

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
December 8, 2015

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
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Spencer Brimley	Development Services Manager
	Payden McRoberts	Planning Intern
	Eric Howes	Community Services Director
	Rich Knapp	Administrative Services Director
	Summer Palmer	Human Resource Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Tim Roper – Planning Commission, Lance Matheson, Mike Arave, Max Roper, Harrison Arave, Bob Bercher, Joseph Barber, Craig Winder – Ironwood Development, Jordan Adams, Tim N. Adams, Con L. Wilcox, Deanna Gardner, Dawson Gardner,

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.

Mayor Shepherd stated the minutes from the November 10, 2015 appeal hearing were not yet ready for approval and stated they were being removed from the agenda.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 24, 2015 POLICY SESSION  
AND THE DECEMBER 1, 2015 WORK SESSION

**Councilmember Bush moved to approve the minutes from the November 24, 2015 policy session and the December 1, 2015 work session as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PRESENTATION TO NIKE PETERSON FOR HER SERVICE AS A MEMBER OF THE PLANNING COMMISSION

Nike Peterson served the City as a member of the Planning Commission since 2009 and had served as the Chair since June of 2010. During the General Municipal Election in November she was elected to the City Council; therefore, she would no longer continue serving on the Planning Commission. The Mayor and City Council recognized Ms. Peterson for her service to the City and presented her with a plaque expressing its appreciation and acknowledging her.

PUBLIC HEARING TO RECEIVE COMMENT ON TITLE 11, CHAPTERS 1, 2, 4, 5, 6, 11, 13, 14 – MINOR AMENDMENTS, APPEAL AUTHORITY, AND OUTDOOR STORAGE

Spencer Brimley, Development Services Manager, explained City staff had recommended corrections specific to the proposed changes of the title of “Director of Community Development” to “Planning and Zoning Administrator” and the removal of the term “Community Development Department” to be replaced with “City” or “Building Official” within Title 11 Land Use, Chapters 1, 2, 4, 5, 6, 11, 13 and 14 of the Clearfield City Code. Additionally, staff recommended the removal of the City Council as the Appeal Authority in specific instances, amendments to supplemental regulations for outdoor storage as well as regulations for parking lot landscape to be consistent with recent changes to Clearfield parking area and parking lot requirements were included. The changes would be effective across all applicable parcels of property and zones within the City.

Mr. Brimley continued it was proposed that outdoor storage be removed as a conditional use but included in the M-1 and C-2 zones as an accessory use. He explained the supplementary portion of the ordinance spoke to height restrictions and reviewed the height restrictions and limitations specific to zones and uses. He reported the Planning Commission had recommended approval of all amendments excluding Chapter 11 of the City Code, amending outdoor storage as a conditional use; however, staff was recommending approval of all proposed changes and emphasized it was his intent to provide the Council with an understanding of the Planning Commission’s recommendation.

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

Mayor Shepherd asked for public comments.

Jo Barber, Wilcox Farms, explained it was his understanding that the Planning Commission’s main concern was with the outdoor storage amendment in the M-1 zone. He expressed concern the amendment would be eliminating outdoor storage as a commercial component. He suggested there might be some properties within an M-1 zone in which that would eliminate the highest and best use for the property. He understood the City’s concern with the current zoning allowing for outdoor storage along the City’s major corridors and expressed agreement with that philosophy. He believed a conditional use would allow the City the ability to designate conditions under which the outdoor storage would be permissible and shared a possible example. Mr. Barber also pointed out new residents locating to the City would need to have a place to store their recreational vehicles (RV) in close proximity to where they lived and believed the City needed

an option to provide outdoor storage to its residents and suggested the option continue to be available.

**Councilmember Jones moved to close the public hearing at 7:15 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.**

#### CITIZEN COMMENTS

There were no citizen comments.

