

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
October 25, 2016

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

VISITORS: William Park, Boy Scout Troop 722, Jerome Curran, Bob & LaRue Hawthorn, Richard & Lisa Nielson, Brett Wiggill, Jeff & Leslie Garrison, Ruanna Pineaa, Tim Roper – Planning Commission Chair, John W. Hansen, Patrick Russo, Boy Scout Troop 672, Kevin Limb

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 Phipps conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 13, 2016 WORK AND POLICY SESSIONS THE SEPTEMBER 27, 2016 POLICY SESSION AND THE OCTOBER 4, 2016 WORK SESSION

Councilmember Phipps requested the minutes from the September 13, 2016 policy session be amended. He directed the Council to his comments following the motion on page 4 and submitted the following: Councilmember Phipps expressed his opinion the Council should be sensitive in how increases, regardless of how small, impacted the taxpaying resident. He indicated that he understood but did not agree with the rationale behind the increase to five

percent. Although he disagreed with the increase to five percent he indicated he would support the motion because he was in agreement with the other provisions.

Councilmember Peterson requested changes to her communication item #1 and #4 from the September 27, 2016 policy session minutes. She asked item #1 read “Updated the Council on the North Davis Fire District’s (NDFD) purchase of its new ladder truck that was expected to be received sometime in November.” She also asked #4 include the word “some” when referring to the City’s stoplights being powered by emergency generators, as not all stop lights were operational.

**Councilmember Phipps moved to approve the minutes from the September 13, 2016 work session and the October 4, 2016 work session as written and the September 13, 2016 and the September 27, 2016 policy sessions as amended, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

#### PRESENTATION OF THE YARDS OF THE YEAR AWARDS

Councilmember Phipps explained 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 submitted a weekly winner. At the end of the summer, the Commission members judge the weekly winners and select a winner or winners for Yard of the Year. He explained the scoring process and announced this year there was a three way tie and announced this year’s Yards of the Year winners were William Park, Robert and LaRue Hawthorn and Richard Nielson.

He expressed appreciation to all the residents that did an amazing job in landscaping and maintaining their yards contributing to the beauty of the City. Mayor Shepherd and members of the Council presented the winners with certificates.

#### PUBLIC HEARING FOR ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 9 – ACCESSORY BUILDING REGULATIONS

The City was considering changes to the R-1 (residential) zones specific to setbacks for accessory buildings as a result of a public request and comments made during citizen comments at a City Council meeting held earlier in the year. Staff was directed by the Council to investigate the current regulations for accessory buildings within the City and compare them to surrounding municipalities and propose amendments. The City’s current ordinance regulated the height and distance from each property line, as well as coverage and maximum size. There were regulations related to the look of the building and additional criteria for detached garages and carports. Staff provided the Council with the current regulations in addition to information gathered from Syracuse, Roy and West Point cities as a comparison.

Spencer Brimley, Development Services Manager, shared a brief history regarding the ordinance currently in place and reported the Planning Commission heard the request and recommended approval of the staff’s recommendation during its meeting on Wednesday, October 5, 2016. He

reported public comments had been expressed during the Planning Commission's public hearing and shared the following concerns with the Council:

- Lot coverage regulations should not be reduced but should be held the same or increased.
- Current height of accessory buildings was allowed at 10 feet to the peak of the building and comment was received requesting height be changed to 18 feet to the midpoint.
- No increase in required setbacks for accessory buildings.

Mr. Brimley reviewed current regulations with the Council:

- No accessory building was allowed in a front yard.
- Must be at least six feet away from the main building.
- Accessory buildings were allowed to be two feet from both the rear and side property lines.
- Maximum height of 10 feet and anything over 10 feet would require the accessory be located at least eight feet from the rear and side property lines.
- Lot coverage requirements were forty percent of the lot or parcel area could not be covered and shared a visual example.
- Combined footprint of all accessory buildings shall not exceed fifty percent of the footprint of the main building.
- Exterior should be finished with an all weathered exterior material and detached garages/carports shall be finished to match exterior of main building.

