

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
June 24, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	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
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Jessica Hardy	Budget Analyst
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Kevin Porter, Amber Self, Joe Self, Randy Eberhard, David Hansen, Kathryn Murray, Kristi Bush

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 Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE MAY 13, 2014 WORK SESSION, THE MAY 27, 2014 POLICY SESSION AND THE JUNE 10, 2014 POLICY SESSION

**Councilmember LeBaron moved to approve the minutes from the May 13, 2014 work session, the May 27, 2014 policy session and the June 10, 2014 policy session as written, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE COMMENT ON FINAL SUBDIVISION PLAT FOR CLEARFIELD STATION

JJ Allen, Assistant City Manager, explained the Phase One Final Subdivision Plat for Clearfield Station was submitted to the City based on a very tight review timeframe. It was decided that the plans were not complete enough for the City to perform a comprehensive review and it was recommended that the application be pushed back in order to give time for the developer to provide a more thorough and complete submittal. The Planning Commission opened its public hearing on the final plat on June 4, 2014 and continued it until July 2, 2014.

Mayor Shepherd opened the public hearing at 7:09 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember LeBaron moved to continue the public hearing until Tuesday, July 22, 2014 at 7:00 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE COMMENT ON AMENDING THE 2013/2014 FISCAL YEAR BUDGET

State Law required a public hearing before the City Council approved amendments to the City budget. Rich Knapp, Administrative Services Director, presented amendments for the 2013/2014 fiscal year budget:

- Aquatic Programs which were funded by “dues” paid by participants
- Utility Expense associated with City being required to account for its water usage

Mayor Shepherd opened the public hearing at 7:10 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

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

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0002 AMENDING TITLE 11, CHAPTERS 1 AND 5 OF THE CITY CODE SPECIFIC TO STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW

Staff was proposing a change to the Site Plan Review process outlined in the City Code to allow for Administrative Site Plan Reviews for minor site plans, or those that have a limited impact burden on City infrastructure and neighboring developments. The Planning Commission

considered changes to the Site Plan Ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide additional time for the public to provide comment. The City Council opened and continued the public hearing at its meeting on May 27, 2014.

Brian Brower, City Attorney, stated the Planning Commission spent a significant amount of time reviewing the item during its public hearing. He mentioned the Commission spent a substantial amount of its time doing site plan reviews and expressed his opinion many of those were minor in nature and could be reviewed by staff. He indicated the proposed ordinance reflected specific criteria which would have to be met in order to have the site plan proceed through the administrative review process rather than the Planning Commission process. He continued if during the review by the Development Services Manager the criteria were justified, a staff report would be written similar to those which were forwarded to the Planning Commission making a recommendation. He reported the Planning Commission had expressed concern about having the determination made by one individual. He stated the Commission proposed additional language be included to reflect that the Assistant City Manager also review whether or not the site plan application met the criteria for administrative review by the Development Services Manager. He added it would also be reviewed by the Chair of the Planning Commission. Mr. Brower believed this amendment would promote efficiency on behalf of the Planning Commission.

Mayor Shepherd asked for public comments.

There were no public comments.

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

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0003 AMENDING TITLE 11, CHAPTER 14 OF THE CITY CODE SPECIFIC TO STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

In November 2009, the City adopted new standards for all off street parking requiring it to be on an impermeable surface, effective January 1, 2015. The Clearfield City Council recently requested staff to consider alternatives to the ordinance which would limit the financial burden to residents and that would allow well maintained gravel parking surfaces to remain in the Clearfield City Code in some form. The Planning Commission considered changes to the ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide additional time for the public to provide comment. The City Council opened and continued the public hearing at its meeting on May 27, 2014.

Adam Lenhard, City Manager, explained in approximately 2009 the City Council adopted amendments to Title 11, Chapter 14 which prohibited gravel surfaces as parking areas beginning January 1, 2015. He mentioned with the deadline approaching the current City Council had

expressed concern about the possible financial hardships to residents in addition to the overall difficulty with enforcing the ordinance as it was currently written.

