

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
August 28, 2012 – REGULAR SESSION

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

Mission Statement: To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

5:45 P.M. WORK SESSION

Tour the new Wasatch Elementary School

7:00 P.M. REGULAR SESSION

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Councilmember Young

APPROVAL OF THE MINUTES:

August 14, 2012 – Regular Session

August 14, 2012 – Work Session

PRESENTATION:

1. **SPECIAL RECOGNITION TO ALAN, JULIE AND MAREKE WATSON AS CLEARFIELD HOMETOWN HEROES**

BACKGROUND: Alan, Julie and Mareke Watson have been nominated by their neighbors Edilberto & Nelda Castillo as a Hometown Heroes for alerting the Castillo family about a fire at their home.

PUBLIC HEARINGS:

2. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE FINAL SUBDIVISION PLAT KNOWN AS NINIGRET FIELD**

BACKGROUND: The proposed final subdivision plat known as Ninigret Field subdivides a 4.619 acre parcel into two parcels. The site is located in the vicinity of the Clearfield and Syracuse City limits, a 99-foot diagonal strip between 1000 West and 700 South. The property is zoned M-1 (Manufacturing) and A-1 (Agriculture). The Planning Commission heard this item on August 15, 2012 and unanimously recommended approval.

RECOMMENDATION: Receive public comment.

3. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE DISPOSITION AND ACQUISITION OF PROPERTIES WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) IN CONJUNCTION WITH THE STATE ROAD (SR) 193 EXTENSION PROJECT**

BACKGROUND: Construction of the State Road (SR) 193 extension created a need for the City and the Utah Department of Transportation (UDOT) to exchange some properties along the corridor to better manage the project. The properties currently owned by the City were deemed to

be significant parcels either individually or collectively. The parcels that will be acquired by the City will aid future development projects in Clearfield.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEMS:

4. CITIZEN COMMENTS

5. CONSIDER APPROVAL OF RESOLUTION 2012R-16, A JOINT RESOLUTION OF CLEARFIELD CITY AND THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) IN EXCHANGE FOR OTHER PROPERTIES TO ACCOMMODATE THE STATE ROAD (SR) 193 EXTENSION

BACKGROUND: Construction of the State Road (SR) 193 extension created a need for the City and the Utah Department of Transportation (UDOT) to exchange some properties along the corridor to better manage the project. The properties currently owned by the City were deemed to be significant parcels either individually or collectively. The parcels that will be acquired by the City will aid future development projects in Clearfield.

RECOMMENDATION: Approve Resolution 2012R-16, a joint resolution by Clearfield City and the Clearfield Community Development and Renewal Agency (CDRA) authorizing the conveyance of property to the Utah Department of Transportation (UDOT) in exchange for other properties to accommodate the State Road (SR) 193 extension project and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF ORDINANCE 2012-08 APPROVING TEXT AMENDMENTS TO TITLE 4, CHAPTER 1, SECTIONS 9, 10, 11 AND 15 – BUSINESS LICENSE RENEWALS

BACKGROUND: The City is preparing to implement a cash receipting module in the community development department which will allow for on-line payments of business licenses and collection of other fees. The proposed changes to the ordinance are associated with the annual renewal date for business licenses.

RECOMMENDATION: Approve Ordinance 2012-08 approving text amendments to Title 4, Chapter 1, Sections 9, 10, 11 and 15 – Business License Renewals and authorize the Mayor's signature to any necessary documents.

7. CONSIDER APPROVAL OF A FINAL SUBDIVISION PLAT KNOWN AS NINIGRET FIELD

BACKGROUND: The proposed final subdivision plat known as Ninigret Field subdivides a 4.619 acre parcel into two parcels. The site is located in the vicinity of the Clearfield and Syracuse City limits, a 99-foot diagonal strip between 1000 West and 700 South. The property is zoned M-1 (Manufacturing) and A-1 (Agriculture). The Planning Commission heard this item on August 15, 2012 and unanimously recommended approval.

RECOMMENDATION: Approve the Final Subdivision plat known as Ninigret Field and authorize the Mayor's signature to any necessary documents.

8. CONSIDER APPROVAL OF A COOPERATIVE REIMBURSEMENT AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR UTILITY WORK AND STORM DRAIN IMPROVEMENTS TO THE STATE ROAD (SR) 126 RIGHT-OF-WAY

BACKGROUND: Clearfield City is preparing to perform various roadway and utility improvements within the City's right-of-way on Ross Drive. The Utah Department of Transportation needed some utility and storm drain improvements to the State Road (SR) 126 right-of-way in the same general area so the City would agree to perform the work and UDOT would agree to reimburse the City for its portion of the project.

RECOMMENDATION: Approve the Cooperative Reimbursement Agreement with UDOT for utility work and storm drain improvements in the SR 126 right-of-way and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

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

****ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA****

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE JUNE 26, 2012 REGULAR SESSION

PUBLIC HEARING:

2. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON APPROPRIATING FUNDS FOR THE DEMOLITION OF STRUCTURES LOCATED AT APPROXIMATELY 17 NORTH MAIN, CLEARFIELD

BACKGROUND: In 2010, the CDRA conducted a study on the possibility of appropriating funds for a development project to be located at approximately 17 North Main. A public hearing was held and an appropriation authorized but that project was withdrawn. Recently, another study, prepared as required by § 10-8-2 of the Utah Code, was conducted and it concluded that it is in the public's interest to appropriate funds for the demolition of dilapidated buildings located at approximately 17 North Main, Clearfield. The CDRA will consider adopting the new findings and appropriating up to \$30,000 for this purpose.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEM:

3. CONSIDER APPROVAL OF RESOLUTION 2012R-03 AUTHORIZING THE DEMOLITION OF STRUCTURES LOCATED AT APPROXIMATELY 17 NORTH MAIN, CLEARFIELD

RECOMMENDATION: Approve Resolution 2012R-03 adopting the findings of the new § 10-8-2 study on the appropriation of up to \$30,000 to demolish dilapidated buildings located at approximately 17 North Main Clearfield and authorize the Chair's signature to any necessary documents.

4. CONSIDER APPROVAL OF CLEARFIELD CITY'S RESOLUTION 2012R-16, A JOINT RESOLUTION WITH THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA), AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) IN EXCHANGE FOR OTHER PROPERTIES TO ACCOMMODATE THE STATE ROAD (SR) 193 EXTENSION

BACKGROUND: Construction of the State Road (SR) 193 extension created a need for the City, the CDRA and the Utah Department of Transportation (UDOT) to exchange some properties along the corridor to better manage the project. The CDRA holds one of the properties to be conveyed that was deemed to be a significant parcel. A public hearing on the conveyance of the CDRA property was held on June 22, 2010.

RECOMMENDATION: Approve Clearfield City's Resolution 2012R-16, a joint resolution with the Clearfield Community Development and Renewal Agency (CDRA) authorizing the conveyance of property to the Utah Department of Transportation (UDOT) in exchange for other properties to accommodate the State Road (SR) 193 extension project and authorize the Chair's signature to any necessary documents.

****ADJOURN AS THE CDRA****

Dated this 24th day of August, 2012.

/s/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
7:00 P.M. REGULAR SESSION
August 14, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mike LeBaron Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember Councilmember Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Scott Hodge Valerie Claussen Eric Howes Greg Krusi Nancy Dean	City Manager Assistant City Manager City Attorney Public Works Director Development Services Manager Community Services Director Police Chief City Recorder
EXCUSED:	Kim Read	Deputy City Recorder

VISITORS: Austin Backman, Chris Bateman

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

Councilmember Shepherd conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE MARCH 28, 2012 WORK SESSION, MAY 8, 2012 WORK SESSION, MAY 22, 2012 WORK SESSION, MAY 24, 2012 WORK SESSION, JUNE 5, 2012 WORK SESSION, JUNE 19, 2012 WORK SESSION, JUNE 28, 2012 SPECIAL SESSION, JULY 10, 2012 WORK SESSION, JULY 10, 2012 REGULAR SESSION AND THE JULY 17, 2012 WORK SESSION

Councilmember Young moved to approve the minutes from the March 28, 2012 work session, May 8, 2012 work session, May 22, 2012 work session, May 24, 2012 work session, June 5, 2012 work session, June 19, 2012 work session, June 23, 2012 special session, July 10, 2012 work session, July 10, 2012 regular session and the July 17, 2012 work session, as written, seconded by Councilmember Murray. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT ON AMENDING TITLE 11, CHAPTER 3 –
DEFINITION OF THE TERM “FAMILY”

The proposed amendment to the definition of the term “family” would bring City ordinance in line with recent changes to State Statute. The Planning Commission reviewed the amendment and recommended approval.

Adam Lenhard, City Manager, explained the term “family” had particular meaning when addressing land use. He stated the term changed over the last few years and State statute defined the term which provided for up to three unrelated persons living in a household. He explained the City’s current ordinance stipulated up to two unrelated persons and this ordinance change would bring the City’s ordinance in compliance with State statute.

Mayor Wood declared the public hearing open at 7:08 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Shepherd moved to close the public hearing at 7:09 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT ON AMENDING TITLE 11, CHAPTER 1 –
LAND USE APPEALS

Brian Brower, City Attorney, reported the Planning Commission had no recommendation for the Council. He explained the Public Hearing had been noticed to take place during the City Council meeting and it was his recommendation to open and close the public hearing. He emphasized no action was needed at this time.

Mayor Wood declared the public hearing open at 7:09 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Shepherd moved to close the public hearing at 7:10 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

SCHEDULED ITEMS

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF ORDINANCE 2012-07 AMENDING TITLE 11, CHAPTER 3 – DEFINITION OF THE TERM “FAMILY”

The proposed amendment to the definition of the term “family” would bring City ordinance in line with recent changes to State statute. The Planning Commission reviewed the amendment and recommended approval.

Councilmember LeBaron moved to approve Ordinance 2012-07 amending Title 11, Chapter 3 – Definition of the term “family” and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

CONSENT ITEMS

APPROVAL OF RESOLUTION 2012R-14 AMENDING THE VISION 2020 STRATEGIC PLAN

After adoption of the Vision 2020 Strategic Plan in January of 2010, City staff completed and implemented some of the identified tactics and strategies. After reviewing the document during a work session, the City Council was prepared to approve amendments to the strategic plan.

APPROVAL OF THE REVISED CULINARY WATER CAPITAL FACILITIES PLAN

The existing Culinary Water Capital Facilities Plan was adopted by the City in October 2008. The intent of the Water Capital Facilities Plan was to assist the City in planning, prioritizing and identifying funding sources to make capital improvements to the City’s culinary water system. The Water Capital Facilities Plan was a City-wide report identifying construction and/or replacement/upgrade of any inadequate water facilities. It provided cost estimates, a general construction time table schedule and possible funding sources for the implementation, upgrade and replacement of the identified culinary water capital improvements.

APPROVAL OF THE AWARD OF BID FOR STREET STRIPING

The City received bids from three contractors to provide services for all striping and markings on the City’s roadways. Public works staff reviewed the bids and recommended awarding the bid to Interstate Barricades with a bid amount of \$18,616.50.

APPROVAL OF THE AWARD OF BID TO CRAYTHORNE INC. FOR THE UNIVERSITY PARK BOULEVARD ROADWAY IMPROVEMENT PROJECT

Bids were received from seven construction companies for the University Park Boulevard Roadway Improvement Project. The project would construct a waterline in University Park Boulevard from 1100 South to 1450 South and installs curb, gutter and sidewalk on the west side of University Park Boulevard from the south side of the canal to 1450 South. City engineers reviewed the bids and recommended Craythorne Inc. as the lowest responsible bidder with a bid amount of \$255,195.35 with engineering fees and contingency of \$55,804.65 for a total project cost of \$311,000.

APPROVAL OF THE AWARD OF BID TO ADVANCED PAVING AND CONSTRUCTION FOR THE 1000 WEST STREET CURB AND GUTTER IMPROVEMENT PROJECT

Bids were received from six construction companies for the 1000 West Street Curb and Gutter Improvement Project. The project constructed curb and gutter on the east of 1000 West Street from 700 South to 650 South. City engineers reviewed the bids and recommended Advanced Paving and Construction as the lowest responsible bidder with a bid amount of \$47,774 with engineering fees and contingency of \$19,226 for a total project cost of \$67,000.

APPROVAL OF RESOLUTION 2012R-15 AUTHORIZING AN INTERLOCAL AGREEMENT WITH DAVIS COUNTY AND PARTICIPATING MUNICIPALITIES

State Law authorized the use of "Council of Governments" composed of the county governing body and the mayors of each municipality in the county to assist with the prioritization and application procedures for the use of money allocated to each county through the Local Corridor Preservation fund. This agreement would establish procedures for creation and participation with that body in Davis County.