He shared visual illustrations of different examples of accessory buildings which were allowed under the current regulations and reviewed each with the Council.

Mr. Brimley stated based on information collected for the analysis from other municipalities, staff recommended the following:

- Regulations for structures under 200 square feet and over 200 square feet would be clearly stated in the Code.
- Allowed height would be based on the type of roof for the accessory building and he shared an illustration of roof styles. He explained how the height would be calculated for each.
- The two foot measurement from property lines remained in the ordinance.
- Allowed height be increased to 15 feet at the midpoint measurement.
- Buildings would be stepped back one foot from rear and side property lines for every one foot over the 15 foot height midpoint measurement with a maximum height of 20 feet.
- No storm water run-off from accessory buildings would be permissible.
- Total lot coverage for accessory buildings be reduced from forty percent to thirty five percent, in addition, the accessory building couldn't exceed fifty percent of the square footage of the main structure or home.

Mr. Brimley reported the Planning Commission recommended approval of the proposed amendments to the accessory building regulations. He continued staff presented the Planning Commission's recommendation in a work session to the City Council. Following a lengthy discussion the Council made the following amendments to the Planning Commission's recommendation for accessory buildings:

- No buildings shall be less than two feet from a side or rear property line.
- No buildings shall be taller than 10 feet when placed two feet from the property line.
- Every additional foot from the property line would allow for a two foot increase in height.
- Maximum height for any accessory building shall be 20 feet or the height of the main building, whichever is less (max distance from property lines).
- Lot and parcel coverage primary structure percentages to remain unchanged from the current ordinance and not to be reduced.
- Accessory building 200 square feet or larger would be required to be consistent with the main building, ie: architecture and design materials.

He shared an illustration identifying the gradual increase in height for accessory buildings as they increased in height and the distance from the property line increased. He indicated the building could potentially go from two feet from the property line with a 10 foot overall height to seven feet from the property line to a maximum allowance of 20 feet in height. He stated the roof pitch wasn't a consideration.

Mayor Shepherd stated the item was discussed at length by the Council and mentioned it had been a difficult process attempting to find the right balance between a property owner and adjacent neighbors.

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

Mayor Shepherd asked for public comments.

Mr. Brimley emphasized the current regulations had not been changed and clarified any changes made during this meeting to the ordinance would be in place immediately. He also emphasized the Council would be considering the Planning Commission's recommendation and had the authority to either adopt that recommendation or make additional amendments to the recommendation.

### OPPOSED

Jerome Curran, resident, requested clarification about the proposal being considered, specifically, was the proposal not the 15 feet mid peak as recommended by the Planning Commission but rather 20 feet overall. Mr. Brimley explained the Planning Commission's proposal was a midpoint measurement starting at 15 feet up to and not exceed 20 feet as a midpoint. He added the City Council's discussion evaluated whether it preferred a midpoint measurement or peak measurement starting at 10 feet increasing to a maximum 20 feet or the height of the main building, whichever was less.

Mayor Shepherd explained the Council had been concerned about the confusion associated with the different roof types and subsequent interpretation of the allowed height. Mayor Shepherd explained a 10 foot tall structure would have to be two feet from the property lines and the property line requirement would increase one foot for every two feet the building exceeded 10 feet. Mayor Shepherd explained the reasoning for the proposal was so a resident wouldn't be allowed to construct a 20 foot tall building next to a neighbor's property line. Mr. Curran expressed his opinion a ten foot height restriction wouldn't allow for a structure for parking an RV. He asked why the Council would deviate from the Planning Commission's recommendation. Mayor Shepherd responded the Planning Commission was an advisory board to the Council and another conclusion resulted from its discussion.

Mr. Curran pointed out an individual with an 1800 square foot home constructed on a quarter acre lot would only be allowed to construct a 500 square foot accessory building compared to another resident who had a larger home on that same quarter acre lot who would be allowed to construct a larger accessory building. He believed that proposal was inequitable.