He reported staff had been directed to draft possible amendments and submit them to the Planning Commission for consideration. He stated the Commission had conducted a public hearing during its meeting on Wednesday, May 7, 2014, and received substantial public comment on the issue. It then made a recommendation to the Council which consisted of the following:

- delete the text in 11-14-5 B2 stating that gravel or crushed rock would no longer be permitted after January 1, 2015. That would allow gravel to be a permitted parking surface with certain conditions.
- add the following language: “Any gravel or crushed rock installed for accessory parking in a residential zone after July 1, 2014, must be a minimum of four inches deep, compacted, placed atop a weed barrier, be maintained to be completely free of grass and weeds, and contained with durable boarders.” He emphasized this would apply to new gravel parking for accessory uses such as RV’s, ATV’s, boats, etc. installed after July 1, 2014.
- add the following language: “All new main residential driveways, approaches, and parking spaces required by this Title shall be surfaced with an impermeable hardscape concrete, asphalt, or masonry pavers.” He pointed out this would require new homes to be built with the standard asphalt or concrete driveway, not gravel.
- legally established and conforming gravel driveways installed prior to July 1, 2014 may continue to be utilized so long as they were maintained free of grass and weeds.

Mayor Shepherd asked for public comments.

Dave Hansen, resident, asked the Council if it had an example of a driveway that met the proposed standards. He expressed his opinion four inches of gravel was too deep and vehicles would sink in gravel that deep. He stated he hadn’t been able to locate another entity that had such strict requirements and inquired why the City needed a new ordinance when it couldn’t enforce its current ordinances specific to weeds. He did not feel like he and the numerous residents which had spoken during the Planning Commission public hearing were heard. He suggested the Council put together an example of what it desired for a gravel parking area and make it available to residents.

Randy Eberhard, resident, expressed concern the City was pandering to the desires of realtors that increased the prices of listed homes as opposed to making the City a livable place. He stated he owned half an acre which had a significant gravel area. He understood the proposed ordinance would allow his gravel area to be “grandfathered” but expressed concern other residents wouldn’t be able to afford the cost associated with the proposed ordinance. He informed the Council a friend had attempted to comply with the four inch requirement of gravel and his truck got stuck. He suggested the City also consider an exception process to the ordinance. He stated there was a time when he had six people living in his home that all drove vehicles and there were times in which they were parked on the front grass. He believed it was a sensible solution to his problem.

Mayor Shepherd invited Scott Hodge, Public Works Director, to the podium and requested he explain the proposed four inch gravel requirement. Mr. Hodge shared his opinion that four inches of gravel or road base would be a suitable base and stated he wouldn't recommend anything less than three inches be allowed. He shared the differences between the different kinds of gravel to justify the need for the four inches. He pointed out he was not a geotechnical engineer and it would be better to consult one about the recommendations for acceptable materials.

**Councilmember LeBaron moved to close the public hearing at 7:29 p.m. seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE COMMENT ON A ZONING TEXT AMENDMENT – PARKING IN C-1 AND C-2 ZONES

JJ Allen, Assistant City Manager, stated on April 22, 2014, the Clearfield City Council enacted a temporary land use regulation regarding parking lots and facilities which was applicable to all commercially zoned property within Clearfield City. The City Council asked staff and the Planning Commission to review the parking ordinance within commercial zones and recommend language which would protect the City's remaining prime commercial property from being developed into stand-alone parking lots that were not necessarily tied to a primary commercial use. The Planning Commission considered changes to the parking requirements within commercial zones in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide additional time for the public to provide comment. The City Council opened and continued the public hearing at its meeting on May 27, 2014. Staff recommended continuing the item to Tuesday, July 8, 2014 in order to allow additional time for review.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Jones moved to continue the public hearing at 7:31 p.m. until Tuesday, July 8, 2014 at 7:00 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

CITIZEN COMMENTS

Amber Self, resident, reported on real estate transactions taking place in Clearfield City. She reported statistics for the month of May which reflected Clearfield was currently experiencing a good real estate market.

PRESENTATION TO JOEL GAERTE FOR HIS SERVICE AS A MEMBER OF THE PLANNING COMMISSION

Councilmember LeBaron stated Joel Gaerte had served the City as a member of the Planning Commission and recently submitted a letter of resignation. The Mayor and City Council desired to recognize Mr. Gaerte for his service to the City.

Mayor Shepherd and the City Council presented Mr. Gaerte with a plaque acknowledging his service.

