

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
December 9, 2014

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| PRESIDING: | Mark Shepherd | Mayor |
| PRESENT: | Kent Bush | Councilmember |
| | Ron Jones | Councilmember |
| | Mike LeBaron | Councilmember |
| | Bruce Young | Councilmember |
| EXCUSED: | Keri Benson | Councilmember |
| STAFF PRESENT: | Adam Lenhard | City Manager |
| | JJ Allen | Assistant City Manager |
| | Brian Brower | City Attorney |
| | Greg Krusi | Police Chief |
| | Scott Hodge | Public Works Director |
| | Scott Hess | Development Services Manager |
| | Eric Howes | Community Services Director |
| | Curtis Dickson | Community Services Deputy Dir. |
| | Rich Knapp | Administrative Services Director |
| | Nancy Dean | City Recorder |
| | Kim Read | Deputy City Recorder |

VISITORS: Don McKinnon – Davis Behavioral Health, Jared Schofield – Jennmar Corporation of Utah, Amber Self, Kathryn Murray

Mayor Shepherd called the meeting to order at 7:00 p.m.

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

Councilmember Jones conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 18, 2014 SPECIAL AND WORK SESSIONS AND THE NOVEMBER 25, 2014 POLICY SESSION

Councilmember Young moved to approve the minutes from the November 18, 2014 special and work sessions and the November 25, 2014 policy session, as written, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON GPA 1411-0003, A REQUEST BY ED GREEN FOR PROPOSED AMENDMENTS TO CHAPTER 4, AFFORDABLE HOUSING, OF THE CITY'S GENERAL PLAN

The applicant, Ed Green, requested amendments to Chapter 4, Affordable Housing, of the City's General Plan. The amendments would include language that would allow for rezones to R-2, two-family residential, and R-3, multi-family residential, in limited cases. The proposed amendment would provide flexibility for developers and the City to consider residential as an additional land use on parcels of property that had shown an inability to sell as commercial. The Planning Commission held a public hearing on December 3, 2014 and recommended denial of the applicant's amendments but recommended approval of staff's alternative recommendation for amending the Affordable Housing element of the General Plan.

Scott Hess, Development Services Manager, explained the General Plan Amendment was brought forward through an applicant's request. He indicated the Planning Commission considered the request and recommended approval of the application as well as an alternate staff recommendation for the Amendment. He reported the application, as proposed by the developer, would be to add language to Chapter 4, Affordable Housing, which would allow properties between one and three acres to be eligible for rezone to R-2 and R-3 (multi family residential).

Mr. Hess stated staff determined there were over 240 properties which currently fell within that definition and met those criteria. He believed the unknown related to those properties which could be subdivided or combined in order to create the one to three acre parcels, led staff to present an alternative recommendation to remove the limiting provision of the General Plan altogether, the last sentence in Chapter 4 which read, "There are still approximately five acres of undeveloped high-density residential property in the City; therefore, current policy is that no additional property will be rezoned for the development of two-family or multi-family dwellings, except as part of an approved R-3R, MU, C-R or D-R Zone project." Mr. Hess reported it was the Planning Commission's recommendation to deny the applicant's recommendation.

Mayor Shepherd opened the public hearing at 7:04 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:05 p.m. seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON ZTA 1411-0006 – PROPOSED AMENDMENTS AND CORRECTIONS TO TITLE 11, LAND USE AND TITLE 12, SUBDIVISION REGULATIONS, INCLUDING THE DEFINITION AND SUPPLEMENTARY REGULATIONS FOR “SWAP MEET”

Staff identified a few minor corrections which needed to be made to language in Title 11, Land Use, and Title 12, Subdivision Regulations. Additionally, a request had been made for a use that most closely resembled a “Swap Meet.” City Code did not have that use listed or defined in its definitions or supplementary regulations, so proposed language had been drafted to include it. The Planning Commission held a public hearing on December 3, 2014 and recommended approval of the text amendments.