Mr. Brimley emphasized the intent in drafting ordinances was to provide proper regulation for the entire City in order to protect the rights of individuals who don't have the same interest as others. He summarized there were those residents who would prefer not having a building close to their property line and stated the intent of the regulation was to balance and mitigate impact to what would be best for the City and residents at large.

Mayor Shepherd pointed out the City Council couldn't consider an ordinance based on what Mr. Curran would like to build on his lot configuration; it also had to consider how allowing those preferences could potentially impact all neighbors and shared an example. He concluded the Council had to balance the property rights of those desiring to construct an accessory building on their properties with neighboring properties as well.

Jeff Garrison, resident, requested clarification regarding the midpoint measurement. Mr. Brimley explained it applied to a gabled or hipped roof in which there was a lower portion and an upper peak. He continued the midpoint would be the middle point between the two. He added there was a formula which would identify the midpoint on a gambrel or mansard style roof. Mr. Garrison explained the type of accessory building he would like to build and inquired what necessitated the eight feet from the property line requirement in association with the height. He also inquired why the Planning Commission's recommendation wasn't acceptable to the Council. Mr. Brimley explained the process used to determine the midpoint for Mr. Garrison's proposed gambrelled roof structure and explained if a resident wanted to build an attached garage or carport it would require an eight foot setback from the property line; therefore, any large accessory building would also be required to be that distance from the property line. He explained the need for restrictions specific to accessory building regulations emphasizing the Planning Commission was an advisory board allowed to make recommendations to the Council. Mr. Garrison explained exactly what he desired to construct on his property and inquired if it would be allowed and Mr. Brimley explained what could be accommodated.

Brett Wiggill, resident, explained he lived in the same area as Mr. Curran and explained his area consisted of large lots and small homes with no garages and stated he would like a garage. He

reported there were several neighbors which had signed a petition requesting the allowance of 18 feet tall accessory buildings. He announced he would like to utilize his large lot by constructing a large garage and reported he currently had neighbors who were allowed to build large garages on their lots and were in compliance at the time. He requested additional discussions be scheduled allowing residents the opportunity to share input prior to adoption of additional regulations.

Mrs. Garrison asked why the Council was requesting the incremental distance requirement from the property line. Mayor Shepherd explained the standard setback was eight feet and added the Council had to do what was best for the entire City. He added not all property lots/configurations were the same nor were the homes built on them and the Council didn't want to allow a small lot with a small home the opportunity to construct a large accessory building.

Patrick Russo, resident, made comments regarding the property line distances and the Council's concern the setbacks were needed to lessen the impact to neighboring property owners' views. He suggested line of sight and property lines shouldn't be mitigating factors as all neighboring homes obstruct views in some way. He shared the example he couldn't restrict a property owner from constructing a home on a vacant lot behind his property based on the same logic. He requested the Council reconsider the property line setbacks and height restrictions for accessory buildings and suggested it postpone making a decision during this meeting.

**Councilmember Peterson moved to close the public hearing at 7:55 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 FINAL SUBDIVISION PLAT APPROVAL TO AMEND THE UNIVERSITY RIDGE SUBDIVISION PLAT TO CREATE A MEDICAL OFFICE CONDOMINIUM BUILDING LOCATED AT APPROXIMATELY 920 SOUTH 2000 EAST (TIN: 09-409-0033)

Spencer Brimley, Development Services Manager, stated John Hansen, developer, was proposing to amend the subdivision plat for University Ridge Subdivision to accommodate a proposed medical office building located on Lot A. He explained the proposal would provide the ability for two tenants to locate within the proposed building and each purchase space individually. The parcels were designated as commercial in the General Plan as well as zoned commercial and the uses and buildings surrounding the site were consistent with the C-2 commercial zoning and explained the uniqueness of the property. He shared a visual illustration which identified the proposed plat and pointed out the surrounding common area would be regulated by CC&Rs (Covenants, Conditions and Restrictions). The Planning Commission discussed the item and recommended approval during its meeting on Wednesday, October 5, 2016.