APPROVAL OF RESOLUTION 2014R-15 ADOPTING AMENDMENTS TO THE 2013/2014 FISCAL YEAR BUDGET

**Councilmember LeBaron moved to approve Resolution 2014R-15 adopting amendments to the 2013/2014 fiscal year budget and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2014-17 AMENDING TITLE 11, CHAPTERS 1 AND 5 OF THE CITY CODE TO PROPOSE STANDARDS SPECIFIC TO ADMINISTRATIVE SITE PLAN REVIEW

**Councilmember Jones moved to approve Ordinance 2014-17 amending Title 11, Chapters 1 and 5 of the City Code to propose standards specific to Administrative Site Plan Review and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2014-15 AMENDING TITLE 11, CHAPTER 14 OF THE CITY CODE SPECIFIC TO STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Adam Lenhard, City Manager, reviewed the possible options for the Council to consider when making a motion on the ordinance:

- approve the Planning Commission's recommendation exactly as it had been received in the agenda packet.
- approve the Planning Commission's recommendation with modifications it deemed appropriate.
- table the item to allow for further discussion.
- deny the Planning Commission's recommendation, which would then leave the gravel parking ordinance in its current form and unchanged.

Mayor Shepherd expressed concern about the difference in materials and believed the proposed ordinance as it was currently written might not compact well. He suggested a depth of two inches for the gravel. He stated it was the original intent of the Council to reconsider the gravel parking ordinance in order to eliminate the burden to the residents and suggested the four inches was too specific and restrictive.

Councilmember LeBaron believed the City was also going too far by mandating a depth and a specific type of gravel. He suggested the City reach a good balance by requiring two inches of gravel and “grandfathering” existing gravel pads.

Councilmember Bush announced he was in attendance at the Planning Commission meeting during which the item was discussed. He stated a majority of the residents who expressed their concerns during the public hearing were against the concrete mandate. He also reported the standards included in the ordinance were patterned after a similar ordinance in West Valley. He mentioned several residents were against any regulation and stated the City needed ordinances to prevent chaos. He believed the key to the ordinance was gravel with no weeds.

Councilmember Jones believed it would be difficult for the City to enforce the four inches and suggested the depth of the gravel wasn’t critical. He suggested residents do their homework before installing gravel to know what type and how deep for best results.

**Councilmember LeBaron moved to approve Ordinance 2014-15 amending Title 11, Chapter 14 of the City Code with the amendment to Section 1, 2b changing 4 inches deep to 2 inches deep, specific to standards for gravel parking areas within residential zones and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2014R-16 ACTING AS THE GOVERNING AUTHORITY OF THE NORTH DAVIS FIRE DISTRICT ADOPTING AND CERTIFYING ITS TAX RATE FOR THE 2014 TAXABLE YEAR

The Clearfield City Council acted as the governing authority for the North Davis Fire District (NDFD). The Administrative Control Board of the NDFD desired to establish a certified tax rate of .001379 for the 2014 taxable year for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services.

Councilmember LeBaron expressed appreciation to Chief Becraft and his staff for their time and efforts in compiling a lean budget which adequately served the residents of Clearfield and West Point. He also expressed appreciation to Kathryn Murray, Board Chair, for her efforts in working on the budget.

**Councilmember Young moved to approve Resolution 2014R-16 acting as the governing authority of the North Davis Fire District (NDFD) and adopting and certifying a tax rate of .001379 for the Fire District 2014 taxable year and authorize the Mayor’s signature to any**

**necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF A PROCLAMATION DECLARING THE WEEK OF JUNE 30 – JULY 6, 2014 AS INDEPENDENTS WEEK IN CLEARFIELD CITY

Clearfield’s core of independently-owned businesses gave back to the community in goods, services, time and talent. Additionally the health of Clearfield’s economy depended on support of businesses owned by friends and neighbors. Local business owners and their employees enriched residents’ shopping experiences with their knowledge and reflected a sense of place. The proclamation was a salute to community members and locally owned independent businesses that were integral to Clearfield.

**Councilmember Bush moved to approve the Mayor’s signature to the Proclamation officially declaring June 30-July 6, 2014 as “Independents Week” in the City of Clearfield, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF A PROCLAMATION EXPRESSING THE CITY’S SUPPORT OF HOUSE BILL 275 DESIGNATING JUNE 25, 2014 AS “VIETNAM VETERANS DAY”

The Vietnam War marked a significant chapter in our Nation’s history and recently the State of Utah paid tribute to the many service men and women who bravely served their Country. Significant sacrifices were made by these heroes and their families. The City desired to pay tribute to those who answered the duty to serve with courage.

