

CLEARFIELD CITY COUNCIL AGENDA
(Acting in Quasi-Judicial Capacity as the Appeal Authority
For a Land Use Decision by the Planning Commission)
November 10, 2015
6:00 p.m.

CALL TO ORDER: Mayor Shepherd

SCHEDULED ITEM:

1. HEARING ON AN APPEAL OF 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

(The Appeal Authority will deliberate and possibly take action on appeals of the Planning Commission's approval of CUP 1509-0003. The deliberations may take place in a closed meeting at the discretion of the Appeal Authority.)

****COUNCIL ADJOURN****

Dated this 5th day of November, 2015.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 24-hour notice.



Date: November 4, 2015

To: Clearfield City Council, Acting as the Appeal Authority under Title 11, Chapter 1

From: Spencer W. Brimley *Development Services Manager*, Acting on Behalf of the Clearfield City Planning Commission
Spencer.Brimley@clearfieldcity.org or (801) 525-2785

RE: **CUP 1509-0003 Pearson Specialties Appeal**

Background

The request for a Conditional Use Permit approval for a home occupation for gunsmithing was heard by the Planning Commission on October 7, 2015. The approval for the requested use was given. The Commission also added an additional condition of approval stating, "Business shall not operate as a pawn or secondhand business, as defined in Clearfield City Code." This part of the approval by the Planning Commission was subsequently appealed on October 16, 2015. The Notice of Appeal specifically stated the applicant was appealing the above mentioned condition for the following reasons:

1. There was confusion amongst the commission members as to the definition of the term "gunsmith" as found in the Pearson Specialties" business license application
2. Pearson Specialties applied for our business license and CUP before the commission voted to limit further approvals of pawn or secondhand businesses.

The appellant is requesting that this condition be removed from the Planning Commission approval. That is the only portion of the Planning Commission's decision that is being challenged.

As this appeal is being heard by the City Council, on November 10, 2015, in the capacity of the Appeal Authority, the following documents are provided:

- **October 7, 2015 Planning Commission Staff Report and Attachments**
- **Pearson Specialty appeal request**
- **Copy of the October 7, 2015 Planning Commission Minutes**

The City's Planning Commission respectfully requests its decision be upheld.



Planning Commission

STAFF REPORT

AGENDA ITEM
#6, #11

TO: Planning Commission

FROM: Spencer Brimley
Development Services Manager
Spencer.brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: October 7, 2015

SUBJECT: Public Hearing, Discussion and Possible Action on **CUP 1509-0003**, a request by Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License, within a home garage for the purpose of specialty gun-smith. The property is located at 1964 S. 275 E. (TIN: 12-540-0158).

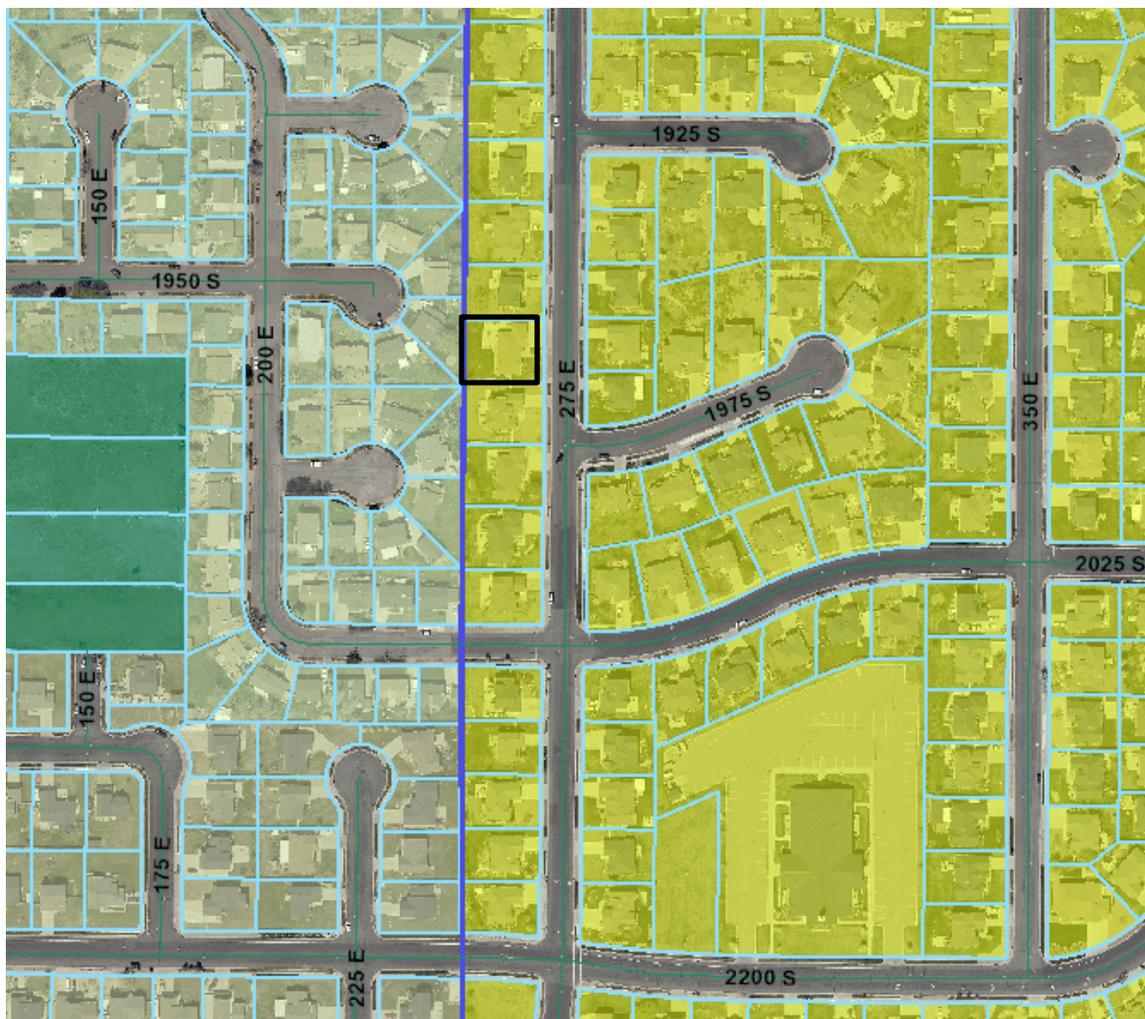
RECOMMENDATION

Move to **approve as conditioned, CUP 1509-0003**, a request by Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License within a home garage for the purpose of specialty gunsmithing. The property is located at 1964 S. 275 E. (TIN: 12-540-0158), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

| Project Information | |
|----------------------|--|
| Project Name | Pearson's Specialties |
| Site Location | 1964 S. 275 E. |
| Tax ID Number | 12-540-0158 |
| Applicant | Damon Pearson |
| Property Owner | Damon Pearson |
| Proposed Actions | Conditional Use Permit – Home Occupation |
| Current Zoning | R-1-8 Residential Single Family |
| Master Plan Land Use | Residential |

Vicinity and Zoning Map



ANALYSIS

Comprehensive Plan and Zoning

The property is a 0.24 acre lot and contains a single dwelling within an established neighborhood in the R-1-8 zone. The General Plan shows residential in this area of the City. The property is similar in size and configuration to surrounding neighbors.

Conditional Use Permit Review

The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, *may* be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The request is for a Conditional Use Permit (CUP) for a Home Occupation which would include utilization of the home's attached garage. Home Occupations are legal in all residential zones of Clearfield City. The use of a garage or accessory structure on the property requires obtaining a Conditional Use Permit.

Clearfield City Code 11-16-1 Home Occupations lists General Regulations for Home Occupations. The request to provide a specialty gunsmith service within the garage can meet Title 11-16-1 regulations. The use of the garage does not exceed the useable area or inventory storage requirements, the dwelling character remains unchanged, and the use does not require any special fixtures or equipment that would not be found in a similar home environment.

Concerns from this use revolve around additional noise on the property. Staff would recommend that the applicant operate within a reasonable time schedule in order to limit noise impacts early in the morning and late into the evening. Clearfield Police and North Davis Fire District (NDFD) have also been made aware of this proposed use and have no concerns with the use as proposed. Staff has included a letter from the NDFD that was sent in response to the requested use. NDFD has no concerns relative to this proposed use.

Public Comment

None received.

GENERAL STANDARDS

Conditional Use Permit Review

Clearfield Land Use Ordinance Section 11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff's evaluation are outlined below:

| General Standard | | Staff Analysis |
|---|--|---|
| <p>DETERMINATION: A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</p> | | |
| 1) | <p><i>Equivalent to Permitted Use:</i> Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone:</p> <ul style="list-style-type: none"> a. The health, safety, and welfare of the City and its present and future inhabitants and businesses; b. The prosperity of the City and its present and future inhabitants and | <p>The request is a home occupation for gunsmithing within a home garage located in the R-1-8 zone. This is a use that is compatible with adjacent residential properties, once the impacts are properly mitigated.</p> |

| | | |
|----|---|--|
| | <p>businesses;</p> <p>c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;</p> <p>d. The tax base;</p> <p>e. Economy in governmental expenditures;</p> <p>f. The State's agricultural and other industries;</p> <p>g. The urban and nonurban development;</p> <p>h. Access to sunlight for solar energy devices; or</p> <p>i. Property values.</p> | |
| 2) | <p><i>Impact Burden:</i> Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses.</p> | <p>Staff would recommend that the business operate between 8:00 AM to 8:00 PM in order to avoid excessive noise early in the morning and late into the evening. No customers will come to the residence for purposes related to the requested business license.</p> |
| 3) | <p><i>Conform to the Objectives of the General Plan:</i> The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values.</p> | <p>The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. Conditions of approval are proposed to mitigate impact to the surrounding properties.</p> |

CONDITIONS OF APPROVAL

- 1) This Conditional Use Permit is for a home occupation gunsmithing use including utilization of the home's attached garage located at 1964 S 275 E. Permit does not allow for the manufacturing or reloading of ammunition for commercial purposes.
- 2) No outdoor storage shall be allowed in conjunction with the proposed use.
- 3) The business shall operate only between the hours of 8:00AM and 8:00PM.
- 4) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