#### APPROVAL OF ORDINANCE 2015-19 AMENDING TITLE 11, CHAPTERS 1, 2, 4, 5, 6, 11, 13, 14 – MINOR AMENDMENTS, APPEAL AUTHORITY, AND OUTDOOR STORAGE

Councilmember LeBaron pointed out the ordinance amendment was needed for the commercial corridors along 1700 South, 1000 West and SR 193. He stated he was not in favor of conditional use permits and using additional language to legitimize a specific use which may or may not be needed. He stated there were homes in several areas within Clearfield City which had options for RV outdoor storage. He pointed out problems associated with conditional use permits.

Councilmember Young expressed agreement with Councilmember LeBaron and believed the risks which were being eliminated by removing the conditional uses far outweighed any possible losses. He suggested if there were any areas within the City where the highest and best use for the property would be RV storage it should be considered specifically as opposed to generally speaking of the entire City.

Councilmember Bush stated he agreed with both Councilmembers LeBaron's and Young's comments and mentioned RV storage was different than outdoor storage of tires, steel, lumber, landscaping materials, etc. and suggested a separate definition specific to RV storage for locations such as under the power corridor be discussed at a later date. He announced he was also not in favor of conditional uses because they were arbitrary and expressed agreement with staff's recommendation.

**Councilmember Bush moved to approve Ordinance 2015-19 Amending Title 11, Chapters 1, 2, 4, 5, 6, 11, 13, 14 – Minor Amendments, Appeal Authority, and Outdoor Storage as proposed by staff 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.**

#### DISCUSSION ON THE WEST SQUARE DEVELOPMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

JJ Allen, Assistant City Manager, announced a representative with Ironwood Development, Craig Winder, was in the audience, and stated the West Square Subdivision, a 141-unit apartment complex on 8.82 acres located at 850 South 490 East, received land use approval earlier in the year. He explained the zoning was already in place for the development. The proposed Development Agreement was one of the final items needed prior to construction of the

project. The Development Agreement set forth the obligations of the developer (Ironwood), especially concerning public improvements, and required the City to reimburse the developer for certain offsite improvements including improvements for Depot Street. It also reaffirmed the architectural and landscaping elements of the previously approved site plan, and the purchase of surplus City property to be incorporated into the project. He stated the development had been through the Site Plan approval with the Planning Commission.

DISCUSSION ON THE DEPOT STREET REIMBURSEMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

JJ Allen, Assistant City Manager, explained the plat for the West Square Subdivision included the extension of Depot Street for the length of the West Square property. However, West Square was not the only property which would benefit from the development of the street, especially when it connected to Clearfield Station. Consequently, the developer (Ironwood) had requested that a reimbursement agreement be utilized to collect a payment from future developers of the properties which would benefit from the improvements. The agreement set West Square's share of the total water and street improvements costs at 35 percent, leaving 65 percent to be reimbursed by the developers of other benefited properties at the time that they developed, most of which would be borne by Clearfield Station. The term of the agreement was 30 years and explained Ironwood would have to capture the reimbursement within that time frame. He clarified the agreement was only applicable to surface improvements and water.

Mayor Shepherd pointed out a similar agreement had been drafted, although it was never executed, with Clearfield Station and inquired about the percentage split in that agreement. Mr. Allen responded the percentage split had not been identified because flexibility was needed relative to traffic counts. He believed the developers of Clearfield Station would benefit from Ironwood pioneering the project and reimbursing for those costs. He emphasized the agreement with Clearfield Station had never been fully executed and was considered null and void.

APPROVAL OF THE WEST SQUARE DEVELOPMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

**Councilmember Jones moved to approve the West Square Development Agreement with Ironwood Development Group, L.C., 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 THE DEPOT STREET REIMBURSEMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP

**Councilmember Young moved to approve the Depot Street Reimbursement Agreement with Ironwood Development Group, L.C., 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.**

APPROVAL OF ORDINANCE 2015-20 AMENDING THE CONSOLIDATED FEE SCHEDULE

Eric Howes, Community Services Director, explained staff was recommending the amendment to the City's Consolidated Fee Schedule specific to building rental fees. He stated the proposed fees were an attempt to incentivize extended use of the Art Center and to increase usage of the facility and reviewed the proposed changes with the Council. He mentioned adjustments were also proposed to the theatre and the multi-purpose room.

