

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
February 8, 2011 – REGULAR SESSION

City Council Chambers  
55 South State Street  
Third Floor  
Clearfield, Utah

**Mission Statement:** To provide services that enhance the quality of life in our community.

**6:00 P.M. WORK SESSION**

Discussion on Potential Projects for CDBG (Community Development Block Grant) Funds  
Discussion on the SR193 Extension Project  
Discussion on the Community Center Facility Assessment  
Discussion on Tanner Heritage Development Agreement Amendment

**7:00 P.M. REGULAR SESSION**

CALL TO ORDER:	Mayor Pro Tem Sprague
OPENING CEREMONY:	Youth City Council Member Marissa Campbell
APPROVAL OF MINUTES:	January 11, 2011 – Work Session January 11, 2011 – Regular Session

***PRESENTATIONS:***

1. PRESENTATIONS TO NATHAN KING AND TAYLOR NGO IN RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

BACKGROUND: Nathan King and Taylor Ngo have completed the requirements to receive the rank of Eagle Scout. Mayor Wood desires to recognize Nathan and Taylor and acknowledge their achievement.

2. PRESENTATION BY UTAH MUNICIPAL CLERKS ASSOCIATION (UMCA)

BACKGROUND: Board members from the Utah Municipal Clerks Association (UMCA) are present to recognize Kim Read, Deputy City Recorder, for earning the designation of Certified Municipal Clerk (CMC).

***SCHEDULED ITEMS:***

3. CITIZEN COMMENTS
4. CONSIDER APPROVAL OF THE TANNER HERITAGE DEVELOPMENT AGREEMENT AMENDMENT

BACKGROUND: An amendment to the Tanner Heritage Estates Development Agreement to modify front yard setbacks and timing of public improvement reimbursement. The project is located at approximately 1175 South 1525 West. The Planning Commission unanimously recommended approval of the amendment to the Development Agreement on January 19, 2011.

RECOMMENDATION: Approve the Tanner Heritage Development Agreement Amendment and authorize the Mayor's signature to any necessary documents.

5. CONSIDER APPROVAL OF BID FOR COMMUNITY CENTER FACILITY ASSESSMENT

BACKGROUND: The Council authorized staff to proceed with a facility assessment on the current Community Center located at 140 East Center Street for use as a future community arts facility. Staff solicited proposals from qualified architectural firms. Eleven proposals were submitted. After review and negotiations staff would like to recommend the firm Method Studio to complete the study. The proposed amount is \$24,543 for the study and \$593 for reimbursable expenses for a total cost not to exceed \$25,136.

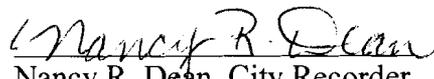
RECOMMENDATION: Approve the award of bid to Method Studio to conduct the facility assessment for the community center and authorize the Mayor's signature to any necessary documents.

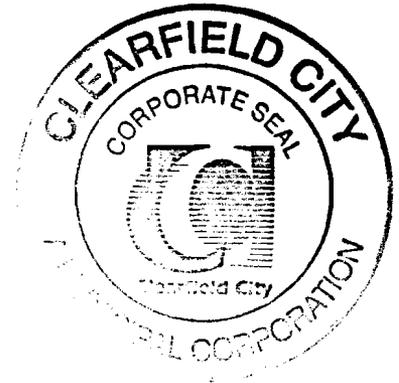
**COMMUNICATION ITEMS:**

Mayor's Report  
City Councils' Reports  
City Manager's Report  
Staffs' Reports

**\*\*COUNCIL MEETING ADJOURN\*\***

Dated this 3<sup>rd</sup> day of February, 2011.

  
Nancy R. Dean, City Recorder



The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
January 25, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Marilyn Fryer	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Chris Hillman	City Manager
	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Scott Hodge	Public Works Director
	Mike Stenquist	Assistant Police Chief
	Tracy Heun	Community Services Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: There were no visitors.

Mayor Wood called the meeting to order at 6:06 p.m.

DISCUSSION ON THE REPAYMENT OF THE 200 SOUTH OVERPASS REPAIR BONDS

Bob Wylie, Administrative Services Director, stated the City had recently received settlement funds in the amount of \$750,000 specific to the bridge settlement with Gilson Engineering. He explained the payoff figure of the bond with Wells Fargo Bank was \$800,352. He reminded the Council the City originally borrowed three years worth of interest and reported there was a remaining balance of \$48,862 in the capitalized interest account. He concluded if the City used the \$750,000 settlement and the \$48,862 in the interest account toward paying off the bond, the remaining balance would be approximately \$1,490. Mr. Wylie proposed using funds from the General Fund in that amount to completely payoff the bond that was issued in May 2008.