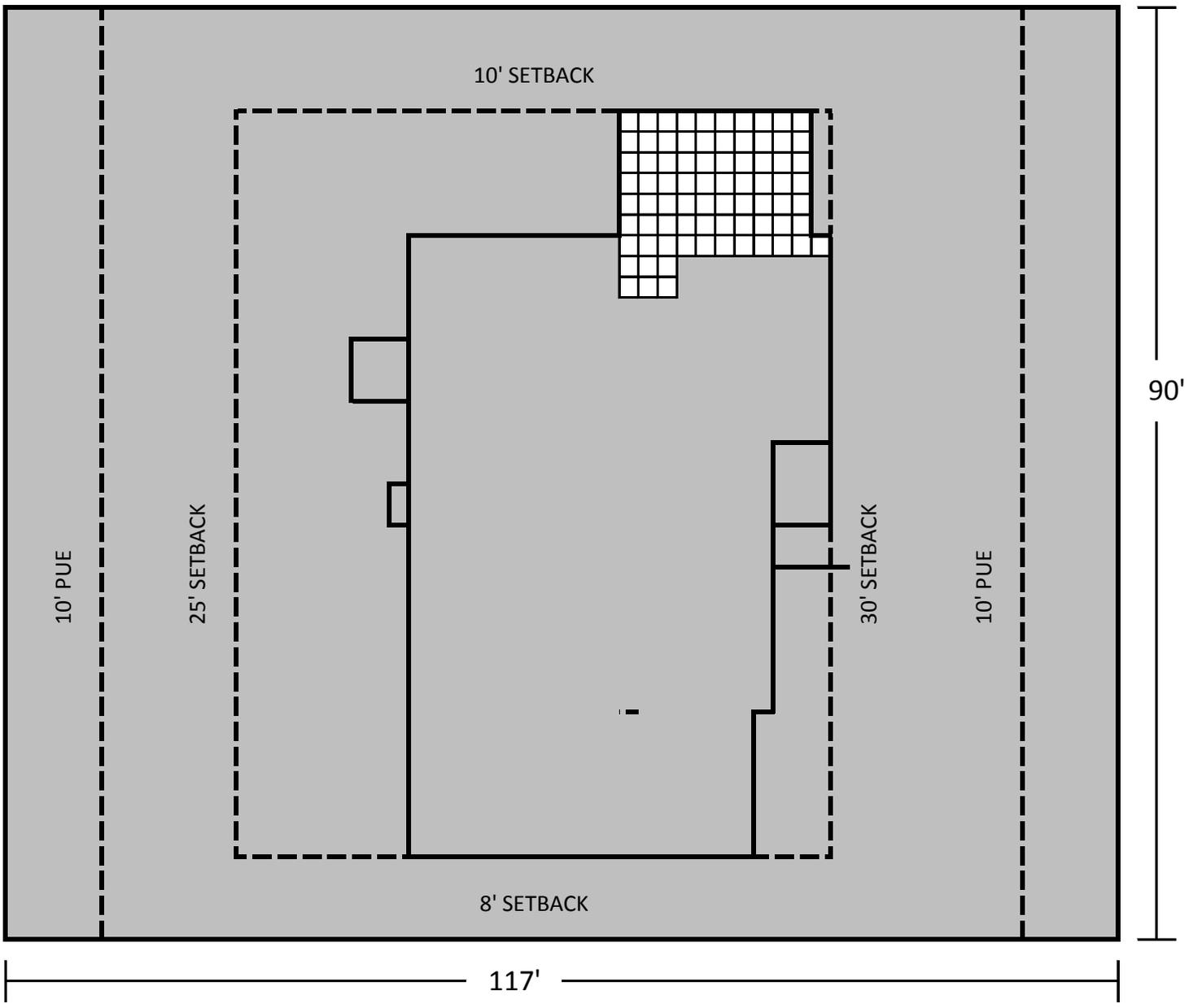
ATTACHMENTS

- 1) Site plan
- 2) Floor plan
- 3) List of chemicals to be used
- 4) NDFD letter of approval

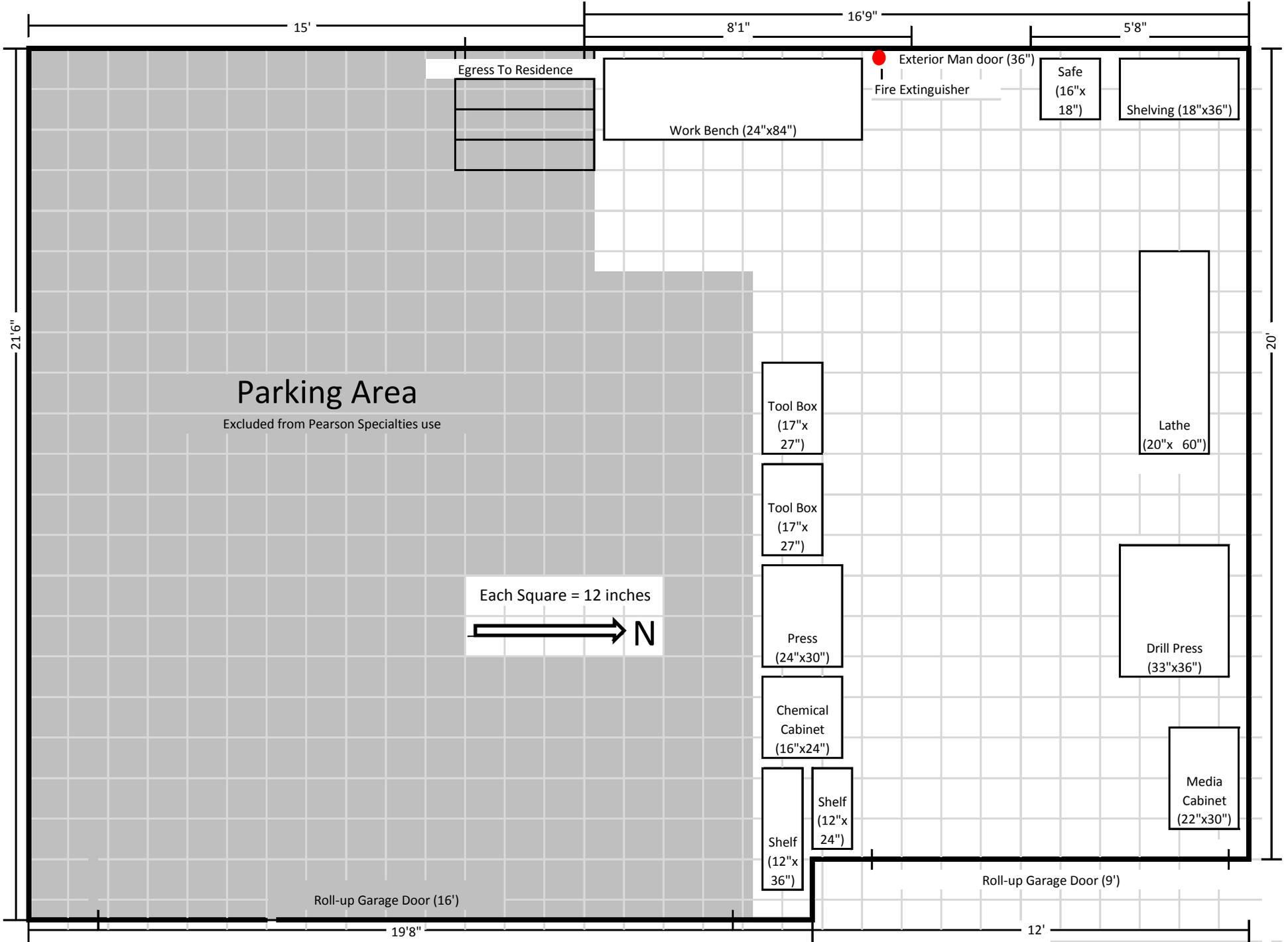
Pearson Specialties Property Layout for Garage Based Home Business 1964 S 275 E



*Pearson Specialties is only in the white area.



Pearson Specialties Proposed Floorplan for Garage Based Home Business 1964 S 275 E



Pearson Specialties- Chemicals stored on site

- Engine Oil 4 qt
- WD 40 12oz
- Degreaser 20oz
- Aerosol spray paint cans 12oz x 8
- Transmission Fluid 2 qt
- Christy's Red Hot Blue Glue 8oz
- Denatured Alcohol 1 gal
- Window washer fluid 1 gal
- Power steering Fluid 1 qt
- Manganese Phosphate Parkerizing 1 gal
- Parkerizing Post treatment solution 1 gal
- Aerosol insect killer 20oz
- Lawn weed and feed 2 gal
- 409 multi-use cleaner 32oz
- Brownell's Oxpho-Blue 4oz
- Gun Oil 10oz
- Nevr Dull 5oz
- Wood Glue 4oz
- Rubbing Alcohol 16oz x3
- Citrus Orange Hand Cleaner 15oz
- Oatley All-purpose cleaner 4 oz
- Beruz O Matic Butane 5.5oz
- HI-Yield Killzall 1 qt
- Sterling Flux 1.7oz
- Weldwood Contact Cement 3oz
- Bernzomatic Propane 17.4oz x3
- R134A Refrigerant 12oz x2



*From the Desk of
Deputy Chief John Taylor*
NORTH DAVIS FIRE DISTRICT
381 NORTH 3150 WEST
OFFICE: (801) 525-2850
FAX: (801) 525-6935
EMAIL: JTAYLOR@NOFIRES.ORG

TO: Spencer Brimley Community Development

FROM: John Taylor / Fire Marshal

RE: **Pearson Specialties Home Occupation**

DATE: September 14, 2015

I have reviewed the plans submitted for the Pearson Specialties Home Occupation. After my review I find no issues with the proposed occupation. The minimal quantities of chemicals on hand and the services performed present no concern for the district at this time. In the future if more chemicals are added or the quantities increased, we would need to be notified for review at that time.

These plans have been reviewed for Fire District requirements only. Other departments must review these plans and will have their requirements. This review by the Fire District must not be construed as final approval from Clearfield City.

If you have any further questions or concerns, please feel free to contact me at any time.

John C Taylor
Deputy Chief / Fire Marshal
NDFD

10/16/2015

To whom it may concern;

Following is my appeal to condition #5 as applied to Pearson Specialties Conditional Use Permit 1509-0003. The condition in question reads:

“5) Business shall not operate as pawn or secondhand business, as defined in Clearfield City Code.”

I am appealing based on 2 facts:

1. There was confusion amongst the commission members as to the definition of the term “gunsmith” as found in Pearson Specialties’ business license application.
2. Pearson Specialties applied for our business license and CUP before the commission voted to limit further approvals of pawn or secondhand businesses.

Concerning the first point, several members of the commission expressed their belief that a gunsmith only repairs guns. Because of this misconception, they stated that they believed that the condition to prohibit Pearson specialties from engaging in secondhand dealing would not be an undue burden on the business. Miriam Webster defines a gunsmith as “one who designs, makes, or repairs small firearms.”

The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) makes it clear it is understood that gunsmiths act as dealers of firearms both new and used in their definition of the term “gunsmith”:

“Gunsmithing

A dealer is “engaged in the business” of gunsmithing, as defined in 18 U.S.C. 921(a)(21)(D) and 27 CFR 478.11, when he/she receives firearms (frames, receivers, or otherwise) provided by a customer for the purpose of repairing, modifying, embellishing, refurbishing, or installing parts in or on those firearms. Once the work is completed, the gunsmith returns the firearms, and charges the customer for labor and parts. As with an individual customer, a licensed dealer-gunsmith may receive firearms (properly identified with a serial number and other information required by 27 CFR 478.92) and conduct gunsmithing services for a customer who is a licensed importer or manufacturer. A dealer-gunsmith is not “engaged in the business” of manufacturing firearms because the firearms being produced are not owned by the dealer-gunsmith, and he/she does not sell or distribute the firearms manufactured. Once the work is completed, the dealer-gunsmith returns the firearms to the importer or manufacturer upon completion of the manufacturing processes, and does not sell or distribute them to any person outside the manufacturing process. Under these circumstances, the licensed dealer-gunsmith is not “engaged in the business” of manufacturing firearms requiring a manufacturer’s license.

