also be happening during Celebrate Clearfield Week.

He indicated advertising for Celebrate Clearfield Week would be done with an insert in the utility bill, on social media, and in the City's newsletter. He encouraged the Mayor and Council to share the posts on social media.

Councilmember Bush moved to adjourn the policy session and reconvene for press conference regarding the purchase of the Clearfield Mobile Home Park at 7:54 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE: Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 24th day of April, 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, March 27, 2018.

/s/Nancy R. Dean, City Recorder