Chris Hillman, City Manager, explained and reviewed the history associated with funding the 200 South overpass repair project. He commented the City was fortunate the received settlements had allowed for the repayment of the bond within three years.

Mr. Wylie pointed out the transaction entries would be reflected in June with the reopening of the budget. He mentioned the City had been making annual interest payments; however, this would be the first principal payment.

Mayor Wood inquired how paying off the bond would affect the City's bonding capacity. Mr. Wylie responded this specific bond was an Excise Tax Bond which would allow the City a little capacity for future bonding. Mr. Hillman commented the payoff would not necessarily impact ratings only capacity.

Mr. Wylie stated he would proceed in paying off the bond as there were no objections from the Council.

#### DISCUSSION ON THE CONSOLIDATED FEE SCHEDULE

Bob Wylie, Administrative Services Director, explained it was time for the City to update the fees for water meters listed on the Consolidated Fee Schedule to more adequately reflect the costs of the meters. In addition to that update, Mr. Wylie proposed implementing a ten percent administration fee to the price of the water meters to cover the City's costs associated with obtaining and installing the meters. He explained and reviewed the different proposed fees associated with meter installation. He pointed out installation of any meter greater than two inches would require a public works crew to install and that cost would be assessed the public works hourly rate.

Adam Lenhard arrived at 6:12 p.m.

Mayor Wood inquired if the proposed installation fee would be implemented for water meter replacement. Mr. Wylie clarified the proposed installation costs would be applicable to only new construction/development and reported the City issued 32 residential building permits last year. Councilmember Murray stated she had the same question and believed it would be applicable to all new water meters and requested further clarification. Mr. Wylie responded the proposed new fee would be applicable if a resident desired to upgrade from a smaller meter but emphasized no fee would be assessed if a new transponder was replaced in a broken meter.

Mayor Wood inquired if other cities assessed a similar fee. Mr. Wylie indicated he was not familiar with other cities' policies regarding water meter replacement. Adam Lenhard, Community Development Director, responded he believed other cities had adopted similar fees.

Councilmember Young inquired if a cost study had been completed to determine if the proposed fees covered the administrative costs. Mr. Wylie responded he had not completed such study.

#### DISCUSSION ON COMMUNITY GROUPS ROOM RENTALS

Tracy Heun, Community Services Director, distributed a hand-out explaining the need for a reduced room rental rate for community based groups to use the Community Center. She emphasized the proposal was for the Community Center at the old city building only. She summarized the City's current fees and explained many of the non-profit groups could not afford

the established room rental fees. She expressed a desire for the Council to determine a reasonable fee to allow these groups the opportunity to continue with their activities.

Ms. Heun proposed a one dollar per person per hour fee to accommodate the requests. She pointed out the proposal included a definition of a "Community Based Group" and reviewed the criteria and procedure for the discount rental rate.

Councilmember Fryer inquired if the proposal would accommodate the painter's group which had previously addressed the Council during citizen comments at a previous meeting. Ms. Heun responded it would.

Mayor Wood expressed concern about defining "community" and expressed concern about Clearfield City residents subsidizing activities at the Community Center for the benefit of those who do not reside within the City. Ms. Heun suggested if that were the issue, consideration should be given for all programs offered by the City such as softball, youth sports, fireworks, etc. She read from the Vision 2020 Strategic Plan Core Values to support the position of the room rental fee for community based organizations. She expressed her opinion the City subsidized residents within Davis County for many programs.

Mayor Wood expressed concern the organization would not be required to have one City resident in order to benefit from the reduced rate. Councilmember Fryer believed as long as the room wasn't excluding the use by another entity it would be better to use the facility as opposed to having it sit idle. Mayor Wood expressed the City always incurred a cost when rooms were rented in City facilities which at the very least included the cost for a building monitor.

Councilmember Young pointed out there were many programs which offered different rates for residents and non-residents. Ms. Heun commented the difference in that cost for recreational programs was only \$5 which didn't even cover the additional cost to subsidize the program. She pointed out if the City desired to assess the full cost for a non-resident to participate in Junior Jazz it would be cost prohibitive.

Councilmember Murray inquired what the art group had been paying for the use of the multi-purpose room in the past. Ms. Heun believed it to be approximately \$5 and then was increased to around \$10 per hour. She indicated a new proposal could be considered which was more than \$1 per hour yet not as expensive as the current fee.