In contrast, a dealer-gunsmith may make or acquire his/her own firearms, and repair, modify, embellish, refurbish, or install parts in or on those firearms. If the dealer-gunsmith then sells or distributes those firearms for livelihood and profit, the dealer-gunsmith is engaged in his/her own business of manufacturing firearms. A person engaged in the business of manufacturing firearms for sale or distribution is required to be licensed as a manufacturer, identify/mark all firearms manufactured, maintain permanent records of manufacture, submit annual manufacturing reports, and pay any taxes imposed on firearm manufacturers. A licensed dealer-gunsmith who becomes licensed as a manufacturer must also segregate all firearms manufactured for that business separately from firearms for which gunsmithing services are being performed.

To facilitate inspection and ensure that ATF can determine that a licensed dealer-gunsmith is not engaged in the business of manufacturing firearms for his own sale or distribution without a manufacturer’s license, licensees may take the following steps:

- (1) maintain a copy of the current, active license of all contracted licensees;
- (2) maintain a copy of the contract and all instructions for gunsmithing services rendered;

(3) maintain a copy of the invoices for gunsmithing services;

(4) timely and accurately reflect all firearms acquisitions and dispositions consistent with the contract for gunsmithing services rendered; and

(5) in the case of a licensed dealer-gunsmith, maintain required bound acquisition and disposition records for all gunsmithing activities separate from other dealer's records."

Pearson Specialties possesses a BATFE "Type 07 FFL" (Federal Firearms License) which is the manufacturer/gunsmith license referred to above.

Concerning the second point: The BATFE had already stipulated that before Pearson Specialties engaged in any secondhand merchandise dealing, that we would need to register with the Utah Division of Consumer Protection as a secondhand merchant. We do recognize this statute and intend to comply with this law by acquiring a DCP Secondhand Merchant license as soon as condition #5 is removed from our CUP.

We believe that this condition should not be retroactively applied to us as the business license application and the CUP application were turned in before the council voted to restrict secondhand businesses in Clearfield City.

Pearson Specialties' business plan is dependent upon being able to acquire old, used or secondhand parts and guns. The nature of our niche is such that we restore and assemble firearms that are of a historic or collectible nature. Many of these restoration subjects have no supply of new or fresh parts, therefore parts must be sourced from the secondhand market. Pearson Specialties believe that condition #5 would become enough of a detriment to our success that were it to be upheld, we would be forced to either go out of business or move to a different city. If and when the council removes condition #5 from our CUP, Pearson Specialties fully intend to secure a Utah Division of Consumer Protection Secondhand Merchant license and to completely comply with the recordkeeping and reporting stipulations associated with the license.

Thank you,

Damon Pearson

Owner, Pearson Specialties LLC

(801)953-9677

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 October 7, 2015

3 7:00 P.M. - Regular Session

4
5 **PRESIDING:** Timothy Roper Vice-Chair

6
7 **PRESENT:** Kathryn Murray Commissioner
8 Robert Browning Commissioner
9 Michael Millard Commissioner
10 Amy Mabey Commissioner
11 Michael Britton Alternate Commissioner
12 Brady Jugler Alternate Commissioner
13 Nike Peterson Chair
14 Michael LeBaron Council Liaison

15
16 **ABSENT:** Steve Parkinson Alternate Commissioner

17
18 **STAFF PRESENT:** Brian Brower City Attorney
19 JJ Allen Assistant City Manager
20 Spencer Brimley Development Services Manager
21 Jacob Fordham Assistant City Attorney
22 Christine Horrocks Building Permits Specialist

23
24 **VISITORS:** Nefi Garcia, Richard & Leecia Helmcke, Nivew Turner, Damon Pearson,
25 Jennifer Pearson, Wendy Contreras, Thomas Hart

26
27 The Pledge of Allegiance was led by Commissioner Roper.

28
29 **APPROVAL OF MINUTES FROM SEPTEMBER 2, 2015 PLANNING COMMISSION**
30 **MEETING**

31
32 Brian Brower, City Attorney, requested a change to his comment on page six, line 11 and asked
33 that the sentence state, "Mr. Brower said if it remained residential it would be allowed to be
34 rezoned to multi-family."

35
36 **Commissioner Murray moved to approve the minutes of the September 2, 2015 Planning**
37 **Commission meeting as modified. Seconded by Commissioner Millard. The motion carried**
38 **on the following vote: Voting AYE: Commissioners Murray, Browning, Millard and**
39 **Britton. Voting NO: None.** Commissioner Mabey abstained from the vote.
40

1 PUBLIC HEARING ON CUP 1507-0008, A REQUEST BY DANIEL THURGOOD ON
2 BEHALF OF VERIZON WIRELESS, FOR A CONDITIONAL USE PERMIT FOR A
3 WIRELESS COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED
4 TO A MONOPOLE WITH EQUIPMENT BUILDING LOCATED ON SITE. THE ZONING
5 ON THE PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 680 NORTH MAIN
6 STREET (TIN: 12-094-0024). THE PROPERTY IS APPROXIMATELY 0.61 ACRES IN SIZE.

7
8 Commissioner Roper declared the public hearing open at 7:05 p.m.

9
10 PUBLIC COMMENT:
11 None

12
13 **Commissioner Millard moved to close the public hearing at 7:06 p.m. Seconded by**
14 **Commissioner Britton. The motion carried on the following vote: Voting AYE:**
15 **Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.**

16
17 PUBLIC HEARING ON CUP 1509-0001, A REQUEST BY FABIAN REYES, FOR A
18 CONDITIONAL USE PERMIT FOR THE LOCATION OF A CHURCH IN AN EXISTING
19 BUILDING WITHIN THE LAKESIDE SQUARE CENTER. THE ZONING ON THE
20 PROPERTY IS (C-2) COMMERCIAL AND LOCATED AT 399 SOUTH STATE STREET
21 (TIN: 12-003-0283). THE PROPERTY IS APPROXIMATELY 10.691 ACRES.

22
23 Commissioner Roper declared the public hearing open at 7:07 p.m.

24
25 PUBLIC COMMENT:
26 None

27
28 **Commissioner Murray moved to close the public hearing at 7:08 p.m. Seconded by**
29 **Commissioner Mabey. The motion carried on the following vote: Voting AYE:**
30 **Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.**

31
32 PUBLIC HEARING ON CUP 1509-0003, A REQUEST BY DAMON PEARSON ON BEHALF
33 OF PEARSON SPECIALTIES LLC, FOR A HOME OCCUPATION LICENSE, WITHIN A
34 HOME GARAGE FOR THE PURPOSE OF SPECIALTY GUN-SMITH. THE PROPERTY IS
35 LOCATED AT 1964 SOUTH 275 EAST (TIN: 12-540-0158)

36
37 Commissioner Roper declared the public hearing open at 7:09 p.m.

38
39 PUBLIC COMMENT:
40 None

41
42 **Commissioner Britton moved to close the public hearing at 7:10 p.m. Seconded by**
43 **Commissioner Murray. The motion carried on the following vote: Voting AYE:**
44 **Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.**

45

1 PUBLIC HEARING ON CUP 1509-0004, A REQUEST BY RICHARD HELMCKE ON
2 BEHALF OF HELL MONKEYS CYCLES LLC, FOR A CONDITIONAL USE PERMIT FOR
3 AN AUTO REPAIR BUSINESS SPECIFIC TO MOTORCYCLES. THE ZONING ON THE
4 PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 325 WEST 1700 SOUTH, SUITES
5 #1 & #2 (TIN: 12-243-0011). THE PROPERTY IS APPROXIMATELY 1.768 ACRES
6

7 Commissioner Roper declared the public hearing open at 7:11 p.m.

8
9 **PUBLIC COMMENT:**

10 Spencer Brimley, Development Services Manager, stated that Commissioner Peterson had met
11 with a business owner adjacent to the new business that was in favor of the proposed use and
12 looked forward to having a new business in the building.
13

14 **Commissioner Murray moved to close the public hearing at 7:12 p.m. Seconded by**
15 **Commissioner Mabey. The motion carried on the following vote: Voting AYE:**
16 **Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.**
17

18 DISCUSSION ON CUP 1507-0008, A REQUEST BY DANIEL THURGOOD ON BEHALF
19 VERIZON WIRELESS, FOR A CONDITIONAL USE PERMIT FOR A WIRELESS
20 COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED TO A
21 MONOPOLE WITH EQUIPMENT BUILDING LOCATED ON SITE. THE ZONING ON THE
22 PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 680 NORTH MAIN STREET
23 (TIN: 12-094-0024). THE PROPERTY IS APPROXIMATELY 0.61 ACRES IN SIZE
24

25 Spencer Brimley said the request was for a Conditional Use Permit (CUP) and site plan approval.
26 He said the proposal was for an 86 foot tall wireless communications facility for Verizon. Mr.
27 Brimley said the existing towers in the area were at full capacity and Verizon was unable to
28 collocate. He said the monopole was 462 feet from residential use and 600 feet from the existing
29 pole. He said the new pole allowed for collocation and reduced the need for future poles.
30

31 Mr. Brimley said staff recommended approval of the CUP for a 1,560 square foot building and
32 ground lease at approximately 680 North Main Street. He said because it was a new use the
33 applicant was required to obtain an access permit from UDOT prior to final approval of the CUP.
34 Mr. Brimley said fencing should be provided for the entire perimeter of the ground lease
35 equipment and on the site. He said screening may be provided by increased landscaping and
36 vegetation, fencing or other screening fencing material, but not chain link.
37

38 Commissioner Mabey asked if wireless towers were typically in commercial zones or
39 manufacturing. Mr. Brimley said it was practical in the C-2 zone. Commissioner Murray asked
40 what kind of screening would be used if chain link was not acceptable. Mr. Brimley said the
41 recommended conditions of approval outlined options of landscaping, fencing or other
42 vegetation. He said the intent was to put the wireless tower in the asphalt area; therefore
43 landscape would not likely be used. Mr. Brimley said staff recommended a solid visual barrier to
44 screen the equipment and that design and architectural features blended with the site.

45 Commissioner Murray asked what the required height of the fence was. Mr. Brimley said the

1 request was for a six foot fence impervious to sight. Commissioner Murray asked if the design of
2 building needed to meet City Code § 11-18, Design Guidelines. Mr. Brimley said there were
3 specific guidelines but the building housed equipment for the wireless facility; it was an
4 accessory building. Brian Brower referred to City Code § 11-11B-12(D)(4) which stated, “Any
5 building elevation facing a street or right of way shall include at least two (2) of the following:
6 brick, stucco, stone or rock.” He said City Code § 11-18, Design Guidelines said there were
7 provisions which would be applicable to the design standards for the building. Commissioner
8 Browning asked if the building could blend with the service station. Mr. Brimley said that was
9 discussed with the applicant and said it could be accomplished.

10
11 Nefi Garcia, Verizon, said Dan Thurgood was the applicant but was unable to attend this meeting.
12 He gave a brief history of the wireless tower behind Gordon’s Copy Print. He said because of the
13 change in technology equipment changes were needed and the existing tower was at capacity. Mr.
14 Garcia said the past two years they had explored other solutions. He said it was not a typical cell
15 site as it would serve as a hub for other sites in the area. Mr. Garcia said the building could be
16 built to blend with the surrounding buildings. He said landscaping would be difficult to install in
17 the paved area.

