

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
May 20, 2014

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

VISITORS: Isa Perry – Davis County Health Department, Hal Johnson, Utah Transit Authority, Brett Coulam – Utah Transit Authority, Chris Hale – Hokulia, Eddy Cumins – Utah Transit Authority, Chuck Gates – Utah League of Cities and Towns/Utah Transit Authority, Dean Smith – Thackeray Garn Company, Amy Hale – Hokulia, Amber Huntsman – Thackeray Garn Company

Mayor Pro Tem LeBaron called the meeting to order at 6:00 p.m.

UPDATE FROM COUNCILMEMBER BUSH, AS CLEARFIELD CITY’S REPRESENTATIVE ON THE NORTH DAVIS SEWER DISTRICT BOARD, ON SEWER RELATED ITEMS

Councilmember Bush, the City’s representative on the North Davis Sewer District (NDSD) Board, reminded the Council that the District had been completing improvements to the system by installing a lining system and updated the Council on the status of that project. He explained it would be necessary to close 2200 West and detour traffic from Antelope Drive through 875 East for three weeks beginning June 5, 2014 and continuing through August. He announced a new project would begin at 700 South and 1350 West to 2000 West for two and a half weeks in August. It was anticipated it wouldn’t significantly impact traffic in those areas.

Councilmember Bush informed the Council that the EPA (Environmental Protection Agency) would be requiring the District to remove certain elements from the water. He explained the District was frustrated with the requirement because it was being enforced nationwide as

opposed to identifying problematic systems and fixing those problems. He pointed out the District's water was deposited in the Great Salt Lake and stated that was unique to the NDSD. He explained the estimated cost to the District to do that would be significant and informed the Council about the repercussions of being non-compliant. He suggested elected officials contact State Legislators and other elected officials to explain problems associated with becoming compliant. He emphasized the District was willing to expend the funds to remove the phosphorous from the water if the EPA could explain the need for it to be removed.

Councilmember LeBaron suggested the District contact the EPA requesting it to define specific benchmarks and define what it deemed harmful.

DISCUSSION ON THE UTAH TRANSIT AUTHORITY (UTA) CIRCULATOR STUDY

JJ Allen, Assistant City Manager, reminded the Council that the City had been involved with the Utah Transit Authority (UTA) in determining the best way to connect the FrontRunner Station with key activity centers in the surrounding area. He stated local funds had been contributed to assist in conducting a circulator study which would identify possible solutions. Mr. Allen introduced representatives from UTA.

Hal Johnson, UTA, explained the challenges associated with riding FrontRunner and getting to other locations within the area once the consumer arrived at its end location. He identified the participating entities with the circulator study and explained the process used by the consultant in the study and identified the ideal circulator ridership.

He shared specifics associated with the circulator study and possible solutions associated with Hill Air Force Base (HAFB), Freeport Center and Layton City. He commented the proposed pedestrian bridge connection from the FrontRunner station to Freeport Center was a "home run" project. He mentioned the difficulty of navigating a bus within Freeport. He shared circulator cost estimates for each specific area and possible modes of transportation which could be considered for use.

Mayor Shepherd arrived at 6:20 p.m.

Eddy Cummings, UTA, explained the reimbursement benefit associated with HAFB ridership and stated UTA needed 400 participants to make a program viable. He explained the time frames associated with the service and reported the HAFB circulator had received positive feedback. He believed most of the riders had never used mass transit and were expecting a specific level of service and indicated the satisfaction rate was significant. He reported riders were averaging 15 to 20 minutes from the time arriving at the Clearfield station to getting to the jobsite at HAFB.

Mr. Johnson expressed appreciation to Adam Lenhard, City Manager, and JJ Allen for their direction and leadership to make transit work within the community. Mr. Lenhard requested clarification regarding the grant funding specific to the possible pedestrian bridge for Freeport Center. Mr. Johnson expressed his opinion it was easier to acquire funds for new projects verses ongoing operating costs. Mr. Lenhard requested direction on how the City could ensure the other circulator projects received funding. Mr. Johnson responded funds from the Sales Tax Initiative

were used for these projects and further explained how previous projects had been funded. A discussion took place relative to possible partnership options which could be used for funding the pedestrian bridge and different businesses.