Ms. Heun reported she had called similar facilities and the proposed fee was comparable to even the Bountiful Davis Art's Center rate. She indicated she was willing to consider other fees suggested by the Council. A discussion on alternative pricing options took place.

Chris Hillman, City Manager, commented any attempt by staff to calculate what each group could afford would be useless. He continued staff had received feedback from the existing

community based groups reflecting they couldn't afford the City's current rates which was a more "principle" based philosophy.

Mayor Wood inquired as to what these community based groups had been doing since the Council implemented the current fee structure. Ms. Heun responded many of those groups dissolved.

Mayor Wood asked about a building monitor for the rentals. Ms. Heun responded if the rental was during business hours the City would unlock the doors and lock when needed and during the evening hours there was usually a building monitor for other functions already taking place.

A discussion took place regarding the option of requiring a percentage of participants or someone from the group be a resident of the City.

Mayor Wood expressed his opinion the rental fee, at a minimum, should cover the cost of a building monitor. Ms. Heun responded a minimum fee could be added to the proposal. Councilmember Young suggested increasing the per person cost to \$2 per person. A discussion took place to these considerations.

The Council directed Ms. Heun to set the new fee at \$2 per hour, per person with a \$10 minimum to max out at the standard rate with the requirement the applicant to be a resident. Mayor Wood suggested the City consider a deposit. Ms. Heun responded the City could require a credit card upon execution of the rental agreement. Brian Brower, City Attorney, suggested the definition in the proposal be modified and shared suggestions. A discussion took place.

The meeting adjourned at 6:50 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
January 25, 2011

PRESIDING:	Don Wood	Mayor
PRESENT:	Marilyn Fryer	Councilmember
	Kathryn Murray	Councilmember
	Mark Shepherd	Councilmember
	Doyle Sprague	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Chris Hillman	City Manager
	Brian Brower	City Attorney
	Scott Hodge	Public Works Director
	Adam Lenhard	Community Development Dir.
	Mike Stenquist	Assistant Police Chief
	Tracy Heun	Community Services Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Taylor Park, Ivan Anderson – North Davis Sewer District, Alan Thompson, Austin McMillan, TJ Earl, Gracie Nay, Josh Johnson, Bridin Carey, Kiersten Adams, Kyle Adams, Rachel Posadas, Zul Martinez, Thomas & Jacob Henry

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

Youth City Councilmember Alex McMillan conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JANUARY 11, 2011 WORK SESSION AND THE JANUARY 11, 2011 REGULAR SESSION

**Councilmember Fryer moved to approve the minutes from the January 11, 2011 work session and the January 11, 2011 regular session as written, seconded by Councilmember Young. All voting AYE.**

CITIZEN COMMENTS

Ivan Anderson, North Davis Sewer District Board, stated he was present to report as the City's Representative on the Board. He invited the Council to tour the facility anytime it desired to do so. He presented and reported the Sewer District's budget for 2011 to the Council and informed the Council of the improvement projects planned for the 2011 budget year. He stated the District was considering revising impact fees regarding significantly smaller homes with specific design

features which would accommodate a couple or single homeowner. He commented he had recently been appointed as the Chairman of the Board until 2012.

Councilmember Sprague inquired how the single family homeowners would be identified. Mr. Anderson responded that information would be provided to the District by developers of new home development projects.

#### APPROVAL OF ORDINANCE 2011-03 AMENDING THE CONSOLIDATED FEE SCHEDULE

Amendments were being proposed to the Consolidated Fee Schedule for the water meter cost and installation fees to set the meters.

Bob Wylie, Administrative Services Director, reported on the proposed changes regarding water meters to the Consolidated Fee Schedule. He stated this would assess the cost of the different sized meters as well as an administrative and installation fees associated with the meters. He indicated any installation of a meter larger than 2 inches in diameter would be assessed the City's public works rate.

**Councilmember Sprague moved to approve Ordinance 2011-03 amending the Consolidated Fee Schedule 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 NAY – None.**

#### APPROVAL OF THE AWARD OF BID FOR FURNACES, AIR CONDITIONERS AND THERMOSTATS

Chris Hillman, City Manager, stated the City had received approximately \$250,000 in grant funds for energy improvement projects through the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG). Bids were solicited through Bidsync to replace the high efficiency furnaces at the fleet maintenance buildings and the public works shop, the furnaces and air conditioners at the community center and the fire station and the thermostats in the same buildings and the parks shop. Four bids were received. The lowest responsible bidder for the project was Mike Hansen's HVAC Solutions LLC in the amount of \$73,117.52.