18
19 Commissioner Millard asked if the top would be decorated. Mr. Garcia said it wasn’t practical to
20 put a fake tree if it didn’t blend in with the surrounding area. Commissioner Roper spoke to his
21 neighbors and said many people didn’t know there was a tower behind Gordon’s Copy Print.
22 Commissioner Mabey asked about the size of the tower. Mr. Garcia said it was one of the largest
23 facilities; the foot print of the building was bigger than usual. He said Verizon would move its
24 equipment from the existing tower.

25
26 Mr. Brimley said the Planning Commission could add conditions to mitigate issues if it desired.
27 Commissioner Browning said the roads around the property were eight feet above the fence and
28 wasn’t sure what a six foot fence accomplished. Mr. Brimley said the fence was a security issue
29 and the City wanted a fence that added to the area. He said a balance was needed for security and
30 a design that blended with community.

31
32 Brian Brower said the fencing belonged under the site plan portion of the project. He said there
33 were provisions that were applicable in the City Code on the design of the building. Mr. Brower
34 said from the discussion among the Commissioners additional conditions might be added that
35 included the construction of the building must be in compliance with City Code including
36 architectural design, building materials used, etc. and could be made subject to approval of the
37 City’s Planning and Zoning Administrator to ensure compliance. Mr. Brimley said it was up to
38 the Planning Commission to determine the strength of the language included in the conditions of
39 approval.

40
41 Mr. Garcia said the building could be constructed similar to the buildings in the area, but asked if
42 a wrought iron fence could surround the building instead of a fence that was impervious to view.
43 He said there were other issues with a block wall, one was graffiti and another was safety with
44 seeing what was around the corner. Commissioner Murray asked how tall the building would be.
45 Mr. Garcia said it would be eight feet tall.

1 Mr. Brimley said the City Code stated not chain link. He said the building and fence should be
2 designed so it met and fit within the community. He said the applicant stated the fence was a
3 security issue.

4
5 The commissioners said there had been many discussions in the past about fencing. Mr. Brower
6 said most of the previous discussions about fencing were for a fence that was impervious to view
7 for an outdoor storage use. He quoted City Code § 11-11B-12-C, "Walls or fences may be
8 required along all property lines which are adjacent to a residential zone or use or public right of
9 way. The exact location, height and type of materials of the wall or fence shall be approved by
10 the Planning Commission as part of the site plan approval process." City Code § 11-18-4-5
11 referenced chain link and stated "Chainlink fencing shall not be permitted adjacent to a public
12 right of way or in a required front yard." Mr. Brower said the current discussion was not on an
13 outdoor storage use but on an accessory building in the C-2 zone.

14
15 Commissioner Browning said it was his opinion that a well-designed building with a wrought
16 iron fence was better than a block building surrounded by a cinder block wall. Commissioner
17 Roper asked Mr. Garcia if Verizon had a standard for fencing around the buildings and towers.
18 Mr. Garcia said wrought iron fences were often used.

19
20 Commissioner Murray said a condition should state that the accessory building must be
21 compatible with the surrounding area and conform to the design standards and should be listed in
22 both the conditional use permit and the site plan. The following wording was suggested for a
23 condition of approval, "construction of the building including architectural design, building
24 materials used, etc. must be in compliance with City's land use ordinance, design guidelines and
25 be compatible to surrounding buildings."

26
27 Commissioner Browning asked what the purpose of the screening was. Mr. Brimley said the
28 fence didn't provide a visual screen but was for security screening. Mr. Brower suggested
29 changing condition of approval number three for the site plan from screening to fencing.

30
31 *Commissioner Jugler arrived at 7:55 p.m. but did not go to the dais.*

32
33 APPROVAL OF CUP 1507-0008, A REQUEST BY DANIEL THURGOOD ON BEHALF
34 VERIZON WIRELESS, FOR A CONDITIONAL USE PERMIT FOR A WIRELESS
35 COMMUNICATIONS TOWER CONSISTING OF AN ANTENNA MOUNTED TO A
36 MONOPOLE WITH EQUIPMENT BUILDING LOCATED ON SITE. THE ZONING ON THE
37 PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 680 NORTH MAIN STREET
38 (TIN: 12-094-0024). THE PROPERTY IS APPROXIMATELY 0.61 ACRES IN SIZE

39
40 **Commissioner Mabey moved to approve as conditioned CUP 1507-0008, a request by**
41 **Daniel Thurgood, on behalf of Verizon Wireless, for a Conditional Use Permit for the**
42 **construction of an unmanned communications facility consisting of an antenna mounted to**
43 **a new monopole with an equipment building located on site. The zoning on the property is**
44 **C-2 (Commercial) and located at 680 North Main Street (TIN: 12-094-0024), based on the**
45 **findings and discussion in the Staff Report with the following conditions:**

- 1) **This Conditional Use Permit is for a 1,560 square foot building and ground lease for a Verizon Wireless Monopole facility, located at approximately 680 N. Main Street. Submitted Construction Documents shall be in conformance with the plans submitted for CUP-SP 1507-0008.**
- 2) **Applicant will be required to obtain access permit from UDOT prior to final approval of the Conditional Use permit.**
- 3) **The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.**
- 4) **Architectural design and building materials must be in compliance with the City's Land Use Ordinance § 11-18, Design Guidelines and must be compatible with structures in the surrounding area.**

Seconded by Commissioner Millard. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.

APPROVAL OF SP 1507-0008, A REQUEST BY DANIEL THURGOOD ON BEHALF VERIZON WIRELESS, FOR A SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF AN ANTENNA MOUNTED TO A MONOPOLE WITH EQUIPMENT BUILDING LOCATED ON SITE. THE ZONING ON THE PROPERTY IS C-2 (COMMERCIAL) AND LOCATED AT 680 NORTH MAIN STREET (TIN: 12-094-0024). THE PROPERTY IS APPROXIMATELY 0.61 ACRES IN SIZE

Commissioner Murray moved to approve as conditioned SP 1507-0008, a request by Daniel Thurgood, on behalf of Verizon Wireless, for Site plan approval for the construction of an unmanned communications facility consisting of an antenna mounted to a new monopole with an equipment building located on site. The zoning on the property is C-2 (Commercial) and located at 680 North Main Street (TIN: 12-094-0024), based on the findings and discussion in the Staff Report with the following conditions:

- 1) **The approval of Site Plan 1507-0008 is subject to approval of a Conditional Use Permit 1507-0008 for a wireless communications towers at 680 N. Main Street.**
- 2) **Applicant will be required to obtain access permit from UDOT prior to final approval of the site plan.**
- 3) **Fencing shall be provided for the entire perimeter of ground lease equipment, and area on the site. Fencing may be in the form of increased landscaping and vegetation, or other screening fencing material, but not chain link.**
- 4) **Architectural design and building materials must be in compliance with the City's Land Use Ordinance § 11-18, Design Guidelines and must be compatible with structures in the surrounding area.**

Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.

1 DISCUSSION ON CUP 1509-0001, A REQUEST BY FABIAN REYES, FOR A
2 CONDITIONAL USE PERMIT FOR THE LOCATION OF A CHURCH IN AN EXISTING
3 BUILDING WITHIN THE LAKESIDE SQUARE CENTER. THE ZONING ON THE
4 PROPERTY IS (C-2) COMMERCIAL AND LOCATED AT 399 SOUTH STATE STREET
5 (TIN: 12-003-0283). THE PROPERTY IS APPROXIMATELY 10.691 ACRES
6

7 Spencer Brimley said the request was for a Conditional Use Permit (CUP) for a church to be
8 located in an existing building. He said the use of the building as a church required the CUP. He
9 said there were no issues with the proposal and parking needs had been accommodated. Mr.
10 Brimley said staff recommended approval and read the conditions of approval.

11
12 Commissioner Mabey asked about the signage. Mr. Brimley said the sign requirements had not
13 been discussed with the applicant but they had received a copy of the staff report with the
14 conditions and didn't have any concerns. He said any signage needed to meet the sign ordinance.
15

16 Wendy Contreras was present representing the church and Tom Hart was present representing the
17 Kier Corporation. Mr. Hart said there had been a church at this location in the past. He said there
18 was an existing sign case that could be used.
19

20 APPROVAL OF CUP 1509-0001, A REQUEST BY FABIAN REYES, FOR A CONDITIONAL
21 USE PERMIT FOR THE LOCATION OF A CHURCH IN AN EXISTING BUILDING
22 WITHIN THE LAKESIDE SQUARE CENTER. THE ZONING ON THE PROPERTY IS (C-2)
23 COMMERCIAL AND LOCATED AT 399 SOUTH STATE STREET (TIN: 12-003-0283).
24 THE PROPERTY IS APPROXIMATELY 10.691 ACRES
25

26 **Commissioner Mabey moved to approve as conditioned, CUP 1509-0001, a request by**
27 **Fabian Reyes for a conditional use permit for the location of a church within the Lakeside**
28 **Square Center. The zoning on the property is (C-2) Commercial and located at 399 South**
29 **State Street (TIN 12-003-0283) based on the findings and discussion in the Staff Report with**
30 **the following conditions:**

- 31 1) **This Conditional Use Permit is for the Eben-ezer Church located at 399 S. State St,**
32 **in Lakeside Square commercial center.**
- 33 2) **No signs are approved with this application. Separate application will be required**
34 **for any signage for the use.**
- 35 3) **The applicant shall provide proof of having obtained and of having maintained, as**
36 **may be periodically requested by the City, all applicable local, state, and federal**
37 **permits.**

38 **Seconded by Commissioner Britton. The motion carried on the following vote: Voting**
39 **AYE: Commissioners Murray, Browning, Millard, Mabey and Britton. Voting NO: None.**
40

1 DISCUSSION OF CUP 1509-0003, A REQUEST BY DAMON PEARSON ON BEHALF OF
2 PEARSON SPECIALTIES LLC, FOR A HOME OCCUPATION LICENSE, WITHIN A HOME
3 GARAGE FOR THE PURPOSE OF SPECIALTY GUNSMITHING. THE PROPERTY IS
4 LOCATED AT 1964 SOUTH 275 EAST (TIN: 12-540-0158)
5

6 Spencer Brimley said the Conditional Use Permit (CUP) for a home occupation business license
7 was required because the business used the garage. He showed the layout of the garage and the
8 area in the garage that would be used for the business. The North Davis Fire District reviewed the
9 list of chemicals used and provided a letter that stated it had no concerns at this time. Mr.
10 Brimley said the proposal would not change the character of the neighborhood. He said the
11 applicant was looking for another location but requested the use of his garage until then.
12

13 Mr. Brimley reviewed the conditions of approval. He said for clarification that the CUP was for
14 gunsmithing only, condition of approval number one included the statement, "Permit does not
15 allow for the manufacturing or reloading of ammunition for commercial purposes." He said the
16 applicant had received federal permitting. He said staff recommended approval as conditioned.
17

18 Commissioner Millard asked if the federal license he had obtained regulated the sales, trades and
19 loans. Mr. Brimley said they would be required to meet local laws. He said the City could be
20 more restrictive but could not be less restrictive than federal regulations. Commissioner Mabey
21 asked if there would be extra security measures taken with the guns in the garage. Mr. Brimley
22 said it had not been discussed, but the applicant could answer the question.
23

24 Damon Pearson, applicant, said for security he had multiple gun safes fastened to the concrete
25 floor, electronic security and dogs. Commissioner Millard asked what federal licenses he was
26 required to obtain. Mr. Pearson said he had a Type 07 federal firearms license which was called a
27 manufacturing permit. He said the term manufacturing was defined as maintain firearms. He said
28 the permit allowed him to build firearm receivers from blanks and moldings and then give them a
29 serial number. Commissioner Millard asked if there would be sales, trades, gun loans or shipping
30 out of state. Mr. Pearson said he would ship out of state but was required to go to the customers
31 FFL and any firearm could be shipped to him because he had an FFL.
32

33 *Commissioner Peterson entered at 8:17 p.m. but did not go to the dais.*
34

35 Commissioner Millard asked if he had any intention to buy older guns to remanufacture and sell.
36 He said there were other State laws that applied when used firearms were bought and sold. Mr.
37 Pearson said he was aware of the State requirements and he worked on historic firearms.
38 Commissioner Millard asked if he would obtain a license to operate as a secondhand dealer or a
39 pawn shop through consumer protection. Mr. Pearson said for him it was a tangible link to
40 history and his niche was more Russian guns.
41

42 Councilmember LeBaron asked if a list of the chemicals used would be submitted to the North
43 Davis Fire District. Mr. Pearson said the list of chemicals was submitted to the Fire District and
44 was approved. Councilmember LeBaron encouraged Mr. Pearson to contact the Department of
45 Environmental Quality to determine if the chemicals used with the home based gunsmithing

1 business required an annual report.