Scott Hess, Development Services Manager, reported the proposed changes were to Titles 11 and 12 which had been noted to staff during the year as well as a requested change by staff based on a submitted business license application for a use currently not defined in the City Code. He reviewed the proposed changes:

- Clarify and add Conditional Use Notice requirements to the Requirement Table.
- Add Home Occupations as Permitted Uses in all Residential and Agricultural Zones outside of Residential Mobile Homes.
- Duplicate the provision made for tattoo and body piercing establishment limiting their location to non-depository institutions within the non-depository institution section, limiting their location within 880 feet from one another.
- Replace Board of Adjustment with Planning Commission in the Sign Regulations and Subdivision Regulations.
- Create a new definition for Swap Meet.
- Add “Swap Meet” to Supplementary Regulations in Title 11, Chapter 13, including the requirement of a license, listing restricted items, and requiring a report of any stolen items and that pawn brokers and second hand businesses would not be considered Swap Meets

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

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:07 p.m. seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON FSP 1411-0004, A REQUEST BY JARED SCHOFIELD FOR FINAL SUBDIVISION PLAT APPROVAL OF THE SUMMIT REALTY II – JENNMAR SUBDIVISION LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

The proposed subdivision plat created two lots from one single lot. The newly created lot, owned by Summit Realty, would be used by the Jennmar Company to expand its manufacturing and enclosed storage area. The Planning Commission held a public hearing on December 3, 2014 and recommended approval of the plat.

Scott Hess, Development Services Manager, explained the plat request by Jared Schofield was to subdivide a piece of property currently owned by Jerry's Impact Machine. He stated the parcel would be used in the future for development of indoor storage and additional parking for Jennmar. He clarified the building consisting of Jerry's Machine Shop would continue to meet all setback requirements in the M-1, Manufacturing, zone. He stated the one request that was different from the proposal was the inclusion of a ten-foot public utility easement surrounding the lots. He also stated the plat, as currently drawn, reflected a private street on the west side of Jerry's Impact Machine Shop coming from Jennmar. He clarified that was now a public dedicated street per the UDOT street dedication plat. He believed UDOT had not yet recorded that plat. He reported it would be staff's recommendation the survey lines be checked in relation to both plats to confirm the creation of the street dedication next to Jerry's Machine shop.

Councilmember Bush requested clarification regarding the identified City Engineer's items listed in the staff report. Mr. Hess responded Scott Nelson's, City Engineer, concern was pursuant to a site plan in which he had requested outflow of utilities, utility maps, etc. He stated there were currently no additional utilities specific to new development reflected for the property.

Mayor Shepherd opened the public hearing at 7:11 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Young moved to close the public hearing at 7:11 p.m. seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON FSP 1411-0005, A REQUEST BY DON MCKINNON, DAVIS BEHAVIORAL HEALTH, FOR FINAL SUBDIVISION PLAT APPROVAL FOR THE SMITH ESTATES AMENDMENT 3 SUBDIVISION LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0003, 12-069-0004)

The proposed subdivision plat would combine four separate lots owned by Davis Behavioral Health into one lot. The City agreed to participate financially in the removal of three structures on the properties and a condition of that participation required the combination of the lots in

order to create a single pad site for future commercial development. The Planning Commission held a public hearing on December 3, 2014 and recommended approval of the subdivision plat.

Scott Hess, Development Services Manager, clarified the agenda item was a plat amendment as opposed to preliminary and final subdivision plat approval. He reminded the Council that it had previously agreed to participate in the demolition of three buildings owned by Davis Behavioral Health if the County would combine the four single lots into one single lot to limit their use as individual pad sites for possible future development. He stated the plat amendment would create a single lot out of the four lots. He added a ten-foot public utility easement surrounding the entire lot was recommended. He mentioned there was an existing three or four bay garage which remained on the property and would continue to exist. He stated staff recommended it be reflected on the plat with an indication on whether it was proposed for removal or would continue to exist. He mentioned all utilities had been capped at or near the street when the structures were demolished and future development would be pursuant to a site plan and one hundred percent new utilities.

Councilmember Bush requested clarification on the number of parcels being combined as there were only three parcel numbers reflected. Mr. Hess responded there was a small, skinny parcel between two of the larger parcels which didn't have an existing structure. He clarified four tax identification numbers were reflected in his staff report. He assumed once the parcels were combined the County would reflect a central address for the new parcel to identify it.

Mayor Shepherd opened the public hearing at 7:14 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Jones moved to close the public hearing at 7:14 p.m. seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

CITIZEN COMMENTS

There were no citizen comments.

Brian Brower, City Attorney, requested the additional verbiage, “as approved by the Planning Commission” be included in the motion for the following two agenda items. He explained significant discussion had taken place during its meeting in which specific items were called out and were part of its recommendation to the City Council. He believed that would cover any questions regarding easements or buildings associated with the new FSP. He added it would also make the Council's action inclusive of the additional provisions.

