

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
November 22, 2016

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

VISITORS: Leigh Ann Warnock – Utah Municipal Clerk’s Association (UMCA), Bob Bercher, David Clayton – DEIV Architecture, Rob Vanleempt – Western Care/Auburn Manor Holding, Bill Terburg – Auburn Manor Holding, Sue Spencer, Jesse D Spencer, Sherrie Eichmeier-Reynolds, Kylee, Jared Murdock, Christopher, Mallory Baudry, Corry Neilsen, Matt Brotzman, Roy J. Zettel, Ron Jones

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 the Public Hearing or Citizen Comments there were forms to fill out by the door.

Councilmember Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE OCTOBER 11, 2016 WORK SESSION, THE OCTOBER 18, 2016 WORK SESSION, AND THE OCTOBER 25, 2016 WORK AND POLICY SESSIONS

Mayor Shepherd announced the minutes from the October 11, 2016 work session, the October 18, 2016 work session and the October 25, 2016 work sessions were being removed from approval until further review by the City Recorder.

Councilmember Peterson moved to approve the minutes from the October 25, 2016 policy session as written, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.

PRESENTATION BY THE UTAH MUNICIPAL CLERKS ASSOCIATION (UMCA)

Leigh Ann Warnock, President of the Utah Municipal Clerks Association (UMCA), and Teresa Harris, Vice President of UMCA recognized Kim Read, Deputy City Recorder, for earning the Master Municipal Clerk (MMC) designation. They presented her with a plaque and certificate from IIMC (International Institute of Municipal Clerks) and a planter from UMCA (Utah Municipal Clerks Association). Ms. Read expressed appreciation for the presentation and to the Council for its support in obtaining the designation.

PUBLIC HEARING FOR ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 3 – DEFINITIONS AND TITLE 11, CHAPTER 11A, SECTION 3 – CONDITIONAL USES IN THE COMMERCIAL ZONE AND TITLE 11, CHAPTER 11A, SECTION 6 – HEIGHT REGULATIONS IN THE COMMERCIAL ZONE OF THE CLEARFIELD CITY CODE

The request by Dave Clayton, on behalf of Auburn Manor Holding Company and owner of property located at 1450 South, and approximately 1350 East was to remove the term “Nursing” or “Rest” homes and replace it with the term “Assisted Living Facilities” in both Title 11, Chapter 3 – Definitions as well as in Title 11, Chapter 11A, Section 3 – Conditional Uses in the Commercial Zone of the Clearfield City Code. Additionally, the request was to amend Title 11, Chapter 11A, Section 6 – Height Regulations of the Clearfield City Code to increase the maximum height regulation from 35 feet to 55 feet. This amendment would be effective within the Land Use Code, a document regulating the development of the City as a whole. The language included in the Planning Commission’s recommendation varied from the applicant’s original request.

Spencer Brimley, Development Services Manager, explained the C-1 zone was a less intense use for a commercial zone. He continued that the applicant had requested the C-1 zone be amended to include Assisted Living Facilities as a conditional use permit as well as amending the zoning designation allowing for an increase in height from 35 feet up to 55 feet. He stated the maximum height currently allowed in the C-1 zone was 35 feet and anything above that required conditional use approval. He explained since they were requesting a use to be a conditional use within the zone, that height regulation was something to be considered within the public process.

He stated the request was presented to the Planning Commission at its meeting on Tuesday, November 2, 2016 and it recommended approval of the Zoning Text Amendment (the inclusion of the Assisted Living Facilities within the C-1 zone) but recommended denial of the increase in height request because the height could be accomplished via application of a conditional use permit.

He reported he had emailed additional information provided by the applicant to the Council earlier in the day and hoped the Council had time to review it.

Mr. Brimley stated it was the position of the applicant that the impacts or the opportunities would be beneficial to C-1 zoning within the City. He shared a visual illustration identifying the parcels designated C-1, Commercial, throughout the City which represented 0.7 percent of all parcels within the City. He suggested changing the regulations wouldn't have a large impact on the City. He pointed out the applicant owned additional property in the area which was currently zoned C-1. He also shared a visual illustration of the conceptual site plan and elevation of the development and clarified the illustrations reflected the project with a 50 foot height. He also provided illustrations of buildings with similar height to the proposed 55 feet and stated it was the applicant's position that 35 feet in height would already have a direct impact to adjacent property owners.

