

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
October 7, 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
	Brian Brower	City Attorney
	Scott Hess	Development Services Manager
	Eric Howes	Community Services Director
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Don Baron, Brady Jugler, David Hansen, Michael Britton, Craig Hokanson, Steve Parkinson

Mayor Shepherd called the meeting to order at 6:05 p.m.

PLANNING COMMISSION INTERVIEWS

Scott Hess, Development Services Manager, explained the duties, responsibilities and time commitment required to serve on the Commission. The City Council interviewed the following individuals to be considered for current vacancies on the Planning Commission: Don Baron, Brady Jugler, David Hansen, Michael Britton, Craig Hokanson and Steve Parkinson.

JJ Allen, Assistant City Manager, left the meeting at 6:53 p.m.

The Council took a break at 7:22 p.m.  
The meeting resumed at 7:37 p.m.

Brian Brower, City Attorney, Scott Hodge, Public Works Director, Rich Knapp, Administrative Services Director, Greg Krusi, Police Chief, arrived at 7:37 p.m.

DISCUSSION ON PLANNING COMMISSION APPOINTMENTS

Councilmember LeBaron reported Nike Peterson, Planning Commission Chair, wasn't able to attend tonight's meeting; however, she had attended some training sponsored by the Utah League of Cities and Towns. He stated she had learned it was a good Planning Commission would have members from different backgrounds as they would approach the issues from different

perspectives. He indicated she had requested the Council keep that in mind when considering the applicants. The Council discussed the applicants and the qualities each would bring to the Planning Commission.

DISCUSSION ON AMENDING TITLE 11, CHAPTER 13, SUPPLEMENTARY REGULATIONS – FIREWORKS STAND, TEMPORARY OR SEASONAL MERCHANT, AND MOBILE FOOD VENDOR REGULATIONS

Scott Hess, Development Services Manager, reminded the Council it had requested staff propose amendments to Title 11 specifically to seasonal merchants to accommodate temporary businesses after a request by Hokulia Ice to extend the allowable number of days. He stated staff had reviewed ordinances from numerous cities and expressed his opinion the City didn't have the density to implement a competitive bid process for permits by vendors. He reviewed the proposed amendments to the ordinance and location restriction language with the Council. He explained the reasoning that no restrictions were being imposed for Freeport Center, Freeport West and the Legend Hills area and referred to the map which illustrated the allowed areas and "districts". He reported the Planning Commission had recommended not allowing fireworks stands at the Legend Hills area because it didn't believe that use would be appropriate for the location and requested direction from the Council. Councilmember Bush suggested the inclusion of properties along 200 South from Bogey's going east to the end of the Kier commercial properties as well as the west side of South Main from 1700 South and a discussion took place. Adam Lenhard, City Manager, suggested identifying the areas on the map and referencing them in the text of the ordinance amendment. He believed that addition would clarify the definition of the areas avoiding misinterpretation.

Councilmember LeBaron inquired if the amendment would include guidelines specific to aesthetics for the temporary stand. Mr. Hess read from the proposed ordinance changes which specifically identified definition/expectations of appearance. Councilmember LeBaron expressed concern with the verbiage "professional appearance" in the definition as it was open for interpretation and could be subjective. Mr. Hess pointed out the specific call outs in the definition could be used to define "professional appearance".

Councilmember Bush inquired about the 180 day limit. Mr. Hess responded the 180 day limit was specific to Title 4 – Business Licensing, and stated there were no other proposed changes for Title 4 and mentioned it would be cross referenced with Title 11.

DISCUSSION ON AMENDING TITLE 11 – HOME DAYCARES AND PRESCHOOLS

Mr. Hess referred to his staff report which identified proposed new language to Supplementary Regulations – Residential Daycares and Preschools and reviewed them with the Council.

- Drop-off/pick-up plans which would require staggered schedules, at least a one hour time separation
- Traffic flow
- Outdoor environment which would require an outdoor play area for children that is safely accessible to children.

- If the zoning administrator determines that an application needs further interpretation, he may request Planning Commission review of the approval.

Councilmember Bush inquired if these uses would require a Conditional Use Permit. Brian Brower, City Attorney, explained these would be permitted uses in specific zones and the Supplementary Regulations would be enforced administratively by Mr. Hess, Development Services Manager. Mr. Hess reviewed the approval process with the Council. Mr. Brower informed the Council the Planning Commission had discussed prohibiting or limiting the allowance of daycares in certain zones such as multi-family residential higher density. Mr. Hess mentioned the only zone in which this use currently wasn't allowed was the RM (Mobile Home Residential) Zone.

Mr. Hess informed the Council the Planning Commission had also expressed a concern regarding a noticing component. He explained currently as a Conditional Use Permit the affected neighbors would be notified and with this now being a Permitted Use, the noticing component would no longer take place. Councilmember LeBaron inquired if any of the amendments would then make it easier to allow designated open space as the outdoor play area specific to the day care/preschool and whether it was identified in the Open Space definition. Mr. Hess expressed his opinion this would be a private property issue and the authorized individual would need to grant approval by also signing the application and shared an example of a HOA granting approval of its Open Space for this purpose. Councilmember LeBaron expressed concern this could possibly be misinterpreted by individuals desiring to fence off Open Space near Holt Elementary School.

The meeting adjourned at 8:20 p.m.

**APPROVED AND ADOPTED**  
**This 28<sup>th</sup> day of October, 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, October 7, 2014.

**/s/Nancy R. Dean, City Recorder**