

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
September 11, 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
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	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: Betty Parker, Corbin Loosle, Boy Scout Troop 151, Jerome Curran, Chad Buck, Jared Hadley, Bob Bercher

Mayor Shepherd called the meeting to order at 7:00 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 recognizing the historic nature of September 11th and asked the audience to join with him in a moment of silence in recognition of it.

APPROVAL OF THE MINUTES FROM THE AUGUST 21, 2018 WORK SESSION AND THE AUGUST 22, 2018 NEIGHBORHOOD PARTY

Councilmember Peterson moved to approve the minutes from the August 21, 2018 work session and the August 22, 2018 neighborhood party, as written, seconded by Councilmember Bush. 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 PROPOSED ORDINANCE TO REGULATE SMALL WIRELESS FACILITIES IN THE CITY

Spencer Brimley, Community Services Director, stated the proposed zoning text amendment was to update the City's current code to enact a small wireless facilities ordinance to govern the use, location, construction, and design of small wireless facilities within the public rights-of-way. He mentioned the State passed legislation requiring municipalities and counties to allow for the installation of new wireless antennas and equipment known as Small Wireless Facilities (SWF) in the public rights-of-way and had instituted codes for its regulation; however, the statute allowed for regulation on a local level in order to better meet the goals and objectives of the municipalities. He reported the drafted ordinance would help to regulate SWF in the City yet still allow operational controls for Public Works and provide designs which were less visible along the corridors.

Mr. Brimley commented the Planning Commission had reviewed the amendment during its meeting on September 5, 2018 and was forwarding a recommendation of approval to the Council. He indicated the proposed ordinance language had been through several iterations.

Mayor Shepherd opened the public hearing at 7:07 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Roper moved to close the public hearing at 7:08 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.

OPEN COMMENT PERIOD

Chad Buck, resident, stated he had been working with the City to try to get a subdivision approved; yet, found another barrier in the process of site plan preparation when he discovered the property was in a designated Flood Zone. He shared a copy of a map with the Council that displayed his property and the adjacent Flood Zone extending five to ten feet onto his subdivision area. He shared research found on FEMA's website and asked the City to consider modification to Title 13 of the City Code, which he felt was being excessively enforced. He indicated the site plan for the approved subdivision had open space and a detention area along the Flood Zone portion of the property rather than buildings. He requested the City review Title 13 Flood Control specifically to find out how it would impact future development of those areas and to work with the State and FEMA for removal of Flood Zone A.

Mayor Shepherd thanked him for his comments and indicated he would look into it.

Jerome Curran, resident, voiced his concerns with the newly adopted procedures for the enforcement of winter parking regulations. He listed reasons he felt parking on the City streets should be allowed during the winter. He expressed his opinion the winter parking regulations were a hassle and an unnecessary inconvenience for residents.

Mayor Shepherd explained the City's job was to plow the streets and if the streets were lined with cars it would restrict or alter that service expected by its residents. He stated the Council could revisit the winter parking issue as it previously had done, but assured him eliminating the ordinance was not likely. Mr. Curran said he didn't expect it to be eliminated; however, felt a balance of parking on the streets needed to be addressed. He stated he had received a ticket at times because his vehicle was in violation when there was only two inches of snow or even none and expressed his opinion that type of enforcement was unreasonable.

Mayor Shepherd said the issue would be discussed by the Council. Mr. Curran asked what he could do in the meantime and wondered what feedback he could expect.

Mayor Shepherd indicated the Council would discuss the matter at a later date; however, it was not able to take any action on it at this time. He thanked him for his comments.

APPROVAL OF ORDINANCE 2018-16 ENACTING CHAPTER 20 – SMALL WIRELESS FACILITIES IN TITLE 11 – LAND USE OF THE CLEARFIELD CITY CODE

Councilmember Phipps moved to approve Ordinance 2018-16 enacting Chapter 20 – Small Wireless Facilities in Title 11 – Land Use of the Clearfield City Code 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 FINAL SUBDIVISION PLAT FOR THE FREEPORT CENTER 700 WEST SUBDIVISION LOCATED AT APPROXIMATELY 775 WEST STATE ROAD (SR) 193

Brad McIlrath, Senior Planner, stated the request for a final subdivision plat included properties at approximately the corner of SR 193 and 1000 West with the private road of 775 West to the east marking the middle of the subdivision moving eastward. He explained the purpose of the subdivision was to combine smaller properties and create two larger parcels to provide more flexibility for future development of industrial uses. He commented the Planning Commission reviewed the request on September 5, 2018 and approved the Preliminary Subdivision Plat and recommended approval to the Council of the Final Subdivision Plat subject to four conditions which were listed in the staff report.