**Councilmember LeBaron moved to approve the Mayor’s signature to the Proclamation expressing support designating June 25, 2014 as “Vietnam Veterans Day”, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2014R-17 SETTING THE CERTIFIED TAX RATE

The City Council approved Resolution 2014R-13 setting the certified tax rate during its meeting on Tuesday, June 10, 2014. The City was recently notified by Davis County of changes in the breakdown between the general purpose fund and the debt fund. The overall rate remained the same and the proposed changes merely provided technical corrections based on the latest information provided by the County.

**Councilmember Jones moved to approve Resolution 2014R-17 setting the certified tax rate and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

## COMMUNICATION ITEMS

### ***Mayor Shepherd***

1. Informed the Council that he and Adam Lenhard, City Manager, had the opportunity to visit the Utah Test and Training Range to witness its support to HAFB. He believed it was a great asset for the Base which couldn't be compared to anything like it anywhere else in the Nation. He indicated the visit solidified the relationship between the City and the Base.
2. Reported he participated in visiting sites and touring facilities associated with Weber Basin Water Conservancy District.
3. Announced he attended the retirement dinner for Colonel Colby and her husband, Colonel Blanc on Friday, June 20, 2014. He mentioned her replacement would be invited to the Fourth of July dinner and festivities hosted by the City.
4. Reminded the Council of the Wings over the Wasatch Air Show scheduled for Saturday, June 27, 2014 and Sunday, June 28, 2014. He suggested visitors park at the rail stop and utilize the shuttle and stated those riding motorcycles would be required to wear full gear upon entering the Base. He shared some highlights regarding the air show participants and displays.

***Councilmember Benson*** – announced final auditions for “We’ve Got Talent” had taken place and stated 16 acts had been selected to perform on the Fourth of July. She announced the contest was scheduled to take place from 2:00 p.m. to 3:30 p.m. She stated the winners would be announced following Kountry Boi’s performance to allow the judges time to calculate scores.

### ***Councilmember Bush***

1. Stated he had also enjoyed the Weber Basin Water tour.
2. Expressed appreciation to staff for organizing and presenting the Holt Elementary School Open House on Tuesday, June 17, 2014.
3. Announced the Kiwanis Club would be conducting a coat drive to benefit students attending local elementary schools this fall. He stated its annual breakfast fundraiser was scheduled for the first Saturday in September.
5. Informed the Council he had attended the Davis Economic Development meeting during which Senator Weiler shared a presentation on the past legislative session.
6. Reported the North Davis Sewer District (NDSD) would begin construction on the sewer line on 700 South from 1350 West to 2000 West the first part of July. He indicated affected residents would be notified and no street closures or traffic detours were anticipated.
7. Announced he had attended a luncheon sponsored by Workman’s Compensation Fund during which the NDSD received an award for its safety record. He stated the District hadn’t had a time loss accident within the past 4 years.

***Councilmember Jones*** – nothing to report.

### ***Councilmember LeBaron***

1. Expressed an appreciation for City staff and their efforts associated with the Wasatch and Holt Elementary neighborhood meetings. He stated he was looking forward to it taking place at Antelope Elementary.
2. He also agreed with Mayor Shepherd’s comments regarding Utah Test and Training Range and believed it was a National asset.

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

*Adam Lenhard, City Manager* – also reminded the Council about the Warriors over the Wasatch Air Show.

## STAFFS' REPORTS

*Nancy Dean, City Recorder* – Reminded the Council of the following meeting schedule:

- Employee Association's summer party on Friday, June 27, 2014
- No meeting was scheduled on Tuesday, July 1, 2014
- Policy Session on Tuesday, July 8, 2014
- South Clearfield Neighborhood Open House scheduled for Tuesday, July 15, 2014
- Policy Session on Tuesday, July 22, 2014
- Antelope Elementary Neighborhood Open House scheduled for Tuesday, July 29, 2014

There being no further business to come before the City Council **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:12 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

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

**APPROVED AND ADOPTED  
This 8<sup>th</sup> day of July, 2014**

**/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, June 24, 2014.

/s/Nancy R. Dean, City Recorder