Mayor Wood pointed out in addition to the elected officials from the participating 15 municipalities and county commissioners to the Council of Governments (COG), there were additional members that were not elected officials. He continued there were some issues brought before the body that excluded the non-elected individuals from participating. This agreement would authorize the participation of only the elected official participation in the Council of Governments (COG). Councilmember Murray inquired why the timeframe of 50 years was designated in the agreement. Brian Brower, City Attorney, responded the law only allowed for 50 years.

Adam Lenhard, City Manager, commented the City was pleased with the number of received bids as well as the bid amounts submitted for the road construction projects. He indicated the City was excited to complete the University Park Boulevard project.

Councilmember Bush asked if the street striping were for a specific project. Scott Hodge, Public Works Director, stated the striping on the roads would be refreshed as well as pedestrian and railroad crossings currently on the roads.

Councilmember Bush inquired about the start dates for the University Park Boulevard project and the 1000 West road project. Mr. Hodge indicated there was not a firm start date for the projects at this time but once the contractors received the notice of awards they would have ten days to submit their bond and insurance documents. He stated a preconstruction meeting would take place during which the start date would be determined. He expressed it would be the City's goal to complete the projects during this construction season.

Mayor Wood asked the Council if there were any items which needed to be removed from the consent agenda. There were no items removed.

Councilmember Shepherd moved to approve the consent agenda items presented by staff as listed above and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Wood – Informed the Council the annual Davis County Gala was quickly approaching and explained the proceeds of the event would benefit a park which would meet the needs of physically challenged children in Syracuse City. He reported invitations had been extended to the five Clearfield elementary school principals and a guest. He indicated he would be attending as a guest of Davis County. He mentioned the City had been complimented on how invitations had been extended in the past for individuals to attend the Gala and other similar events.

Councilmember Bush

1. Reported he had attended the Davis Economic Development luncheon last week in Bountiful and they highlighted its Main Street Redevelopment Project.
2. Informed the Council the Kiwanis breakfast held on August 4, 2012 was successful.

Councilmember LeBaron – nothing to report.

Councilmember Murray – nothing to report.

Councilmember Shepherd – Informed the Council he would be out of town and would not be able to attend the City Council meeting scheduled for Tuesday, September 11, 2012.

Councilmember Young – nothing to report.

STAFF REPORTS

Adam Lenhard, City Manager – informed the Council the City Manager's report had been emailed to them.

Nancy Dean, City Recorder

1. Informed the Council invitations had been received for them to attend the Utah Legislative Alcohol Policy Summit on Thursday, September 6, 2012, at the Utah Valley Convention Center. She continued it would be an all day event and required a \$25 registration fee. She requested interested individuals let her know and she would complete the registration process for them.
2. She reported there was no work session scheduled for Tuesday, August 21, 2012 and reminded the Council of the regular meeting scheduled for Tuesday, August 28, 2012.

There being no further business to come before the Council in policy session, **Councilmember Bush moved to adjourn the policy session and reconvene in a work session at 7:28 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd, and Young. Voting NO – None.**

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 14, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush Kathryn Murray Mike LeBaron Mark Shepherd Bruce Young	Councilmember Councilmember Councilmember Councilmember Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Scott Hodge Eric Howes Greg Krusi Bob Wylie Nancy Dean	City Manager Assistant City Manager City Attorney Public Works Director Community Services Director Police Chief Administrative Services Director City Recorder
EXCUSED:	Kim Read	Deputy City Recorder

VISITORS: Mary Ann Perkins, Franceen Jones, Mark Peterson, Ryan Webb

Mayor Wood called the meeting to order at 6:08 p.m.

DISCUSSION ON THE DAVIS COMMUNITY LEARNING CENTER'S (DCLC) REQUEST FOR SUPPORT AND USE OF THE CLEARFIELD COMMUNITY ARTS CENTER

Mary Ann Perkins, Family Connection Board member and Director of the Davis Community Learning Center (DCLC), explained the DCLC was a non-profit organization run by the Davis School District. She indicated the organization provided resources for parents of low income and immigrant families that would assist in helping their children to become successful. She stated the organization would be located in the new Wasatch Elementary School. She continued Davis School District had budget cuts to the construction project which included the elimination of one classroom and the facility's nursery which was used during workshops. She asked the City to consider providing classroom and nursery space for the organization at the Community Arts Center during the day.

Mayor Wood added the organization was a community partner and also a CDBG recipient. He explained the City was capped at 15 percent for donations of CDBG funds to sub-recipients. He commented this type of involvement would be an opportunity to expand the City's partnership with DCLC beyond the allocation of CDBG funds. Councilmember LeBaron asked if the City would jeopardize CDBG funding by waiving the fee and pushing its donation to sub-recipients

above 15 percent. Mayor Wood replied this type of donation would be separate from any CDBG funding requirements.

Adam Lenhard, City Manager, explained the DCLC request for assistance was specific to the use of the building at times when it was already open along with providing access to the toys for a nursery. He stated the City could easily accommodate the request, the expenses were minimal and the assistance would enhance the City's partnership with the organization. Councilmember Murray asked if the facility had an existing nursery. Mr. Lenhard responded it did. Councilmember Bush liked the idea and asked if there would be additional janitorial services needed to accommodate the request. Eric Howes, Community Services Director, stated the City's janitorial contract included regular cleaning of that particular building. Councilmember Young commented thought it was a good idea to partner with DCLC in this way. Mayor Wood directed staff to assist DCLC with its request.

DISCUSSION ON DOWNTOWN REDEVELOPMENT

JJ Allen, Assistant City Manager, stated the City had worked hard to try and help the Wight House develop in the downtown area but the project was suspended. He expressed a desire to plan for the redevelopment of the property at approximately 17 North Main, Clearfield. He indicated there were three dilapidated structures on the property that were unsightly and hazardous. He recommended the City might be able to assist in the removal of the structures through the use of CDRA funds. He informed the Council that a State agency that used inmate labor, particularly in the removal of asbestos, looked at the project and provided an estimate of not to exceed \$23,000. He explained State Code required the City to perform a study that provided justification for the use of public funds in that manner. Mr. Allen stated staff conducted the study and identified the benefit, purpose and need to participate in assisting with the removal of the structures at the site. He continued there was a real need to eliminate the blight and the project also met specific tactics found in the City's Vision 2020 Strategic Plan. He indicated the CDRA would need to hold a public hearing and make the study available to the public prior to authorizing the appropriation. He stated staff would like an authorization of not exceed \$30,000 on the project to build in a contingency for unforeseen circumstances.

Councilmember Bush asked if the removal of materials would include the poles and wires on the property. Mr. Allen responded it would not include the removal of the poles only the disconnection of the utilities. Adam Lenhard, City Manager, stated those items were not included in the scope of work for the project. Councilmember Bush asked if there were demolition fees associated with the project. Valerie Claussen, Development Services Manager, stated there was a fee but it was minimal. Mr. Lenhard suggested the funding for the project come from the CDRA fund balance.

Franceen Jones, realtor for the property, explained the challenges associated with marketing the property in its current condition as well as the possibility of including the City's portion of the property as part of any proposed transaction. She asked what type of business the City would like to see on that particular property. Mayor Wood stated the City's participation would be addressed on a case-by-case basis and any interested parties looking for CDRA involvement should contact the City at which time a determination could be made. He continued the City

would like to see a project at the site that would enhance the other redeveloped parcels in the area.

Councilmember Bush asked if environmental studies had found any oil to mitigate on the property. Mr. Lenhard stated two phases of environmental studies had been conducted and there were no significant issues but there were some buried tires on the property. He added those types of issues would have to be dealt with in the future by a different contractor. He stated the contractor being discussed would only handle demolition of the structures.

Ryan Webb, business owner, expressed a desire to purchase the property and develop a business similar to FEDEX Kinko that would also include a design component. He expected to need two of the four available acres. Mayor Wood commented the layout of the development was an important component in order to develop the entire site because the City would like to see the entire corner redeveloped. Ms. Jones commented she was only marketing the acreage owned by the Knight family and that made the prospects of developing the entire corner more difficult. Councilmember Shepherd commented it was critical that development include the entire corner considering the City's contribution to demolish the dilapidated structures. Mayor Wood added it was important to clean up the blight. He stated marketing of the entire piece was enhanced if the structures were gone. Ms. Jones agreed that the property would be marketable with the structures gone. Mr. Allen expressed his willingness to participate in discussions with interested parties in order to help get the property redeveloped.

Councilmember Young agreed that it was important that the City work to eliminate blight but expressed concern about using City funds to eliminate it if there were no sign of imminent and specific development. Mr. Lenhard expressed his hope that the City's participation in the demolition would make the property more desirable to potential buyers. Councilmember Shepherd agreed it was difficult to justify making another property owner's property more marketable. Ms. Jones stated the City had the ability to project how the City would look by participating in the project. She added the right development at that corner would attract people and businesses. She explained it was very difficult to attract substantial developers in the property's current condition. She indicated quality developers were unable to see the potential of the property as it currently looked. She continued the City was showing what it had to offer by participating in the project.

Councilmember Young acknowledged the City acquired the additional acreage to encourage positive development in the area but he expressed concern that the City did not own the actual parcel with the dilapidated structures on it. Ms. Jones explained if the property were cleared of the structures, a developer would be more apt to see the entire areas potential and not just the 2.5 acres being marketed by the Knight family. Councilmember LeBaron asked if the City's offer to remove the buildings for a developer at the time of development should be sufficient incentive. Ms. Jones stated she could have sold the front building many times but knew there was more value for the City and the property owner by developing the whole piece. Mayor Wood believed it was better to remove the structures now. Councilmember Murray commented it was important to be able to see the property's potential and the demolition would enhance the property's development opportunities.

Mark Peterson, broker, commented people lacked vision. He explained that was the reason for builders completely finishing homes to sell so that the buyer could see the potential of the homes. He stated developers see city processes as slow and painful so if the demolition were already done it would help a developer see the property's potential. He continued it would also get the project started more quickly. Councilmember Shepherd agreed that a property was more marketable if a developer could see its potential. He stated that Ms. Jones technically could only market the 2.5 acres she was under contract for with the Knights. He explained the difficulty in marketing a piece to a developer as possibly being four acres when the additional acreage was not part of her contract. He recommended the City have a plan for the parcels and provide direction on what type of projects would meet its economic development needs.

Ms. Jones commented the City's property had no value landlocked behind the Knight's property. Councilmember Shepherd agreed. Ms. Jones added it would take the entire four acres to entice a bigger developer otherwise the 2.5 acres was more attractive to a small business owner. She expressed the difficulty in telling a potential buyer that the City might be willing to participate in a specific project that would need all four acres if it met the City's development vision. Councilmember Shepherd agreed. Mayor Wood expressed his opinion the property needed to be developed as a niche not just generally such as with a strip mall. He cited several unsuccessful strip malls in the area as examples of the unviability of such a development. He stated he wanted the development to compliment other developments in the area and wanted to see a successful development.

Councilmember Young stated he understood removing the structures made the property more marketable. He expressed concern that the City would make the investment to remove the structures and then development would occur that might not be positive or have a chance of being successful. Mayor Wood felt the investment was worth removing the blight in the area. Councilmember Shepherd agreed the image of the property would be enhanced with the blight eliminated. Brian Brower, City Attorney, commented this particular property owner was willing to allow the buildings to be removed, whereas, a future property owner may want to keep the buildings. Councilmember Shepherd agreed. Councilmember Young agreed that if the buildings were removed, any new building would be required to meet current codes. Councilmember Shepherd expressed his opinion that it made sense to eliminate the blight.

Mr. Allen informed the Council that the item would be addressed in the meeting scheduled for August 28, 2012 at which time staff would recommend approval of the appropriation to remove the structures. Councilmember Bush asked that maps be made available that would help the councilmembers explain the City's interest in assisting with the project.

Councilmember LeBaron moved to adjourn and reconvene in a City Council policy session at 6:56 p.m., seconded by Councilmember Shepherd. All voting AYE.

The meeting reconvened at 7:35 p.m.

DISCUSSION ON A TITLE 1 GRANT AND REQUEST FROM NORTH DAVIS JUNIOR HIGH (NDJH) FOR ASSISTANCE WITH AQUATIC CENTER MEMBERSHIPS

Eric Howes, Community Services Director, informed the Council that North Davis Junior High (NDJH) received a \$10,000 Title 1 Grant that it would like to use to purchase annual passes to the Aquatic Center for its faculty. He explained the price of an adult annual pass was \$225 and there were 60 individuals the school wanted to be able to benefit from the grant creating a shortfall in the funding. He stated the City would need to substantially lower the price to accommodate the entire faculty. He expressed his opinion participating with the school in this way could be a winning proposition for both entities based on normal usage for those who purchase annual passes.

Councilmember Murray asked if the opportunity would be offered to the 60 faculty members or be outright given to them. Mr. Howes indicated the passes would be given to the faculty as a benefit and the City would receive the grant funds.