Mr. Brimley reviewed the Planning Commission's recommendations with the Council.

Mayor Shepherd opened the public hearing at 7:15 p.m.

Mayor Shepherd asked for public comments.

OPPOSED

Kylee Nelson, resident, stated his property was adjacent to the proposed development and believed the additional 20 feet in height would be a distraction to his family. He agreed with the philosophy that property owners should be allowed to do what they desired with their property and understood the property owner's property was currently zoned for commercial use. However, he pointed out that property was adjacent to residential areas and suggested the additional 20 feet in height would negatively impact nearby residents.

Roy Zettel, resident, explained his property was directly west of the property and expressed concern regarding the proposed density which might be allowed if the Zoning Text Amendment were approved. He believed the additional height request would allow the proposed development to triple the occupancy at the facility, as well as vehicular traffic coming to the facility. He suggested the current ordinances had been implemented to preserve the quality of life for residential neighborhoods within the City.

Jared Murdock, resident, also expressed his opinion that a building of 55 feet in height would be way too big for the area. He explained his property was adjacent to the property and believed the structure would shadow his home and suggested the 35 foot height restriction currently allowed in the zone was already too tall.

LeGrand Johnston, resident, stated his home also bordered the property and announced he had the same issues as he did eight years ago when a similar development was proposed. He explained at that time there was concern with the proposed extension of 1300 South to 1450 South. He continued it was also proposed to increase the height to 55 feet at that time and suggested a 35-foot tall building was more than double the height of the single family homes in the adjacent residential subdivision. He believed the 55 feet in height would be excessive and suggested it would eliminate any privacy for the adjacent residential neighbors. He also expressed concern regarding the noise associated with parking and lighting from a parking lot.

He suggested overflow parking associated with not only residents and visitors but staff changes, could potentially flow into the residential areas based on his personal experience. He believed there would be additional concerns with the proposed development which were not yet identified; therefore, had not yet been considered by the Council.

Councilmember Bush moved to close the public hearing at 7:24 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.

PUBLIC HEARING FOR A GENERAL PLAN AMENDMENT TO THE MASTER STREETS AND TRANSPORTATION PLAN MAP DELETING THE FUTURE EXTENSION OF 1350 EAST FROM 1450 SOUTH TO 1300 SOUTH

The request by Dave Clayton, on behalf of Auburn Manor Holding Company, to amend the Master Streets and Transportation Plan Map by removing a future minor local road, to accommodate future development of the property in the vicinity of 1450 South 1350 East. The amendment would be effective within the General Plan, a document guiding the development of the City as a whole. The Planning Commission recommended approval of the General Plan Amendment during its meeting on Wednesday, November 2, 2016.

Mayor Shepherd opened the public hearing at 7:25 p.m.

Spencer Brimley, Development Services Manager, stated the request was directly tied to the previous agenda item, the Zoning Text Amendment. He explained the proposed deletion of 1350 East from the Master Streets Plan would accommodate future development of the six acres being discussed for development. He shared a visual illustration and identified the road. He explained a discussion had taken place regarding a potential healthcare campus when the expansion of Rocky Mountain Care facility was recognized in 2008. He added the proposal at that time indicated the property being discussed was intended to be developed as part of the Rocky Mountain Care facility campus. He stated the removal of the road was in line with the expressed public comments. He stated the road had been originally included in the Master Streets Plan because of an underground water line in the area. He reported after discussions with the City's public works and engineer it was determined the future infrastructure could be included with an easement or similar mechanism on the private property. He clarified the biggest concern was with the impact associated with the City's infrastructure and reported the Planning Commission recommended approval to the City Council for the removal of the road from the Master Streets Plan and Map.

Mayor Shepherd opened the public hearing at 7:28 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Young moved to close the public hearing at 7:30 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.

DENIAL OF ORDINANCE 2016-09 APPROVING THE ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 3 – DEFINITIONS AND TITLE 11, CHAPTER 11A, SECTION 3 – CONDITIONAL USES IN THE COMMERCIAL ZONE

Rob Vanleemput, Western Care Construction/Auburn Manor Holding, emphasized it was the developer's desire to continue to work toward a beneficial product for the City on the property located on 1450 South approximately 1350 East. He reminded the Council that the proposed project would allow families to remain together when the need arose that a husband or wife needed to live in an assisted living facility. He stated this was the type of facility the owner had in mind when the property was purchased in 2008. He explained that the campus type of elderly care was a dream of the developer and believed it would benefit the senior citizen residents of Clearfield City by allowing them to remain within their own community for all stages of care.

