

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
February 23, 2016

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Spencer Brimley	Development Services Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Bob Bercher, Chandler Heber, Kathryn Murray, Ana Coronel

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 Phipps conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JANUARY 26, 2016 WORK SESSION AND THE FEBRUARY 9, 2016 POLICY SESSION

**Councilmember Bush moved to approve the minutes from the January 26, 2016 work session and the February 9, 2016 policy session as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE COMMENT FOR THE PROPOSED ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 13 – PAWN AND SECONDHAND ESTABLISHMENTS

The Planning Commission had recommended approval of a Zoning Text Amendment which would regulate the proximity of pawn or secondhand businesses to other such businesses (at least one mile) and to non-depository lending establishments (at least 880 feet).

Spencer Brimley, Development Services Manager, shared a visual presentation relative to the proposed Zoning Text Amendment. He explained concerns regarding the proximity of pawn shops began in September 2015. He clarified these establishments were allowed in the C-2 zone (Commercial) as a conditional use and announced the proposal would be to add a section of code to the supplementary regulations specific to proximity requirements.

Mr. Brimley stated there were currently three pawn shops located within the City and identified their locations on a City map. He explained the proposed zoning text amendment had been presented to the Planning Commission in November 2015 in addition to January 2016 meeting for discussion. He added the issue came before the Commission for consideration and recommendation to the City Council during its meeting on Wednesday, February 3, 2016.

He stated concerns had been expressed by citizens in October 2014 specific to the impact the Pawn Depot would have relative to neighborhoods near 1700 South as well as surrounding businesses. He pointed out as staff had completed significant research regarding pawn shops and their impact to communities. He announced staff was proposing the language be consistent or similar to that which regulates non-depository lending establishments. He added the basis for that recommendation had been included in four research studies and stated that information had been provided to the Council.

Mr. Brimley shared a municipal comparison of communities across the country which had been used in drafting the proposed zoning text amendment. He shared information from one of the studies which suggested a limited number would protect the community against crime. He reviewed the proposed draft language which would be included in the ordinance language and reiterated research had reflected a connection between pawn and non-depository lending.

Councilmember Phipps expressed appreciation for the additional information provided to the Council which had been used in staffs' research and clarified pawn and secondhand businesses were legally defined terms. Mr. Brimley responded in the affirmative and indicated the City's ordinance referred to state code on the findings for secondhand businesses.

Councilmember Peterson stated she appreciation information provided by staff specifically pointing out the effect of pawn shops to single family homes/neighborhoods in relation to property crimes and subsequent impact on police resources.

Mayor Shepherd also expressed appreciation on provided information and spoke to how pawn shops can be a deterrent to other businesses looking to locate within the City negatively effecting economic development.

Councilmember Benson also commented on things the City was doing in trying to uplift the aesthetics of the community and believed the proposed zoning text amendment would be another tool.

Councilmember Peterson spoke to research which reflected when cities became involved in limiting these types of businesses it contributed to rehabilitating the City.

Mayor Shepherd opened the public hearing at 7:13 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Young moved to close the public hearing at 7:14 p.m. seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

#### CITIZEN COMMENTS

There were no citizen comments.

#### APPROVAL OF AND CONSENT TO THE MAYOR'S PROPOSED APPOINTMENT OF ALICIA CLARK AS AN ALTERNATE MEMBER TO THE CITY'S PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission amended its bylaws to allow for an alternate member on the Commission to ensure a quorum at its meetings. Residents were recently asked to submit letters of interest and interviews were conducted by the City Council during the work session on Tuesday, January 19, 2016.

**Councilmember Phipps moved to approve and consent to the Mayor's appointment of Alicia Clark as an Alternate Member to the Parks and Recreation Commission and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

#### APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE ANITA WHITE SUBDIVISION LOCATED AT 591 SOUTH STATE STREET (TIN: 12-003-0037)

Anita White had requested a two lot subdivision located at 591 South State Street (TIN: 12-003-0037). The property was approximately 0.658 acres and was zoned C-2 (Commercial). The parcel currently had two uses on the property with three buildings. A commercial building was located on the southern portion closest to the intersection of State Street and 500 East. The northern portion of the property was occupied with Ms. White's home and garage. The subdivision would create two lots to separate the commercial use from the residential use. The Planning Commission recommended approval of the final subdivision plat during its meeting on Wednesday, February 3, 2016.

Spencer Brimley, Development Services Manager, shared an illustration of the property and oriented the Council. He explained the request would separate the building on the southern portion of the plat currently used by On Q Music and Ms. White's residence on the northern portion. He added this would be consistent with the C-2 (Commercial) zone.