Councilmember Shepherd expressed his opinion that participating with the school in this way sent a positive message to them about how much the City valued them. He expressed the importance of the City continuing to partner with the school whenever possible. Mr. Howes informed the Council that the school had a hard time attracting and retaining high quality teachers and the hope was this type of benefit would add some incentive. Mayor Wood asked if the grant was one-time money. Mr. Howes explained the school qualified for the grant because of the number of youth who qualified for reduced school lunch, so as long as the school qualified under that condition the grant would be continually funded.

Brian Brower, City Attorney, recommended the Council take official action on the item even though it was not considered an actual appropriation. Mr. Lenhard asked what findings would be appropriate to justify the fee waiver or reduction in fees. Mayor Wood commented the justification was an effort to retain quality teachers in a Title 1 school which directly benefited the children of the City. Mr. Brower asked if the Council were prepared to provide the same benefit to every school in the City. Mayor Wood stated every school in the City boundaries was designated a Title 1 school. He expressed his opinion that the City would be willing to participate with every Title 1 school in the City boundaries. Councilmember Young expressed his opinion that the City's partnership should apply to any Title 1 school that wanted to participate with a group rate in the same manner. Mr. Brower recommended a memorandum of understanding be drafted that communicated the arrangement was contingent upon the City receiving the necessary compensation to provide the benefit. Councilmember Young asked if the City should create a discount for educators or a discount for groups. Mr. Howes responded it was not uncommon practice across the country to offer group discounts for groups over a certain number of participants. He stated the City did not currently provide a group discount but it was a good way to attract participation.

Councilmembers Bush, LeBaron, Shepherd and Young expressed support for the idea. Councilmember Murray expressed reservations but offered support as long as the City created some sort of written document identifying the details of the offer. The entire Council agreed. Mr.

Lenhard stated staff would put a policy in place that addressed a group discount for faculty of Title 1 schools in the City.

DISCUSSION ON TITLE 5, CHAPTER 1- CODE ENFORCEMENT ABATEMENTS AND COLLECTION OF REIMBURSEMENT COSTS

Brian Brower, City Attorney, reviewed changes proposed for abatements and the collection for reimbursement of the costs associated with it. He stated current code could be construed to require abatement within two days following the 14-day notice so changes were being proposed that would allow additional time for abatement when necessary. He explained the amendments were drafted in such a way as to have it mirror State Code.

Councilmember Murray asked if the abatement being discussed also applied to graffiti on buildings and streets. Councilmember LeBaron stated there were specific requirements for graffiti in the City Code. Councilmember Murray recommended the City's graffiti policy needed to be more aggressive than a 14-day remediation. Mr. Brower stated the City's graffiti policy was far more aggressive than the abatement requirements being discussed. Mr. Brower quoted the City Code as requiring graffiti abatement within five business days and then if not remedied there would be written notice allowing an additional five days. He stated State Code did not specifically address graffiti abatement but other abatement types required a 10-day notice period prior to action by the City. Councilmember Murray questioned whether the timeframe requirements were severe enough. Councilmember Young asked if the 10-day requirement in the State Code was business days. Mr. Brower stated it was merely ten days. He believed the time requirement might not be applicable specifically to graffiti. He stated there was no reason the City could not tighten up the time frame for graffiti and include it in the changes coming forward. Adam Lenhard, City Manager, recommended staff review timeframes established by other cities for graffiti remediation.

Councilmember Murray asked if the City had surveillance in areas prone to graffiti. Greg Krusi, Police Chief, explained the City was working toward that end with the installation of its surveillance cameras throughout the City.

DISCUSSION ON THE CREATION OF AN ETHICS COMMISSION

Brian Brower, City Attorney, informed the Council that the Legislature recently amended the ethics act. He indicated the changes required ethics complaints against city or elected officials be referred to a commission created by the State unless a city created its own commission. He stated Layton City approached the City about participating with several other cities in creating a commission rather than using the State's commission. He continued the three member commission would consist of various city attorneys whose terms would rotate.

Mayor Wood asked how the commission would operate. Mr. Brower indicated the commission would make findings and determine whether or not the claim had merit. He explained the commission would review complaints that appeared ethically or morally wrong not complaints that appeared to be criminally wrong. He continued criminal charges had another procedure to be

followed. The Council indicated it was comfortable with participating in a locally created commission.

DISCUSSION ON PROPERTY EXCHANGES WITH THE UTAH DEPARTMENT OF TRANSPORTATION (UDOT) RELATING TO THE STATE ROAD (SR) 193 EXTENSION PROJECT

Adam Lenhard, City Manager, explained construction of the State Road (SR) 193 extension created a need for the City and the Utah Department of Transportation (UDOT) to exchange some properties along the corridor in order to better manage the project. He stated UDOT would be giving the City almost four more acres than the City would be giving back to it. He added the value of the property being received was also greater than that of which it was losing. He directed the Council to the map and information supplied in its packet for the details of the exchanges. He stated UDOT was just asking for an even swap for compensation. He informed the Council that a public hearing would be held on the issue on August 28, 2012.

DISCUSSION ON AMENDMENTS TO TITLE 4, BUSINESS LICENSE RENEWALS

Valerie Claussen, Development Service Manager, stated the business license division was implementing online payment procedures so it needed some changes made to Title 4 to address the new procedures. She explained the amendments proposed made renewal dates for business licenses correspond with anniversary dates. She continued the changes would streamline the process and make it more efficient. Mayor Wood asked if those already with annual renewal due at the first of the year would stay the same. Ms. Claussen said the changes would only apply to new business license applications.

The meeting adjourned at 8:20 p.m.



Hometown Hero Recognition Form

A Clearfield Hometown Hero is someone that goes above and beyond the call of duty as a Clearfield citizen.

Date: 19 Jul '12
Your name: EDILBERTO & Nelda Castillo
Address: 893 BIRCH ST, Clearfield, UT 84015
Daytime phone #: 801-726-4548 Cell phone #: 801-726-4548

Person you would like recognized (must reside or work in Clearfield):
Name: Julie Alan + Mareke Watson
Address 3 Birch Circle
Daytime Phone #: 801-776-8867 Cell phone #: 801-628-5538

Please tell us what this person has done, and why you would like them recognized as a Clearfield Hometown Hero:
Julie Watson
On Sept 22, all my neighbors noticed a fire at the back of the house, she & her daughter Mareke called 911 while her husband Alan got my wife out of the house safely. Also the elderly neighbors. They saved their lives.

The Hometown Hero certificate can be presented either at the bi-monthly city council meeting, or simply mailed to the recipient. Which would you like to do for this Hometown Hero?

Mailed ___ Presented at the City Council Meeting [checked] or block Party

Would you be willing to attend the city council meeting as well?
Yes, depending on the date [checked] no ___

Need to know by 9th

August 14
02 28
Sept. 9 12

Thank you for your nomination!
Mayor Don Wood, and Clearfield City

Mail completed form to: Clearfield City, ATTN: Community Services Department, 55 S. State St., Clearfield, UT 84015, or drop it off at the same address, Community Services Department., first floor.

SEARCH

SWITCH: [Mobile \(http://m.standard.net\)](http://m.standard.net) | [ePaper \(https://www.standard.net/digital\)](https://www.standard.net/digital) | [Subscribe \(https://dsiweb1.standard.net/select_pub.asp?uid=0\)](https://dsiweb1.standard.net/select_pub.asp?uid=0)

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1 comment (http://www.standard.net/stories/2011/09/22/fire-destroys-garage-clearfield#disqus_thread)

Like 32

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[destroys-garage-clearfield%26ei%3D0Tw1UNLNL4gDiwKPv4CIBw%26usq%3DAFQICNH_un5XnOBRwp63pEexHSPtbhXFq&tt=0](http://www.addthis.com/bookmark.php?v=250&winname=addthis&pub=StandardNET&source=tbx-250&lng=en-US&s=printfriendly&url=http%3A%2F%2Fwww.standard.net%2Fstories%2F2011%2F50353d6bf63fd87c%2F1&frommenu=1&uid=50353d6badc8dccb&url=1&cl=1&pre=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3Dt%26rct%3Dt%26g%3Dbirch%2520street%2520fire%2520clearfi)

Fire destroys garage in Clearfield

By [Scott Schwabke \(/authors/scott-schwabke\)](#)

[Standard-Examiner \(/category/author-organization/standard-examiner\)](#) [staff \(/category/author-type/staff\)](#)

Thu, 09/22/2011 - 11:10pm

Images



http://cdn3.standard.net/sites/default/files/imagecache/max_800/2011/09/22/story-23-lead-fire2-100600.jpg

http://cdn3.standard.net/sites/default/files/imagecache/max_800/2011/09/22/story-23-2nd-fire1-100601.jpg

CLEARFIELD – A garage was destroyed and an adjacent home was heavily damaged by fire late Thursday afternoon.

The report of the blaze at 893 Birch St. came into emergency dispatchers shortly after 5 p.m.

When firefighters arrived, a detached garage was engulfed in flames and fire had spread to a rear bedroom of an adjoining house, said Mark Becraft, deputy chief with North Davis Fire District.

A woman, who was not identified, was in the house at the time but managed to escape without injury.

The fire appears to have started on the south side of the garage, Becraft said. The fire does not appear suspicious, and the cause of the blaze remains under investigation.

When firefighters arrived, they found downed power lines, which hampered efforts to fight the garage blaze, Becraft said.

He estimated that the garage and home had \$50,000 to \$60,000 in damage.

About 30 firefighters responded and had the blaze under control in about 15 minutes.

In addition to North Davis Fire District, other personnel included members of the Layton, Clinton and Syracuse fire departments and Davis County Sheriff's Office.

Tags

[Topics \(/tagadic/chunk/3\)](#)

- [Clearfield \(/topics/clearfield\)](#)

*Edilberto Nelda
Castillo
Hometown
Hero
background
(There's also a
YouTube
video of
the fire!)*



Executive Department

55 South State Street

Clearfield, Utah 84015

Phone: 801.525.2710

Fax: 801.525.2869

August 7, 2012

Alan, Julie and Mareke Watson
3 Birch Circle
Clearfield, UT 84015

Dear Alan, Julie and Mareke,

It is with pleasure that we send this letter to notify you that you have been nominated by your neighbors Edilberto and Nelda Castillo, to be recognized as a "Clearfield Hometown Hero". A Clearfield Hometown Hero is someone that goes beyond the call of duty as a Clearfield citizen, and your neighbors feel that you fit this description!

The mayor of Clearfield would like to present you each with a Hometown Hero Recognition Certificate at the City Council meeting on Tuesday, August 28 at 7 p.m., at the city municipal building, 55 South State Street. The presentation is usually done at the beginning of the City Council meeting. You are welcome to bring any friends and family with you to this presentation.

If, for some reason, you are unable to make this City Council meeting, please let us know and we can schedule the presentation for the September 11 City Council meeting, or we can mail you your certificates. Please call me at the number below and let me know which date will work best for you.

Sincerely,

Marliss Scott
Public Relations/Marketing/Special Events Specialist
Clearfield City
(801)525-2796
www.clearfieldcity.org

cc D.Wood
N. Dean



Community Development

Planning & Zoning, Building Inspections,
Business Licensing, and CDBG Administration

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org or (801) 525-2785

MEETING DATE: August 28, 2012

SUBJECT: Public Hearing, Discussion and Possible Action on **FSP 1207-0007**, a request by Gary McEntee and Eric Rice, on behalf of Ninigret Construction North, LLC for a Final Subdivision Plat to subdivide a 4.619 acre parcel into two parcels. The site is located in the vicinity of the Clearfield and Syracuse city limits, a 99 foot diagonal strip between 1000 West and 700 South (TIN: 12-026-0016). The property is zoned M-1 (Manufacturing) and A-1 (Agriculture).

RECOMMENDATION

Move to **approve** FSP 1207-0007, a Final Subdivision Plat known as Ninigret Field, based on the discussion and findings provided in the Planning Commission Staff Reports, and authorize the Mayor's signature to any necessary documents.

EXECUTIVE SUMMARY

Planning Commission Recommendation

The Planning Commission heard this item at an August 15, 2012 Planning Commission meeting and unanimously recommends approval to the City Council.

Background

The Planning Commission Staff Report and related exhibits are attached to this report (See *Attachment 1*). In addition, an addendum was prepared to answer some additional questions that were raised after distribution of the original report (See *Attachment 2*).

Syracuse Approvals and Information

While not having any bearing on the Clearfield approval process for the final subdivision plat that is located in Clearfield, some updated and additional information relative to the portions of property that lie in Syracuse city limits are provided below for reference.

August 14, 2012 Syracuse City Council approved a five lot industrial subdivision located east of the power line corridor known as Ninigret North I. The property is located in the Industrial zoning district, and master planned Commercial II.

The property that lies west of the power corridor is currently zoned Agriculture (A-1) and is master planned for Commercial II. To date, any further entitlement approvals (i.e. Master Plan Amendment, Zoning Amendment or Subdivision Plats) have not yet been obtained.