**Councilmember Young moved to approve Ordinance 2015-20 amending the Consolidated Fee Schedule 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 THE FINDINGS, CONCLUSIONS AND DETERMINATION OF THE APPEAL AUTHORITY REGARDING THE PLANNING COMMISSION'S DECISION TO ISSUE A CONDITIONAL USE PERMIT (CUP 1509-0003) FOR DAMON PEARSON ON BEHALF OF PEARSON SPECIALTIES LLC ON PROPERTY LOCATED AT 1964 SOUTH 275 EAST

On November 10, 2015, acting in a quasi-judicial capacity as the land use appeal authority, the City Council heard an appeal regarding the Planning Commission's decision to grant a Conditional Use Permit (CUP 1509-0003) for Damon Pearson on behalf of Pearson Specialties LLC on property located at 1964 South 275 East.

**Councilmember LeBaron moved to approve and adopt the Findings, Conclusions and Determination of the Appeal Authority regarding the Planning Commission's decision to grant a Conditional Use Permit (CUP 1509-0003) for Damon Pearson on behalf of Pearson Specialties LLC on property located at 1964 South 275 East 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.**

APPROVE THE AWARD OF BID TO BRINKERHOFF EXCAVATING FOR THE PUBLIC WORKS AND PARKS FACILITIES UPGRADE PHASE 1B

Scott Hodge, Public Works Director, expressed appreciation to the Council for its visit to the Public Works and Parks Facilities on Tuesday, December 1, 2015 and reviewed the scope of work needing to be completed for phase one of the upgrade project. He stated bids were received from four construction companies to install the utilities and construct the new 575 South roadway from South Main Street to Jennmar, work to be completed as part of the Public Works and Parks Facilities Upgrade Phase 1B project. The lowest responsible bid was received from Brinkerhoff Excavating with the bid of \$585,989.45.

Adam Lenhard, City Manager, explained staff had learned a valuable lesson from this project and expressed an apology to the Council. He stated the original scope of work estimated by the consultant for the current phase underestimated the costs associated with phase one of the

project. He added the cost estimates associated with phases A and B were good fair deals for the taxpayer and explained the mistake was not having a more in depth engineer's estimate early on in the process. He indicated staff would be approaching the original consultant's document with a more critical eye.

**Councilmember Benson moved to approve the award of bid to Brinkerhoff Excavating for the Public Works and Parks Facilities Upgrade Phase 1B for the bid amount of \$585,989.45 and approve funding for the project for the bid amount of \$585,989.45 with contingency and engineering costs of \$90,010.55 for a total project cost of \$676,000.00; 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.**

#### APPROVAL OF RESOLUTION 2015R-30 AUTHORIZING THE NORTH DAVIS FIRE DISTRICT (NDFD) ANNEXATION

In 2014, Clearfield City annexed a portion of the Military Installation Development Authority's (MIDA's) Falcon Hill Project Area into its boundaries. The North Davis Fire District also recognized a need to annex the same area into its boundaries. On August 25, 2015, the City Council, acting as both the legislative body for the municipality as well as the Governing Body of the North Davis Fire District adopted a resolution stating the NDFD's intent to annex MIDA's Falcon Hill Project Area in its boundaries for the purpose of providing fire protection, emergency medical and ambulance services and consolidated 911 services within the area. The City Council recognized that public health, convenience and necessity require the annexation of the proposed Annexed Area to the District. On October 6, 2015 a public hearing was held on the annexation which also started a 60-day comment period which ended December 7, 2015. No comments were received.

**Councilmember LeBaron moved to approve Resolution 2015R-30 authorizing the North Davis Fire District (NDFD) Annexation 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.**

#### COMMUNICATION ITEMS

##### *Mayor Shepherd*

1. Informed the Council that he had met with the Family Connection Center earlier in the morning regarding its Sub for Santa program. He stated the City's donations made a significant improvement to the program and mentioned Farmington residents had been encouraged to donate. He spoke of the Center's endeavors in providing a Thanksgiving dinner to 500 families.
2. Reported at his most recent meeting with Wasatch Integrated Waste it was announced the old road to the landfill had been eliminated and access was now immediately off of SR 193 near the Grey Hawk subdivision. He mentioned the new road was a great improvement. He announced a thrift shop had been opened at the landfill for items which were still in usable condition and was operated and staffed by clients of Pioneer Adult Rehab Center (PARC). He encouraged the public's support of their endeavor.
3. Announced the Fourth of July committee had started meeting to discuss events for the 2016 celebration.