2
3 Brian Brower said the buying and selling of secondhand firearms required from the State a
4 license for a pawn broker. Mr. Brower said the fact that the pawn license was required from the
5 State did not indicate the home occupation for specialty gunsmithing from Clearfield City gave
6 approval for a pawn business as defined in the City land use ordinance. He said the requirement
7 for licensing from the State did not mean that Clearfield City had approved a land use for a pawn
8 shop or secondhand dealer. Commissioner Millard said the State defined pawn and secondhand
9 business in the same category. Mr. Brower said the City Ordinance did also.

10
11 Commissioner Mabey interpreted gunsmithing as gun repair. Mr. Brimley said he had the same
12 interpretation from photos of the applicant's work. Mr. Pearson was asked if he had walk up
13 customers. He said the majority of his customers were through the mail and walk up customers
14 were referral based.

15
16 Mr. Brower read from State Code § 13-32A-102 the definition for pawn and secondhand
17 business. He said even though the City Ordinance was tied closely to the State definition, there
18 might still be room to grant a home occupation to buy and sell items on a limited basis without
19 being considered a pawn shop for land use purposes. Mr. Brower said the Commission might
20 want to consider adding language to the conditions which made it clear that any approval did not
21 allow the sale of any product other than firearms. He said if the Planning Commission determined
22 that buying and selling of secondhand firearms made the business a pawn business, then the
23 Commission would be justified to not allow that portion of the business.

24
25 Commissioner Millard disclosed that he was a Police Officer with Salt Lake City and served on
26 the State Pawn Board. He said he provided training across the State for pawn shop dealers, police
27 officers and prosecutors on pawn shop law and rules related to it. Commissioner Millard said he
28 didn't have a problem with gunsmithing but if he was buying and selling used guns it clearly met
29 the definition of secondhand merchandise.

30
31 Mr. Brower read from City Code § 11-3-3 "Pawn and Secondhand Business: Shall have the
32 meaning set forth in Utah Code Annotated title 13, chapter 32a. This definition does not include
33 businesses which acquire secondhand goods or merchandise exclusively by donation, or deal
34 solely with consignment or solely in the purchasing, bartering, exchanging or selling of used
35 motor vehicles or trailers."

36
37 Commissioner Browning stated the City had a moratorium on pawn shops and asked if it also
38 applied to secondhand dealers. Mr. Brower said it included both pawn and secondhand
39 businesses. He asked Mr. Brimley when the application had been received. Mr. Brimley said the
40 application was received prior to the adoption of the ordinance for the temporary land use
41 regulation for pawn shops and secondhand businesses. Mr. Brower said in his opinion the
42 applicant was not subject to the temporary land use regulation because the application was
43 received prior to the regulation.

44
45 Commissioner Mabey asked what the application stated was the scope of the business. Mr.

1 Brimley said it said gunsmithing and he didn't recall it stating the buying and selling of guns.

2
3 Mr. Pearson said buying and selling used items was a very small part of his business. He said he
4 bought parts or components to rebuild and make working guns. He was not buying collections.
5 Mr. Pearson said he took for granted that the term gunsmithing was fixing broken guns. He said
6 an example was a customer looking for a specific model of gun but couldn't find one on the
7 market. The customer would give him the specifications then he bought the pieces and built the
8 gun. Mr. Pearson said the majority of the work he did was specialty gunsmithing. He said
9 customers paid him to work on their guns.

10
11 Mr. Brower suggested that a condition could be included that stated the applicant shall not
12 operate as a pawn broker or secondhand business as defined in City Code. He said someone that
13 regularly bought and sold firearms would be a secondhand merchandise dealer. Commissioner
14 Mabey asked how soon he planned to move to another location. Mr. Pearson said he would move
15 in three years.

16
17 Commissioner Browning asked if a gun was purchased online and then work was completed to
18 ensure the gun was working properly and some gunsmithing was done, was that a secondhand
19 dealer. Commissioner Millard said some transactions were qualified and some that were not. He
20 said the parts obtained from a certified dealer had trackable documentation which was different
21 than parts purchased from individuals. Commissioner Millard said firearms that qualified came
22 from a certified dealer.

23
24 Mr. Pearson said any transaction would be entered into his federal books. Commissioner Millard
25 said he was not concerned with the business to business transactions, but the secondhand guns
26 purchased from individuals. He said Mr. Pearson needed to understand the meaning of pawn shop
27 and secondhand dealer and what he could buy and sell. Commissioner Britton asked if there was
28 a difference if the item that was received from a non-business person was modified significantly
29 or used for parts. Commissioner Millard said it didn't matter what work was done to the firearm,
30 if it was not purchased from a certified dealer it was considered secondhand.

31
32 Mr. Brower said the language of the Conditional Use Permit (CUP) could be specific stating that
33 the business could not operate as a pawn shop or secondhand business dealer. Commissioner
34 Millard said he could give Mr. Pearson resources for education on secondhand businesses.

35
36 Commissioner Browning said he liked the condition of approval that stated the business could not
37 operate as a pawnshop or secondhand business as defined in City Code. Commissioner Britton
38 was more inclined to not include the condition about pawns or secondhand businesses.

39
40 Mr. Brower said there needed to be a finding that stated if the temporary land use regulation
41 prohibiting any additional pawn shop or secondhand businesses was applicable in this situation.
42 He said the issue was what the application was for, did it include conducting business that would
43 make it a secondhand business or was it just for gunsmithing or the repair of guns.

44
45 Commissioner Britton asked what was included in a typical gunsmithing business. Mr. Pearson

1 said the federal firearm license for a base level gunsmith was a Type 01 which was the same as a
2 gun dealer. He said he took for granted that gunsmithing included wheeling and dealing on the
3 side but that was not the majority of his business.

4
5 Mr. Brower said the commissioners needed to state the reasons for the decision made.

6 Commissioner Britton said it was his opinion that the business would not become a full-blown
7 pawn shop and that the moratorium had no bearing on the business. Commissioner Mabey said a
8 definition of gunsmithing would be helpful in the decision. It was Commissioner Browning's
9 opinion that a reasonable definition would include some exchange because there would be buying
10 and selling.

11
12 Commissioner Millard said his opinion was that gunsmithing was preparing pieces that didn't
13 require a manufacturer license to build new guns. It was asking to repair people's guns. He said
14 the application was not asking for secondhand sales, he wasn't asking for a dealer's license, so
15 the license should stick to gunsmithing. Commissioner Millard said he would be in favor of a
16 condition to not allow the business to operate as a pawn shop or secondhand business. He said it
17 was difficult to say that "a little bit" would be allowed.

18
19 Commissioner Britton said because the application was made before the moratorium and if it was
20 determined it was a secondhand business, he was fine with it. Mr. Brower agreed with the
21 comments from Commissioner Millard that a determination needed to be made if the request fit
22 the ordinance and if it did that was the answer. He said it was better to decide the interpretation
23 and apply it.

24
25 Commissioner Roper asked for opinions from the commissioners. Commissioner Britton said he
26 was fine with the definition even as a secondhand business because of the timing of the
27 application. Commissioner Mabey said her vote was on the other side because of what she
28 interpreted through the definition of gunsmithing. She said she understood the perspective in that
29 was what they intended. Commissioner Millard said the laws were clear and individuals that were
30 gunsmiths and were also selling firearms would have a license for pawn because they do both. He
31 said the Planning Commission needed to look at the Code and follow the Code.

32
33 CONSIDERATION OF CUP 1509-0003, A REQUEST BY DAMON PEARSON ON BEHALF
34 OF PEARSON SPECIALTIES LLC, FOR A HOME OCCUPATION LICENSE, WITHIN A
35 HOME GARAGE FOR THE PURPOSE OF SPECIALTY GUN-SMITH. THE PROPERTY IS
36 LOCATED AT 1964 SOUTH 275 EAST (TIN: 12-540-0158)

37
38 **Commissioner Browning moved to approve as conditioned, CUP 1509-0003; a request by**
39 **Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License**
40 **within a home garage for the purpose of specialty gunsmithing. The property is located at**
41 **1964 South 275 East (TIN: 12-540-0158), based on the findings and discussion in the Staff**
42 **Report with the following conditions:**

- 43 1) **This Conditional Use Permit is for a home occupation gunsmithing use including**
44 **utilization of the home's attached garage located at 1964 South 275 East.**
45 2) **No outdoor storage shall be allowed in conjunction with the proposed use.**

- 1 3) **The business shall operate only between the hours of 8:00AM and 8:00PM.**
- 2 4) **The applicant shall provide proof of having obtained and of having maintained, as**
3 **may be periodically requested by the City, all applicable local, state, and federal**
4 **permits.**
- 5 5) **The business shall not operate as a pawn shop or secondhand business as defined**
6 **in City Code.**

7 **Seconded by Commissioner Millard. The motion failed with a tie vote. Voting AYE:**
8 **Commissioners Mabey, Millard and Browning. Voting NO: Commissioners Murray,**
9 **Britton and Roper.**

10
11 **Commissioner Britton moved to approve as conditioned, CUP 1509-0003:, a request by**
12 **Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License**
13 **within a home garage for the purpose of specialty gunsmithing. The property is located at**
14 **1964 South 275 East (TIN: 12-540-0158), based on the findings and discussion in the Staff**
15 **Report with the following conditions:**

- 16 1) **This Conditional Use Permit is for a home occupation gunsmithing use including**
17 **utilization of the home's attached garage located at 1964 South 275 East.**
- 18 2) **No outdoor storage shall be allowed in conjunction with the proposed use.**
- 19 3) **The business shall operate only between the hours of 8:00AM and 8:00PM.**
- 20 4) **The applicant shall provide proof of having obtained and of having maintained, as**
21 **may be periodically requested by the City, all applicable local, state, and federal**
22 **permits.**

23 **Seconded by Commissioner Murray. The motion failed with a tie vote. Voting AYE:**
24 **Commissioners Murray, Britton and Browning. Voting NO: Commissioners Millard,**
25 **Mabey and Roper.**

26
27 Mr. Brower said the options the Planning Commission had were for a different motion or if the
28 conclusion was that no other motion would carry four votes, then the application could be
29 continued until there were more members of the Commission present. Commissioner Mabey
30 asked if it could be continued to obtain additional information. She said she was stuck on the
31 definition of gunsmithing and what it included.