Mr. Cummings reviewed the challenges associated with bus service to Freeport Center and suggested the use of passenger vans for FrontRunner riders. He mentioned how the vans could be implemented and reported discussions had already begun with Freeport officials who liked the idea. He stressed the importance of having a reliable service for ridership. Mr. Allen believed the passenger vans wouldn't affect use of the pedestrian bridge. Mr. Johnson believed the Layton circulator would be the most advantageous because it connected both commuter rail stations. He commented it would be the most expensive project although it had the most potential for ridership. Mr. Allen mentioned it also had the possibility to be used by individuals not using FrontRunner but rather as a quick option to get from one point to another.

Mr. Johnson expressed appreciation to City staff for their leadership and encouraged future discussions regarding the study and moving forward with the circulator and vans for Freeport Center.

UTA representatives left the meeting at 6:45 p.m.
Councilmember Bush left the meeting at 6:45 p.m.

DISCUSSION ON AMENDMENTS TO CITY CODE TITLE 4, CHAPTER 9 – TEMPORARY OR SEASONAL MERCHANTS AND MOBILE FOOD VENDORS

Scott Hess, Development Services Manager, explained the Community Development Department recently received application for a temporary shaved ice stand which was not permitted for more than 60 days under the current ordinance. He continued the ordinance would need to be amended to allow the use for additional time. He reminded the Council the applicant had addressed the Council during the Citizen Comments portion of a previous meeting regarding the amount of time the City's current ordinance allowed for mobile food vendors and temporary businesses. He announced the City Code reference was specific to Title 4 which did not require a recommendation from the Planning Commission. He emphasized the use was not applicable to zoning; rather it was addressed as a business license regulation.

Mr. Hess provided a handout reflecting comparisons from other municipalities and stated the City's ordinance currently allowed a temporary vendor registration for a maximum of 60 days. He reminded the Council the current ordinance was adopted due to a reaction of some long term mobile vendors within the City. He reviewed the information provided in the handout to the Council and indicated the Council could specifically regulate mobile food vendors for a specific area and explained how that had been implemented in Ogden City. He pointed out the employees of businesses in the Freeport Center might benefit from a mobile food vendor.

Chris Hale, Houlia Shaved Ice, shared a short visual presentation illustrating how Hokulia shaved ice drinks were different from other shaved ice. He pointed out the difference between a mobile food cart and the proposed shacks specific to Hokulia. The picture illustrated small tables and chairs under colorful umbrellas where a customer could eat/drink the shaved ice near the

shack. He announced the desired location for the Hokulia stand was the Kent's Market parking lot and emphasized although the shack was on a trailer it was more of a permanent structure than temporary and explained the obstacles in moving it from place to place in the City.

Adam Lenhard, City Manager, explained the current ordinance had been implemented in approximately 2009 and was the result of complaints received about some unfavorable or unsightly temporary food vendors and mentioned the City was successful in eliminating those vendors because of the adopted ordinance. He cautioned the Council on the difficulty of legislating "ugly" or "pretty" and if the proposed ordinance was adopted the City wouldn't have options to identify which temporary businesses could stay and which would have to be closed. He agreed the 60 day time limit discouraged temporary businesses from locating within Clearfield. He cautioned the Council that if the ordinance was amended, the City could potentially be addressing the issue again in the future to eliminate some of the same previous vendors. Mr. Hale stated the season for Hokulia was approximately four months from mid-May to September.

Mr. Lenhard explained options for the Council to consider in amending ordinances which would allow for Hokulia to locate within the City. Mr. Hale announced the plan was to obtain the 60 day license and open with the anticipation the City would amend its current ordinance.

Councilmember Young inquired where the problematic temporary vendors were located. Mr. Lenhard responded one was near 250 North, one on 700 South near South Main and one along Antelope Drive. He added other temporary vendors would set up business in various locations on weekends because they knew staff would not be working. Councilmember Benson inquired about designating specific locations for temporary businesses. Mr. Hess explained that kind of ordinance was beneficial to Ogden City because it made it much easier to identify its walking core of locations. He believed the most simplistic change would be to designate a new time frame in Title 4.