August 21, 2012 Syracuse City Council approved the "Syracuse State Road 193 Economic Development Project Area Plan", which boundaries include portions of the subject properties.

ATTACHMENTS

1. August 15, 2012 Planning Commission Staff Report
2. Addendum to 8-15-2012 Planning Commission Staff Report



PLANNING COMMISSION

STAFF REPORT

AGENDA
ITEM
#3 & #4

TO: Planning Commission

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org (801) 525-2785

MEETING DATE: August 15, 2012

SUBJECT: 3) Public Hearing, Discussion and Possible Action on **PSP 1207-0005**, a request by Gary McEntee and Eric Rice, on behalf of Ninigret Construction North, LLC for a Preliminary Subdivision Plat to subdivide a 4.619 acre parcel into two parcels. The site is located in the vicinity of the Clearfield and Syracuse city limits, a 99 foot diagonal strip between 1000 West and 700 South (TIN: 12-026-0016). The property is zoned M-1 (Manufacturing) and A-1 (Agriculture).

4) Public Hearing, Discussion and Possible Action on **FSP 1207-0007**, a request by Gary McEntee and Eric Rice, on behalf of Ninigret Construction North, LLC for a Final Subdivision Plat to subdivide a 4.619 acre parcel into two parcels. The site is located in the vicinity of the Clearfield and Syracuse city limits, a 99 foot diagonal strip between 1000 West and 700 South (TIN: 12-026-0016). The property is zoned M-1 (Manufacturing) and A-1 (Agriculture).

RECOMMENDATIONS

3) Move to **approve** PSP 1207-0005, a Preliminary Subdivision Plat known as Ninigret Field, based on the discussion and findings in the Staff Report.

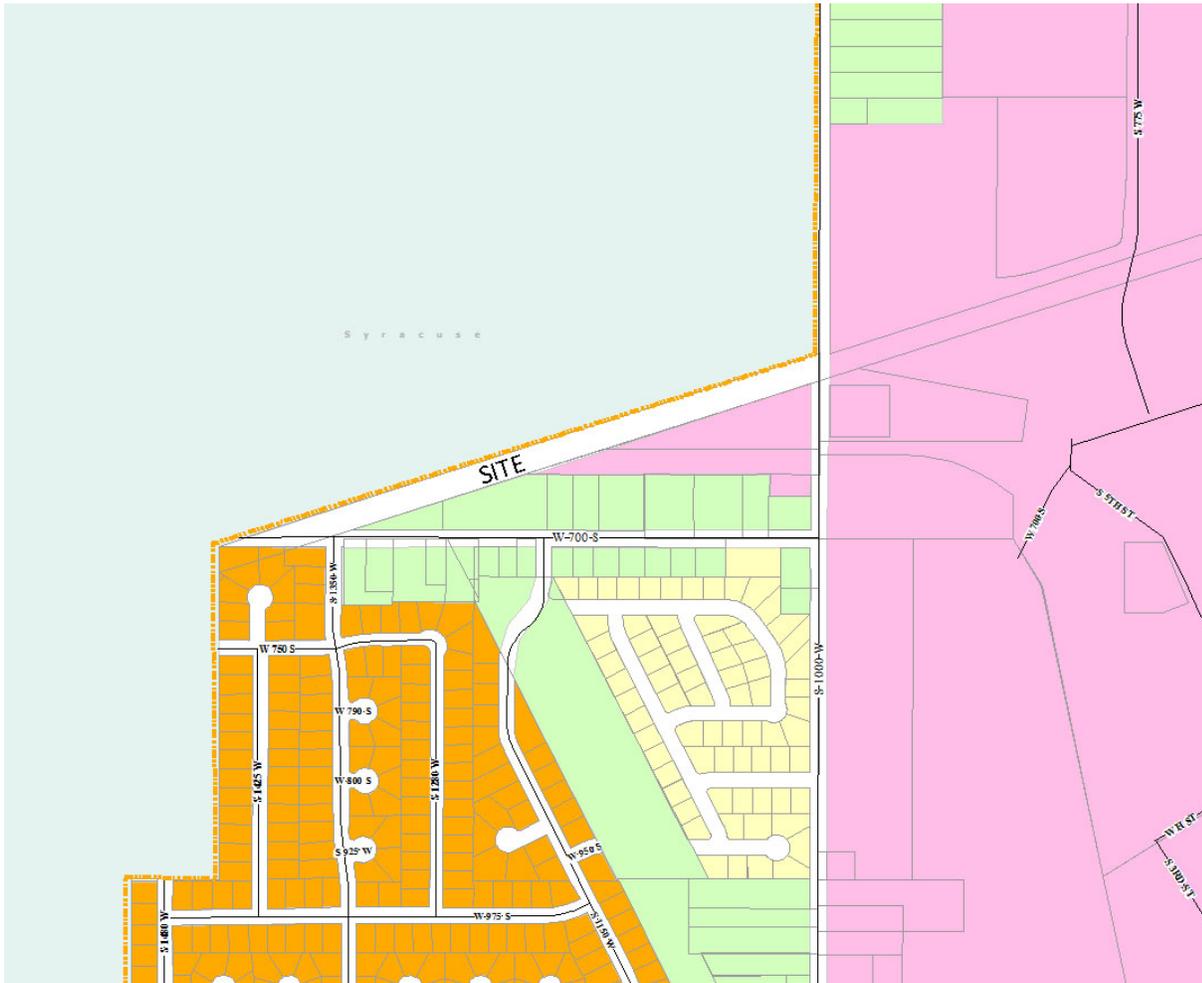
4) Move to recommend to the City Council **approval** of FSP 1207-0007, a Final Subdivision Plat known as Ninigret Field, based on the discussion and findings provided in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Ninigret Field
Site Location	Vicinity of the Clearfield and Syracuse city limits, a 99 foot wide diagonal strip between 1000 West and 700 South
Tax ID Number	12-026-0016
Applicant	Gary McEntee and Eric Rice Ninigret Construction North, LLC
Owner	Steve Romney, Representative CPB of the Church of Jesus Christ of Latter-day Saints
Proposed Actions	Preliminary Subdivision Plat Final Subdivision Plat
Current Zoning	A-1 (Agricultural)
Land Use Classification	Manufacturing
Gross Site Area	4.619 acres
Lot 1	1.76 acres (76,666 SF)
Lot 2	2.88 acres (125,453 SF)

Surrounding Properties and Uses:		Current Zoning District	Comprehensive Plan Land Use Classification
North	Syracuse City	Syracuse City	Syracuse City
East	Freeport Center	M-1 (Manufacturing)	Manufacturing
South	World Wide Packing	M-1 (Manufacturing)	Manufacturing
West	Syracuse City	Syracuse City	Syracuse City

Vicinity and Zoning Map



HISTORY

Prior to 2012 Railroad right-of-way for the "Syracuse Lead"; Undeveloped property

ANALYSIS

Background

The two requests are for preliminary and final plat approval for the subdivision of one parcel into two lots located at the Clearfield and Syracuse city line (See Attachment 1: Preliminary Plat and Attachment 2: Final Plat). These two lots are a very small southern portion of what is part of a larger industrial subdivision development that is located in Syracuse City limits (See Attachment 3: Ninigret North I). In context of the larger development, Lot 1 is an extension of Lot 5 of Ninigret North, and Lot 2 is the continuation of a lot in a future phase.

Master Plan and Zoning

The parcels are master planned Manufacturing. The zoning is A-1 (Agriculture). This is a zone boundary interpretation pursuant to Title 11 Chapter 7 Section D, and based on that there is no further documentation or adopted Ordinance that indicates the property has ever been approved a zone change from an agricultural use. The property was previously a railroad right-of-way for the "Syracuse Lead".

Regardless of its zoning, however, the property may be subdivided with its existing zoning, subject to meeting the agricultural standards. The proposal meets the minimum A-1 zoning standards. It will be at time of development that a rezoning request can be processed, if necessary.

Subdivision Plat Approval

The proposed parcels meet minimum lot size requirements in the A-1 zoning districts. An Engineering review was completed and determined the requests meet City standards. At the time of development, the parcels are subject to Site Plan approval. Impacts on the City's infrastructure and services, setbacks, and other development standards will be reviewed and ensured through the Site Plan approval process and subsequent building permit construction drawing submittals.

Public Comment

No public comment has been received to date.

CONDITIONS OF APPROVAL

- 1) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer, by meeting the requirements set forth in the letter dated August 10, 2012.
- 2) Pursuant to the Subdivision Ordinance 12-4-5, an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat.

ATTACHMENTS

1. Ninigret Field Preliminary Plat
2. Ninigret Field Final Plat
3. Ninigret North I (Syracuse City Plat)
4. Engineer Review Letter

10th August 2012

City of Clearfield
55 South State Street
Clearfield City, Utah 84015

Attn: Valerie Claussen, Planning Director
Proj: **Ninigret Field Subdivision**
Subj: Plat and Improvement Drawings Review #2

Dear Valerie,

I recently reviewed the revised Plat and Improvement drawings of the above referenced subdivision and have the following comments for consideration:

An **electronic copy** of the Plat and Improvement Drawings must be submitted to the Public Work Department via our office for record keeping upon completion and approval of the Plat and Improvement drawings:

Plat:

1. There appears to be an overlap issue with the adjoining property line with “Madaline Subdivision”. The “Utah Land Survey” rebar and cap location falls 2.7’ northwesterly into the “Ninigret Field Subdivision”. I have spoken in detail with the developer’s Engineer and this issue is in the process of being resolved. I believe this issue can be resolved without a problem, but may take a bit of time.

I will see that this overlap issue is resolved prior to my signature on the Plat.

Should you have any questions, feel free to contact our office.
Sincerely,

CEC, Civil Engineering Consultants, PLLC.



N. Scott Nelson, PE.
City Engineer

Cc. Dominion Engineering Associated, LC., Corbin A. Bennion, PE.
Scott Hodge, Clearfield City Public Works Director
Dan Schuler, Clearfield City Public Works Inspector
Michael McDonald, Clearfield City Building Official



PLANNING COMMISSION

STAFF REPORT

**ADDENDUM
TO ITEMS
#3 & #4**

TO: Planning Commission

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org (801) 525-2785

MEETING DATE: August 15, 2012

SUBJECT: Staff Report Addendum for Ninigret Field Subdivision
(Items #3 and #4, PSP 1207-0005 and FSP 1207-0007)

DISCUSSION

The following information is provided to supplement the original Staff Report. It is in a question and answer format to address concerns that might have arisen due to some interesting aspects of this subdivision plat request.

I thought all of this property was within the Syracuse City limits?

The majority of the property is located within Syracuse City. There is 72.2 acres that lie in Syracuse. On July 31, 2012, Syracuse City's Planning Commission approved the Preliminary Plat and recommended approval to their City Council for the Final Plat. That proposal consists of a five lot industrial subdivision. (This was Attachment 3 of the Staff Report provided for reference and for context of the larger project area). Syracuse City Council will be considering the request for Final Plat Approval on August 14, 2012.

The only portion of the project that is located in Clearfield City is the 4.619 acre parcel that is a 99 foot wide diagonal strip between 1000 West and 700 South. This is the parcel that is being considered by Clearfield Planning Commission for Preliminary and Final Plat approval on August 15, 2012. Clearfield City Council is scheduled to consider the Final Plat and Escrow Agreement on August 28, 2012.

Did I read the Staff Report correctly that this parcel is still zoned Agriculture? Why would we approve a Plat and Land Use without the proper zoning approved?

This is a unique parcel in that it began as railroad right-of-way; thus the shape and lack of zoning history. A-1 (Agricultural) zoning is a typical "place card" holder zoning designation that is on properties from the time they are under County land use authority and remains so even through the transition into incorporated City limits. A-1 (Agricultural) properties remain such until they are rezoned. However, even with A-1 zoning, a property owner has basic

development rights, one of which is subdivision of property. This holds true with any underlying zoning that exists on a property. As long as the subdivision meets the minimum standards established in City Code a rezoning isn't always required.

In this instance, the proposed lots conform to the A-1 standards. It will be at time of actual development, that it is anticipated that the property owner will make any necessary rezoning requests and obtain the approvals so the property can be developed accordingly. It is also likely that at time of development the land owner would seek site plan approval.

At this point in time, however, the development rights associated with the property are those that are outlined in Title 11 Chapter 8. A subdivision of property into two lots with A-1 zoning is consistent with the existing zoning.

Staff does not have concerns with the proposed subdivision of one parcel into two lots for the purposes that have been described. Any perceived inconsistencies can and will be ironed out through the rezoning and site plan approval process. The requests under consideration are only for a subdivision plat and not for land use, which will occur at a later date, if necessary.