32
33 Commissioner Britton said what if it was based on the fact that the application came in before the
34 temporary land use restriction. He said the definition of gunsmithing was not relevant to the
35 application. Commissioner Millard said the definition of gunsmithing was relevant if sales were a
36 part of the business. Commissioner Roper said he was comfortable with gunsmithing.
37 Commissioner Britton asked if there wasn't a definition what should the commissioners use for
38 reference.

39
40 Jennifer Pearson said the Merriam-Webster definition of gunsmith was one who designs, makes,
41 or repairs small firearms. Commissioner Roper said the question was whether gunsmithing
42 included sales of firearms. Ms. Pearson said in reference to secondhand firearms that they were
43 not buying firearms and then selling them for a profit. She said they were buying the components
44 and parts for historical firearms were especially difficult to obtain from a manufacturing plant.
45 She said some of the firearms would be secondhand but that was not the purpose of the

1 gunsmithing in the first place.

2
3 Commissioner Millard said that was a part of the educational part because historic also had a
4 definition. He said to make something and sell it was okay but that was not a secondhand deal.
5 He said the point of the pawn shop was the need to track and locate items that were possibly
6 stolen. Commissioner Millard said Mr. Pearson needed to be sure the guns he was buying used
7 weren't stolen property. Ms. Pearson asked if it could be a condition that the serial numbers of
8 any purchased components would be run through the database. Commission Millard said part of
9 the pawn and secondhand dealer license was the ability to access the database to make sure you
10 were not purchasing stolen property. Commissioner Britton asked if the fifth condition of the first
11 motion precluded sale of dealer purchased material or just firearms purchased from an individual.
12 When Commissioner Millard said it was only the guns purchased from individuals,
13 Commissioner Britton said it wasn't as restrictive as he first thought and he would be inclined to
14 go with the first motion. Commissioner Murray asked if there was a way for Mr. Pearson to not
15 be a pawn shop or secondhand business. Commissioner Millard said he would need to deal only
16 with licensed dealers and wouldn't be able to deal with individuals.

17
18 APPROVAL OF CUP 1509-0003, A REQUEST BY DAMON PEARSON, ON BEHALF OF
19 PEARSON SPECIALTIES LLC FOR A HOME OCCUPATION LICENSE, WITHIN A HOME
20 GARAGE FOR THE PURPOSE OF SPECIALTY GUN-SMITH. THE PROPERTY IS
21 LOCATED AT 1964 SOUTH 275 EAST (TIN: 12-540-0158)
22

23 **Commissioner Britton moved to approve as conditioned, CUP 1509-0003:, a request by**
24 **Damon Pearson, on behalf of Pearson Specialties LLC for a Home Occupation License**
25 **within a home garage for the purpose of specialty gunsmithing. The property is located at**
26 **1964 South 275 East (TIN: 12-540-0158), based on the findings and discussion in the Staff**
27 **Report with the following conditions:**

- 28 1) **This Conditional Use Permit is for a home occupation gunsmithing use including**
29 **utilization of the home's attached garage located at 1964 South 275 East.**
- 30 2) **No outdoor storage shall be allowed in conjunction with the proposed use.**
- 31 3) **The business shall operate only between the hours of 8:00AM and 8:00PM.**
- 32 4) **The applicant shall provide proof of having obtained and of having maintained, as**
33 **may be periodically requested by the City, all applicable local, state, and federal**
34 **permits.**
- 35 5) **The business shall not operate as a pawn shop or secondhand business as defined in**
36 **City Code.**

37 **Seconded by Commissioner Millard. The motion carried on the following vote: Voting**
38 **AYE: Commissioners Millard, Mabey, Murray, Britton and Browning. Voting NO: None.**
39
40

1 DISCUSSION ON CUP 1509-0004, A REQUEST BY RICHARD HELMCKE ON BEHALF OF
2 HELL MONKEYS CYCLES LLC, FOR A CONDITIONAL USE PERMIT FOR AN AUTO
3 REPAIR BUSINESS SPECIFIC TO MOTORCYCLES. THE ZONING ON THE PROPERTY
4 IS C-2 (COMMERCIAL) AND LOCATED AT 325 WEST 1700 SOUTH SUITES #1 & #2
5 (TIN: 12-243-0011). THE PROPERTY IS APPROXIMATELY 1.768 ACRES
6

7 Spencer Brimley said Hell Monkey Cycles LLC would occupy suites one and two of an existing
8 building. He said the business was required to have six parking stalls. He said the site plan as
9 presented had four parking spaces on the north which appeared to be an impediment to traffic
10 flow. He said City staff requested the business provide six stalls on the east side of the property
11 and not allow the parking stalls on the north side to be used. Mr. Brimley said with the parking
12 requirements of the other businesses occupying the building, staff determined that there were
13 adequate spaces for each business.
14

15 Mr. Brimley reviewed the conditions of approval and explained the changes for clarification that
16 were made after the staff report was sent to the commissioners. He said there was potential for
17 customers to use the north area for staging and drop off. He said it was preferable that parking
18 spaces were kept together and not spread around the site. Mr. Brimley asked that there not be
19 striping for stalls on the north side of the building. He said there were parking challenges in the
20 area and hoped the property owner would resolve the issue with assignments for the parking
21 stalls.
22

23 Richard Helmcke, owner of Hell Monkey Cycles, LLC, said there was one handicapped parking
24 space for all the tenants. He said he couldn't guarantee his customers wouldn't park on the north
25 side. Mr. Helmcke said he would like to paint parking stalls for motorcycles.
26

27 A current Google earth map was viewed that showed cars parked in the north area and it appeared
28 there was adequate area for parking and traffic flow. After discussion it was determined that the
29 applicant could paint three parking stalls on the north side of the building.
30

31 Mr. Brower wanted clarification that the CUP was for motorcycle repair and if Mr. Helmcke
32 wanted to sell vehicles he would need an additional CUP. Mr. Helmcke said he understood. Mr.
33 Brimley encouraged the commissioners to have language in the conditions that gave staff the
34 authority to approve where the stalls would be marked.
35

36 APPROVAL OF CUP 1509-0004, A REQUEST BY RICHARD HELMCKE ON BEHALF OF
37 HELL MONKEYS CYCLES LLC, FOR A CONDITIONAL USE PERMIT FOR AN AUTO
38 REPAIR BUSINESS SPECIFIC TO MOTORCYCLES. THE ZONING ON THE PROPERTY
39 IS C-2 (COMMERCIAL) AND LOCATED AT 325 WEST 1700 SOUTH, SUITES #1 & #2
40 (TIN: 12-243-0011). THE PROPERTY IS APPROXIMATELY 1.768 ACRES
41

42 **Commissioner Millard moved to approve as conditioned, CUP 1509-0004: A request by**
43 **Richard Helmcke, on behalf of Hell Monkeys Cycles LLC for a Conditional Use Permit for**
44 **an auto repair business specific to motorcycles. The zoning on the property is C-2**
45 **(commercial) and located at 325 W Antelope Dr. (1700 S) suites #1 & #2, based on the**

1 **findings and discussion in the Staff Report with the following conditions as presented in the**
2 **power point presentation:**

- 3 1) **This Conditional Use Permit is for an automotive or motorcycle repair business for**
4 **Hell Monkey’s Auto Repair located at 325 W. 1700 S., Suites #1 & #2.**
- 5 2) **Absolutely no automotive or motorcycle repair services shall be conducted outside of**
6 **the building’s service bays.**
- 7 3) **The site shall be maintained in a neat and orderly manner and have no abandoned**
8 **or leaking automotive parts except in a closed container for disposal.**
- 9 4) **An oil separator is necessary for any floor drains; it shall be cleaned and in proper**
10 **working order verified by the Public Works Department. It may be necessary to**
11 **install a cap on top of the sewer line.**
- 12 5) **Keeping of hazardous liquids and rags used to clean up spills shall be kept in**
13 **accordance with North Davis Fire District’s standards.**
- 14 6) **Damaged or inoperable vehicles or motorcycles shall not be stored on-site overnight.**
15 **Keeping of inoperable vehicles or motorcycles overnight inside suites #1 & #2 is**
16 **acceptable.**
- 17 7) **There shall be no overflow parking offsite (on the surrounding lots, on the street, or**
18 **otherwise).**
- 19 8) **Parking for the use shall be striped and identified with signage so as to distinguish it**
20 **from other uses located in the building. Property owner shall provide applicant and**
21 **City with information related to the designation of parking for each use located in**
22 **the building. Site circulation must be designed in such a manner that on site traffic**
23 **flow is not impeded.**
- 24 9) **A minimum of six (6) parking stalls shall be delineated and designed for the site and**
25 **shown on submitted construction drawings with the dimensions of 9’x20’. A**
26 **minimum of one parking stall must meet ADA standards.**
- 27 10) **For this Conditional Use Permit to be in full force and effect, the Conditions of**
28 **Approval shall be acknowledged and accepted in writing by both the tenant/business**
29 **owner and the property owner.**
- 30 11) **Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included**
31 **as a part of this Conditional Use permit. Separate review and approval will be**
32 **required.**
- 33 12) **The applicant shall provide proof of having obtained and of having maintained, as**
34 **may be periodically requested by the City, all applicable local, state, and federal**
35 **permits.**
- 36 13) **No more than three parking stalls shall be designated on the north side of the**
37 **property and the design will be approved by staff.**

38 **Seconded by Commissioner Britton. The motion carried on the following vote: Voting**
39 **AYE: Commissioners Browning, Millard, Mabey and Britton. Voting NO: Commissioner**
40 **Murray.**

41
42

1 STAFF REPORTS

2
3 Spencer Brimley said City Council established an ordinance which enacted a temporary land use
4 regulation regarding pawn and secondhand businesses and it would be discussed at the Planning
5 Commission meeting in November.

6
7 Brian Brower thanked the commissioners for the opportunity to work with them and stated it was
8 his last meeting. He said it was a privilege and honor working with them. He said Planning
9 Commission had difficult decisions to make.

10
11 PLANNING COMMISSIONERS' MINUTE

12
13 Councilmember LeBaron – apologized for coming in and out during the meeting. He thanked Mr.
14 Brower and the commissioners for their service.

15
16 Commissioner Britton – said we had an all American meeting tonight. There was Freedom of
17 Speech with Verizon Wireless, Freedom of Religion with Eben-ezer's church, the Right to Keep
18 and Bear Arms with Pearson's Specialties and Hell Monkey on top of that, you can't beat it.

19
20 Commissioner Mabey – thanked Mr. Brower for all the guidance he had given the
21 commissioners. She said the new City Planner, Spencer Brimley, had stepped up and kept the
22 commissioners informed.

23
24 Commissioner Millard – thanked Mr. Brower for his work as City Attorney and said the City was
25 lucky to have him as a judge.

26
27 Commissioner Browning – said he enjoyed working with Mr. Brower and hoped to never see him
28 in his future capacity.

