

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
May 28, 2013

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

VISITORS: Steven Tucker, Dan Wood

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 LeBaron conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE APRIL 2, 2013 WORK SESSION, THE MAY 7, 2013 WORK SESSION, THE MAY 14, 2013 WORK SESSION AND THE MAY 14, 2013 REGULAR SESSION

Councilmember Bush requested a correction to the May 14, 2013 regular session minutes. He mentioned his communication items reflected on page 8 there were two items identified as number four and requested his comments be renumbered.

Councilmember LeBaron moved to approve the minutes from the April 2, 2013 work session, the May 7, 2013 work session, and the May 14, 2013 work session as written and the May 14, 2013 regular session as amended, seconded by Councilmember Bush. 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 THE CITY'S IMPACT FEE ORDINANCE

Brian Brower, City Attorney, explained amendments to the City's Impact Fee ordinance had been prepared. The amendments included moving the chapter to its own title, modifying language to reflect recent changes in the Parks and Recreation Impact Fee previously adopted by the Council, eliminating the Roadway Impact Fees, and updating certain provisions in order to continue meeting statutory requirements. He explained why the Roadway Impact Fees had been eliminated.

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

Mayor Wood asked for public comments.

There were no public comments.

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

PUBLIC HEARING TO CONSIDER THE REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET FROM C-2, COMMERCIAL, AND M-1, MANUFACTURING TO MU MIXED USE - CONTINUED

Valerie Claussen, Development Services Manager, explained the rezone was a request by Michael Christensen, on behalf of Thackeray Company, for a rezone of approximately 72 acres located at approximately 1250 South State Street to facilitate the Clearfield Station development. Items had been identified by Staff and the applicant which needed to be addressed prior to action and a recommendation by the Planning Commission. The Planning Commission opened the public hearing at its May 1, 2013 meeting and continued the request to be heard at its June 5, 2013 meeting. The applicant requests the public hearing be continued until June 11, 2013.

Mayor Wood declared the public hearing open at 7:10 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Seeing none present who wanted to speak at the public hearing, at 7:11 p.m., **Councilmember Young moved to continue the public hearing until June 11, 2013, at 7:00 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.**

PUBLIC HEARING TO CONSIDER AN AMENDED SUBDIVISION PLAT FOR PACIFIC PARK AMENDED NO. 2 LOCATED AT APPROXIMATELY 200 NORTH AND PACIFIC STREET

Valerie Claussen, Development Services Manager, explained the Pacific Park Amended Subdivision Plat was recorded with Davis County in October 2006. The development and its associated improvements were never appropriately completed. The escrow monies had been requested by the City and were being used to initiate the second amended plat to correct existing conditions that did not meet City standards. One of the critical uncompleted improvements identified was an adequate stormwater facility for the development. The proposed amended plat would take the existing 'common' parcel and divide it between two adjacent property owners directly to the north and south with the lot to the north assuming maintenance responsibilities for the detention pond. Several inquiries had been received regarding the amended plat. The Planning Commission recommended approval.

Mayor Wood declared the public hearing open at 7:11 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:11 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

SCHEDULED ITEMS

CITIZEN COMMENTS

Dan Wood, resident, expressed appreciation to the mayor and councilmembers that had taken an interest pertaining to the 350 West closure from the May 7, 2013 meeting. He stated UDOT had explained it was too late for them to modify its plans associated with the SR 193 extension; however, Randy Jefferies, UDOT, had indicated the City could do whatever it desired upon completion of construction. Mayor Wood indicated the road was projected to be completed in 2014 and indicated the City had some financial obligations upon its completion. Dan Wood inquired if the City had any engineering issues associated with the road closure of 350 West. Mayor Wood responded the City Engineer, Public Works staff and North Davis Fire District would need to be contacted to determine the feasibility of closing 350 West. Dan Wood expressed appreciation for the consideration on behalf of the Council.

APPROVAL OF ORDINANCE 2013-07 AMENDING THE CITY'S IMPACT FEE ORDINANCE BY MOVING THE CHAPTER TO ITS OWN TITLE, MODIFYING LANGUAGE TO REFLECT RECENT CHANGES IN THE PARKS AND RECREATION IMPACT FEE PREVIOUSLY ADOPTED BY THE CITY COUNCIL, ELIMINATING THE ROADWAY IMPACT FEES, AND UPDATING CERTAIN PROVISIONS IN ORDER TO CONTINUE MEETING STATUTORY REQUIREMENTS

Councilmember Shepherd moved to approve Ordinance 2013-07 amending the City's Impact Fee ordinance by moving the chapter to its own title, modifying language to reflect recent changes in the Parks and Recreation Impact Fee previously adopted by the Council, eliminating the Roadway Impact Fees and updating certain provisions in order to continue meeting statutory requirements 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.

ADOPTION OF RESOLUTION 2013R -08 OF THE CITY COUNCIL OF CLEARFIELD CITY (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE BY THE ISSUER OF NOT MORE THAN \$6,300,000 AGGREGATE PRINCIPAL AMOUNT OF ITS TAXABLE GENERAL OBLIGATION RELATED MATTERS

Bob Wylie, Administrative Services Director, reminded the Council this was the first step needed to proceed with possible refinancing of its General Obligation Bonds. He emphasized the main point was to establish the committee which would have authorization to move forward with the refinancing in order to take advantage of lower interest rates.