Councilmember Bush expressed appreciation to the residents that participated in the public hearing and believed the information provided would be helpful to the Council. He stated he would be making his decision based on good planning practices and land use as opposed to public clamor. He pointed out the property was currently zoned C-1, Commercial, and suggested there were uses within the C-1 zone which would generate sales tax revenue for the City. He expressed his belief that it wasn't a good practice to allow a residential use on property which could potentially generate sales tax revenue for the City. He announced that the City had previously determined it wasn't in its best interest to rezone commercial property to residential and believed if this proposal was approved it would be accomplishing that very thing; a residential use would be allowed in a commercially zoned property. He believed an assisted living facility as proposed was a residential use.

He expressed appreciation for the information provided by the applicant earlier in the day and believed it supported the Council's position; the tenants were capable of responding and moving about on their own and believed it was similar to an apartment complex, with a much higher density than what would be allowed in the R-3, multi-family residential zone which was 16 units per acre with a maximum of 20, with specific amenities. He suggested the proposed development would be three times higher density than the R-3 restriction. He expressed his opinion the location was not appropriate for the type of facility or use being proposed.

He stated he was the City Planner in 2008 and believed the applicant had been told that type of development wasn't allowed and didn't believe it would be allowed anytime in the future. He suggested there were several issues other than "use" or "density" which should be considered; a 55 foot tall building was taller than City Hall and pointed out its proximity to a residential neighborhood. He believed it would be intrusive to those residents and suggested an office building would be less intrusive as its impact would end at 5:00 p.m. and weekends.

He shared his perspective that he wouldn't want a development like this in his backyard and believed it was his responsibility to ensure the welfare of Clearfield City residents. He believed the developer bought the property knowing the use wasn't allowed.

Mr. Vanleemput inquired why Councilmember Bush would rather have a two-story, retail/office building as opposed to the proposed development as both would interfere with the view from neighboring properties. Councilmember Bush clarified he wasn't primarily concerned with impeding the view for residents, but was more concerned about a 55 foot tall building with people in it 24 hours a day, seven days a week, and suggested an office building would be less intrusive as it would only be in use 8:00 a.m. to 5:00 p.m. daily. Mr. Vanleemput stated Auburn Manor Holding wouldn't have purchased the property had it been told that when it initially looked at purchasing the property.

Bill Terburg, Auburn Manor Holding, disagreed with Councilmember Bush's comments and stated that he believed he was never told the concept wouldn't be allowed and there had never been any objection to eliminating the road extension. A discussion took place regarding discussions which took place prior to Auburn Holding purchasing the property.

Mr. Vanleemput emphasized the developer's desire to work with the City and indicated their willingness to make adjustments which would accommodate the project. He noted the developer believed the project would benefit the City. He reminded the Council that Auburn Manor Holding had built Rocky Mountain Care and suggested it had been designed to accommodate all aspects of senior care. He believed elderly residents of the City would desire a facility where they could remain living with or near their loved ones, within their community, as needs changed due to age.

Councilmember Bush pointed out that Mr. Vanleemput kept referring to "living" which he believed suggested "residential" and stated he wouldn't be in favor of having a residential use on commercially zoned property.

David Clayton, DEIV Architecture, requested Councilmember Bush define "rest home" and Mr. Vanleemput indicated the City had previously allowed that use in a C-1, Commercial, zone. Mayor Shepherd agreed with Councilmember Bush's comments regarding the taxable status of the property, as well as the proposed density, and emphasized a similar sized project wouldn't be allowed in the City's deepest density residential zone. Mr. Terburg pointed out that the City had allowed Chancellor Gardens and suggested it had a similar density on a smaller sized parcel. Councilmember Peterson stated she had concern with adding an additional definition to the C-1, Commercial zone because what was being proposed, "Assisted Living," was different than what the City identified in its definitions. She suggested C-1 was a less intensive zone and believed the parking, use, hours of operation, and density of the project was a very intensive use; therefore, she believed the proposed definition ran counter to the current zoning designation. Mr. Terburg stated it was the developer's position that Chancellor Gardens was in the C-1, Commercial zone, and had been approved previously for a similar use by the Council. Ms. Peterson responded that had been approved with a different definition, scope and use.