CLEARFIELD CITY JOINT RESOLUTION 2012R-16

A JOINT RESOLUTION OF THE CLEARFIELD CITY COUNCIL AND THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AUTHORIZING AND DIRECTING THE CONVEYANCE OF EIGHT PARCELS OF REAL PROPERTY TO THE UTAH DEPARTMENT OF TRANSPORTATION IN ORDER TO ACCOMMODATE THE SR-193 EXTENSION PROJECT AND IN EXCHANGE FOR THIRTY-FOUR OTHER PARCELS OF REAL PROPERTY IN CLEARFIELD

WHEREAS, Clearfield City Corporation currently owns six parcels of real property located in Clearfield and the Clearfield Community Development and Renewal Agency (the "CDRA") currently owns two parcels of real property located in Clearfield, which eight parcels cumulatively total 2.68 acres and have a cumulative significant estimated value of \$473,426.00 as set forth in the attached spreadsheet (Exhibit "A") and map (Exhibit "B"); and

WHEREAS, the Utah Department of Transportation ("UDOT") has need for said eight parcels of property in order to facilitate its SR-193 Expansion Project through Clearfield; and

WHEREAS, in exchange for the eight Clearfield City/CDRA parcels totaling 2.68 acres, UDOT is willing to convey to the City thirty-four parcels of real property located in Clearfield which cumulatively total 6.61 acres and have a cumulative estimated value of \$1,239,387.00 as set forth in the attached Exhibits "A" and "B"; and

WHEREAS, the parcels to be acquired by the City from UDOT are of greater value to the City and CDRA to help facilitate additional future development projects in Clearfield than those parcels currently owned by the City and CDRA; and

WHEREAS, upon recommendation from staff, approval by legal counsel, and careful consideration of the benefits to both the City and the CDRA, the Clearfield City Council and the Clearfield Community Development and Renewal Agency hereby find that conveying the eight parcels of real property to UDOT in order to facilitate the SR-193 Extension Project and in exchange for the thirty-four parcels of real property to be conveyed by UDOT to the City/CDRA is in the public interest for the CDRA, Clearfield City, its residents, businesses and the surrounding community;

NOW THEREFORE BE IT RESOLVED by the Clearfield City Council and the Clearfield Community Development and Renewal Agency that:

For the reasons enumerated in the recitals above, the eight parcels of real property currently owned by Clearfield City and the Clearfield CDRA consisting of 116,671 square feet or 2.68 acres cumulatively, located in Clearfield, Davis County, Utah as set forth and depicted in the attached Exhibits "A" and "B", are hereby declared to cumulatively be significant parcels of real property to be conveyed to UDOT in exchange for the thirty-four parcels of real property currently owned by UDOT and consisting of 288,023 square feet or 6.61 acres as set forth and

depicted in the attached Exhibits “A” and “B”, with any cost associated with said transactions (closing costs, recording fees, etc.) to be paid by the grantor of the property.

Passed and adopted by the Clearfield City Council and the Clearfield Community Development and Renewal Agency at their regular meetings held on the 28th day of August, 2012.

ATTEST

CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Donald W. Wood, Mayor

ATTEST

CLEARFIELD COMMUNITY
DEVELOPMENT AND
RENEWAL AGENCY

Nancy R. Dean, City Recorder

Kathryn R. Murray, Chair

VOTE OF THE CITY COUNCIL

AYE:

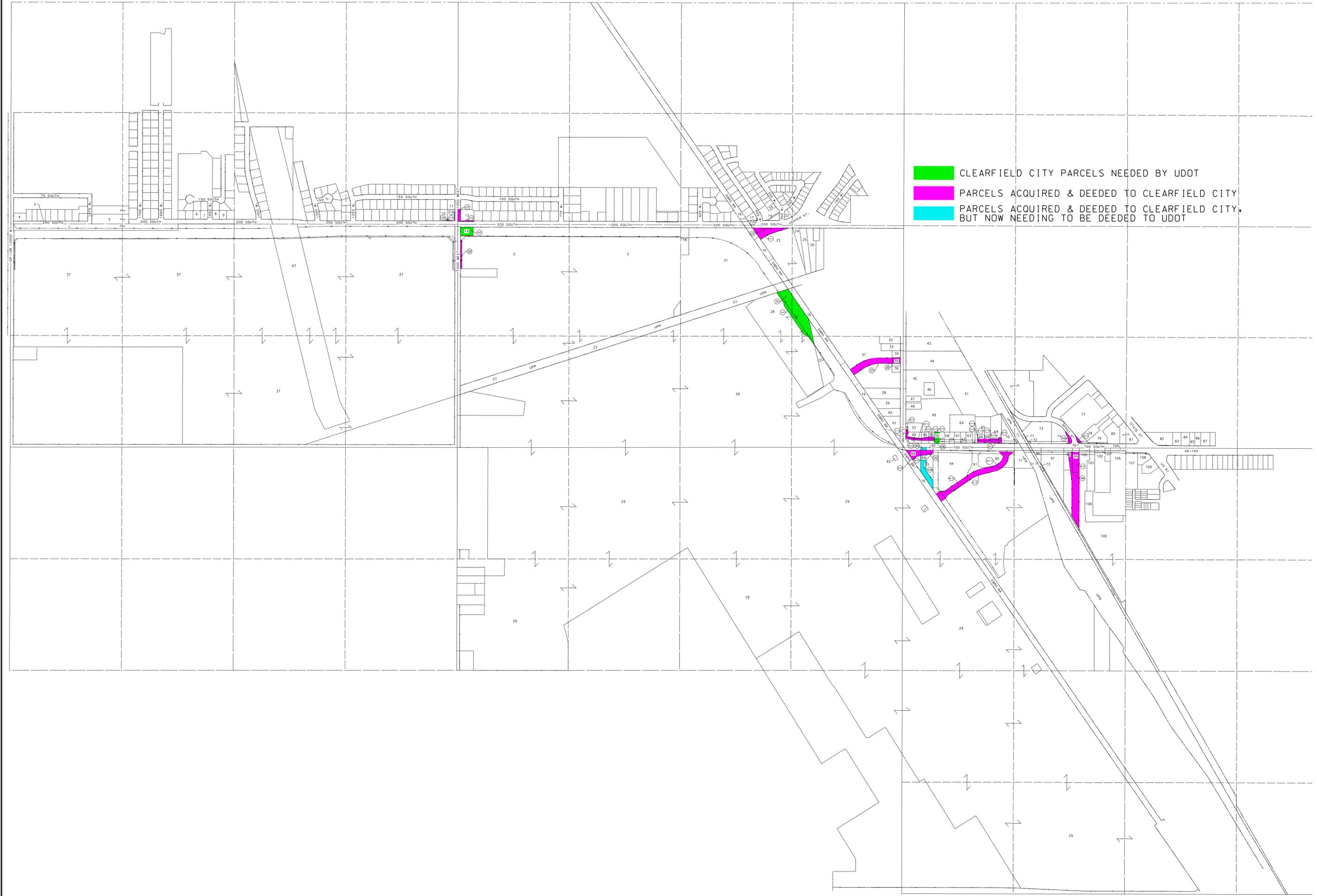
NAY:

VOTE OF THE CDRA BOARD

AYE:

NAY:

\$\$\$1,1e55



- CLEARFIELD CITY PARCELS NEEDED BY UDOT
- PARCELS ACQUIRED & DEEDED TO CLEARFIELD CITY
- PARCELS ACQUIRED & DEEDED TO CLEARFIELD CITY, BUT NOW NEEDING TO BE DEEDED TO UDOT

UTAH DEPARTMENT OF TRANSPORTATION		REGION 1 - OGDEN, UT	
PROJECT	SR-193 EXTENSION, 2000 WEST TO I-15, DAVIS COUNTY		
PROJECT NUMBER	S-0193(6)0	PIN	8021
APPROVED		PROFESSIONAL ENGINEER _____ DATE _____	
DRAWN BY TLJ		CHECKED BY DKW	
NO.		DATE	APPROVED BY
REVISIONS		REMARKS	

Parcels Acquired & Deeded to Clearfield City

Parcel #	Summary No.	Ownership Name		Square Footage	Acquisition Type	Land Price	Notes
		Grantor	Grantee				
3D	5P	Freepor Center Associates, LLP	Clearfield City	5,745	Warranty Deed	\$17,235	
10	5P	Darrin & Mindy Roberts	Clearfield City	232	Warranty Deed	\$812	
11	5P	John & Jessica Evans	Clearfield City	306	Warranty Deed	\$1,224	
11B	5P	John & Jessica Evans	Clearfield City	605	Warranty Deed	\$2,420	
12T	1S	Gene dba John H. Purser Construction Co.	Clearfield City	4,686	Quit Claim Deed	\$500	
13	7P	James & Peggy Sue Randall	Clearfield City	542	Warranty Deed	\$2,168	
17	7P	Patsy W. Hogger	Clearfield City	251	Warranty Deed	\$878	With the redesign of the intersection of 200 South & Center St. area This parcel may no longer be needed.
23	4P	Robert P. & Joyce B. Strelbel Living Trust	Clearfield City	6,135	Warranty Deed	\$19,939	
23NT-C	11S	Robert P. Strelbel Trustee of the Strelbel Living Trust	Clearfield City	19,924	Warranty Deed	\$64,753	
31	4P	The Porter Family L.L.C.	Clearfield City	37,003	Warranty Deed	\$111,009	
35	4P	Curtis A. & Linda M. Eggleston	Clearfield City	6,912	Warranty Deed	\$41,472	
52-C	15S	DSI Investments, LLC, a Utah LLC	Clearfield City	721	Warranty Deed	\$3,245	
53:STQ	Q-Summary	Utah Department of Transportation	Clearfield City	2,734	Quit Claim Deed	\$16,404	
53:ST3Q	Q-Summary	Utah Department of Transportation	Clearfield City	1,241	Quit Claim Deed	\$7,446	
53B:STQ	Q-Summary	Utah Department of Transportation	Clearfield City	2,301	Quit Claim Deed	\$13,806	
54:STQ	Q-Summary	Utah Department of Transportation	Clearfield City	3,205	Quit Claim Deed	\$19,230	
55:STQ	Q-Summary	Utah Department of Transportation	Clearfield City	2,971	Quit Claim Deed	\$17,826	
66:STQ	Q-Summary	Utah Department of Transportation	Clearfield City	3,092	Quit Claim Deed	\$18,552	
66:STEQ	Q-Summary	Utah Department of Transportation	Clearfield City	404	Perpetual Easement	\$2,424	
68:STQ	Q-Summary	Utah Department of Transportation	Clearfield City	2,830	Quit Claim Deed	\$16,980	
68:STEQ	Q-Summary	Utah Department of Transportation	Clearfield City	368	Perpetual Easement	\$2,208	
69:C	17S	Dale Kruitbosch and Sandra Kruitbosch	Clearfield City	5,061	Warranty Deed	\$25,305	Parcel is still in negotiations. Cost should be no less than this.
69:2EC	17S	Dale Kruitbosch and Sandra Kruitbosch	Clearfield City	690	Perpetual Easement	\$1,725	Parcel is still in negotiations. Cost should be no less than this.
69:3EC	17S	Dale Kruitbosch and Sandra Kruitbosch	Clearfield City	867	Perpetual Easement	\$2,168	Parcel is still in negotiations. Cost should be no less than this.
74B	7P	MPM Property Holdings, LLC	Clearfield City	4,311	Warranty Deed	\$26,944	
76:ST	7P	Davis County	Utah Department of Transportation	2,248	Quit Claim Deed	\$8,992	Parcel is currently owned by UDOT; Needs to be deeded to Clearfield City
88:ST	3P	Richard Moore	Utah Department of Transportation	12,704	Warranty Deed	\$66,384	With the redesign of the trail 9,522 sq.ft. of this parcel will be kept by UDOT. 12,704 sq.ft. will be put under in Clearfield City's name. This is the best estimate as we purchased this property based on damages that were caused by the project. We paid a total of \$135,000 for the property and improvements.
89:ST	6P	Pablo Oltehua & Vianey Sanchez	Clearfield City	4,079	Warranty Deed	\$24,474	With the redesign of the trail 3,643 sq.ft. of this parcel will be kept by UDOT. 4,079 sq.ft. will remain in Clearfield City's name. This is the best estimate as we purchased this property based on damages that were caused by the project. We paid a total of \$100,000 for the property and improvements.
91:1C	12S	NSC Superior LLC	Clearfield City	37,627	Warranty Deed	\$94,068	
93	4P	Pablo Oltehua and Vianey Sanchez	Utah Department of Transportation	3,930	Warranty Deed	\$17,685	With the redesign of the trail 1,876 sq.ft. of this parcel will be kept by UDOT. 3,930 sq.ft. will be put in Clearfield City's name.
94:1C	12S	SPRS, L.L.C.	Clearfield City	14,682	Warranty Deed	\$52,121	
95NT:1C	12S	N&S Development, L.C.	Clearfield City	18,614	Warranty Deed	\$88,417	
98B	4P	Jerry L. & Marilyn K. Hamblin	Clearfield City	60,752	Warranty Deed	\$318,948	
99:ST	4P	Vern W. and Helen L. Hamblin	Utah Department of Transportation	20,250	Warranty Deed	\$131,625	Parcel is currently owned by UDOT; Needs to be deeded to Clearfield City
TOTAL				288,023		\$1,239,387	
Clearfield City Parcels Needed by UDOT							
14T	6P	Clearfield City	Utah Department of Transportation	15,000	Quit Claim Deed	\$97,500	
28	14S	Clearfield City Corporation	Utah Department of Transportation	67,917	Quit Claim Deed	\$169,793	
28:E	9S	Clearfield City Corporation	Utah Department of Transportation	20,011	Perpetual Easement	\$25,014	
		Cost to Cure, Improvements & Rounding	Cost to Cure, Improvements & Rounding			\$19,193	
56		Clearfield City Redevelopment Agency	Utah Department of Transportation	1,346	Quit Claim Deed	\$8,076	
56:ST		Clearfield City Redevelopment Agency	Utah Department of Transportation	6,576	Quit Claim Deed	\$39,456	
		Cost to Cure, Improvements & Rounding	Cost to Cure, Improvements & Rounding			\$79,468	
89	6P	Pablo Oltehua & Vianey Sanchez	Clearfield City	2,178	Quit Claim Deed	\$13,068	This parcel resides inside of the SR-193 ROW along 700 South. It all needs to be deeded back to UDOT.
89:ST1	6P	Pablo Oltehua & Vianey Sanchez	Clearfield City	3,643	Warranty Deed	\$21,858	With the redesign of the trail 3,643 sq.ft. of this parcel will be kept by UDOT. 4,079 sq.ft. will remain in Clearfield City's name.
93B:T	4P	Pablo Oltehua and Vianey Sanchez	Clearfield City	20,685	Warranty Deed	\$93,083	With the redesign of the trail all of this parcel should be transferred back to UDOT.
TOTAL				116,671		\$473,426	
				171,352		\$765,961	