29
30 Commissioner Murray – asked to be excused for the November meeting. She wished Mr. Brower
31 good luck.

32
33 Commissioner Roper – asked if a Conditional Use Permit for a church could be handled
34 administratively. He appreciated the opportunity to Chair the meeting. He said it was a humbling
35 experience.

36
37 There being no further business to come before the Planning Commission, **Commissioner**
38 **Mabey moved to adjourn at 10:16 P.M. Seconded by Commissioner Murray.**

39

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
November 10, 2015 – POLICY SESSION

Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY SESSION

CALL TO ORDER:

Mayor Shepherd

OPENING CEREMONY:

Councilmember Jones

APPROVAL OF MINUTES:

October 13, 2015 – Work Session

October 27, 2015 – Policy Session

SCHEDULED ITEMS:

1. **CITIZEN COMMENTS**

2. **CONSIDER A REQUEST TO WAIVE LAND USE APPLICATION FEES FOR SYRACUSE CITY RELATIVE TO THE DEVELOPMENT OF A TRAILHEAD AT APPROXIMATELY 1400 WEST 700 SOUTH**

BACKGROUND: Syracuse City has acquired a 1-acre parcel of abandoned rail right-of-way in Clearfield, at approximately 1400 West 700 South. The property is adjacent to a new single-family subdivision in Syracuse, which includes the installation of a trail in the adjacent powerline corridor. Syracuse proposes to develop a trailhead on the property, which would be beneficial for residents of both cities, and has requested that the Clearfield City Council authorize a waiver of the respective land use application fees required by the Consolidated Fee Schedule.

RECOMMENDATION: Approve a waiver of land use application fees for Syracuse City relative to the development of a trailhead at approximately 1400 West 700 South and authorize staff to charge to the applicant only those hard costs incurred with the applications (e.g. engineering fees, advertising, etc.).

3. **CANVASS THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD ON NOVEMBER 3, 2015**

BACKGROUND: State Law requires the governing body verify the results of the General Election, which was held on Tuesday, November 3, 2015.

RECOMMENDATION: Verify the official General Election results and authorize the City Recorder to report those results to the Lieutenant Governor's office.

COMMUNICATION ITEMS:

Mayor's Report
City Councils' Reports
City Manager's Report
Staffs' Reports

****COUNCIL ADJOURN TO WORK SESSION****

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

WORK SESSION IMMEDIATELY FOLLOWING THE POLICY SESSION

Discussion on the SR-107 Bridge, also known as 300 North Overpass
Discussion on Title 9, Chapter 1, Section 5 – Application for Service
Discussion on Title 1, Chapter 7, Section 3E – Appointive Officers
and Title 1, Chapter 8H – Community Development Department
Discussion on Title 5, Chapter 2, Section 1 – Services Provided by the City
Discussion on the Curbside Recycling Program
Update on the Water Conservation Plan
Discussion on the PARAT Tax Project List

****ADJOURN AS THE CITY COUNCIL****

Dated this 5th day of November, 2015.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 13, 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 |
| | Brian Brower | City Attorney |
| | Scott Hodge | Public Works Director |
| | Greg Krusi | Police Chief |
| | Eric Howes | Community Services Director |
| | Curtis Dickson | Community Services Deputy Dir. |
| | Rich Knapp | Administrative Services Director |
| | Nancy Dean | City Recorder |
| | Kim Read | Deputy City Recorder |

VISITORS: Kathryn Murray, Vern Phipps, Nike Peterson

Mayor Shepherd called the meeting to order at 6:02 p.m.

DISCUSSION ON COUNCIL COMMUNICATIONS

Mayor Shepherd explained the need for a discussion to take place regarding emails between members of the Council. He mentioned there could be legal repercussions if “reply to all” is used by councilmembers in emails and suggested only using “reply”. He continued this could be misinterpreted as conducting business or holding a meeting which had not been properly noticed.

He stated there could be occasions in which a resident sent an email to the entire Council expecting a response and potential confusion about who the response should come from to avoid the recipient receiving six different responses. He invited discussion and suggestions from the councilmembers regarding this scenario and a discussion followed.

Councilmember LeBaron believed oftentimes City related emails should be addressed by the City Manager or other staff. He suggested for instances in which a response from an elected official was warranted, councilmembers could be assigned a specific month to speak for the entire Council. Mayor Shepherd pointed out if a resident was directing a question or concern to a specific councilmember it would be appropriate for him/her to respond individually.

Councilmember Benson inquired what had been done in the past. Mayor Shepherd stated previously either the Mayor or City Manager had responded. Brian Brower, City Attorney, suggested the responding councilmember could forward the response to the City Manager as a courtesy if the Council preferred the councilmember/month direction.

Councilmember Young expressed concern the resident could be left with the impression only one councilmember cared about the residents' concerns. Mr. Brower mentioned it would be important to state something to the effect "responding on behalf of the Council" in the response.

Mayor Shepherd also cautioned the councilmembers about responses on social media. He suggested those responses should emphasize the councilmember was speaking on behalf of himself and not on behalf of the City Council.

Adam Lenhard, City Manager, encouraged the Council to forward questions to City staff if they were ever unsure how to respond.

DISCUSSION ON THE PARAT TAX PROJECT LIST

Eric Howes, Community Services Director, distributed a handout reflecting identified projects in which potential PARAT tax revenues could be appropriated and ratings/notes associated with each one. He shared a visual presentation and reviewed each proposed project and requested direction from the Council on rating each project. He identified what should be taken into consideration in rating each project.

Councilmember Bush believed it would be important to have some signage at the project sites identifying they had been funded and completed using PARAT tax revenues.

Mayor Shepherd left the meeting at 6:25 p.m.

Mr. Howes reviewed the following projects:

- Refurbish tennis courts, add pickleball courts
- Ice skating rink

Councilmember LeBaron expressed his opinion a destination amenity such as an ice rink should be placed in an area which could be developed as opposed to an already established park in order to receive its full potential.

- Indoor climbing wall
- Artificial turf for soccer fields
- BMX/Pump Track
- Plaza Splash Pad
- Fish Cleaning Station at Steed Pond
- Commission & Install Art at the Arts Center
- Remodel/Replace Amphitheater at Bicentennial Park
- Replace seating in Amphitheater at Bicentennial Park
- Continue Trail around Steed pond and tie into trail head
- Outdoor 50M Pool
- 2 lane FlowRider

- Add shorter/lower skill level elements at the Skate Park
- Build Disc Golf course around trail and Steed Park
- Rehabilitate the Tennis & Basketball Courts at Kiwanis Park
- Playground Equipment in conjunction with Wasatch Elementary
- Develop and Landscape Around Steed Pond
- F-35 Playground and Maintenance area at Fisher Park

Councilmember Bush moved to adjourn the work session and reconvene in a policy session at 6:54 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.

The City Council work session reconvened at 7:48 p.m.

DISCUSSION ON THE PARAT TAX PROJECT LIST CONTINUED

Mr. Howes continued to review the list of identified which the PARAT tax revenues could be appropriated.

- Park Signage Replacement at all 16 parks
- Tables, Benches and Trash Receptacles at all 16 parks
- Install new Restroom at Central Park
- Install new Restroom at Mabey Pond
- Fish cleaning station at Mabey Pond
- Install new Restroom at Jacobsen Park
- Install new Restroom at Train Watch Park
- Install new Restroom at 200 South
- Install new Restroom at Kiwanis Park
- Replace small boweries at Island View Park
- Replace small boweries at Bicentennial Park
- Add boweries to Barlow Park
- Replace small boweries at Kiwanis Park
- Add bowery at Fisher Park
- Add bowery to 200 South Park
- Replace small boweries at Train Watch Park
- New signage and landscaping at City Office Building
- New signage and landscaping at Cornerstone Park
- Playground Replacement at Train Watch Park
- Playground Replacement at North Steed Park
- Playground Replacement at Cornerstone Park
- New Playground Equipment at 200 South Park
- New Electronic Playground at South Steed and Barlow Parks
- New Playground Equipment for Island View Park

Councilmember LeBaron mentioned including costs for video surveillance cameras to discourage vandalism for the parks where the electronic playgrounds would be installed.

Councilmember Bush suggested additional parking at Cornerstone Park should also be considered. Mr. Howes responded a small parking lot could be developed at the north end of the park. JJ Allen, Assistant City Manager, suggested the road shoulder could be expanded which could accommodate angled parking stalls along South Main as opposed to parallel parking.

The Council took a break at 8:10 p.m.
The meeting resumed at 8:20 p.m.

Mayor Pro Tem LeBaron announced the need for the Council to adjourn to a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation and called for a motion.

Councilmember Jones moved to adjourn to a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation at 8:22 p.m. Utah Code Ann. §52-4-205, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

The minutes for the Closed Session are kept in a separate location.

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
October 27, 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 |
| | Jacob Fordham | Acting City Attorney |
| | Scott Hodge | Public Works Director |
| | Kelly Bennett | Police Lieutenant |
| | Curtis Dickson | Community Services Deputy Dir. |
| | Rich Knapp | Administrative Services Director |
| | Nancy Dean | City Recorder |
| | Kim Read | Deputy City Recorder |
| EXCUSED: | Greg Krusi | Police Chief |
| | Eric Howes | Community Services Director |
| | Spencer Brimley | Development Services Manager |

VISITORS: Jacob Kurien, Cynthia Kurien, Stuart Williams, Cambria Williams, Nike Peterson, JJ Santiago, Elva Hernandez, Carolyn Stoker, Elayne Stoker, Vern Phipps, Kyler Bybee, Jaden Buhler

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 Bush conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE OCTOBER 13, 2015 POLICY SESSION

Councilmember LeBaron moved to approve the minutes from the October 13, 2015 policy 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 OF THE YARD OF THE YEAR AWARD

Each year, Clearfield City sponsored a Yard of the Week contest throughout the City. The Parks and Recreation Commission members visited eleven different zones in the City during the summer and submit a weekly winner. At the end of the summer, the Commission members judged the weekly winners and selected a winner for Yard of the Year. The 2015 Yard of the Year winner was Jacob and Cynthia Kurian. The runners-up were Duane Stoker and Diane Stapley.

Curtis Dickson, Community Services Deputy Director, briefly explained how the contest was administered throughout the summer. He announced each winner would receive an engraved decorative rock to be placed in the yard.

Mayor Shepherd and the Council presented certificates and the decorative engraved rocks to the winners and runners-up expressing appreciation to the recipients for their contribution to the City. Councilmember Bush also expressed appreciation to the Parks and Recreation Commission for administering the contest as well as everything it did to benefit the residents and the City.

PUBLIC HEARING TO RECEIVE COMMENT ON AMENDING THE 2015/2016 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 2015/2016 fiscal year budget.

Mayor Shepherd opened the public hearing at 7:11 p.m.

Mayor Shepherd asked for public comments.

There was no public comment.

Mr. Knapp shared the proposed amendments with the Council:

- Re-allocating how the Sales Tax Bond was paid so that no General Fund monies would be used for the payment. He explained funds from the water, sewer and CDRA would go toward the payment which was more in line with the original intent of how the bond would be paid.
- Two identified IT projects: VPN Hardware-two factor login which would bring the City in compliance with FBI standards and projector and monitors for Council Chambers.
- CDRA – Tom Baker building acquisition and demolition.
- Water Fund – broken well motor and pump

There were no questions from the Council.

