

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
April 14, 2015

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

VISITORS: David Paice – Paice Tax and Accounting, Robert Bercher, Craig Winder – Ironwood Development, Kathryn Murray, Roger Keally

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 LeBaron conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 24, 2015 WORK SESSION, THE MARCH 10, 2015 POLICY SESSION AND THE MARCH 24, 2015 POLICY SESSION

Councilmember Bush stated he had requested a correction regarding comments he made during the Communication Items portion of the March 24, 2015 policy session. He reported the meeting he had attended did not take place at the Family Connection Center; it was hosted by the Family Connection Center.

**Councilmember LeBaron moved to approve the minutes from the February 24, 2015 work session, the March 10, 2015 policy session as written and the March 24, 2015 policy session,**

**as amended, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE E, SECTION 8 - PARKING, LOADING AND ACCESS, FOR THE D-R (DOWNTOWN REDEVELOPMENT) ZONE

Scott Hess, Development Services Manager, stated the D-R Zone was designed to encourage redevelopment of vacant or under-utilized properties within the downtown area of the City. No property was currently zoned D-R. Staff was proposing amending the parking requirement within the D-R Zone to allow them to be established through a development agreement. The Planning Commission heard the request at its meeting on Wednesday, April 1, 2015 and recommended approval with minor corrections.

Mr. Hess explained the amendment was specific to City Code § 11-11E-8, Parking, Loading and Access, which currently read that it would follow Title 11, Chapter 14 of the Clearfield City Code, the standard parking requirements for multi-family zones which was set at two and one eighth spaces per unit on a multi-family project. He reported the amended language would allow Parking, Loading and Access requirements to be established through a development agreement with consideration given to the market studies, engineering analysis and other reliable sources as determined by the City.

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 Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED REZONES FOR PROPERTIES LOCATED AT APPROXIMATELY 50 SOUTH DEPOT, 70 SOUTH DEPOT AND 145 SOUTH DEPOT (TINs: 12-001-0193, 12-001-0130, 12-001-0175, 12-001-0176), MORE COMMONLY KNOWN AS CLEARFIELD CENTER, FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

The Community Development Department received a preliminary Site Plan for a mixed use building to be located on properties located at approximately 50 South Depot Street, 70 South Depot Street and 145 South Depot Street. The purpose of the D-R Zone was to provide for attractive, vibrant, and safe urban development along major commercial/transportation corridors and downtown areas within the City. Staff had been working with the developer to assure that the proposed project met all required zoning codes and recommended the rezone request with

conditions. The Planning Commission heard the request during its meeting on Wednesday, April 1, 2015 and recommended approval with the recommended conditions of approval.

Scott Hess, Development Services Manager, explained the properties were located directly across the street from City Hall. He stated the rezone to the Downtown Redevelopment Zone was for multiple parcels owned by the CDRA and an additional parcel which was under contract by a developer to purchase as part of the same mixed-use project. He reported the Planning Commission heard the item during its meeting on Wednesday, April 1, 2015 and unanimously recommended approval.

Mayor Shepherd opened the public hearing at 7:06 p.m.

Mayor Shepherd asked for public comments.

OPPOSED:

David Paice, Paice Tax and Accounting Inc. located at 120 South State Street, announced he was in opposition to the rezone request. He believed the property should remain commercially zoned and expressed his opinion the City didn't need any additional multi-family apartment/rental housing. He stated the City had very little commercial property left and suggested an apartment complex of the size proposed wouldn't blend well with the surrounding businesses. He expressed his opinion the rezone would adversely affect his business and stated he was also concerned about the number of parking spaces and traffic for the area. He believed the highest and best use of the property would be for commercial purposes and requested the Council deny the rezone for downtown Clearfield.

IN FAVOR

None.

**Councilmember Bush moved to close the public hearing at 7:08 p.m. seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A FINAL SUBDIVISION PLAT FOR IRONWOOD DEVELOPMENT, LLC, FOR PROPERTY LOCATED AT APPROXIMATELY 850 SOUTH 490 EAST (TIN: 12-066-0089, 12-066-0090, 12-066-0115)

The proposed site represented one of the last open pieces of ground in Clearfield City that was currently zoned and entitled for multi-family residential development. The area was south of 700 South, east of the Union Pacific Railroad, and north of the proposed Clearfield Station. Staff had been working with the developer to identify development specifics such as drainage, retention, and parking within a proposed R-3 zoned multi-family project area.