Councilmember Bush moved to approve the Final Subdivision Plat for the Freeport Center 700 West Subdivision located at approximately 775 West State Road (SR) 193 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 OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR
THE 2017/2018 CDBG PROGRAM YEAR

Brad McIlrath, Senior Planner, reviewed the CDBG program and benefits it provided to the community. He explained the Consolidated Annual Performance Evaluation Report (CAPER) was a review of the 2017/2018 program year and its goals, objectives, and action plan and provided an evaluation of the City's use of the funding through data included with the report. He highlighted the program year's sub-recipients which were Open Doors (Family Connection Center), Davis Community Learning Center, and Safe Harbor as well as the programs administered by the Davis Community Housing Authority which included Down Payment Assistance, Housing Rehabilitation, and Emergency Home Repair. Mr. McIlrath reported some funding had built up over the years which helped fund the 250 North Infrastructure project, which would begin in the spring of 2019.

He stated the Council reviewed the report during its work session on September 4, 2018 and provided staff with recommendations to incorporate into the CAPER. He reported those recommendations were incorporated into the report.

Councilmember Bush asked if there had been any public comments on the CAPER. Mr. McIlrath reported the City noticed the public comment period from August 22, 2018 to September 7, 2018 as required and it was available for review, but no one requested to review it or provided comments.

Councilmember Peterson moved to approve the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) for the 2017/2018 program year striking paragraph 1 on page 25 under the section titled Citizen Participation Plan while leaving the remaining two paragraphs on that page 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 THE DEVELOPMENT AGREEMENT WITH KING STORAGE LLC FOR
THE CANTERBURY COURT TOWNHOMES LOCATED AT APPROXIMATELY 1230
WEST 300 NORTH

Brad McIlrath, Senior Planner, stated the property was approved for rezone from C-2 (Commercial) to R-3 (Multi-family Residential) in November of 2017. He noted as a condition of the rezone the applicant was required to enter into a development agreement with the City for the proposed townhome project. He explained a development agreement would allow for some relaxed development standards. Mr. McIlrath reviewed the setbacks required for the R-3 Zone and the developer's requested modifications for the front and rear yards setbacks to allow for 30 units. He mentioned talking with the Deputy Fire Chief earlier in the day to discuss the width of the streets within the development to ensure it would meet the standards for fire trucks to access the development.

He continued the proposed Development Agreement addressed the developer's requested setbacks as well as obligations imposed by the City to enhance the design standards for the project. Mr. McIlrath reviewed the two obligations for the developer to provide the following: 1) buffering along 300 North with fencing and landscaping; and 2) an interior pedestrian walkway providing connectivity between the units, the open space, as well as the public sidewalk. He shared examples of the buffering types explaining there might need to be retention in the area so there were also examples of how buffering could be used with retention. He continued the language in the proposed Development Agreement was open regarding the type of fencing required yet specified it should be a solid high-quality material. Mr. McIlrath stated staff recommended approval of the proposed Canterbury Court Development Agreement which was subject to final signatures being obtained and the applicant recording the agreement on the property with the Davis County Recorder.

Mayor Shepherd expressed his opinion it would be a good project for the City. He asked if there were any questions.

Councilmember Peterson mentioned during the work session discussion on September 4, 2018, the Council had an opportunity to discuss the project with the applicant. She asked if the Development Agreement language needed to be updated or if it was adequate to address the developer's proposal to include sidewalks around the open space or play area which was intended from that discussion. Mr. McIlrath answered if more clarification was necessary it could be amended to use language specific to the development's open space. Stuart Williams, City Attorney, suggested the walkway could be specified to include the open space and access to the play structure. Councilmember Peterson expressed her opinion additional language should be added to provide clarity for the level of expectation and allow for accountability.