Community Development

Planning & Zoning, Building Inspections,
Business Licensing, and CDBG Administration

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: Valerie Claussen, MPA, AICP *Development Services Manager*
vclaussen@clearfieldcity.org or (801) 525-2785

MEETING DATE: August 28, 2012

SUBJECT: Discussion and Possible Action on a Text Amendment to Title 4, Chapter 1, Sections 9, 10 and 11 of the Municipal Code regarding Business License Renewals.

RECOMMENDATIONS

Move to **approve Ordinance 2012-08**, a text amendment to Title 4 Chapter 1 of the Municipal Code regarding business license renewals, based on the discussion in the Staff Report, and authorize the Mayor's signature to any necessary documents.

EXECUTIVE SUMMARY

Background

The City is preparing to implement a cash receipting module in Community Development that will provide the function of not only taking in and processing fees over the counter, but has on-line payment capabilities. This is anticipated to be a great benefit to the City, specifically to the Business License holders who are required to renew on an annual basis.

Proposed Changes

With the services of on-line payments and the collection of fees at the same counter, Staff has identified a few changes that will need to be made to Title 4 of the Municipal Code and are delineated in the proposed text amendment language (*See Attachment 1: "Exhibit A"*).

The proposed changes revolve around an annual renewal of business licenses that will be the anniversary month in which the business license was issued. Business license holders will have a 45 day renewal period in which to renew their license to keep it valid before accruing late fees and other penalties related to operating a business without a valid business license.

Identified Advantages

It is believed several advantages will occur from making these procedural changes. While initially there will still remain a majority of license renewals that will be occurring at the end of the year, throughout time the new applications will have renewal dates that are spread across the year.

With the technology of computers and databases, it is no longer necessary to require a consolidated process that is extremely time consuming during nearly a quarter of the year. The rolling applications and renewals will assist in streamlining the process for the applicant, as well as for Staff. In addition to continuing the mailed renewal notices, efficiencies with notifications will now also be able to be done via email. Also, the reporting aspect of business license information will be able to be better monitored and the status of operating and non-operating businesses will be closer to real time, versus a once-a-year model.

ATTACHMENTS

1. "Exhibit A" Text Amendment Language
2. Ordinance 2012-08

“Exhibit A”

Text Amendment for Business License Renewals (Revisions shown with CAPS and deletions shown with ~~strikethrough.~~)

Title 4 Chapter 1 GENERAL BUSINESS AND LICENSE PROVISIONS

4-1-9: FEE FOR LICENSE:

A. Administration Fee Levied: For the purpose of regulating costs to the city and to regulate businesses for compliance to the land use, building and police codes, there is levied upon every company or person engaging in business in the city, an administrative base fee, unless covered under exemptions, as follows:

1. The base fee shall be levied upon every new business for the first year. ~~or any part thereof.~~
2. In the event that a business is sold or transferred to another person, a new license and base fee shall be required. ~~for the year or any remaining part thereof.~~
3. For each ~~calendar~~-year thereafter, an administrative ANNUAL renewal fee shall be levied on every licensed business.

B. Disproportionate Service Fee Levied:

1. An additional regulatory fee shall be assessed to any business that requires an enhanced level of service or creates a disproportionate cost to the city.

~~2. During the first year of licensure, fees assessed against new businesses for disproportionate municipal services shall be prorated quarterly and the licensee shall only be required to pay the proportionate fee for those quarters in which the business actually engages in business. This provision shall not be construed as exempting a late applicant from payment of the full license fee, or permitting a refund of any portion of a license fee already paid.~~

4-1-10: LICENSE PERIOD:

A. ~~Calendar Year~~ **TWELVE MONTHS:** ~~All licenses issued shall be valid for a period of one calendar year, except~~ EXCEPT as set forth in subsection C of this section, ALL LICENSES SHALL BE VALID FOR A PERIOD OF TWELVE MONTHS FROM THE DATE OF ISSUANCE, AND MUST BE RENEWED ON AN ANNUAL BASIS TO REMAIN VALID. ANNUAL RENEWAL FEES MUST BE PAID IN FULL TO THE CITY NOT MORE THAN 45 DAYS AFTER THE FIRST DAY OF THE TWELFTH MONTH OR THE LICENSE IS DEEMED EXPIRED. ~~Those new licenses which are approved after the calendar year begins~~

“Exhibit A”

~~are only valid through the remaining months of the calendar year. Exception: New licenses issued after November 1 shall require payment of the full application fee and shall be valid through December 31 of the following year.~~

- B. Renewal: At the time of yearly ANNUAL renewal, an inspection may ~~be made~~ OCCUR to assure compliance with the ordinances of the city. If any changes have been made to the business, a new license may be required.
- C. Temporary, Seasonal Merchant Or Mobile Food Vendor License: A temporary or seasonal merchant's license or mobile food vendor's license shall be valid for a period of sixty (60) consecutive days. (Ord. 2009-15, 11-24-2009)

4-1-11: DELINQUENT DATE AND PENALTY:

- A. Penalty: TO MAINTAIN A VALID BUSINESS LICENSE, ~~All~~ ALL licensing fees that are imposed by this chapter, except the initial license fee for a new business, out of city contracted services, temporary and seasonal merchant licenses or mobile food vendor's licenses, shall be ~~due and payable on or before December 31~~ REMITTED TO THE CITY NOT MORE THAN 45 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE. In the event the fee is not paid ~~on or before January 15~~, WITHIN THE 45 DAYS, a penalty fee shall be imposed and shall become a part of the license fee levied by this chapter. (Ord. 2008-04, 7-22-2008; amd. Ord. 2009-15, 11-24-2009, Ord.2011-5, 04-12-2011.)
- B. Final Notice: ~~On or before January 1 of each year, a~~ A final notice shall be sent to all licensees whose annual license fee remains unpaid ONE MONTH AFTER EXPIRATION. This notice shall state that unless the license fee is paid ~~by January 15~~ WITHIN THE 45 DAY RENEWAL PERIOD a penalty fee shall be imposed and legal action may be initiated by the city for engaging in business without a valid business license. The notice shall also set forth the amount of the penalty fee. Should it be necessary to take this matter to court, the business shall become responsible to reimburse the city for all attorney fees, court costs and any other expenses incurred by the city to clear up the account. (Ord. 2011-05, 4-12-2011, eff. 10-1-2011)
- C. Engaging Without License: Should any person be found in the act of engaging in business without a license, the penalty fee specified by the consolidated fee schedule shall be added to the base fee upon required application. (Ord. 2008-04, 7-22-2008)
- D. FAILURE TO RENEW: FOR PURPOSES UNDER THIS SECTION, NEW BUSINESS LICENSES WILL NOT BE ISSUED TO APPLICANTS WHO HAVE AN OUTSTANDING ACCOUNT BALANCE.

CLEARFIELD CITY ORDINANCE 2012-08

AN ORDINANCE AMENDING TITLE 4 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 4 of the Clearfield City Code by amending Chapter 1, Section 9, Section 10 and Section 11 of said title.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 4, Chapter 1, Section 9, Paragraph A of the Clearfield City Code is hereby amended to read as follows:

A. Administration Fee Levied: For the purpose of regulating costs to the city and to regulate businesses for compliance to the land use, building and police codes, there is levied upon every company or person engaging in business in the city, an administrative base fee, unless covered under exemptions, as follows:

1. The base fee shall be levied upon every new business for the first year.
2. In the event that a business is sold or transferred to another person, a new license and base fee shall be required.
3. For each year thereafter, an administrative annual renewal fee shall be levied on every licensed business.

Title 4, Chapter 1, Section 9, Paragraph B, Subsection 2 of the Clearfield City Code is hereby repealed.

Title 4, Chapter 1, Section 10 of the Clearfield City Code is hereby amended to read as follows:

- A. Twelve Months: Except as set forth in Subsection C of this section, all licenses shall be valid for a period of twelve months from the date of issuance, and must be renewed on an annual basis to remain valid. Annual renewal fees must be paid in full to the city not more than 45 days after the first day of the twelfth month or the license is deemed expired.
- B. Renewal: At the time of annual renewal, an inspection may occur to ensure compliance with the ordinances of the city. If any changes have been made to the business, a new license may be required.
- C. Temporary, Seasonal Merchant Or Mobile Food Vendor License: A temporary or seasonal merchant's license or mobile food vendor's license shall be valid for a period of sixty (60) consecutive days.

Title 4, Chapter 1, Section 11 of the Clearfield City Code is hereby amended to read as follows:

4-1-11: DELINQUENT DATE AND LATE FEE:

- A. Delinquent Date and Late Fee: To maintain a valid business license, all licensing fees that are imposed by this chapter (except the initial license fee for a new business, out of city contracted services, temporary and seasonal merchant licenses, or mobile food vendor's licenses) shall be remitted to the city not more than 45 days after the expiration date of the license. In the event the fee is not paid within the 45 days, a late fee shall be imposed and shall become a part of the license fee levied by this chapter.
- B. Final Notice: A final notice shall be sent to all licensees whose annual license fee remains unpaid one month after expiration. This notice shall state that unless the license fee is paid within the 45 day renewal period a late fee shall be imposed and legal action may be initiated by the city for engaging in business without a valid business license. The notice shall also set forth the amount of the penalty fee. Should it be necessary to take this matter to court, the business shall become responsible to reimburse the city for all attorneys' fees, court costs and any other expenses incurred by the city to clear up the account.
- C. Engaging Without License: Should any person be found in the act of engaging in business without a license, the late fee specified by the consolidated fee schedule shall be added as a civil penalty to the base fee upon required application.
- D. Failure to Renew: For purposes under this section, new business licenses will not be issued to applicants who have an outstanding account balance.

Title 4, Chapter 1, Section 15 of the Clearfield City Code is hereby amended to read as follows:

4-1-15: PENALTY:

In addition to any late fees or civil penalties, any person who violates any provision of this chapter shall be guilty of a class B misdemeanor which is punishable as set forth in section 1-4-1 of this code. Each separate day a person violates any provision of this chapter shall be a separate violation.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 28th day of September, 2012.