Tracy Heun, Community Services Director, explained this bid was specific to the heating and air conditioning units and thermostats in the buildings previously identified with a bid of \$73,117.52.

Councilmember Murray inquired how the remaining grant funds would be used. Tracy Heun, Community Services Director, reported several projects would be funded with the grant funds. She pointed out the City was not required to match any of the grant funds.

**Councilmember Shepherd moved to approve the award of bid for new furnaces, air conditioners and thermostats in the building locations as stated and authorize the Mayor's signature to any necessary documents contingent on the approval and Right-To-Work document from the Project Manager for the Utah State Energy Program, seconded by Councilmember Murray. All voting AYE.**

COMMUNICATION ITEMS:

*Mayor Wood* – reported he would be out of town from Saturday, January 29, 2011 throughout the entire week. He stated Mayor Pro Tem Sprague would be attending the Lunch with the Mayor activity on Wednesday, February 2, 2011.

*Councilmember Fryer* – informed the Council she had attended the Parks & Recreation Commission meeting during which discussions specific to Christmas Decorations and the City Parks took place.

*Councilmember Murray* – nothing to report.

*Councilmember Shepherd* – nothing to report.

*Councilmember Sprague* – informed the Council Nike Peterson had been elected as the Chair and Matt Stones of the Vice Chair of the Planning Commission.

*Councilmember Young* – nothing to report.

*Chris Hillman, City Manager* – nothing to report.

STAFFS' REPORTS:

*Nancy Dean, City Recorder* – reminded the Council of the budget retreat scheduled for Friday, January 28, 2011 at Ramblin' Roads Restaurant beginning at 8:00 a.m. She stated the next Council Meeting would be on Tuesday, February 8, 2011 with a short work session prior to the policy session.

*Tracy Heun, Community Services Director* - announced the storytelling festival was scheduled for Saturday, January 29, 2011 from 7:00-8:30 p.m. in the Little Theatre at the old City Building.

**Councilmember Young moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 7:21 p.m., seconded by Councilmember Fryer. All voting AYE.**

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

# **ATTACHMENT**

**4**



CLEARFIELD CITY  
CITY COUNCIL  
STAFF REPORT

AGENDA  
ITEM  
# \_\_\_\_\_

TO: Honorable Mayor and Council

FROM: Valerie Claussen, MPA, AICP  
City Planner  
[vclaussen@clearfieldcity.org](mailto:vclaussen@clearfieldcity.org) (801) 525-2785

MEETING DATE: February 8, 2011

SUBJECT: Consideration and Possible Approval of DA 11-002, an amendment to the Tanner Heritage Estates Development Agreement, to modify front yard setbacks and timing of public improvement reimbursement. The project is located at approximately 1175 South 1525 West.

**RECOMMENDATION**

Move to **approve** DA 11-002, amending Tanner Heritage Estates Development Agreement by adding an addendum, based on the discussion and findings provided in the Staff Report, and authorize the Mayor's signature to any necessary documents.