Councilmember Young commented the City could potentially open the door for the very vendors the City had previously eliminated by amending the ordinance. Brian Brower, City Attorney, mentioned there was a provision in the current ordinance which required the temporary establishment to be removed from the premises each day after operation and suggested that should also be amended. Mr. Lenhard requested direction from the Council. A discussion took place during which Mayor Shepherd suggested an ordinance be drafted which would specifically address temporary carts or establishments on wheels. Mr. Hess responded verbiage in the amended ordinance could specifically address those concerns of the Council.

A discussion took place about possibly extending the temporary time frame and each councilmember shared their opinions. Councilmember LeBaron suggested extending the time frame with additional zoning standards overseen by the Planning Commission. The discussion continued and staff was directed to proceed with amending the ordinance specifically changing the time frame to 180 days for temporary businesses while further researching what would be required to also amend Title 11, the land use ordinance.

DISCUSSION ON THE DEPOT STREET REIMBURSEMENT AGREEMENT

JJ Allen, Assistant City Manager, reminded the Council of previous discussions regarding the Depot Street extension associated with the SR 193 extension and the development of Clearfield Station. He reminded the Council of the previous open house which was held to inform residents about the alignment and extension. He stated the need for the agreement was simple in that it provided a mechanism for the beneficiaries of the new street to pay their share of the benefit of the new street when properties were developed. He explained the developer and the City would share the cost of the proposed extension initially after which any future developer/resident desiring to develop adjacent properties would then need to contribute toward the improvements.

Councilmember LeBaron clarified the agreement wouldn't be applicable to residents currently living along the street. Brian Brower, City Attorney, responded as long as the property use/zone remained the same then the resident wouldn't be assessed. Mr. Allen stated the Council would need to determine the time frame associated with when "development" would be assessed.

A discussion took place and the Council was in agreement that as long as the CDA was in place, which was thirty years, the Agreement would be applicable.

Mr. Allen mentioned there were a few exhibits which were not yet completed and stated a complete list of improvements as well as a list of benefitted properties from which the City would collect the contribution in the future would be provided for the policy session. He pointed out the agreement clearly identified the developer; however, reference to the City was silent and suggested language be incorporated in the agreement which also identified reimbursement to the City.

DISCUSSION ON AMENDMENTS TO THE CLEARFIELD STATION MASTER DEVELOPMENT PLAN

Scott Hess, Development Services Manager, informed the Council that the Planning Commission had considered approval of amendments to the MDP (Master Development Plan) for Clearfield Station during its meeting on May 7, 2014. He explained the MDP was effectively a zoning code specific to the project; therefore, any amendment would require the City to determine a process for changes.

He shared an illustration identifying the new proposed phases for the project submitted to the City by the developer. He explained because of the gravity fed sewer it necessitated that the portion of the project visible from State Street be completed earlier. He emphasized swapping out the buildings to be completed sooner rather than later still met the requirements within the Master Development Agreement. He added this would alleviate the need to install expensive sewer infrastructure at the onset of the project. He believed it would also provide a more reasonable accommodation for development.

He stated the Planning Commission considered the amendments and had made its recommendation to the Council. Brian Brower, City Attorney, explained the ordinance for the MU zone specifically indicated the MDP was essentially the zoning ordinance for the

development and if there were any modifications, a finding needed to be made as to whether the modification constituted a material change to the MDP. He stated the Planning Commission didn't believe the request to be a material change; therefore, the Council would need to consider that as well. He indicated if the Council agreed it could authorize the change; however, if the Council believed the modifications to be a material change it would require the process to begin again under different standards.

Mr. Hess stated the specific finding representing the amendment was not a material change was due to the fact that the change didn't alter any terms of approved Master Development Agreement and that it also referenced the Public Works Department had gravity fed sanitary sewer infrastructure. He concluded the findings met both Public Works' standards as well as it didn't change anything within the Master Development Agreement. He indicated nothing changed except what two buildings would be completed first within the construction process.

Amber Huntsman, Thackeray Garn, indicated they liked the change based on the infrastructure point as well as the visibility of buildings from the main roads. The Council was good with the proposed changes. Mr. Hess stated a staff report would be provided for the May 27, 2014 policy session.

Councilmember LeBaron moved to adjourn and reconvene in a CDRA work session at 7:26 p.m., seconded by Councilmember Benson. All voting AYE.

**APPROVED AND ADOPTED
This 8th 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, May 20, 2014.

/s/Nancy R. Dean, City Recorder