

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
September 27, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Marilyn Fryer	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Valerie Claussen	Acting Community Dev. Director
	Stacy Millgate	CDBG Coordinator
	Eric Howes	Community Services Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder

VISITORS: Mike LeBaron, Scotlyn LeBaron, Kurt Spencer, Alan Wayne Christenson, Barbara Perry, Chris Roberson, James Nichols, Brandie Woods, Tori Woods, John Sandburg

Councilmember Murray conducted the opening ceremonies.

Mayor Wood informed the citizens present that if they would like to comment during Citizen Comments there were forms to fill out by the door.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 20, 2011 SPECIAL SESSION

**Councilmember Fryer moved to approve the minutes from the September 20, 2011 special session, as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

***PRESENTATIONS***

PRESENTATION TO JACOB N. HOWELL FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

The presentation to Jacob N. Howell was made during the City Council work session earlier that evening.

PRESENTATION TO ALAN WAYNE CHRISTENSON FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Alan Wayne Christenson completed the requirements to receive the rank of Eagle Scout. Councilmember Young presented Alan Wayne Christenson with a certificate of recognition for his accomplishments. Mayor Wood and the City Council members congratulated him on his achievement.

PRESENTATION TO BARBARA PERRY FOR HER SERVICE AS A MEMBER OF THE PLANNING COMMISSION

Barbara Perry has served the City as a member of the Planning Commission and recently submitted a letter of resignation. Councilmember Sprague presented Ms. Perry a certificate of recognition for her service on the Planning Commission. He expressed appreciation for her efforts on behalf of the citizens of the City.

***PUBLIC HEARINGS***

PUBLIC HEARING TO CONSIDER APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

The Council received a copy of the 2010/2011 Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER). Citizens were given the opportunity to review the plan in the Community Development Department from September 9, 2011 to September 26, 2011.

Mayor Wood declared the public hearing open at 7:14 p.m.

PUBLIC COMMENT

There were not public comments.

**Councilmember Fryer moved to close the public hearing at 7:15 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE YEAR ACTION PLANS FOR PROGRAM YEARS 2008/2009, 2009/2010, 2010/2011 AND 2011/2012

Adam Lenhard, City Manager, explained that each program year there were grant funds remaining that needed to be spent. He noted this action noted the reprogramming of those funds. He stated the amendments also included minor wording changes to the City's Community Development Block Grant (CDBG) Down Payment Assistance Program Policies. He indicated the proposed amendments were available for review from August 9, 2011 to September 9, 2011 in the Community Development Department. Stacy Millgate, CDBG Coordinator, informed the Council that one of the amendments presented to the Council had represented a \$0.02 balance for reprogramming from the Youth Resource Center but that \$0.02 actually should have been represented from the Family Connection Center.

Mayor Wood opened the public hearing at 7:16 p.m.

PUBLIC COMMENT

There were no public comments.

**Councilmember Shepherd moved to close the public hearing at 7:17 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

PUBLIC HEARING FOR ZTA 1105-0010 TO CONSIDER TEXT AMENDMENTS TO CITY CODE TITLE 11, CHAPTER 14, SECTION 5 – PARKING AREA AND PARKING LOT REQUIREMENTS

The proposed amendments made modifications for parking lot landscape screen requirements as found in the City's Land Use Ordinance Title 11, Chapter 14, Section 5 – Parking Area and Parking Lot Requirements. The Planning Commission held a public hearing on September 21, 2011 and recommended approval.

Mayor Wood declared the public hearing open at 7:18 p.m.

PUBLIC COMMENT

There were no public comments.

**Councilmember Sprague moved to close the public hearing at 7:19 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

PUBLIC HEARING FOR FSP 1108-0005, AN AMENDED FINAL SUBDIVISION PLAT LOCATED IN THE VICINITY OF 709 SOUTH STATE, CLEARFIELD

Don Lilyquist, on behalf of Maverik, Inc., requested an Amended Final Subdivision Plat to merge and re-subdivide five parcels, approximately 1.465 acres total, into two parcels. The site was located at 709 South State Street (TINs: 12-068-0019 and 12-068-0025) and the property was in the C-2 (Commercial) zoning district. The Planning Commission held a public hearing on September 21, 2011 and recommended approval.

Adam Lenhard, City Manager, explained the request was an effort to clean up lot lines to accurately reflect what existed on the property. He continued the plat included one lot with an expanded parking lot for the Maverik at that location and a second lot with a home and accessory shed in the yard.