Mayor Shepherd opened the public hearing at 7:57 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Benson moved to close the public hearing at 7:58 p.m. 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 FOR THE FINAL SUBDIVISION PLAT APPROVAL TO AMEND THE UNIVERSITY RIDGE SUBDIVISION PLAT FOR A CHANGE TO THE STREET ALIGNMENT AND REMOVAL OF THE CUL-DE-SAC LOCATED AT APPROXIMATELY 938 SOUTH 2000 EAST (TIN: 09-409-0001)

Spencer Brimley, Development Services Manager, shared a visual illustration and explained John Hansen, developer proposed to amend the University Ridge Subdivision plat with a change to the street alignment and removal of the cul-de-sac located at approximately 938 South 2000 East. He mentioned previous agreements preserved the potential connection of that area with the parking lot and street to the west. The right-of-way would connect to a parking lot to the west, making possible a future connection to 900 South, which was currently a private road. He pointed out the location of the parking lot owned by the City and currently used by AAA and the large detention area. He explained the developer had expressed a need to remove the cul-de-sac at the end of the subdivision and have the road continue through the property, providing additional access on the west side. The plat amendment and road connection were consistent with the General Plan by allowing for the east/west connection. The Planning Commission discussed and recommended approval to the Council during its meeting on Wednesday, October 5, 2016.

Mayor Shepherd opened the public hearing at 8:01 p.m.

Mayor Shepherd asked for public comments.

IN FAVOR

John Hansen, developer, stated he was originally opposed to the connection of the parking lot to the subdivision but believed the topography of the property presented the need for the continuous flow. He believed the proposal would benefit the City as well as users of the parking lot.

**Councilmember Young moved to close the public hearing at 8:02 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

PUBLIC HEARING ON THE DOWNTOWN CLEARFIELD SMALL AREA PLAN

The creation of the Downtown Clearfield Small Area Plan began last winter following a thorough market study. Public open house meetings took place in March, April and May. A draft plan was created and presented in early summer and the Planning Commission and City Council met to refine the vision and prepare it for final review. The Planning Commission participated with staff in work sessions about the plan in August and September. A public hearing took place with the Planning Commission during its meeting on Wednesday, October 5, 2016 and subsequently the Commission recommended approval of the plan to the City Council.

Spencer Brimley, Development Services Manager, shared a visual presentation which reviewed the following:

- The history and timeline associated with Wasatch Front Regional Council and the Downtown Clearfield Small Area Plan to identify and create a vision for opportunities associated with development.
- He summarized discussions specific to the workshops and mentioned the draft had been sent to UDOT. He reported the City hadn't yet received any feedback.
- Implementing vision and establishing a form-based code for the downtown area.

He emphasized staff wasn't requesting adoption of the Plan for the purpose was of formally recognizing of the Plan.

Mayor Shepherd opened the public hearing at 8:10 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Young moved to close the public hearing at 8:11 p.m. seconded by Councilmember Peterson. 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 2016-07 APPROVING ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 9 – ACCESSORY BUILDING REGULATIONS

Councilmember Young stated there were setbacks associated with houses and residents purchased homes with the expectation that those would be followed. He mentioned it was a balancing act between what a property owner was allowed to do on his/her property as well as the property rights of adjacent property owners. He indicated complaints had been received by nearly every elected official regarding structures which were previously built within regulation which had a negative impact to neighboring property owners. He expressed concern that future discussions might not satisfy the request for residents but he would be willing to take a second look at the proposal.

Councilmember Bush stated the City consisted of varied lot sizes and didn't believe the City could make an ordinance governing accessory buildings which would benefit every lot configuration of the City. He believed the Council was concerned about garages being built with additional rooms being built above which was intrusive to neighbors. He didn't agree the seven foot distance from the property was a good balance and expressed his opinion a two foot setback wouldn't be intrusive. He also believed the twenty foot height maximum requirement might also

be too restrictive and would also be in favor of reconsidering amendments to the ordinance. He suggested lots of certain size might need smaller setbacks than larger lots and wasn't sure a one size fits all approach was the best way to proceed.