Mr. Brimley explained the discussion during the Planning Commission meeting was relative to improvements on 500 East property frontage. He continued subdivision applications generally were submitted reflecting improvements associated with the development and informed the Council the Planning Commission was supportive in allowing a deferral for such improvements due to the fact Ms. White was not developing the property, just simply separating the uses. He emphasized the Planning Commission was supportive of staff's recommendation that Ms. White be allowed this deferral until such time the property was actually developed with the aid of construction. He indicated the Planning Commission approved the preliminary plat and recommended approval of the final subdivision plat with the conditions identified in the staff report during its meeting on Wednesday, February 3, 2016. He added staff had included language in the recommendation specific to an escrow agreement for the required improvements association with potential new construction on either lot.

Adam Lenhard, City Manager, requested clarified whether the subdivision would be creating a non-conforming use with the side setback on the existing building and inquired whether this had been noted with the appropriate documentation relative to the commercial building. Mr. Brimley believed the setback for the commercial building would not create a non-conforming use but indicated he would look further into the matter.

**Councilmember Young moved to approve the Final Subdivision Plat for the Anita White Subdivision located at 591 South State Street (TIN: 12-003-0037) contingent upon staff verifying approval wouldn't create a non-conforming use specific to setbacks 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, Peterson, Phipps and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2016-02 AUTHORIZING THE PROPOSED ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 13 – PAWN AND SECONDHAND ESTABLISHMENTS

**Councilmember Peterson moved to approve Ordinance 2016-02 authorizing the proposed Zoning Text Amendment to Title 11, Chapter 13 – Pawn and Secondhand Establishments 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, Peterson, Phipps and Young. Voting NO – None.**

APPROVAL OF A PERFORMANCE CONTRACT WITH ALEX BOYÉ FOR THE 2016 FOURTH OF JULY CELEBRATION

Mayor Shepherd announced Alex Boyé had been selected as the musical act for this year's Fourth of July Celebration at Fisher Park. This contract would set forth the terms and conditions of his performance. He mentioned the amount of the performance contract was larger than what had been done in the past and announced the committee had started soliciting sponsorship of the concert. He invited the Council's assistance with this endeavor.

Councilmember Phipps commented he hadn't noticed any provision in which Mr. Boyé would be providing his sound and lighting for his performance. Mayor Shepherd responded the City would be providing that just as it done in the past for other performers.

JJ Allen, Assistant City Manager, mentioned Mr. Boyé did request significant additional items for his performance which would be additional costs to the City. Mayor Shepherd mentioned staff had begun soliciting sponsorships for the concert and shared some additional ideas in which funds could specifically be used toward the concert.

**Councilmember Benson moved to approve the performance contract with Alex Boyé for the 2016 Fourth of July celebration, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2016R-06 AUTHORIZING AN INTERLOCAL AGREEMENT FOR UTILITY SERVICES AT LAYTON FARMS STORAGE

Layton Farms Storage was located at approximately 1500 North 2200 West in Layton, on the eastern boundary of Clearfield City. The property was approximately 8.02 acres in size and is adjacent to a C-2 (Commercial) zoning district, and R-1-8 and R-1-0 (Residential) zoning districts. Clearfield City has received a request to provide culinary water to this property until such time as Layton City's water system can provide the service. This requires execution of an agreement between Clearfield City, Layton City and the developer.

Spencer Brimley, Development Services Manager, shared a visual illustration which identified the location of Layton Farms Storage and pointed out Layton City currently didn't have the infrastructure to provide culinary water to the site. He indicated negotiations had taken place beginning in 2014 which would allow Clearfield City to provide these services until such time in the future when Layton City could provide the needed infrastructure.

He reviewed specifics associated with the interlocal agreement:

- Clearfield City would provide culinary water service and calls out specific requirements for the culinary water connection and provides the basis whereby Layton will provide their own water to the facility at the time such water is available.
- Layton City would provide fire protection for the property and would determine the placement of hydrants.

- Future development caveat that Clearfield City would have authority to approve any expansions and to impose appropriate fees for development at the expense of the property owner.
- Clearfield City would assist with the connections ensuring the developer has established a utility account prior to issuance of Certificate of Occupancy.

Adam Lenhard, City Manager, clarified the property owner/developer would be required to pay the City's impact fee. Mr. Brimley responded in the affirmative.