4. Informed the Council that UDOT had its first meeting with businesses regarding 650 North/I-15 intersection improvements.
5. Stated he had met with MIDA (Military Installation Development Area) and reported a new office building had been proposed to be built in the Falcon Hill Project Area at HAFB.
6. Announced he would be out of town beginning tomorrow morning and would be back in town on Thursday, December 10, 2015.
7. Expressed appreciation to Councilmembers Jones and LeBaron for their service and stated it had been a privilege to serve with both of them.
8. Complimented the Community Services staff's efforts for the holiday decorations outside of City hall.
9. Wished everyone a Merry Christmas.

***Councilmember Benson***

1. Stated she would also miss working with Councilmember Jones and LeBaron.
2. Expressed gratitude to staff for assisting her during the past year.
3. Wished everyone a Merry Christmas.

***Councilmember Bush***

1. Thanked the scouts, leaders and parents for their attendance at the meeting.
2. Announced the City conducted a Holiday Lighting contest every year. He stated it was currently taking place and requested nominations be made to the Community Services Department.
3. Informed the Council that the Kiwanis "Coats for Kids" coat drive was ongoing.
4. Reported he would be attending the North Davis Sewer District Board meeting on Thursday, December 10, 2015 at 6:00 p.m. He indicated a public hearing was scheduled for the adoption of next year's budget. He also mentioned a public hearing was scheduled to allow the bonding agency to consider the opportunity to bond when needed.
5. Expressed appreciation to Councilmembers Jones and LeBaron for their service to the City. He stated he enjoyed working with them and wished them well in the future.
6. Wished staff and residents a Merry Christmas and Happy Holiday Season.

***Councilmember Jones*** – stated he was grateful for the opportunity to serve the residents and City in the capacity as a City Council member. He mentioned his time on the Council had been enjoyable.

***Councilmember LeBaron***

1. Stated he was grateful for the friendships which he had made in the capacity as a member of the City Council.
2. Expressed appreciation to Mayor Shepherd for mentoring him.

***Councilmember Young***

1. Expressed appreciation for the opportunity to work with Councilmember Jones and Councilmember LeBaron.
2. Expressed appreciation to staff in working with the Council this past year in helping the City move forward.
3. Wished everyone a Merry Christmas.

***Adam Lenhard, City Manager***

1. Stated it had been an honor to work with Councilmembers LeBaron and Jones.
2. Reported he had spoken to a colleague who was previously affiliated with the City and had briefly spoken of things taking place within the City and the direction in which the City was going. He

continued this individual had expressed appreciation for the City and how good it was that it was in such a great position. He stated it had been a great year for the City.

## STAFFS' REPORTS

*Nancy Dean, City Recorder* – Reviewed the Council's calendar:

- No City Council meetings were scheduled until January 12, 2016.
- City Christmas party on Friday, December 11, 2015.
- Farewell dinner for Councilmembers Jones and LeBaron was scheduled for Tuesday, December 29, 2015 at 6:30 p.m.
- Oath of office ceremony was scheduled for Monday, January 4, 2016, at 6:00 p.m. She announced Lieutenant Governor Cox would be in attendance.
- New Year Kick-off meeting was scheduled for Friday, January 29, 2016.

2. Expressed gratitude at the opportunity to work with Councilmembers Jones and LeBaron.

There being no further business to come before the Council, **Councilmember Benson moved to adjourn at 8:02 p.m., seconded by Councilmember LeBaron. Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

**APPROVED AND ADOPTED  
This 12<sup>th</sup> day of January, 2016**

**/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 8, 2015.

/s/Nancy R. Dean, City Recorder