APPROVAL OF FSP 1411-0004, A REQUEST BY JARED SCHOFIELD FOR FINAL SUBDIVISION PLAT APPROVAL OF THE SUMMIT REALTY II – JENNMAR SUBDIVISION LOCATED AT APPROXIMATELY 155 EAST 550 SOUTH (TIN: 12-003-0164, 12-003-0236)

Councilmember LeBaron moved to approve FSP 1411-0004, a request by Jared Schofield for Final Subdivision Plat approval of the Summit Realty II – Jenmarr Subdivision located at approximately 155 East 550 South (TIN: 12-003-0164, 12-003-0236), as recommended by the Planning Commission, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

APPROVAL OF FSP 1411-0005, A REQUEST BY DON MCKINNON, DAVIS BEHAVIORAL HEALTH, FOR FINAL SUBDIVISION PLAT APPROVAL FOR THE SMITH ESTATES AMENDMENT 3 SUBDIVISION LOCATED AT APPROXIMATELY 836 SOUTH STATE STREET (TIN: 12-069-0001, 12-069-0003, 12-069-0004)

Councilmember Jones moved to approve FSP 1411-0005, a request by Don McKinnon, Davis Behavioral Health, for Final Subdivision Plat approval of the Smith Estates Amendment 3 Subdivision located at approximately 836 South State Street (TIN: 12-069-0001, 12-069-0003, 12-069-0004), as recommended by the Planning Commission, 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, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING GRANTING CERTAIN FEE WAIVERS FOR FUTURE RETAIL DEVELOPMENT ON SPECIFIC PARCELS OF LEGEND HILLS PROPERTY

JJ Allen, Assistant City Manager, explained in February 2007, to help preserve and facilitate the development of prime commercial property in Legend Hills, the City Council granted \$52,000 waiver of building permit fees and application fees. Due to the severe recession, no portions of the waivers were utilized before expiring five years later. The economy had recovered and there was potential for new commercial development so the developer was requesting to renew those waivers. If approved, the new MOU would grant \$52,000 in waivers of building permit fees and land use application fees (but not impact fees) for retail development on certain parcels of Legend Hills property (Parcel ID numbers 09-341-0305, 09-341-0306, 09-023-0082 and 09-377-0306) for a new five year period.

Mr. Allen reported staff was proposing a new Memorandum of Understanding that would be provided to the developer offering \$52,000 in waivers; but restricted to new retail development which was identified in the new Memorandum of Understanding.

Councilmember Young moved to approve the Memorandum of Understanding granting certain fee waivers for future retail development on specific parcels of Legend Hills property and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

APPROVAL OF THE AWARD OF BID FOR ENERGY PERFORMANCE SERVICES

Eric Howes, Community Services Director, reminded the Council that the item had been explained during a previous work session. He stated staff had solicited bids for Energy Performance Contract services and explained the vendor would be looking at the City's electricity and natural gas usage. Once the information was obtained, the City would be advised on upgrading certain equipment and the savings would be used to pay for the upgrades. Two vendors submitted qualified bids and each bid was reviewed and ranked by staff based on the guidelines included in the Request for Proposals (RFP). He reported based on the review, staff was recommending McKinstry be awarded the contract for providing the services in the amount of \$30,000. He added it guaranteed a certain amount of savings for each project. He pointed out this was not a budgeted item and would be addressed in budget amendments which would come before the Council next month.

Councilmember Bush moved to approve the Award of Bid for Energy Performance Services to McKinstry 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, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

APPROVAL OF ORDINANCE 2014-29 APPROVING AN AMENDMENT TO CHAPTER 4, AFFORDABLE HOUSING, OF THE CITY'S GENERAL PLAN

Councilmember LeBaron inquired if additional language reflecting the Planning Commission's recommendation would be required in the motion. Brian Brower, City Attorney, responded the Planning Commission's recommendation was noted and had been taken into account when drafting the ordinance; however, if the Council desired to proceed with the applicant's proposal or something different altogether then additional verbiage should be included in the motion.

Councilmember LeBaron commented he was prepared to support the Planning Commission's recommendation.

Councilmember LeBaron moved to approve Ordinance 2014-29 approving amendments to Chapter 4, Affordable Housing, of the City's General Plan and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

APPROVAL OF ORDINANCE 2014-30 APPROVING AMENDMENTS AND CORRECTIONS TO TITLE 11, LAND USE AND TITLE 12, SUBDIVISION REGULATIONS, INCLUDING THE DEFINITION AND SUPPLEMENTARY REGULATIONS FOR “SWAP MEET”

Councilmember Young mentioned as a result of the work session discussion held prior to the meeting he had concerns with some definitions and rules which would apply to “Swap Meet” which needed to be further defined and clarified.