Mayor Wood declared the public at 7:19 p.m.

PUBLIC COMMENT

There were no public comments.

**Councilmember Shepherd moved to close the public hearing at 7:20 p.m., seconded by Councilmember Fryer. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

*SCHEDULED ITEMS*

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF FSP 1108-0005, AN AMENDED SUBDIVISION PLAT LOCATED IN THE VICINITY OF 709 SOUTH STATE, CLEARFIELD

**Councilmember Sprague moved to approve FSP 1108-0005, an amended Final Subdivision Plat located at approximately 709 South State Street and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

CONSIDERATION OF APPROVAL OF A SPONSORSHIP FOR THE FALLEN HEROES SCHOLARSHIP FOUNDATION'S WORLD RECORD BASKETBALL GAME

Kurt Spencer of the Fallen Heroes Scholarship Fund has approached the City with a request to use one basketball court at the Aquatic Center from December 26, 2011 through December 30, 2011. The event would attempt to set the world's record for the longest continuous basketball game and to raise awareness and money for the Fallen Heroes Scholarship Foundation. The Foundation is requesting that the Council consider a reduced rental fee for the use of the facility.

Adam Lenhard, City Manager, stated during the work session where this item was discussed, the Council had requested a breakdown of additional costs that would be incurred by the City if it chose to sponsor the event. He directed the Council to a handout prepared by Eric Howes, Community Services Director, which identified those costs at a total of \$756.44. He indicated Mr. Spencer offered a nominal fee to assist in covering the City's costs for the event.

Brian Brower, City Attorney, directed the Council to the Utah Code which governs the process that should be used to appropriate funds for certain types of activities. He stated based on the requirements reflected in Utah Code Annotated § 10-8-2 the Council could waive either part or all fees for a nonprofit entity; however, to do that there would need to be a public hearing held before any action could be taken. Mayor Wood asked if the same procedures needed to be followed if the City sponsored the event. Mr. Brower indicated the requirement would not apply if the City were the one managing the event. Mayor Wood asked if the law applied to co-sponsoring an event. Mr. Brower counseled the City should err on the side of caution and schedule a public hearing. Mayor Wood asked how much it would cost to publish the public hearing notice. Nancy Dean, City Recorder, indicated the approximate cost would be \$150. Mayor Wood noted that expense would need to be reflected in the actual costs tally sheet.

Kurt Spencer, representative from Fallen Heroes Scholarship Foundation, explained the Foundation was located in Roy and raised money for scholarships for the surviving family members of police officers and soldiers who were killed in the line of duty. He stated the Foundation was willing to shoulder some of the expenses associated with holding the event at the Aquatic Center. He continued a couple of facilities were being looked at for the event and it was imperative to commit to a location so the event could be properly marketed for its success. Mayor Wood asked if facilities in Roy had been contacted as possible sponsors of the event. Mr. Spencer indicated one facility in Roy and one in Riverdale were also being considered for the event.

Councilmember Murray asked how the fundraising would take place. Mr. Spencer indicated the funds were expected to be raised by business sponsorship and the people participating in the event would not be paid. He continued the Guinness Book of World Records required the event to be open and public with no cost for admission but there was no requirement to prohibit donations. Councilmember Shepherd asked if the media would be required to be in attendance.

Mr. Spencer indicated the rules required one news station and two newspapers to cover the event from start to finish. Councilmember Shepherd commented it would be a good opportunity to show off the Aquatic Center. Councilmember Sprague agreed.

Mayor Wood asked how the Foundation evaluated applications for scholarship. Mr. Spencer stated the Foundation worked closely with the local VFW (Veterans of Foreign Wars) to advertise the availability of the scholarships. He continued the Advisory Board for the Foundation, a retired marine officer and police officer reviewed the applications.

The Council expressed a desire to assist in sponsoring the event and directed the staff to schedule a public hearing for Tuesday, October 11, 2011.

#### APPROVAL OF A PLANNING COMMISSION APPOINTMENT

The Planning Commission had a regular member vacancy that needed to be filled due to a recent resignation. The Council discussed this item during the September 20, 2011 work session.