Scott Hess, Development Services Manager, explained the property represented an existing split zoned parcel which had a small amount of property on 700 South, sidelined Depot Street near the railroad tracks and had a commercial portion in front. He stated it currently consisted of three lots. He clarified the Council was to consider a final subdivision plat which combined the entire

site into two lots: one commercial and one for the multi-family housing. He shared a visual example identifying and orienting the parcel. He pointed out Lot 1 would be reserved for future residential use and Lot 2 would be kept for commercial use. He stated the item was approved by the Planning Commission on Wednesday, April 1, 2015.

Mayor Shepherd opened the public hearing at 7:10 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 Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE FISCAL YEAR 2015 BUDGET

Staff identified expenditures necessary for City operations which were not included in its current budget. State Code allowed the City to make adjustments to the budget and a public hearing was part of that process.

Rich Knapp, Administrative Services Director, explained the proposed action was the third amendment request to the FY 2015 Budget. He announced the amendments totaled just under \$90,000 of Unrestricted Fund Balance which consisted of the following:

- \$50,000 being appropriated for the 10-year Anniversary/Celebration for the Aquatic Center,
- \$25,000 for new recreation software,
- Allocation of funds for the new assistant city attorney position for the remainder of the fiscal year, and,
- Allocation of \$2500 to be used for a management intern for the remainder of the fiscal year.

Mayor Shepherd opened the public hearing at 7:12 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Bush moved to close the public hearing at 7:13 p.m. seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

## CITIZEN COMMENTS

There were no citizen comments.

### APPROVAL OF ORDINANCE 2015-04 AUTHORIZING A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 11, ARTICLE E, SECTION 8 PARKING, LOADING AND ACCESS FOR THE D-R (DOWNTOWN REDEVELOPMENT) ZONE

**Councilmember Young moved to approve Ordinance 2015-04 authorizing a Zoning Text Amendment to Title 11, Chapter 11, Article E, Section 8 - Parking, Loading and Access, based on the findings and discussion by the Planning Commission and in the Staff Report 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, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

### APPROVAL OF ORDINANCE 2015-05 AUTHORIZING THE PROPOSED REZONES FOR PROPERTIES LOCATED AT APPROXIMATELY 50 SOUTH DEPOT, 70 SOUTH DEPOT AND 145 SOUTH DEPOT, MORE COMMONLY KNOWN AS CLEARFIELD CENTER, FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

Councilmember LeBaron clarified the same architect that had designed the Davis County Health Department building was being used for the proposed redevelopment project. He mentioned completed studies reflected even though the City would like additional commercial development, the downtown area didn't have enough of a residential component to support it. He expressed he was in favor of the rezone because the proposed redevelopment had a retail component and a residential component that could support the commercial use.

Mayor Shepherd agreed with Councilmember LeBaron's comments. He responded to Mr. Paice's comments about downgrade zoning within the City. He stated from a real estate stand point getting people into businesses was tough and stated the City struggled to keep any commercial alive because there wasn't enough residential to support that endeavor. He expressed his expectation that the proposed residential component would assist with the commercial development of the downtown area. He also stated completed studies reflected the need for additional residential development in the downtown area. He emphasized the proposed development consisted mostly of one bedroom units which would not be subsidized in any way and believed the project was of high quality and would benefit the City.

Councilmember Bush expressed appreciation to Mr. Paice for his attendance and comments. He stated municipalities all across the Country were experiencing similar issues and reported one of the things he had learned while attending the Utah League of Cities and Towns Conference was that residential development was vital in downtown redevelopment. He stated the City had tried to market that property for years and its size limited any potential development. He pointed out the proposed development fit within the City's General Plan.

**Councilmember LeBaron moved to approve Ordinance 2015-05 authorizing the rezones for properties located at approximately 50 South Depot, 70 South Depot and 145 South Depot, more commonly known as Clearfield Center, from C-2, Commercial, to D-R, Downtown Redevelopment, as conditioned by the Planning Commission and based on the discussion and findings in the Staff Report 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, LeBaron and Young. Voting NO – None. Councilmember Jones was not present for the vote.**

APPROVAL OF A FINAL SUBDIVISION PLAT FOR IRONWOOD DEVELOPMENT, LLC, FOR PROPERTIES LOCATED AT APPROXIMATELY 850 SOUTH 490 EAST (TINs: 12-066-0089, 12-066-0090, 12-066-0115)

Scott Hess, Development Services Manager, mentioned he had a preliminary Site Plan and images illustrating the developer's proposal in his office if anyone was interested. He explained the preliminary Site Plan consisted of two buildings/central courtyard style with landscaping buffering the railroad tracks. He indicated similar projects consisted of urban, flat roofed, multi exterior materials. He emphasized the rendering was not the final Site Plan. He stated the Plan reflected two exits: one going through the Meadows Condominium project and the other exiting on Depot Street. He announced there was a representative for the project in the audience if the Council had any questions. There were none.