Councilmember Peterson questioned if the developer was the one to bear the responsibility for recording the agreement with the property and if there was a way for the City to verify it had been properly recorded. Mr. McIlrath reviewed the City's current process for having a development agreement recorded with the County. JJ Allen identified the City's standard practice was to have staff deliver documents to the County for recording to ensure everything was in proper order prior to executing building permits.

Councilmember Bush wondered if the subdivision plat had been prepared yet since the development was planned as a for sale product. Mr. McIlrath answered the developer had applied for preliminary subdivision plat approval but because of the number of proposed lots there would need to be a preliminary review with the Planning Commission and then also have a final subdivision review with the City Council. He mentioned the plans would need to be more defined as common areas or limited common areas. He continued along with the plat, the developer would need to provide the City with a draft of the Homeowner Association's covenants to ensure private ownership, especially if the City agreed to allow private roads. Councilmember Bush indicated fire hydrants should also be marked on the subdivision plat. Mr. McIlrath responded his earlier meeting with the Deputy Fire Chief had been focused on the width of the road; however, he expected to have a report soon to review any concerns from the Fire District. He anticipated there would need to be at least one or two private hydrants internally in the development. Councilmember Bush pointed out some consideration should be given to

allowing for the fire trucks to turn and park if there were snow banks built up after plowing the roads in the winter season.

Mr. Allen commented the proposed Development Agreement currently had the CDRA listed in section 17 in the title; however, the agreement would only be with the City so the reference to the CDRA would need to be removed.

Councilmember Roper moved to approve the Development Agreement with King Storage LLC for the Canterbury Court Townhomes located at approximately 1230 West 300 North with the changes noted 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 ORDINANCE 2018-15 ENACTING TITLE 15 – PUBLIC ART AND TITLE 15, CHAPTER 1 – ORIGINAL ART MURALS OF THE CLEARFIELD CITY CODE

Trevor Cahoon, Communications Coordinator, stated the proposed public art ordinance had been discussed during several work sessions. He indicated the proposed ordinance was drafted after the City had been presented with an opportunity to place a large scale mural on a building in the City; consequently, staff had been working on putting a procedure in place for public art before it took advantage of the opportunity. He reported staff drafted a mural ordinance and the Council reviewed it during work sessions and the final draft for consideration incorporated the comments made during those previous meetings.

Mr. Cahoon mentioned an application fee had been discussed; however, the amount had not been a topic in previous work session discussions. He suggested staff proposed a \$50 mural application fee which was in accordance with the City's current sign application fee. He stated the proposed ordinance implemented a standard process for placing murals in the community that would not be cumbersome, but made sure there were practices in place to regulate them. Mr. Cahoon advocated the purpose of art was to create "place" and the City was making an effort in the forefront and hoped to spur some action in the private community as well.

Councilmember Phipps recalled during his review there was a need for the applicant to provide envelopes for notification; however, could not find any language which made it a requirement. Mr. Cahoon directed the Council to Title 15-1-7 B 6 of the proposed ordinance which stated it would be the applicant's responsibility to provide the City with pre-addressed envelopes for adjacent property owners, which were to include a copy of the application for the proposed mural and a copy of the concept plan. Councilmember Phipps stated providing envelopes to the City seemed unusual unless it was a standard practice. He expressed his desire to make sure there were clear expectations identified for the applicant about the process. Mr. Cahoon said providing envelopes was the standard practice for land use notifications and the applicant would only be required to provide them for adjacent properties which should be easily identifiable. There was a discussion about the process for notification, the applicant's responsibilities, and code language which addressed the notification of adjacent property owners regarding any proposed mural project.