Councilmember Benson added that specific project had been approved by a different Council. Ms. Peterson emphasized the applicant had brought forth a different definition, “assisted living.”

Mr. Clayton added shortly after purchasing the property and the project was initially proposed, City Code didn’t include a definition for “assisted living” but rather included definitions for “rest home” and “nursing home.” He presented his position that “rest home” wasn’t a legally defined type of occupancy within State Code for licensed healthcare facilities. He explained there were two types of assisted living under State Code and explained the difference between the two.

Mr. Terburg said the Code that was in effect when Chancellor Gardens came in and when the developer purchased the property being discussed allowed nursing home or rest home. He contended that when the property was purchased assisted living was an allowed use because rest home was in the definitions and no definition existed for assisted living. He stated that when the City added the “assisted living” definition to the zoning ordinance, it defacto changed the interpretation of the C-1, Commercial zone from allowing assisted living to not allow assisted living. He noted when the developer previously appeared before the Council there was a comment about assisted living not being the same as a rest home because assisted living people would need to be capable of living on their own. He continued that was true 25 years ago but State rules have changed so he sent information to the Council which identified hospice care as an allowed service which would fit in the City’s existing definition of a rest home. Councilmember Bush articulated that he wasn’t opposed to assisted living facilities being located within the City. He clarified he was opposed to them being located in the C-1, Commercial zone. Mr. Terburg then inquired why the Council approved the Chancellor Gardens project seven years ago. Councilmember Bush believed that was approved longer than seven years ago and pointed out it had been approved by a previous Council. Councilmember Peterson responded she was considering the project on its current merits that it would be a higher and more intense use in a zone currently defined by ordinance to allow less intensive commercial uses. She suggested the Council was responsible for determining if the project was the highest, best and appropriate use for a C-1, Commercial zone.

Mr. Vanleemput explained that it was his position that if the City desired a commercial use for the property, there would be considerably more traffic than that of an assisted living facility. He stated that residents wouldn’t come and go often. He expressed his opinion that a traffic study for a commercial endeavor would reflect there wasn’t enough roads to support a commercial/retail development in that area. He further stated that if the developer could not get approval for an assisted living facility, the City had stymied what could be done with the property. He suggested adjacent property owners would be against any type of development on the open property. Mayor Shepherd pointed out comments made by neighboring residents weren’t complaining about the development of the property but rather the height requested for the proposed development. Mr. Vanleemput responded a commercial office building would be approximately 36 feet tall and stated they would be willing to work with the City regarding the height of the project. Mayor Shepherd responded by pointing out again that none of the residents expressed concern about the property being developed. He believed their comments were specific to height and a two story office building of 36 feet in height would be allowed in the zone. Councilmember Bush believed any type of development with that height would still be too

intrusive to the adjacent residential uses and shared an example of property located near 1000 West and 300 North by the Winegar's grocery store development.

JJ Allen, Assistant City Manager, reiterated the key issue was the use of the property and indicated the application would allow something more akin to a residential use within the commercial zone. He continued by stating that the City already allowed for assisted living facilities in R-3, multi-family residential, and suggested an alternative path could have been a rezone request to R-3. He added that a rezone request would have also required a change to the General Plan and suggested that such a discussion would have been squarely whether the Council would grant the residential use on the parcel adjacent to single family residential.

Mr. Clayton disagreed with the interpretation that the proposed use for the property was a residential use. He expressed his opinion that the use was a commercial use and was meant to be part of a continuum of care campus with integrated nursing care. Mr. Allen clarified that based on the property tax perspective, it was considered a residential use and pointed out that the applicants referred to the people who would live there as residents. Councilmember Bush added an apartment complex could also be considered a commercial use because the owner was collecting monies from residents but that didn't make it a commercial use and the City didn't receive any benefit from that type of use. He suggested the proposed development was a residential use even though Auburn Manor Holding would be collecting monies from those living there. Mr. Clayton suggested Councilmember Bush's concern was relative to how the City could recognize an increase in revenue. Councilmember Bush responded by explaining that allowing a residential use on property which had the potential to produce sales tax revenue could have a significant financial impact to the City.