CLEARFIELD CITY CORPORATION

Donald W. Wood, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, 2012, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as **UDOT**, and **CLEARFIELD CITY**, a Municipal Corporation in the State of Utah, hereinafter referred to as the **CITY**,

WITNESSETH:

WHEREAS, the **CITY** is preparing to perform various roadway and utility improvements within the **CITY**'s right-of-way on Ross Drive in Clearfield (the "CITY's Work"); and

WHEREAS, Ross Drive intersects with **UDOT**'s right-of-way for SR-126 (State St.) in Clearfield; and

WHEREAS, **UDOT** has the need to have certain utility related work and storm drain improvements performed for the benefit of the SR-126 right-of-way (the "UDOT Work"); and

WHEREAS, the **CITY**, while already mobilized and engaged in performing the **CITY**'s Work on Ross Drive, will be able to perform the **UDOT** work in the area in a more cost effective and efficient manner than if **UDOT** had its work performed separately; and

WHEREAS, the **CITY**, either by its own efforts or through using a qualified contractor following a lawful procurement process, is ready, willing, and able to perform or cause to be performed the **UDOT** Work in conjunction with the **CITY**'s Work on Ross Drive provided that **UDOT** will reimburse the **CITY** for its costs incurred in performing the UDOT Work; and

THIS COOPERATIVE AGREEMENT, is made to set out the terms and conditions under which **UDOT** Work shall be performed and in what manner the **CITY** shall be reimbursed by **UDOT**.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. An estimate, as more specifically set forth in **Exhibit "A"** attached to this Agreement (the "UDOT REQUESTED STORM DRAIN IMPROVEMENTS") which is incorporated into and made a part of this Agreement by this reference, of the cost of said work was furnished by the **CITY** to **UDOT** in the total amount of TWELVE THOUSAND EIGHT HUNDRED FIFTY SIX DOLLARS AND 80/100 DOLLARS. (\$12,856.80). The estimate is based upon the prices of materials and labor current as of the date of said estimate. The estimate does not account for increases due to unknown and unforeseen hardships in accomplishing the work.

TOTAL ESTIMATED COST TO UDOT IS	\$ 12,856.80
--	---------------------

Total payment to the **CITY** by **UDOT** will be based on 100% of the actual costs incurred by the **CITY** for performing the work covered herein as determined after completion of construction up to but not to exceed an amount of TWENTY THOUSAND DOLLARS (\$20,000.00).

2. The **CITY**, either with its regular engineering and construction forces at its standard schedule of wages and working hours, or through qualified contractors, with whom it has continuing contracts or shall lawfully procure such, shall perform the necessary field and office

engineering, furnish all materials and perform the UDOT Work covered herein, as more specifically set forth in **Exhibit "B"** attached to this Agreement (the "UDOT REQUESTED STORM DRAIN IMPROVEMENTS") which is hereby incorporated into and made a part of this Agreement by this reference. In the performance of the UDOT Work, the **CITY** will adhere to the procedures and specifications contained in the **UDOT's** "MANUAL FOR THE ACCOMMODATION OF UTILITIES AND THE CONTROL AND PROTECTION OF STATE HIGHWAY RIGHTS OF WAY", which may be obtained at <http://www.dot.state.ut.us/index.php/m=c/tid=423>, and any supplements or amendments thereto. The **CITY** will be required to mark all underground facilities with approved markers for the area affected by construction. The **CITY** shall not perform any construction on the UDOT Work until authorized in writing by the **UDOT**. The **CITY** will notify **UDOT's** Resident Engineer, Thomas Roylance; 166 West Southwell Street, Ogden, Utah 84404, Telephone number (801) 622-1581, in advance of beginning any work covered herein.

3. The **CITY** shall submit itemized bills covering their actual costs incurred for performing the work covered herein with supporting sheets and/or one final and complete billing of all actual costs incurred within 6 months following completion of the UDOT Work by the **CITY** to **UDOT's** Construction Division, 4501 South 2700 West, Salt Lake City, Utah 84114-8405, Attention: Contracts, Estimates and Agreements Supervisor, otherwise previous payments to the **CITY** may be considered final, except as agreed to between the parties hereto in advance. **UDOT's** Resident Engineer will review said billings, give verification of the work performed and return said billings to the UDOT's Construction Office for processing. **UDOT** will reimburse the **CITY** within sixty (60) days after receipt of said billings. Failure on the part of the **CITY** to submit said billings within said one (1) year time limit will result in **UDOT's** disallowance of that portion of work performed by the **CITY**.
4. **UDOT** and the **CITY** are both governmental entities subject to the Utah Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out the negligent acts, errors or omissions of the indemnifying party's officers, agents, contractors or employees in the performance of this Agreement. Nothing in this paragraph is intended to create additional rights to third parties or to waive any provision of the Utah Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.
5. This Agreement may be executed in one or more counterparts, each of which shall be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument. This Agreement shall become effective when each Party hereto shall have received a counterpart hereof signed by the other Party hereto.
6. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
7. Nothing contained in this Agreement shall be deemed or construed, either by the parties hereto or by any third party, to create the relationship of principal and agent or create any partnership, joint venture or other association between the Parties.
8. This Agreement contains the entire agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid.

X-####(##)#
SR-126 (State St.) & Ross Drive
Roadway/Utility Construction
CLEARFIELD CITY CORPORATION
CID #: ##### PIN #: 11030

9. If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.

10. Each party represents that it has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as fo the day and year first above written.

ATTEST:

CLEARFILED CITY, a Municipal Corporation of the State of Utah

By: _____

By: _____

Title: Nancy Dean, City Recorder

Title: Don Wood, Mayor

Date: _____

Date: _____

(IMPRESS SEAL)

.....
RECOMMENDED FOR APPROVAL:

UTAH DEPARTMENT OF TRANSPORTATION

By: _____
Region Utilities and Railroad Coordinator

By: _____
Region Director

Date: _____

Date: _____

APPROVED AS TO FORM:

UDOT COMPTRROLLER'S OFFICE

The Utah State Attorney General's Office has previously approved all paragraphs in this Agreement as to form.

By: _____
CONTRACT ADMINISTRATOR

Date: _____

EXHIBIT A

UDOT REQUESTED STORM DRAIN IMPROVEMENTS

No.	Item	Quantity	Unit	Unit Price	Total Amount
A2.	Remove curb and gutter.	17	lf	\$10.00	\$170.00
A4.	Remove stamped concrete.	50	sf	\$1.00	\$50.00
A5.	Remove asphalt surface.	14	sy	\$4.50	\$63.00
A6.	Remove existing 12-inch storm drain pipe.	25	lf	\$12.00	\$300.00
A9.	Remove existing storm drain catch basin	1	ls	\$700.00	\$700.00
A10.	Install 15-inch class III rcp storm drain pipe.	25	lf	\$70.00	\$1,750.00
A12.	Connect new 15-inch rcp pipe to the existing catch basin at sta. 3+55.60, LT. 45.51'	1	ls	\$1,200.00	\$1,200.00
A14.	Connect 15-inch rcp pipe to the existing junction box at Ross Drive, sta.3+27.36.	1	ls	\$1,200.00	\$1,200.00
A15.	Furnish pipe bedding.	5	tons	\$15.00	\$75.00
A16.	Furnish trench backfill.	10	tons	\$12.50	\$125.00
A17	Install concrete curb & gutter.	17	lf	\$16.00	\$272.00
A19.	Install stamped and colored concrete.	50	sf	\$18.00	\$900.00
A20.	Flowable fill.	7	cy	\$95.00	\$665.00
A21.	PG grade asphalt mix.	7	tons	\$142.00	\$994.00
A22.	Install UDOT storm drain catch basin	1	ea	\$2,250.00	\$2,250.00
Sub Total for UDOT requested work:					\$10,714.00
Construction Contingencies, Engineering Design, Surveying & Construction Management.		20	percent		\$2,142.80
Total Estimate of UDOT requested improvements:					\$12,856.80



CIVIL ENGINEERING
CONSULTANTS, PLLC.
5141 SOUTH 1500 WEST
RIVERDALE, UT 84405
801.866.0550

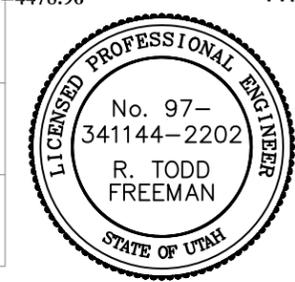
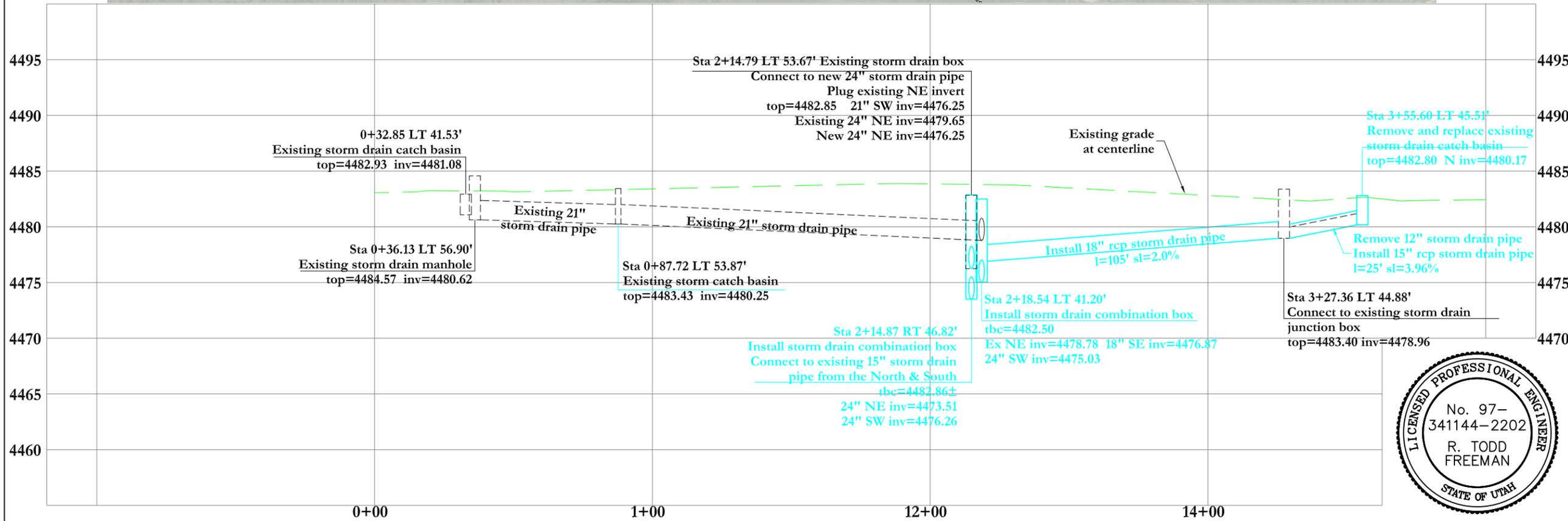
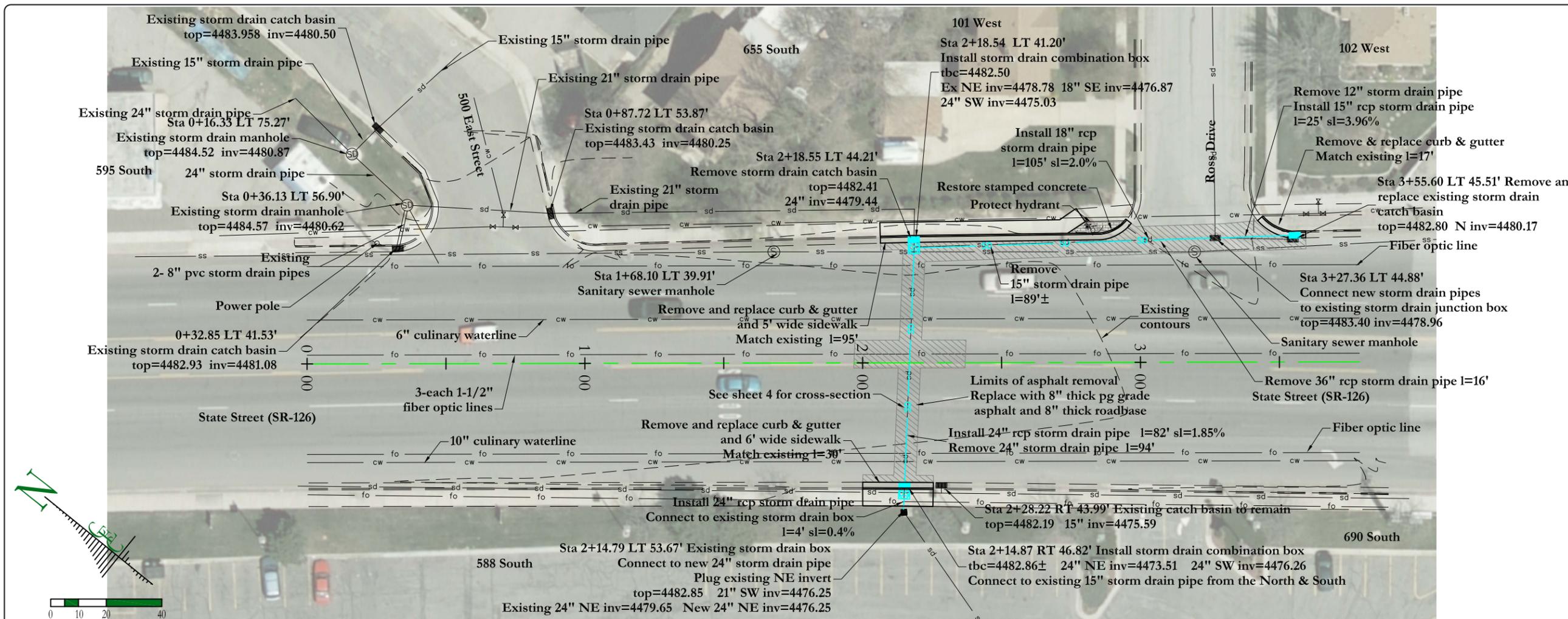
NO.	DATE	BY	REVISIONS

DATE: MARCH 2012
DRAWN: JLS
CHECKED: RTF

PROJECT / LOCATION:
ROSS DRIVE AT STATE STREET STORM DRAIN
IMPROVEMENTS
CLEARFIELD CITY, UTAH

TITLE:
PLAN & PROFILE

CLIENT: CLEARFIELD CITY
PROJECT NUMBER: CC.10005
FILE: ~cc10005.dwg
SHEET: 3 of 7



CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. REGULAR SESSION
June 26, 2012

(This meeting was held following the regularly scheduled City Council Meeting.)