Councilmember Benson inquired if there was an estimated time frame associated with when Layton City would be prepared to provide these services. Scott Hodge, Public Works Director, referred to the map which reflected surrounding undeveloped property near the site and mentioned as the area developed over time Layton City would require those developers to extend the water line into the parcel which would support Layton Farms as well. He added Layton City had indicated the current property owners of the undeveloped property didn't have plans to sell or develop in the near future and surmised it could be quite a while.

Councilmember Phipps inquired if this could potentially negatively impact water service to any Clearfield City residents. Mr. Hodge indicated the proposed development was for storage sheds and believed the development would have limited impact on water usage, most likely in the form of watering landscaping.

Councilmember Phipps pointed out the footnotes included within the document could be legally binding. Stuart Williams, City Attorney, advised they could be legally binding.

**Councilmember Peterson moved to approve Resolution 2016R-06 authorizing an Interlocal Agreement for utility services at Layton Farms Storage and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2016R-07 EXPRESSING SUPPORT OF LEGISLATION TO TAX AND REGULATE ELECTRONIC CIGARETTES

SAEV (Students Against Electronic Vaping) Coalition shared a visual presentation during the City Council meeting on Tuesday, February 9, 2016, which provided information regarding electronic cigarettes and vaping specific to youth. The Coalition announced legislation defining the products as a tobacco product and allowing it to be taxed and regulated as such was being sponsored by Representative Paul Ray during the current legislative session. SAEV had requested support for the legislation from the Council.

**Councilmember Phipps moved to approve Resolution 2016R-07 expressing support of legislation to tax and regulate electronic cigarettes and authorize the Mayor's signature to any necessary documentation, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

## COMMUNICATION ITEMS

### ***Mayor Shepherd***

1. Reminded the Council he would be attending National League of Cities & Towns (NLCT) in Washington D.C. during the meeting on Tuesday, March 9, 2016 and indicated they would be participating electronically.
2. Informed the Council he had lunched with Senator Jerry Stevenson and Representative Curt Oda on Monday, February 25, 2016. He reported they discussed numerous issues but specifically the 650 North interchange and he expressed concern with the proposed changes at that location in addition to SR 193. He expressed concern regarding the long term traffic associated with the HAFB and pointed out UDOT had surmised this was a 10-year fix and that there were no plans to address the concern after that time. He continued to express concern all proposed changes, including the proposed new interchange at 1800 North in Sunset, didn't address accommodating traffic getting on and off the Base. Councilmember Benson inquired if discussions had taken place with officials at HAFB and whether another gate could alleviate some of the traffic at 650 North. Mayor Shepherd responded issues regarding access to the Base was security based and indicated Base Officials were of the belief there was appropriate access to the facility in addition to it being a funding issue. He reviewed all access locations to the Base with the Council.

***Councilmember Benson*** – nothing to report.

***Councilmember Bush*** - Reported he had attended the luncheon at Chancellor Gardens last week.

***Councilmember Peterson*** – Informed the Council she had the opportunity to sit in on the House of Representatives session with Representative Curt Oda and announced he would be conducting a concealed carry class on Saturday, May 7, 2016 at 9:00 a.m. at the Lee Kay Hunter Safety facility. She indicated the class was being offered free of charge to elected officials with a nominal fee for their spouses.

***Councilmember Phipps*** – Announced the e-cigarette legislation had been assigned a number and had been assigned.

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

### ***Adam Lenhard, City Manager***

1. Informed the Council the FY 2017 budget was coming together and he and the Finance staff would be meeting with the divisions reviewing submitted requests. He announced staff would be implementing, in conjunction with the strategic plan, multi-year budgets. He indicated these would be useful in planning for future capital projects.

## STAFF REPORTS

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

- Tuesday, March 1, 2016, Holt Elementary neighborhood open house in the media center
- Tuesday, March 8, 2016, Policy session with Mayor Shepherd and Adam Lenhard, City Manager, participating electronically.
- Tuesday, March 15, 2016, Antelope Elementary neighborhood open house
- Tuesday, March 22, 2016, a brief meeting was planned beginning at 6:00 p.m. to allow for attendance at respective caucus meetings.
- Tuesday, March 29, 2016, Budget work session

There being no further business to come before the Council, **Councilmember Benson moved to adjourn at 7:45 p.m., seconded by Councilmember Peterson. Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

**APPROVED AND ADOPTED  
This 8<sup>th</sup> day of March, 2016**

**/s/Mark R. Shepherd, Mayor**

**ATTEST:**

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

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, February 23, 2016.

/s/Nancy R. Dean, City Recorder