Mr. Terburg expressed his belief that precedent had already been established with similar facilities in the surrounding area and suggested prior to purchasing the 6.4 acres of property, Auburn Manor Holding representatives had completed their due diligence. He requested the Council be willing to work with them to allow the proposed development. He pointed out that originally there had been no definition for assisted living in the City Code so rest home was considered to mimic or be synonymous with assisted living. He expressed the developer's opinion that the two were still synonymous as supported by the City's own definition and supported by State Law that defined assisted living.

Mayor Shepherd clarified that the language previously referred to by Mr. Terburg wasn't State Law but rather State guidelines and standards applicable to licensing, which were not applicable to zoning. He clarified the State, by law, had not defined assisted living specific to use.

Mr. Terburg requested the City consider the property the same as it had other properties within the C-1, Commercial zone, such as Chancellor Gardens.

Councilmember Young believed it was a question as to whether assisted living in the C-1, Commercial zone, was appropriate. He pointed out there were limited spaces zoned C-1 within the City. He took the position and explained that any property owner who purchased property and held onto that property for over seven years was taking a risk that zoning or allowed uses could be changed. Mr. Terburg responded that they had come to the City on separate occasions

to specifically develop the property and both times had been denied for different reasons. He reiterated his belief that assisted living had already been allowed within the zone by the City's existing definition. He added what changed was the City had since added an additional definition alongside that but the developer believed assisted living was still a rest home under the City's definition.

Mr. Vanleemput continued to express his desire to work with the City on the proposed development. He suggested there was a great need for couples to continue living together as they age and there is a need for additional appropriate care facilities. He suggested the development would be an asset to the City.

Councilmember Phipps commented it could be difficult dealing with municipal governments because things were always changing. He added that was the nature of the type of government citizens chose to live in. He acknowledged that anytime an individual dealt with a city there was a risk that an elected body would have a different direction than the prior elected body. He suggested there was nothing that could be done about that except moving to a different type of government. He shared a personal example of how height and use on a property could potentially have a negative impact to an adjacent residential use. He agreed a development height of 55 feet was intrusive to adjacent residential uses. He stated a municipality had a master plan and zones so that it could designate a best use for properties in specific areas. He pointed out the City had a Master Plan or vision of what it wanted for certain areas of the City. He offered that for him it was about planning and what the City's long term plan was for development.

Mr. Vanleemput suggested that the City not only consider what the needs were today but for the future as well. He stressed there was demand for assisted living facilities. He maintained that the City would be on the cutting edge of providing assisted living services if the City allowed the changes to its ordinance. Councilmember Phipps expressed appreciation for the insight and concern demonstrated by the representatives for providing a service to a growing segment of population. Mr. Clayton asserted that the City was dictating how a property owner could use or build on his/her property. Mr. Phipps suggested the way government was set up in America was electing representatives that aligned with citizens' views and philosophies. He suggested if the applicants could convince three members of the governing body to agree with the proposal, it could be changed.

Mayor Shepherd stated that denying a property owner the opportunity to develop his/her property was one kind of consideration; but denying a property owner the ability to develop his/her property which would negatively impact neighboring development was altogether a different consideration. He believed Councilmember Phipps was trying to convey that the proposed development impacted adjacent residential properties. He spoke to zoning changes which had taken place in the past and over a period of time and pointed out that zoning changes and allowed uses would continue to change over time.

Mr. Clayton apologized for comments made to Councilmember Phipps and continued to express his belief that assisted living, as a licensed healthcare facility, was not a deleterious use. He suggested density was something the Council could take exception to and emphasized they were willing to work with the City in that regard. He reiterated the developer's opinion that assisted

living facilities were in line with the intent of allowing nursing and rest homes in the C-1, Commercial zone.

Councilmember Bush emphasized zoning was discretionary to each City and denial of all use or all development would be illegal. He pointed out the City could deny what it believed wasn't a good use and stated discretionary zoning wasn't illegal.

Councilmember Benson mentioned she was originally excited about the development proposal. She stated the current Council had focused on zoning and pointed out the City was landlocked and all vacant commercial property was considered prime property. She reminded the Council the original request to the Planning Commission was for a three story development so the property owner could recover development costs. Mr. Vanleemput responded by explaining that building a three story facility would allow the development to stand out to the public and positively impact those desiring to live there. He reiterated the developer was willing to work with the City.