Councilmember Thompson moved to approve Ordinance 2018-15 enacting Title 15 – Public Art and Title 15, Chapter 1 – Original Art Murals of the Clearfield City Code 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 ORDINANCE 2018-17 AMENDING THE CITY’S CONSOLIDATED FEE SCHEDULE TO INCLUDE FEES FOR SMALL WIRELESS FACILITIES AND ORIGINAL ART MURALS, AS WELL AS MINOR ADJUSTMENTS TO THE VEHICLE RESTORATION PERMIT FEE, CODE ENFORCEMENT ADMINISTRATION FEE, AND BUSINESS LICENSE FEES

Councilmember Peterson moved to approve Ordinance 2018-17 amending the City’s Consolidated Fee Schedule to include fees for Small Wireless Facilities and Original Art Murals, as well as minor adjustments to the Vehicle Restoration Permit Fee, Code Enforcement Administration Fee, and Business License Fees; 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.

UPDATE ON THE FISCAL YEAR 2018 YEAR END FINANCIAL STATUS

Rich Knapp, Finance Manager, reviewed the draft Fiscal Year 2018 (FY18) year end results and financial outlook. He noted the report was in draft form because the City was currently in the middle of an audit; however, the final numbers would be forthcoming closer to the end of the year when the audit was completed. He explained the FY18 Amended Budget would have reduced reserves by \$2,372,520; nevertheless, the actual numbers reflected an addition to the reserves by about \$487,000. He noted the approximate \$2,000,000 excess in reserves from FY17 would bring the FY18 amount to about \$2.4 million over the 25 percent allowed by the State. Mr. Knapp indicated the excess amount in FY18 would affect the beginning numbers used in the FY19 budgeting process; however, it did not change the FY19 budget. He stated there would be an audit finding for having excess money; however, it was built into the current budget and could be spent towards one-time capital improvement projects.

He reviewed the historical data for revenues, expenditures and changes in fund balance for the last three years. Mr. Knapp pointed out the General Fund’s total taxes revenues were \$943,000 higher than budgeted. He reported learning that Union Pacific Railroad had filed a complaint with the State about its property tax increase and the effect for the City could mean a \$26,000 decrease, so staff planned to monitor it. He commented property tax revenues were higher than what was levied in FY18. Mr. Knapp reported sales tax revenue was 7.8 percent higher than FY17 which was about \$326,000 and PARAT Tax revenue was about 13 percent higher than originally projected. He acknowledged the only decrease in tax revenues was with Muni Telecom Tax which had dropped \$38,000 lower than FY17 and was about \$203,000 less than six years ago.

Mr. Knapp mentioned building permit revenues were less than budgeted. JJ Allen, City Manager, stated building permit fees were an unpredictable revenue source which made it difficult to budget because sometimes projects lagged which was indicated by the spike in building permit revenues listed in the monthly report for August of 2018. Mr. Knapp commented the intergovernmental revenues for E-911 fees were \$101,000 higher than last year which was due to the switch from number of lines to call volume. He indicated revenues for fines and forfeitures were \$26,000 higher than FY17, yet \$100,000 less than budgeted. He pointed out the Mabey Place bond proceeds accounted for most of the Miscellaneous Revenue increase from FY17.

Mr. Knapp reviewed the total expenditures from all funds. He commented the City spent over \$14,000,000 for capital projects in FY18 which included Phase II of the Maintenance and Operations Center, purchase of land for Mabey Place and the purchase of another property on Center and State Street. He asked if there were any questions about the General Fund.

Mr. Knapp continued highlighting revenues and expenditures for all funds including the CDRA, Water, Sewer, Storm and Garbage. He noted the water consumption was 4.5 percent higher than FY17 and impact fees were down significantly because of the reduced fees adopted last year and less building activity in FY18. Councilmember Phipps asked if the water consumption was based on overall numbers rather than per capita totals. Mr. Knapp responded the water consumption increase was based on a review from the accounting software and was a result of what the City billed for all its accounts.

He reported Utah's economy in general had a strong labor market and tied for the highest employment growth in the nation. He reviewed the quarterly point of sale totals for FY18 in comparison to those from FY14 to FY17 plus compared the City's point of sales and the State pool percentages over the same time period. Mr. Knapp reported he had reviewed more detail of the sales tax revenue to see if online sales were having an impact on the increases over the years. He stated it was having an impact; however, there were other philosophies such as good economy and the shift to online subscriptions which were also producing sales tax revenues for the City. He concluded the jump in sales tax revenue from FY13 to FY18 was almost \$1,000,000 and since it was the City's largest revenue source it had allowed for the completion of many projects.