Councilmember LeBaron moved to close the public hearing at 7:13 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.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF THE CITY MANAGER'S APPOINTMENT OF STUART WILLIAMS AS THE CITY ATTORNEY

Adam Lenhard, City Manager, explained a recruitment process had taken place to fill the City Attorney position and stated he was prepared to appoint Stuart Williams as the City Attorney. He indicated the appointment also required consent from the City Council. Mr. Williams introduced his family to the Council. Mr. Lenhard shared a brief history of Mr. Williams' experience in working with previous entities.

Councilmember Young moved to approve the City Manager's appointment of Stuart Williams as the City Attorney seconded by Councilmember LeBaron. . The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

Nancy Dean, City Recorder, administered the Oath of Office to Stuart Williams, City Attorney.

APPROVAL OF RESOLUTION 2015R-29 ADOPTING AMENDMENTS TO THE 2015/2016 FISCAL YEAR BUDGET

Councilmember LeBaron moved to approve Resolution 2015R-29 adopting amendments to the 2015/2016 fiscal year budget 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 AWARD OF BID FOR THE 18 INCH TRANSMISSION WATERLINE PROJECT TO LEON POULSEN CONSTRUCTION

Scott Hodge, Public Works Director, explained bids were received from nine construction companies to construct an 18 inch culinary water transmission pipeline through the west side of the proposed new parking lot area for the AAA Service Call Building located on 2000 East Street (University Parkway). The City desired to complete that section of waterline piping installation prior to the new parking lot being constructed. The lowest responsible bid was received from Leon Poulsen Construction with a bid amount of \$73,867.50. He mentioned the bid was approximately \$20,000 less than the City Engineer's estimate

Mayor Shepherd inquired about the proposed timeline of the project. Mr. Hodge explained how the project was anticipated to be completed.

Councilmember Jones moved to approve the award of bid for the 18 inch Transmission Waterline Project to Leon Poulsen Construction with the bid amount of \$73,867.50; and

approve funding of the project for the bid amount of \$73,867.50 with contingency and engineering costs of \$19,882.50 for a total project cost of \$93,750.00; 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.

UPDATE ON THE FISCAL YEAR 2016 FINANCIAL STATUS

Rich Knapp, Administrative Services Director, presented the Fiscal Year 2016 Financial Report for the first quarter to the Council and highlighted the following:

- \$2.86 million paid out by the CDRA for the ATK incentive
- Five months of PARAT Tax revenue data anticipated to be approximately \$195,000 annually
- Changed the City's investment strategy in April which was anticipated to result in an additional \$100,000 revenue per year
- A one percent cash back for credit card purchases which was anticipated to result in an increase to revenue \$9,000 per year
- Decrease the cost of the first trash can by .50 from \$15.25 to \$14.75 and stated the impact was less than originally projected
- Credit review from S & P on the City's water bonds held the rating at AA resulting in no change

He reviewed summary data for the General Fund which appeared to be normal projections at that time. He indicated the FY16 budget reserves would still be above the amount allowed by State Law which was a twenty five percent cap. He anticipated reserves to be more in the thirty three percent range.

Mr. Knapp mentioned the PARAT tax revenue was the best indicator of the City's economy as it was assessed solely on local sales. He stated the trend was good and the sales tax data was looking better than any previous year. He spoke to budget performance and trends and indicated last year's first quarter was slightly higher due to an anomaly in last year's property tax collection. He indicated the other sources of funds were higher as a result of the new allocation for Enterprise Funds.

Mr. Knapp briefly reviewed historic expenditures of all funds to compare general trends and pointed out differences in the following:

- Personnel costs were lower because of how the health insurance was paid
- Debt service was lower as a benefit from refinancing the GO Bond
- The increase of investment funds and the rate of return from investing outside of the Public Treasury and Investment Fund (PTIF). He shared a graph which illustrated the net rate of return was double that of the PTIF.

Mr. Knapp shared an illustration specific to revenues which reflected differences in previous fiscal years. He pointed out Muni Telecom Tax had continued to decrease and expressed his opinion it was the result of fewer residents installing land lines for home phones. He indicated other municipalities had recognized a similar trend. He mentioned building permits were also

lower than previous years for the same quarter. He informed the Council that the figure identified for Interest Earnings had not yet been booked.

Mr. Knapp directed the Council to the water fund and stated there was an actual decrease in the amount of water used last fiscal year and pointed out the report reflected gallons used at the same time in previous fiscal years. He mentioned the sewer charges were higher but indicated that was due to the increase implemented by the North Davis Sewer District.

Mr. Knapp directed the Council to expenditures and stated the variance associated with IT was directly related to the salary of a full time manager as well as the desk top replacement project. He mentioned the figure associated with open space was higher due to earlier irrigation than in previous years. He pointed out the figure with EDA#3 was specific to the ATK incentive he discussed previously. He stated the streets capital projects was lower because the South Main project was completed last fiscal year.

He asked if the Council had any questions pertaining to the update for the 2016 first quarter. He stated the presented financials were trending as expected. Adam Lenhard, City Manager, requested Mr. Knapp explain more regarding the excess fund balance being higher than allowed by the State and how it reflected well on the City.

Mr. Knapp responded it was State Law that the City couldn't have over twenty five percent of the budgeted revenues in reserves. He mentioned the City had received an audit finding for several years for having higher than allowed excess fund balance. Mr. Lenhard added this fund balance had previously allowed the City to complete one time projects such as the South Main Road project. Mr. Knapp mentioned bond reviewers like to see high fund balance. Mayor Shepherd commended staff for operating the City on such a lean budget.

COMMUNICATION ITEMS

Mayor Shepherd

1. Mentioned Brian Brower was sworn in as the new Justice Court Judge for Clearfield City on Monday, October 19, 2015.
2. Announced he had attended the F-35 reception at HAFB and stated the F-35 program had solidified the future of the Base for the long term.
3. Informed the Council that he had met with Family Connection Center regarding its Sub for Santa Program. He explained how the leadership handled all requests for the program and indicated it required the recipients to attend some educational classes as well as completing a vetting process. He complimented the Center's leadership.
4. Reported HAFB had deployed over 300 airmen overseas during the week.

Councilmember Benson – Encouraged everyone to vote on Tuesday, November 3, 2015.

Councilmember Bush

1. Announced the new Kiwanis President was the Sunset City Mayor McFarland.
2. Reported he had visited the bio-solids pad in western Weber County for the North Davis Sewer District. He reported it was in the process of constructing a five acre concrete new bio-solids pad and shared specifics about the project. He mentioned the current storage facility at the Davis County facility didn't currently meet EPA standards specific to odor. He stated it was interesting to witness that concrete

construction process at Randy Marriott's property. Councilmember LeBaron inquired if Mr. Marriott or the District would own the sludge. Councilmember Bush stated NDSB would be paying Mr. Marriott to take the sludge because it solved a problem at the District's current facility.

Councilmember Jones – expressed appreciation to the Yard of the Year winners and nominees. He stated he had always been supportive of the contest because he believed taking pride within the community began at the home.

Councilmember LeBaron

1. Expressed appreciation for the opportunity to attend Lunch with the mayor with the City's elementary school students.
2. He commented about the fund balance and reminded the Council the excess fund balance had allowed the City to complete the South Main Road construction project.
3. Welcomed Stuart Williams, City Attorney, to the City.

Councilmember Young – nothing to report.

Adam Lenhard, City Manager

1. Expressed appreciation to the Council for its support in appointing Stuart Williams as the new City Attorney.

STAFFS' REPORTS

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

- No meeting on Tuesday, November 3, 2015 because it was Election Day.

She encouraged everyone to vote and announced City Hall was a vote center. She also mentioned the City was participating in the Election Day voter registration pilot program with the Lieutenant Governor's Office and explained how that would work for voters.

Councilmember Jones moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 7:43 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

Staff Report



To: Mayor Shepherd and City Council Members

From: JJ Allen, Assistant City Manager

Date: November 5, 2015

Re: Waiver of land use application fees – Syracuse City trailhead

I. RECOMMENDED ACTION

Approve a waiver of land use application fees for Syracuse City, relative to the development of a trailhead at approximately 1400 West 700 South, and authorize staff to charge to the applicant only those hard costs incurred with the applications (e.g. engineering fees, advertising, etc.).

II. DESCRIPTION / BACKGROUND

Syracuse City has acquired a 1-acre parcel of abandoned rail right-of-way in Clearfield, at approximately 1400 West 700 South. The property is adjacent to a new single-family subdivision in Syracuse, which includes the installation of a trail in the adjacent powerline corridor. Syracuse proposes to develop a trailhead on the property, which would be beneficial for residents of both cities, and has requested that the Clearfield City Council authorize a waiver of the respective land use application fees required by the consolidated fee schedule.



III. FISCAL IMPACT

We expect that this project will require a subdivision plat amendment and site plan approval. The fees for these applications are \$300 and \$500, respectively—so the total proposed to be waived would be \$800, assuming no other land use approvals are necessary.

There will be some hard costs to process these applications, such as engineering fees and advertising costs (for public hearings). Staff recommends that those hard costs to Clearfield City not be waived, but be charged to the applicant, consistent with current policy and practice.

However, the waiver of the application fees will not be a significant burden financially or operationally to Clearfield City.

5-2-1: SERVICES PROVIDED BY CITY:

The city will provide directly or by agreement with a contractor for the collection and disposition of garbage, **refuse, and recyclable materials (the "garbage collection system")** ~~and trash~~ in accordance with regulations hereinafter specified or established by ordinance or resolution of the city council. (Ord. 2009-08, 5-12-2009)

Mike Hansing's language

9-1-5: APPLICATION FOR SERVICE:

A. *Required:* The owner of real property to which these services are to be connected or such owner's ~~authorized representatives~~ **registered agent (as set forth in UCA Title 61, Chapter 2f, as amended)**, must submit a written application for such services agreeing to pay for all ~~water and sewer~~ **utility** services furnished to the property, whether occupied by the owner or by a tenant or other occupant.

ARTICLE H. COMMUNITY DEVELOPMENT DEPARTMENT ~~REPEALED~~

~~**1-8H-1: CREATION OF DEPARTMENT:**~~

~~There is hereby created the community development department of the city. (Ord. 2008-08, 9-9-2008, eff. 10-1-2008)~~

~~**1-8H-2: COMMUNITY DEVELOPMENT DIRECTOR:**~~

~~A. *Created; Duties:* The position of community development director is hereby created to supervise and direct all planning, zoning, business licensing, code enforcement, and building inspection activities of the city; and to advise the city manager on land use policies.~~

~~B. *Community Development Director To Hire, Direct And Supervise Employees:* The community development director shall hire, direct and supervise full and part time employees of the city assigned to the community development department and shall exercise general supervision over the city building official, planning and zoning administrator, business license official, and ordinance compliance officer. (Ord. 2008-08, 9-9-2008, eff. 10-1-2008)~~

1-7-3: APPOINTIVE OFFICERS:

E. *Appointed Officers:* The offices of police chief, administrative services director, community services director, ~~community development director,~~ **assistant city manager**, public works director and city attorney shall be appointed by the city manager, with the advice and consent of the city council. (Ord. 2008-08, 9-9-2008, eff. 10-1-2008)