Councilmember Bush moved to deny approval of Ordinance 2016-09 approving the Zoning Text Amendments to Title 11, Chapter 3 – Definitions and Title 11, Chapter 11A, Section 3 – Conditional Uses in the Commercial Zone based on statements already stated clearly in the discussion and the following:

- **it was a residential use in a commercial zone,**
- **the height was intrusive to surrounding residential uses and detrimental to adjacent residents living conditions,**
- **it impacted the standard of living for neighboring residents,**
- **it did not looking after the welfare of the residents of the City to allow a development that would be intrusive to their needs,**

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.

CONSIDERATION OF ORDINANCE 2016-08 APPROVING THE GENERAL PLAN AMENDMENT TO THE MASTER STREETS AND TRANSPORTATION PLAN MAP DELETING THE FUTURE EXTENSION OF 1350 EAST FROM 1450 SOUTH TO 1300 SOUTH– WITHDRAWN BY APPLICANT

Councilmember Bush stated he didn't see the need to remove the future street from the Master Streets and Transportation Plan since the City didn't know how the property would be developed in the future.

Councilmember Peterson disagreed with Councilmember Bush's suggestion. She pointed out the application had been forwarded to the Council by the Planning Commission and the City's Public Works department had indicated deleting the future road wouldn't impede the ability to service the infrastructure. She continued easements would allow access for that purpose and she couldn't identify any compelling reason to not act on the request.

Dave Clayton, applicant, requested the application to amend the General Plan and Master Streets Plan be withdrawn from consideration due to the fact the previous agenda item had been denied.

Spencer Brimley, Development Services Manager, announced the applicant would like to rescind the request for the General Plan Amendment. Mayor Shepherd responded that request was acceptable and could be accommodated since the Council hadn't voted.

APPROVAL OF THE PURCHASE AND SALE AGREEMENT WITH ROCKY MOUNTAIN POWER TO PURCHASE THE STREETLIGHTS WITHIN CLEARFIELD CITY IN AN EFFORT TO PROMOTE ENERGY EFFICIENCY FOR THE CITY

The City Council approved the Energy Performance contract with McKinstry in July of 2016 and as part of that agreement, the City identified the need to purchase the streetlights within its borders from Rocky Mountain Power. Rocky Mountain Power conducted its audit of the streetlights within the City and prepared a purchase and sales agreement for a total purchase price of \$294,462. In the Energy Performance contract, McKinstry estimated the cost for purchasing the streetlights to be \$332,750.

Eric Howes, Community Services Director, stated the agreement was part of the Energy Performance Contract the City entered into with McKinstry in July 2016. He explained part of the agreement was for the City to purchase the streetlights from Rocky Mountain Power and convert them to LED and use the savings to pay for other projects. He pointed out Rocky Mountain Power required the City to enter into the Agreement as the purchaser of the infrastructure. He reported the projected cost was \$332,750 cut after the audit the actual cost was determined to be \$294,462 which was an approximate \$32,000 savings for the project. He indicated other savings was already being recognized.

Councilmember Phipps mentioned his concerns had been previously addressed. Councilmember Young stated he liked to vote on something that saved the City money.

Councilmember Young moved to approve the purchase and sale agreement with Rocky Mountain Power to purchase the streetlights within Clearfield City to promote energy efficiency for the City for the purchase amount of \$294,462 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 RESOLUTION 2016R-23 AUTHORIZING THE INTERLOCAL AGREEMENT WITH THE DAVIS METRO NARCOTICS STRIKE FORCE

Clearfield City was one of several agencies participating in the Davis Metro Narcotics Strike Force. The US Department of Justice (DOJ) had changed its requirements and now required Interlocal Agreements to be reviewed and updated every year. The most current Interlocal Agreement was last signed in 2004, and even though it was a valid and lawful agreement, the DOJ was requesting new signatures to the agreement in order to be compliant.

Greg Krusi, Police Chief, explained the contract was last signed in 2004 and it was time to review the agreement. He stated the Department of Justice's new regulations required the agreement be reviewed annually for the City to participate in the sharing of assets of forfeitures.

Councilmember Phipps mentioned the term of the agreement was 50 years.