**PLANNING COMMISSION**

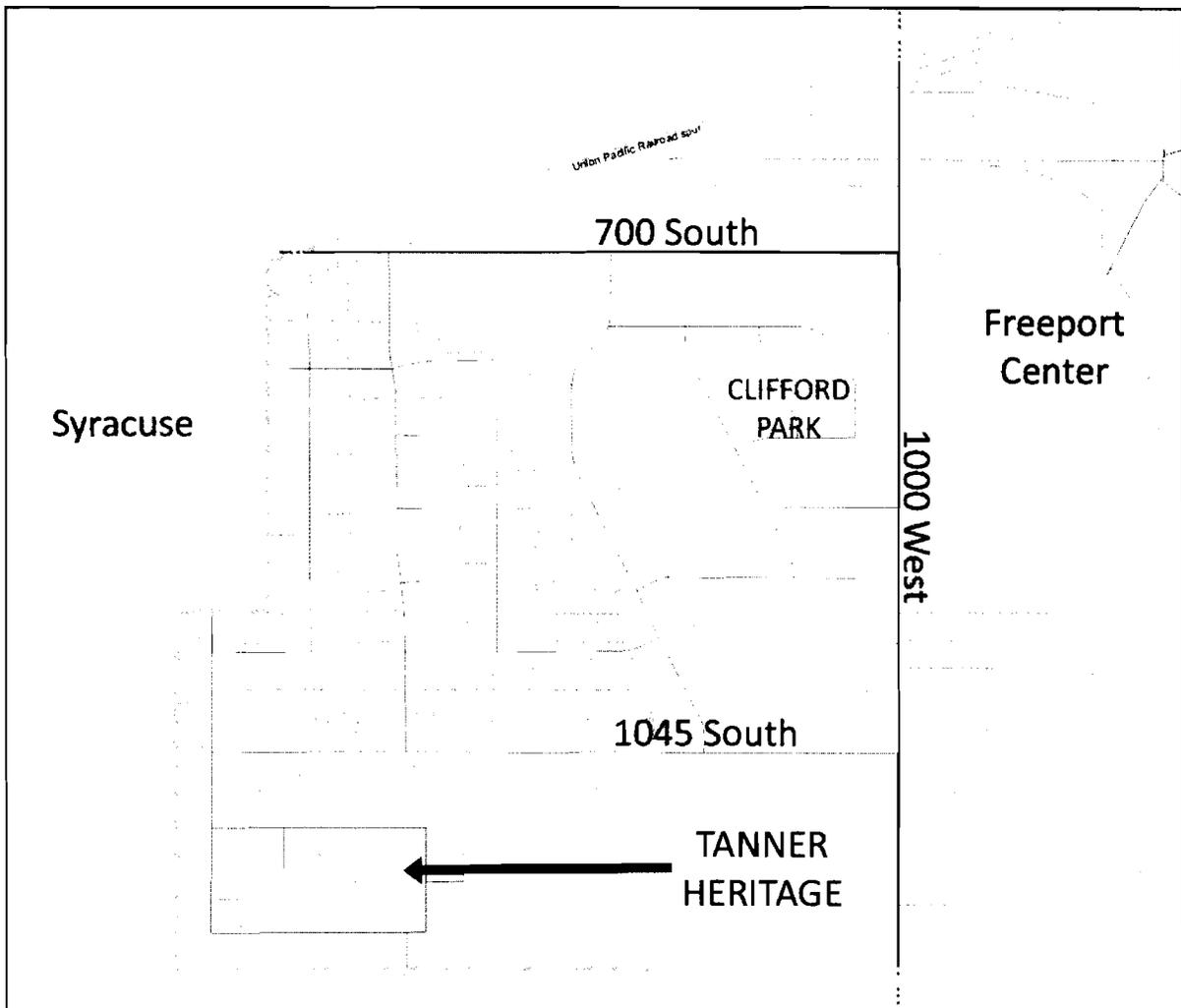
Planning Commission unanimously recommended approval of the amended Development Agreement at their January 19, 2011 meeting.

**PROJECT SUMMARY**

Project Information	
Project Name	Tanner Heritage Estates
Site Location	Approximately 1175 South and 1525 West
Applicant and Owner	Mike Schultz Tanner Heritage, LLC
Proposed Actions	Amend Development Agreement (Adding 1 <sup>st</sup> Addendum)
Current Zoning	R-1 Open (Low Density Residential)
Land Use Classification	Residential Area
Gross Site Area	+/- 15.77 acres
Proposed Density	+/- 3.7 DU/AC
Proposed Residential Lots	59 lots
Developed Lots	14 lots

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Meadow Park Subdivision	R1-8 (Medium Density Residential)	Residential Area
East	Undeveloped (Syracuse City owned parcel)	A-1 (Agricultural)	Residential Area
South	Syracuse City	R-3 (5.44 DU/AC) Syracuse City	R-3 (5.44 DU/AC) Syracuse City
West	Syracuse City	R-2 (3.79 DU/AC) Syracuse City	R-2 (3.79 DU/AC) Syracuse City

**Vicinity Map**



## HISTORY

- December 6, 2006** Planning Commission recommends approval of Tanner Heritage Estates (1100 South 1480 West) rezoning of subject property from A-1 (Agricultural) Zone to R-1 Open (Low Density Residential) Zone
- December 12, 2006** City Council approves Tanner Heritage Estates (1100 South 1480 West) rezoning of subject property by adoption of Ordinance 2006-22
- December 20, 2006** Planning Commission approves the Heritage Park Tentative Subdivision Plat
- April 4, 2007** Planning Commission recommends approval of Tanner Heritage Estates Final Subdivision Plat and Development Agreement with U.S. Development
- April 10, 2007** City Council approves the Final Subdivision Map and Development Agreement
- February 17, 2010** Planning Commission recommends approval of an Amended Tanner Heritage Estates Development Agreement with Castle Creek Homes
- February 23, 2010** City Council approves an Amended Tanner Heritage Estates Development Agreement with Castle Creek Homes
- January 19, 2011** Planning Commission recommends approval of an the First Amendment to the Tanner Heritage Estates Development Agreement with Castle Creek Homes

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## ANALYSIS

### Master Plan and Zoning

The site is located along the southwestern Clearfield-Syracuse border, in the vicinity of 1175 South 1525 West. The property has a Master Plan Land Use Classification of Residential, and is zoned R-1 Open, low density residential. The proposed project is consistent with both the Master Plan and existing zoning.