PRESIDING:	Mark Shepherd	Vice Chair
PRESENT:	Kent Bush	Director
	Mike LeBaron	Director
	Bruce Young	Director
	Don Wood	Director
EXCUSED:	Kathryn Murray	Chair
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Megan Dean, Rachell Atwood, Michelle Dean, Jonathan Dean, Nancy Dean

Vice Chair Shepherd called the meeting to order at 7:30 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE MAY 8, 2012 REGULAR SESSION AND THE JUNE 12, 2012 REGULAR SESSION

Director LeBaron moved to approve the minutes from the May 8, 2012 and the June 12, 2012 Clearfield Community Development and Renewal Agency (CDRA) meeting, as written, seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Bush, LeBaron, Shepherd, Wood and Young. Voting NO – None. Chair Murray was not present for the vote.

APPROVAL OF RESOLUTION 2012R-02 ADOPTING THE CDRA 2012/2013 FISCAL YEAR BUDGET

The Board held a public hearing on the proposed CDRA budget on June 12, 2012. City staff prepared and submitted to the Board a balanced final budget for fiscal year 2012/2013 which would begin July 1, 2012 and end June 30, 2013.

Director Young moved to approve Resolution 2012R-02 adopting the CDRA 2012/2013 fiscal year budget and authorize the Chair's signature to any necessary documents, seconded by Director LeBaron. The motion carried upon the following vote: Voting AYE – Directors Bush, LeBaron, Shepherd, Wood and Young. Voting NO – None. Chair Murray was not present for the vote.

There being no further business to come before the Community Development and Renewal Agency, **Director LeBaron moved to adjourn as the Community Development and Renewal Agency at 7:32 p.m., seconded by Director Young. All voting AYE.** Chair Murray was not present for the vote.

DRAFT

Memo



To: Clearfield CDRA Board Members
From: JJ Allen, Assistant City Manager
Date: August 23, 2012
Re: Demolition of buildings at 17 North Main Street

I. RECOMMENDED ACTION

After holding a public hearing, approve Resolution 2012R-03 adopting the findings of the §10-8-2 benefits study and authorizing the appropriation of up to \$30,000 for the demolition of buildings in RDA No. 7.

II. DESCRIPTION / BACKGROUND

With the Wight House project now defunct, we are left with a blighted, prominent corner (the northwest corner of Center and Main) that has no immediate prospects for redevelopment. It was suggested that removing the dilapidated buildings would at least be an improvement over the property's current condition, and could enhance the likelihood of redevelopment. This idea was discussed with the property owner, who is willing to allow the City to arrange and pay for the demolition.

Consequently, as required by §10-8-2 of the Utah Code, City staff prepared a study of the benefits, purposes, and necessity of appropriating public funds for this purpose. That study is attached for your reference, and has been made available to the public.

In summary, the study concludes that the appropriation is warranted in order to:

- Remove unsafe, unhealthy, and dilapidated structures and the hazardous material therein (asbestos).
- Enhance the marketability of a vacant property key to Clearfield's downtown.
- Help improve the perception of the City's downtown as an active, vibrant, attractive place.

The appropriation would also promote the goals and objectives outlined in the Vision 2020 strategic plan and in the West Side Central Business District Neighborhood Development Plan (aka RDA #7).

This information is now presented to the CDRA Board for consideration. Per §10-8-2, a public hearing must be held prior to an appropriation being made. As required, the

public hearing has been noticed for at least 14 days, and the study has also been available to the public during that time.

III. IMPACT

a. Fiscal

An approved contractor (Utah Correctional Industries) estimates that the demolition will cost \$23,000, but we may determine that additional work is warranted. Therefore, the proposed appropriation is up to \$30,000 of CDRA funds. With an unassigned fund balance of more than \$1 million, the CDRA (Fund 20) can easily absorb this expenditure. If the appropriation is authorized, this will be included in the next "reopen budget" later this year.

b. Operations / Service Delivery

Having the buildings demolished will remove from the community what has become an attractive nuisance, a potential shelter for vagrants, and a target for vandalism and graffiti. Moreover, the removal of the buildings will enhance the likelihood of redevelopment on the property, consistent with the City's vision for downtown.

IV. ALTERNATIVES

- Approve the Resolution, for the reasons described above and in the §10-8-2 study.
- Do not approve the Resolution. However, it is highly unlikely that the current property owner will decide to remove the buildings without the City's financial participation. Actually, there is a distinct possibility that one or more of the buildings could be reoccupied. While this may be better than to have them vacant, it does not accomplish the City's goals for downtown.

V. SCHEDULE / TIME CONSTRAINTS

If the Resolution is approved, staff will issue a notice to proceed to the contractor, who will then need a couple of weeks to secure the necessary permits (e.g. Air Quality). Demolition could begin in mid-September.

VI. LIST OF ATTACHMENTS

- Resolution No. 2012R-03
- Study of Anticipated Benefits from Appropriating Funds for the Demolition of Dilapidated Buildings in RDA No. 7 (§10-8-2 study)
- Cost estimate from Utah Correctional Industries
- Aerial image of 17 North Main Street

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY RESOLUTION 2012R-03

A RESOLUTION OF THE CLEARFIELD COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY ADOPTING THE FINDINGS OF A BENEFITS
STUDY PREPARED BY CITY STAFF AND AUTHORIZING THE
EXPENDITURE OF FUNDS TO DEMOLISH THREE DILAPIDATED
STRUCTURES IN THE CITY'S DOWNTOWN AREA

WHEREAS, the Clearfield Community Development and Renewal Agency (the "CDRA") has established RDA No. 7 (a.k.a. the West Side Central Business District Neighborhood) in the City's downtown area; and

WHEREAS, the CDRA owns certain property in RDA No. 7 which is adjacent to the parcel located at 17 N. Main St.; and

WHEREAS, three dilapidated and abandoned buildings are currently located on the 17 N. Main St. parcel; and

WHEREAS, the City and CDRA have made previous efforts to encourage redevelopment of both publicly and privately owned property in the downtown area, including parcels in the vicinity of 17 N. Main St., which have thus far proved relatively unsuccessful; and

WHEREAS, pursuant to § 10-8-2 of the Utah Code, City Staff has conducted a study which identifies the purposes and benefits to having the CDRA appropriate up to \$30,000.00 for the demolition and removal of the three dilapidated buildings located at 17 N. Main St.; and

WHEREAS, following a duly noticed Public Hearing and after careful deliberation by the CDRA Board, the utilization of CDRA funds for the removal of these buildings appears to be appropriate in order to accomplish the goals and objectives of the CDRA and the City;

NOW, THEREFORE, be it resolved by the Clearfield Community Development and Renewal Agency that:

1. The purposes, benefits and findings included in the attached study prepared by City Staff regarding the appropriation of funds for the demolition of the three buildings located at 17 N. Main St. are hereby adopted in their entirety by the CDRA Board; and
2. Subject to written permission from the property owner, City Staff is hereby directed to expend up to \$30,000.00 of CDRA funds for the demolition and removal of the buildings located on the parcel at 17 N. Main St.

Passed, adopted and made effective by the Clearfield Community Development and Renewal Agency at its noticed meeting of the board on the 28th day of August, 2012.

ATTEST:

CLEARFIELD COMMUNITY
DEVELOPMENT AND RENEWAL
AGENCY:

Nancy R. Dean, City Recorder

Kathryn R. Murray, Chair

VOTE OF THE BOARD

AYE:

NAY:

STUDY OF ANTICIPATED BENEFITS FROM APPROPRIATING FUNDS FOR THE DEMOLITION OF DILAPIDATED BUILDINGS IN RDA NO. 7

**Prepared By:
CLEARFIELD CITY STAFF**

In accordance with the provisions of § 10-8-2 of the Utah Code, the following study has been prepared by Staff to demonstrate the purposes for the appropriation of up to \$30,000.00 toward the demolition of three dilapidated structures at 17 North Main Street by Clearfield City and its Community Development and Renewal Agency (“City”). This study shall be made available to all interested parties at least 14 days prior to the public hearing on the proposed appropriation.

1. The City has specifically identified the following benefits associated with the appropriation:

- a. The appropriation will facilitate and hasten the removal of dangerous, unsafe, and unhealthy structures and materials from the City’s downtown area.
- b. The appropriation will encourage opportunities for earlier redevelopment of a former auto salvage site by making the property more attractive, marketable, and ready for redevelopment.
- c. Redevelopment, when it does occur, will enhance surrounding property values (including adjacent property already owned by the City) and promote the City’s vision for downtown as set forth in the 10-year strategic plan (“Vision 2020”), and will help set the tone for future high-quality development in the downtown area.
- d. It is expected that the appropriation will eventually result in the creation of additional tax increment for the redevelopment agency and can only serve to bring that increase sooner.
- e. The appropriation will lead to the completion of development objectives outlined in the adopted plan for the “West Side Central Business District Neighborhood Development Plan,” which include:
 - Eliminate physical and economic blight by removing deteriorated or functionally obsolete structures of no historic or aesthetic value.
 - Remove impediments to land disposition and development.
 - Encourage the land use transition process to occur from previously vacant to new commercial uses.
 - Provide for the strengthening of the tax base and economic health of the entire community, County, and State.
 - Eliminate environmental deficiencies.

- Promote and market sites for development or redevelopment that would be complimentary to existing businesses that enhance the economic base through diversification.
- Ensure compatible relationships among land uses and quality standards for their development, such that the area functions as a unified and viable center for economic activity for the City.

2. The City has identified the following purposes for the appropriation:

- a. To remove unsafe, unhealthy, and dilapidated structures and the hazardous material therein (asbestos).
- b. To enhance the marketability of a vacant property key to Clearfield's downtown.
- c. To help improve the perception of the City's downtown as an active, vibrant, attractive place.

3. The City finds that the appropriation is necessary and appropriate to accomplish the following goals and objectives of the City, as outlined in "Vision 2020 – Clearfield's 10-Year Strategic Plan":

- a. To improve and expand the City's shopping, dining, and entertainment options for residents and visitors by creating unique, destination-oriented developments.
- b. To foster community pride and strengthen the City's image.
- c. To develop an intimate, walkable, vibrant, urban and unique downtown environment.
- d. To revitalize the downtown area, foster economic development, further support and hasten additional job creation, and eliminate blight.

All the above will be accomplished by the appropriation of funds by the City to assist with demolition of buildings at 17 North Main Street.

The utilization of redevelopment funds is appropriate to accomplish the goals and objectives defined above. The goals have been identified as reasonable goals and objectives to assist the City in accomplishing its objective of increasing the opportunity for economic development within the community, and will assist in blight elimination. We find that this action is in the public interest. It will improve the environmental conditions of a specific area of the community, meet the economic objectives of the community, and accomplish goals and objectives outlined in the adopted redevelopment project area plan.



State of Utah

DEPARTMENT OF CORRECTIONS
CORRECTIONAL INDUSTRIES DIVISION



Gary Herbert
Governor

Tom Patterson
Executive Director

Alan James
UCI Director

Bryan Wilmot
UCI Production Manager

Draper, Utah

P.O. Box 850

Phone (801) 576-7749

FAX (801) 576-7748

TO: JJ Allen, Clearfield City

FROM: Bryan Wilmot, Utah Correctional Industries

DATE: 7/22/2012

SUBJECT: Property Demolition 17 North Main Clearfield, Utah

As per your request Utah Correctional Industries is pleased to provide the following Not to Exceed figures for the remodel project located at 17 North Main Clearfield, Utah.

Scope of Work

Pre Demolition

Asbestos Sampling and Survey

Asbestos Abatement

Meter Removal (Gas and Electric)

Department of Air Quality Notification and fees

Demolition of old dealership and two WWII outbuildings and dump fees

Not To Exceed

\$23,000.00

Not Included

City demolition fees

City sewer and water disconnect fees

Any unforeseen problems (buried lines, universal wastes, oil pits or tanks, contaminated soils etc.)

If you have any questions please contact me.

Bryan Wilmot

Cell (801) 633-8704

E-mail bwilmot@utah.gov

17 North Main Street