Councilmember Peterson moved to approve Resolution 2016R-23 authorizing the Interlocal Agreement with the Davis Metro Narcotics Strike Force Agreement 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 THE ACQUISITION OF TWO REMNANT PARCELS ADJACENT TO ISLAND VIEW PARK

JJ Allen, Assistant City Manager, explained the owner of two very small parcels (TINS: 12-073-0034 and 12-130-0121) located on the southeast corner of Island View Park recently contacted the City expressing a desire to sell the parcels to the City. The parcels were so small (0.039 and 0.01 acres) that they were unusable on their own. Moreover, the City had been maintaining them because they were part of the park. The City's interest in acquiring the parcels would be to clean up the property lines. The property owner had agreed to sell the properties for combined total of \$2,000.

Mr. Allen reported the property owner recently requested the reimbursement of the outstanding property taxes which totaled \$340.56.

Councilmember Phipps moved to approve the acquisition of Parcel Numbers 12-073-0034 and 12-130-0121 from Residential Mortgage Corporation, under the assumption the seller had paid all outstanding property taxes, for the combined amount of \$2,340.56 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps and Young. Voting NO – Councilmember Benson.

APPROVAL OF AND CONSENT TO THE MAYOR'S PROPOSED APPOINTMENTS OF INDIVIDUALS TO THE PLANNING COMMISSION

Mayor Shepherd announced Amy Mabey recently resigned as a member of the Planning Commission creating a vacancy for a regular member. Mayor Shepherd recommended appointing Michael Britton, alternate member, to fill the vacancy and Mallory Baudry as an alternate to fill the vacancy created by Michael Britton's appointment.

Mayor Shepherd acknowledged Michael Britton's and Mallory Baudry's attendance.

Councilmember Benson moved to approve and consent to the Mayor's appointment of Michael Britton as a regular member of the Planning Commission with a term expiring February 2021 and the Mayor's appointment of Mallory Baudry as an alternate member of the Planning Commission with a term expiring February 2018, 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.

COMMUNICATION ITEMS

Mayor Shepherd

1. Reported he had attended the National League of Cities and Towns meetings in Pittsburgh. He indicated he would report to the Council at a later date on that conference. He shared some of the highlights of the classes he attended and participated in.
2. Announced he had met with Clearfield High Officers preparing for Falcons Are Fabulous week. He indicated they were looking for donations and encouraged contributions.
3. Stated it had been a privilege to work with Councilmember Keri Benson and stated she had been a real asset to the City and complimented her for her involvement. He stated she would be missed.
4. Wished everyone a Happy Thanksgiving.

Councilmember Bush

1. Congratulated Kim Read, Deputy Recorder.
2. Expressed appreciation to Councilmember Keri Benson for all her work on the Council and for the other capacities in which she had served. He stated she would be tremendously missed.
3. He thanked the members of the Planning Commission for their attendance at the meeting. He congratulated Michael Britton and Mallory Baudry for their new appointments to the Planning Commissioner and expressed confidence in their abilities.
4. Expressed appreciation to the citizens for attending and participating in the meeting.
5. Informed the Council that he had attended Lunch with the Mayor during the Mayor's absence and expressed appreciation to the staff which coordinated that activity.
6. Reported he had also attended a luncheon at Clearfield Job Corps.
7. Stated he also attended a luncheon with residents at Chancellor Gardens during the week.
8. Announced the North Davis Sewer District (NDSD) would be holding a public hearing specific to approving its 2017 budget on Thursday, December 8, 2016, at 6:00 p.m. at the Sewer District's offices. He invited interested residents to attend the meeting.

Councilmember Peterson

1. Congratulated Kim Read for her achievement.
2. Announced the new ladder truck would soon be arriving at North Davis Fire District (NDFD) which would allow two apparatus' at each station allowing for better coverage for both areas served by the District.
3. Mentioned the Veterans Day celebration sponsored by the American Legion on Friday, November 11, 2016. She believed it to be a privilege and honor to attend the event and appreciated the support the community provided to local veterans.
4. Expressed appreciation to city staff during the holiday season because many would be working on various holidays.
5. Complimented Councilmember Keri Benson for her involvement with the original Clearfield University which began her interest in serving the City. She mentioned her involvement with the youth and believed her resignation would be a huge loss.

Councilmember Phipps

1. Expressed his congratulations and appreciation to Kim Read, Deputy Recorder, and suggested her achievement spoke to the quality of staff that worked for the City.