Councilmember Young moved to approve Ordinance 2014-30 approving amendments and corrections to Title 11, Land Use, and Title 12, Subdivision Regulations, including the definition and supplementary regulations for “Swap Meet” but striking the mention of the authorized zones until a time in which staff was prepared to make additional recommendations, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. Brian Brower, City Attorney, requested clarification regarding Councilmember Young’s motion. He clarified Councilmember Young was requesting two lines be removed at the top of page 3 which read, *“Title 11, Chapter 11, Articles B and D of the Clearfield City Code are hereby amended by adding “Swap Meet” as a conditional use in each of those chapters respectively.* Councilmember Young stated that was correct. The second concurred. **The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None.** Councilmember Benson was not present for the vote.

APPROVAL OF RESOLUTION 2014R-24 MAKING APPOINTMENTS TO THE NORTH DAVIS FIRE DISTRICT (NDFD) ADMINISTRATIVE BOARD

Legislation required the City to appoint elected officials to special districts which imposed taxes and fees. Mayor Mark Shepherd, Councilmember Mike LeBaron and Councilmember Kathryn Murray had been providing representation for the City. Mayor Shepherd recommended appointing Councilmember Ron Jones and reappointing Councilmember LeBaron and Mayor Shepherd as the City’s representatives to the North Davis Fire District (NDFD) Administrative Board.

Councilmember LeBaron moved to approve Resolution 2014R-24 making appointments to the North Davis Fire District (NDFD) Administrative Board and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

COMMUNICATION ITEMS

Mayor Shepherd

1. Announced he was glad to be back in the country.
2. Indicated this was the last meeting of the year and stated he was looking forward to a busy 2015.

Councilmember Bush

1. Announced the Parks & Recreation Commission would be judging the outdoor Christmas light displays.
2. Informed the Council that the North Davis Sewer District (NDS) would be having a public hearing during its meeting on Thursday, December 11, 2014 in conjunction with approving the 2015 budget.
3. Reminded the Council that the Kiwanis Club was conducting a coat drive to benefit students attending elementary schools within the City. He informed those in attendance ways in which contributions could be made.
4. Announced the Kiwanis Club had partnered with Pizza Pie Café, located in Clinton City, to conduct a fundraiser. Pizza Pie Café would contribute twenty five percent of the purchase to the coat drive when customers mentioned Clearfield Kiwanis Club beginning Monday, December 29, 2014 continuing through Thursday, January 1, 2015.
5. Expressed a Merry Christmas and Happy New Year and appreciation to staff.

Councilmember Jones – Stated it had been a great year of learning as a councilmember and expressed appreciation to staff for their assistance.

Councilmember LeBaron

1. Stated he had enjoyed serving with Kathryn Murray on the NDFD Administrative Board.
2. Expressed appreciation to City staff for everything done on behalf for the residents of the City. He mentioned the City employees had teamed up with the Family Connection Center's Sub for Santa. He reported donations of toys and necessities would be accepted through Friday, December 19, 2014 at either City Hall or the Aquatic Center. He encouraged participation.

Councilmember Young – Expressed a Merry Christmas to all and expressed his appreciation to staff, volunteers and residents who worked to make the City a better place to live.

Adam Lenhard, City Manager

1. Stated his monthly report had been sent to the Council on Monday, December 8, 2014. He mentioned he was looking forward to 2015. He indicated staff would be updating the Strategic Plan in 2015.
2. He requested members of the Council consider how well staff was communicating with the Council and let him know of concerns or suggestions. He emphasized it was his goal to provide pertinent information to the Council when and how it was needed.
3. Reminded the Council of the City's Holiday Party put on by the Employee's Association on Friday, December 12, 2014, at the Davis Conference Center.

STAFFS' REPORTS

Nancy Dean, City Recorder

1. Directed the Council to the handout on the dais of the 2015 Annual Meeting Schedule.
2. Informed the Council of a possible Special Session later in the month.

Councilmember LeBaron moved to adjourn the policy session and reconvene in a work session at 7:40 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Jones, LeBaron and Young. Voting NO – None. Councilmember Benson was not present for the vote.

**APPROVED AND ADOPTED
This 13th day of January, 2015**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, December 9, 2014.

/s/Nancy R. Dean, City Recorder