**Councilmember Benson moved to approve the Final Subdivision Plat for Ironwood Development, LLC, located at approximately 850 South 490 East (TINs: 12-066-0089, 12-066-0090, 12-066-0115) based on the discussion and findings by the Planning Commission and in the Staff Report 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, LeBaron and Young. Voting NO – None. Councilmember Jones was not present for the vote.**

APPROVAL OF RESOLUTION 2015R-08 ADOPTING AMENDMENTS TO THE FISCAL YEAR 2015 BUDGET

**Councilmember Bush moved to approve Resolution 2015R-08 adopting amendments to the Fiscal Year 2015 budget 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, LeBaron and Young. Voting NO – None. Councilmember Jones was not present for the vote.**

APPROVAL OF RESOLUTION 2015R-09 AUTHORIZING AN INTERLOCAL AGREEMENT WITH DAVIS COUNTY TO ADMINISTER A BY-MAIL ELECTION FOR THE 2015 MUNICIPAL PRIMARY AND GENERAL ELECTIONS

Representatives from the Davis County Clerk's office recently shared a presentation during a work session on its experience conducting an election by-mail. The City was interested in working with the County Clerk's office to administer its 2015 Municipal Primary and General

Elections by-mail in an effort to engage greater voter participation. The Council discussed the pros and cons of a by-mail election and authorized staff to proceed with conducting its election in a similar manner.

Mayor Shepherd expressed his opinion that the by-mail election would increase voter participation and allow voters to research the candidates/issues at home to make an informed decision.

Nancy Dean, City Recorder, added a vote center would be available at City Hall on Election Day allowing registered voters who did not want to vote by-mail an opportunity to vote electronically and participate in the voting experience.

**Councilmember LeBaron moved to approve Resolution 2015R-09 authorizing an Interlocal Agreement with Davis County to work with the City Recorder to administer a by-mail election for the 2015 Municipal Primary and General Elections 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, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

Ms. Dean announced she had also submitted a request to the Lt Governor’s to participate in the Election Day registration pilot program and reported she had received notification approving the request.

#### APPROVAL OF A PROCLAMATION DECLARING APRIL 24, 2015 AS ARBOR DAY IN CLEARFIELD CITY

Clearfield City planned to celebrate Arbor Day on Friday, April 24, 2015. The City supported all efforts to plant and protects trees within its boundaries because trees were valuable to the City’s environment. Clearfield had received the “Tree City USA” designation for the past 18 years. Community Services Director, Eric Howes, had requested the date of April 24, 2015, be officially declared “Arbor Day” in the City of Clearfield.

**Councilmember Bush moved to approve the Mayor’s signature to the Proclamation officially declaring April 24, 2015 as Arbor Day” in the City of Clearfield, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

#### UPDATE ON THE FISCAL YEAR 2015 FINANCIAL STATUS

Rich Knapp, Administrative Services Director, presented the Council with the Fiscal Year 2015 Financial Status. He stated the provided figures were not 100 percent complete given personnel changes within the Finance Department. He highlighted the following:

- The budget column for FY15 was the Amended Budget which reflected \$1.8 million budgeted use of fund balance from previous amendments and included an additional \$90,000 from amendments made to the budget earlier in the meeting.

- Increase in Sales Tax Revenue by \$65,000 compared to last March.
- Energy Use Tax Revenue had also increased but believed last year's figures were incorrect and suggested the Council compare to FY13. He mentioned the discrepancy was attributable to a decrease in accounting staff.
- Municipal Telecom Tax had decreased almost \$27,000 from last year and stated he would look into why the figure was down from last year.
- Revenue from Building Permits had increased by \$50,000 from last year.
- Increase in Revenue from Class "C" Roads had increased by \$42,000 and believed the lower gas prices had increased consumption.
- Revenues associated with the Aquatic Center were flat.
- Stated the Fines/Forfeitures and Fees/Costs/Contempt should be calculated together because the Finance Department had changed accounting processes. He indicated there was still a decrease of approximately \$25,000 from last year.
- Directed the Council to Page 4 and indicated even though there were a lot of reflected zeros reported the City did receive \$2.8 million in investment fund from the State of Utah and stated it would be distributed to the different funds appropriately.
- Decrease in water charges was continuing a downward trend and suggested this was weather related.
- Mentioned the increase in sewer revenue was specific to the North Davis Sewer District rate increases.
- Directed the Council to page 6 and announced the figures specific to the Fleet Fund were consumption charges and believed those figures just needed to be updated. He mentioned the update would affect General Fund expenses.