2. Informed the Council of a special Parks & Recreation Commission meeting that took place on Monday, November 21, 2016, regarding potential action regarding a youth coach. He explained there was an appeal process in place which allowed the issue to be heard by the Commission. He reported the public hearing portion of the meeting was over two hours long. He expressed his appreciation to members of the Commission for their service.

3. Reported he had attended the business meeting for the Wasatch Integrated Board where members had been instructed to come prepared to express their respective entities support for the expansion of the Energy Recovery Facility. He stated that motion was tabled until the meeting scheduled for February. He indicated some representatives felt unprepared to vote on the item although several opportunities were available for them to tour the facility.

4. Stated he had only worked with Councilmember Benson for approximately one year and suggested she was a principled individual who he believed illustrated a quality of true integrity and complimented her for that value.

Councilmember Young

1. Commended Kim Read, Deputy Recorder, for receiving her Master Municipal Clerk (MMC) designation.

2. Stated it had been a pleasure to work with Councilmember Keri Benson, as she had submitted a letter of resignation effective November 30, 2016.

3. Wished everyone a Happy Thanksgiving.

Councilmember Benson

1. She stated her son was part of the Clearfield High class of 2016 and suggested the amount of funds raised last year during Falcons are Fabulous would be hard to match. She announced she was impressed with Clearfield City as a whole because of its support for Clearfield High School. She mentioned comments about Clearfield High were sometimes unkind and stated the student-body might not come from the most affluent families, or be the most successful or well rounded; however, they collectively did great things. She stated she would be excited to hear how their fundraising turned out this year.

2. She shared her personal experience regarding Clearfield University which highlighted her excitement for the opportunity to participate in Clearfield University which put her on the path to serve the community in many ways. She believed Clearfield had been a great place to live and raise her family.

3. She complimented the staff of Clearfield City. She mentioned Nancy Dean, City Recorder, had been honored with the Recorder of the Year award and mentioned Kim Read's, Deputy Recorder, achievement. She reported when she attended different trainings and events it had become evident that other municipalities were aware of the qualified staff at Clearfield City.

4. She thanked Councilmember Phipps for his compliment and comments regarding her integrity.

5. She expressed appreciation for the opportunity to serve the residents of Clearfield City and expressed encouragement for the individual who would be appointed to take her place.

STAFF REPORTS

JJ Allen, Assistant City Manager

1. Stated he would miss the association and opportunity to work with Councilmember Benson and her husband Charlie Benson.

2. He congratulated Kim Read on her achievement and expressed appreciation for representatives of the Utah Municipal Clerk's Association who made the presentation to her. He mentioned many of the City staff participated with their respective associations but expressed his belief the Clerk's Association did the best at helping the Council understand the legitimacy of the accomplishment.

3. Announced there would be a vacancy on the City Council as of Wednesday, November 30, 2016. He stated the application period would end on that same day at 5:00 p.m. and encouraged interested individuals submit letters of interest.
4. Reminded the Council that City Offices would be closed Thursday and Friday, November 24 and 25, 2016 for the Thanksgiving Holiday.
5. Welcomed Trevor Cahoon, the City's new Communications Coordinator.
6. Announced Adam Lenhard, City Manager, would return to work on Wednesday, November 23, 2016 after a brief absence.

Nancy Dean, City Recorder

1. Commended Kim Read, Deputy Recorder, for receiving her MMC (Master Municipal Clerk) designation and stated she had completed a lot of work necessary to receive the designation over an approximate eight year period. She commended her efforts in serving the residents of Clearfield City, and the City Council.
2. Stated she will miss working with Councilmember Benson and reminded the Council of the social activity planned for her on Tuesday, November 29, 2016, at 6:00 p.m.
3. Announced interviews to fill the Council vacancy would take place during a special session on Tuesday, December 6, 2016, beginning at 6:00 p.m. She reminded the Council the final meeting of the year was scheduled for Tuesday, December 13, 2016.
4. Reminded the Council the Employee Christmas party was planned for Friday, December 16, 2016. She announced they could pay for their dinner in the Utility Department.

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn at 9:06 p.m., seconded by Councilmember Benson. Voting AYE - Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

**APPROVED AND ADOPTED
This 13th day of December, 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, November 22, 2016.

/s/Nancy R. Dean, City Recorder