Mr. Knapp stated the City was healthy and had budgeted conservatively so it was in good shape. Mr. Allen added the City had felt the effects of having a good economy; however, with the cost of goods increasing, the additional revenues allowed the City to keep pace with its increasing expenditures. Mayor Shepherd thanked Mr. Knapp for his report.

COMMUNICATION ITEMS

Mayor Shepherd – announced he would be out of town Sunday, September 16, 2018 through Tuesday September 18, 2018.

Councilmember Bush

1. Attended the Open Doors/Circles Davis County Family Fun Night on August 30, 2018.

2. Stated the comments made during the open comment period about the Flood Plain Map were concerning. He expressed his opinion the City should be working to address it. Mr. Allen confirmed it was already in progress.
3. Thanked Spencer Brimley and Brad McIlrath for the City maps provided. He expressed his desire to begin working on the Small Neighborhood Plans.
4. Reported he would be out of town October 2, 2018 at the Water Conference, and requested the discussion on small neighborhood plans not be held while he was away.

Councilmember Phipps – nothing to report.

Councilmember Peterson

1. Reported attending the Open Doors event on August 30, 2018. She expressed appreciation to the police department for its representation. She noted other local groups participated and recognized one specific connection had happened because of the networking opportunity during a Community Leaders Luncheon.
2. Reminded and invited those from the community to attend the Community Leaders Luncheon planned for the third Tuesday of each month.
3. Attended the Lip Sync for a Cure event sponsored by Chancellor Gardens recently in behalf of the Mayor. She recognized the facility's efforts and expressed gratitude for having the opportunity to attend.
4. Thanked staff for all its efforts with the agenda packet preparation which provided the Council with detailed information to help make informed decisions.

Councilmember Roper

1. Attended the Davis Area Chamber Legislative Affairs Committee meeting and learned more about proposed propositions that could potentially impact cities.
2. Rode along with the North Davis Fire District recently. He expressed appreciation for police and fire personnel and their efforts in the community. He recognized September 11th as a significant day of remembrance.

Councilmember Thompson

1. Attended the Circles/Open Doors event. He expressed appreciation for the efforts made and the impact the program was having on the community.
2. Planned to attend a Mosquito Conference in October 2018 and expressed his excitement to learn.

STAFF REPORTS

JJ Allen, City Manager

1. Mentioned sending the monthly report earlier in the day.
2. Stated the Utah League of Cities and Towns annual conference would begin on September 12, 2018 and would provide opportunities to network and to learn.
3. Reported he would be out of the office September 19, 2018 until September 26, 2018.

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

- **No meeting planned for September 18, 2018**
- **No meeting planned for September 25, 2018**
- **Work Session scheduled for October 2, 2018**
- **Policy Session scheduled for October 9, 2018**

Trevor Cahoon, Communication Coordinator

1. Apologized the newsletter included with the utility bill did not include all the dates in October planned for the pool closure; consequently, he corrected it would be closed until October 8, 2018.
2. Thanked the Council for its positive reporting on the Community Leaders Lunches. He reviewed the format planned for future meetings which would allow for more networking.
3. Reviewed upcoming events such as pool closure, new pool play toy ribbon cutting, as well as the Night Out Against Crime event planned for September 26, 2018 at Steed Park beginning at 6:00 p.m. He mentioned the City partnered with Maverik and Winegars and there would be many fun activities for the whole family to enjoy.

Eric Howes, Community Services Director – reported on the status of the pool closure and progress of the new play structure installation. He mentioned staff removed the old pool equipment in record time; consequently, the project was currently ahead of schedule. He reviewed the timeline which included removal of old equipment, cutting of the liner, piping installation, fire inspections, concrete pour and curing, and new play structure installation. He continued the longer the concrete could sit before the liner was replaced the better it would be. He anticipated the project should be completed by October 5, 2018 or possibly sooner if things remained on target.

There being no further business to come before the Council, **Councilmember Thompson moved to adjourn at 8:23 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 9th day of October, 2018**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, September 11, 2018.

/s/Nancy R. Dean, City Recorder