### Background

A rezoning for Tanner Heritage was approved in December 2006 and Final Plat approval occurred in April 2007. The original Development Agreement was subsequently amended when the property ownership changed hands to Castle Creek Homes. The request for an amended Development Agreement modifies only two terms of the existing Castle Creek Homes Development Agreement of February 2010, which are changing the front yard setback to 23 feet for all lots, and the timing of public improvement reimbursement. The Development Agreement is attached to this report (*See Attachment 2*).

### **Development Agreement**

Under Title 11 (11-1-16) of the Clearfield Land Use Ordinance, Development Agreements may be entered into for several purposes. The applicable purposes for this particular development would be “addressing proposed projects, and the impacts of such projects, which may not have been contemplated by the Code”, and “ensuring adherence to the overall intent of this Code”.

#### *Front Yard Setbacks*

Furthermore, Development Agreements may modify specific type of development standards. The only land use consideration with this request is a modification for the front yard setbacks. Alternating front setbacks between every other lot can be a common practice to encourage variety in an otherwise monotonous streetscape. Staggering front setbacks is not a requirement of current Code. With only two feet difference in the setback, there is very little visual impact. The modification for 23 foot setbacks for all lots is a reasonable request. In addition, variety can and will be obtained from differing house elevations and floor plans that are offered throughout the development.

#### *Reimbursement for Public Improvements*

The timing of reimbursement for public improvements truly lies under the purview of the City Council; however, discussion of this revision is provided for a more thorough analysis. The most recent Development Agreement outlined a schedule that the reimbursement for public improvements would occur in two halves. The first half was due prior to the eighth building permit being issued; the second half due prior to the twelfth building permit issued. The full amount was due no later than February 23, 2011. To date, the first half of the reimbursement has been paid in full.

The amended agreement modifies the reimbursement and timing of the second payment. The proposal is to divide the second half of the reimbursement into two equal payments. The first payment will be due prior to the issuance of the twelfth building permit and the second payment due prior to the sixteenth building permit. Full reimbursement is due no later than February 1, 2012. Staff notes that the developer has continued to obtain additional building permits for the development of several more lots since the February 2010 Development Agreement. The developer has shown a good faith effort in continuing to move forward with the project and the fulfillment of the reimbursement obligations; the consideration of new terms should be taken into account.

### **Public Comment**

No public comment has been received to date.

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## **FINDINGS**

### **Development Agreement**

Clearfield Land Use Ordinance Section 11-1-16 establishes the Findings to be met for approval of Development Agreements when modifying certain types of development standards. The findings and staff's evaluation are outlined below:

Modified Development Standard(s) Under Consideration	
<p><i>Minimum yard requirements (setbacks)</i> Reducing the front setback from 25 feet for even numbered lots (not in cul-de-sacs), to requiring all lots a minimum 23 foot front setback.</p>	
Finding	Staff Analysis
<p><b>A.</b> The granting of the modification will not adversely affect the rights of adjacent landowners or residents.</p>	<p>The modification to 23 foot front yard setbacks for all lots will not adversely affect the rights of adjacent landowners and residents, as the 23 foot front yard setback is already a standard for the cul-de-sac lots and the odd numbered lots (not in cul-de-sacs).</p>
<p><b>B.</b> The modification desired will not adversely affect the public health, safety or general welfare; and</p>	<p>The modification to a 23 foot yard setback for all lots will not adversely affect the public health, safety or general welfare.</p>
<p><b>C.</b> The granting of the modification will not be opposed to the general spirit and intent of this Title or the General Plan</p>	<p>The intent of the Land Use Ordinance can still be met with the proposed modification for all lots to have a front yard setback of 23 feet, with varying the streetscape through different house elevations and floorplans.</p>

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**ATTACHMENTS**

1. Amended Development Agreement, 1<sup>st</sup> Addendum