Councilmember LeBaron moved to approve the Adoption of Resolution 2013R-08 of the City Council of Clearfield City authorizing the issuance and sale by the Issuer of not more than \$6,300,000 Aggregate Principal Amount of its Taxable General Obligation related matters 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.

APPROVAL FOR AN AMENDED SUBDIVISION PLAT FOR PACIFIC PARK AMENDED NO. 2 LOCATED AT APPROXIMATELY 200 NORTH AND PACIFIC STREET

Councilmember Murray moved to approve an Amended Subdivision Plat known as Pacific Park Amended No. 2 based on the discussion and findings provided in the Planning Commission Staff Reports, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF THE HEARING OFFICER'S FINDINGS, CONCLUSIONS AND RECOMMENDATION FOR THE APPEAL BY COWBOY PROPERTIES IN THE GOOD LANDLORD PROGRAM

Brian Brower, City Attorney, mentioned if the Council wanted to change the amount of fine established by staff as a form of penalty in the business license appeal it was entitled to do so.

Councilmember Shepherd moved to adopt the Hearing Officer's Findings, Conclusions and Recommendation for the Appeal by Cowboy Properties in the Good Landlord Program 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

Financial Reports – Bob Wylie, Administrative Services Director, presented the financial reports for April 2013. He directed the Council to the reports in their folders and emphasized there was only one month remaining in the current fiscal year. He reported he had communicated with department heads regarding each respective budget. He pointed out the budget would be re-opened next month which would account for some expenditures. He reported expenditures were appropriate. He reported the revenues were also within anticipated parameters.

Mayor Wood

1. Reminded the Council of citizen comments made by Mr. Marlon Wilde during the April 23, 2013 City Council meeting. He informed the Council he had visited with Scott Hodge, Public Works Director, Adam Lenhard, City Manager, and Brian Brower, City Attorney, in regards to his comments. He informed the Council Mr. Brower would be responding to Mr. Wilde's concerns in a letter.
2. Informed the Council he would be out of town beginning Friday, May 31, 2013 and returning late Wednesday evening, June 5, 2013. He requested any items needing attention be directed to the Mayor Pro Tem, Councilmember Young, during his absence.
3. Reported he had visited with the Student Body Officers at Clearfield High School for next year. He stated he intended to meet with the officers monthly during the next school year to discuss any concerns at the High School level and support them with their goals.

Councilmember Bush

1. Reported he had also attended Clearfield High's Awards Ceremony.
2. Informed the Council that the Yard-of-the-Week contest sponsored by the Parks & Recreation Commission would begin next week.
3. Stated he had attended the DUED meeting last week during which the West Davis Highway alignment was discussed. He mentioned the public comment period would begin in June and suggested those interested visit the UDOT website. He added there would be three open houses in June.
4. Informed the Council members the community would be painting fire hydrants on Saturday, June 1, 2013. He invited anyone interested in participating to meet at the LDS church on 1000 West south of 300 North at 8:00 a.m.

Councilmember LeBaron – informed the Council he had represented the City at Clearfield High School's Awards ceremony and presented the City scholarship. He reported thirty six percent of the graduating class received scholarship monies totaling \$3.1 million. He shared a specific example of an individual receiving an appointment to the Air Force Academy. He commented the value of that specific scholarship

was approximately \$386,000 and shared how competitive those scholarships were. He complimented the graduation class of Clearfield High.

Councilmember Murray

1. Invited members of the Council to meet at the Parks and Recreation building on Saturday, June 29, 2013 at 9:00 a.m. to assemble the Fourth of July float. Councilmember Young mentioned he would be out of town. She extended invitations to the councilmembers' families to ride on the float.
2. Reported she would be out of town during the month of June.

Councilmember Shepherd

1. Reported he had also attended the Clearfield High Awards ceremony.
2. Informed the Council he had also attended the DUED meeting.

Councilmember Young – informed the Council that the Youth City Council (YCC) was collecting items to send to Moore, Oklahoma, to benefit those impacted by the recent tornado.

Adam Lenhard, City Manager –commented about the lockdown incident earlier today at North Davis Junior High. He reported the individual who made the false report had been located.

STAFFS' REPORTS

Nancy Dean, City Recorder –

1. Informed the Council there was no meeting scheduled for Tuesday, June 4, 2013. She stated a work session was scheduled prior to the policy session on Tuesday, June 11, 2013.
2. Reported Declaration of Candidacy would begin Monday, June 3, 2013 at 8:00 a.m. and would close on Friday, June 7, 2013 at 5:00 p.m. She stated the mayor seat and two council seats would be up for election.

There being no further business to come before the Council **Councilmember Bush moved to adjourn at 7:35 p.m., seconded by Councilmember Murray. All voting AYE.**

**APPROVED AND ADOPTED
This 11th day of June, 2013**

/s/Don Wood, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, May 28, 2013.

/s/Nancy R. Dean, City Recorder

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Clearfield City Council Meeting Minutes, May 28, 2013, cont'd

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