**Councilmember Shepherd moved to approve Mayor Wood's appointment of Brandon Stanger to fill the regular member vacancy on the Planning Commission with a term expiring February 2014 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

#### APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

Councilmember Murray complimented Stacy Millgate for her efforts in preparing and coordinating the City's CDBG efforts. Councilmember Shepherd agreed. Mayor Wood thanked Ms. Millgate for her hard work.

**Councilmember Young moved to approve the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

#### APPROVAL OF AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE YEAR ACTION PLANS FOR PROGRAM YEARS 2008/2009, 2009/2010, 2010/2011 AND 2011/2012

**Councilmember Shepherd moved approve the amendments to the Community Development Block Grant (CDBG) One Year Action Plans for program years 2008/2009,**

**2009/2010, 2010/2011 and 2011/2012 and authorize the Mayor's signature to any necessary documents, seconded by Sprague. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2011-10 MAKING TEXT AMENDMENTS TO CITY CODE - TITLE 11, CHAPTER 14, SECTION 5 – PARKING AREA AND PARKING LOT REQUIREMENTS

**Councilmember Young moved to approve Ordinance 2011-10 making text amendments to City Code Title 11, Chapter 14, Section 5 – Parking Area and Parking Lot Requirements and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2011R-17 REQUESTING THE JUSTICE COURT STANDARDS COMMITTEE RECERTIFY THE CLEARFIELD JUSTICE COURT

Adam Lenhard, City Manager, indicated Utah State Law required the City to recertify its Justice Court every four years and part of that process included a resolution of support from the governing body. He stated the intent would be for the City to maintain its status as a Class One Justice Court.

Justice Court Judge John Sandberg explained there were three parts to the recertification. He stated he needed to certify the City met both the statutory and rule requirements to support the court, the City Attorney must also make that assertion and then the City Council must pass the resolution. He explained there had been occasions where a court was not recertified but he did not expect that in this case.

**Councilmember Sprague moved to approve Resolution 2011R-17 applying for recertification of the Clearfield Justice Court and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Fryer. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

***COMMUNICATION ITEMS***

***Financial Reports***

Bob Wylie, Administrative Services Director, reviewed current revenue and expenditures with the Council. He noted sales tax had increased slightly.

***Mayor Wood***

1. Informed the Council that he and staff met with the Utah Department of Transportation (UDOT) about improving intersections and interchanges in Clearfield.
2. Informed the Council that there was a possibility of some progress regarding the development of the Utah Transit Authority (UTA) rail site.
3. Stated he attended the PARC (Pioneer Adult Rehabilitation Center) pallet car races held at Layton Hills Mall. He explained it was a good time. He stated the City's pallet car was designed as a flying carpet and it had been designed to simulate flight. Councilmember Shepherd stated the City's pallet car received "Best in Show". He also stated the City encouraged the sponsors to hold it at the UTA Rail Site in the future.

***Councilmember Fryer*** – nothing to report.

***Councilmember Murray*** – nothing to report.

***Councilmember Shepherd*** - reported he attended the Doxey Elementary Walk to School Day. He said they appreciated Clearfield City's attendance at the event.

***Councilmember Sprague*** – nothing to report.

***Councilmember Young*** – nothing to report.

***Adam Lenhard, City Manager*** - reported department updates had been forwarded to the Council for its review. He encouraged the Council to meet with him or department heads if they had any questions about the information in the updates.

**STAFFS' REPORTS**

***Nancy Dean, City Recorder*** - informed the Council there would be a work session on Tuesday, October 4, 2011 and a policy session on Tuesday, October 11, 2011.

***Valerie Claussen, Acting Community Development Director***

1. Reported that the approval of the amendments to the CDBG program would open some new funding for the Down Payment Assistance Program as soon it is coordinated with the State.
2. Reported she attended the Wasatch Front Regional Council Consortium and it focused on growth principals.

*Scott Hodge, Public Works Director*- informed the Council that a portion of 200 South Street was closed to help with the completion of the construction project along that corridor.

There being no further business to come before the Council in policy session, **Councilmember Murray moved to adjourn the policy session and reconvene in a work session at 7:52 p.m., seconded by Councilmember Fryer. The motion carried upon the following vote: Voting AYE – Councilmembers Fryer, Murray, Shepherd, Sprague and Young. Voting NO – None.**

**APPROVED AND ADOPTED  
This 11<sup>th</sup> day of October, 2011**

**/s/Don Wood, 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 27, 2011.

/s/Nancy R. Dean, City Recorder