Mr. Knapp directed the Council to page 7, General Fund Expenditures and highlighted the following:

- Decrease in payroll costs specific to the IT division because of personnel changes.
- Decrease in payroll costs specific to the Finance Division was directly related to less staffing and turnover changes.
- Decrease in Buildings & Plants because of equipment purchases which had not taken place this year.
- Decrease in Patrol & Investigation payroll because of not being fully staffed and fleet allocation figures.
- Decrease in Parks costs because of equipment purchases, less part time staff and fleet allocation.
- Increase in Aquatic Center because of equipment purchases completed last year.

Mr. Knapp directed the Council to page 9 and highlighted the following:

- Stated Fund 50 was affected due to the change in how water meters were being read which resulted in a reduction in payroll although there was not an overall reduction
- Decrease in the Water Fund due to payroll/turnover costs specifically retirement/health costs.
- Increase in Sewer Fund due to the increase of funds collected for the North Davis Sewer District.

Mr. Knapp explained figures on pages 10-17 included budget notes for the auditors benefit. He asked if there were any questions from the Council. There were none.

## COMMUNICATION ITEMS

### ***Mayor Shepherd***

1. Informed the Council he had participated with HAFB (Hill Air Force Base) Maintenance Professional of the Year Award. He mentioned it had been an impressive evening.
2. Announced a notice of increase would appear in the newspaper on behalf of Wasatch Integrated. He reported the entity intended to increase all fees and reported municipal solid waste would increase from \$23 to \$30 per ton; clean green waste would increase from \$10 to \$20 per ton. He stated rates hadn't increased for a number of years. He added the rate increases wouldn't affect the tip rates specific to garbage cans; but would affect rates for the City's spring and fall cleanup.
3. Informed the Council that he would be out of town for the meetings scheduled for Tuesday, May 12, 2015 and Tuesday, May 19, 2015. He requested to participate in those meetings electronically.

### ***Councilmember Benson***

1. Reminded everyone about the Great Shakeout scheduled to take place on Thursday, April 16, 2015 at 10:15 a.m. She reported participants would be experiencing a mock 7.0 earthquake and encouraged everyone to visit the website prior to the event.
2. Informed the Council that she had the opportunity to participate with Davis County in administering its CDBG (Community Development Block Grant) funds and had also been invited to participate with the SSBG (Social Services Block Grant) fund distribution within the next month.

### ***Councilmember Bush***

1. Reported he had attended several training conferences.

### ***Councilmember LeBaron***

1. Stated the Utah League of Cities and Towns Conference which took place in St. George had been a good conference. He believed it had been beneficial to attend.

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

### ***JJ Allen, Assistant City Manager***

1. Announced Adam Lenhard, City Manager, sent half of the monthly update prior to his vacation and indicated the remainder should be forthcoming.
2. Informed the Council that the City would be hosting four small business workshops and the first one was scheduled for Monday, April 27 beginning at 11:30 a.m. He requested the Council pass the information along to any small business owners within the community. He announced the topic would be "Branding Your Own Brand and Local First". Staff was also welcoming suggestions of businesses which could be featured in the newsletter in particular to the "Local First" movement and "Buying Local".

## STAFFS' REPORTS

***Nancy Dean, City Recorder*** – Updated the Council on the following meeting schedule:

- April 21, 2015 – Neighborhood Open House at Antelope Elementary from 6:00 – 8:00 p.m.
- April 28, 2015 – Work session beginning at 6:00p.m. followed by Policy Session at 7:00 p.m.

**Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 7:45 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, LeBaron and Young. Voting NO – None.** Councilmember Jones was not present for the vote.

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

**APPROVED AND ADOPTED  
This 28<sup>th</sup> day of April, 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, April 14, 2015.

/s/Nancy R. Dean, City Recorder