Councilmember Benson stated she wasn't in attendance during the previous work session on the subject and shared an example of an accessory building she believed was an eyesore within the City. She suggested tabling approval of the item following further discussion.

Mayor Shepherd suggested the Council send the ordinance back to the Planning Commission.

**Councilmember Bush moved to table the agenda item for further discussion allowing staff and the Planning Commission the opportunity to work on the draft ordinance.** Nancy Dean, City Recorder, advised the Council it would need to address the ordinance and a discussion took place. Councilmember Peterson suggested the Council deny the ordinance and include language in the motion it was being remanded back to the Planning Commission giving them instruction and direction on specific concerns of the Council. Mr. Brimley interjected the Planning Commission would appreciate specific direction from the Council regarding concerns and issues specific to the ordinance.

Councilmember Peterson suggested using the zoning classification or lot size to determine what was allowed specific to an accessory building. Councilmember Young suggested the natures of neighborhoods should also be considered when drafting the ordinance and shared some examples. Councilmember Benson inquired if the building lots were similar in certain neighborhood areas within the City. Mr. Brimley responded he had received direction from the Council it wanted staff to consider small area plans throughout the entire City as part of the next update to the General Plan. He added there was diversity throughout the City, even in small blocks. He concluded specific zone regulations might be the best avenue to pursue given what members of the Council had just suggested.

**Councilmember Bush moved to deny approval of Ordinance 2016-07 approving Zoning Text Amendments to Title 11, Chapter 9 – Accessory Building Regulations, remanding it back to staff and the Planning Commission for further analysis and revisions, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Peterson, Phipps and Young. Voting NO – None.**

Mr. Wiggill suggested the Council consider portions of surrounding cities' ordinances because he believed they had some allowances based on square footage and stated he would be in favor of the lot size consideration being included in the ordinance. He added he would also like to be included in the process. Councilmember Bush encouraged Mr. Wiggill to forward his suggestions or research to Mr. Brimley.

Mr. Allen emphasized the proposed ordinance would need to go through the Planning Commission process in its entirety.

Councilmember Peterson suggested residents consider denial of the ordinance similar to that of a compromise of time and a better result.

Mayor Shepherd stated there were multiple concerns expressed during the discussions of the Planning Commission and the City Council and believed the remand would allow the City the opportunity to consider the best option for the City as a whole.

Councilmember Phipps stated the Council didn't want to diminish the great work completed by the Planning Commission on drafting the ordinance, but additional issues and concerns had come to light during discussions. He expressed his opinion that further analysis needed to be done to address an appropriate ordinance which would benefit the entire City.

Mr. Brimley reviewed a proposed timeline associated with redrafting a proposed ordinance and suggested February/March. Mayor Shepherd clarified the Planning Commission look at ways to tweak the current ordinance as opposed to creating or re-writing it in its entirety. Mr. Allen emphasized that would take longer than what originally took place.

APPROVAL OF THE FINAL SUBDIVISION PLAT TO AMEND THE UNIVERSITY RIDGE SUBDIVISION PLAT TO CREATE A MEDICAL OFFICE CONDOMINIUM BUILDING LOCATED AT APPROXIMATELY 920 SOUTH 2000 EAST (TIN: 09-409-0033)

**Councilmember Bush moved to approve the Final Subdivision Plat to amend the University Ridge Subdivision Plat to create a medical office condominium building located at approximately 920 South 2000 East (TIN: 09-409-0033) 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 FINAL SUBDIVISION PLAT TO AMEND THE UNIVERSITY RIDGE SUBDIVISION PLAT FOR A CHANGE TO THE STREET ALIGNMENT AND REMOVAL OF THE CUL-DE-SAC LOCATED AT APPROXIMATELY 938 SOUTH 2000 EAST (TIN: 09-409-0001)

Councilmember Phipps inquired if the sidewalk would end at the end of the road. Mayor Shepherd explained the sidewalk did dead end where the road continued into the parking lot used by AAA.

**Councilmember Young moved to approve the Final Subdivision Plat to amend the University Ridge Subdivision Plat for change to the street alignment and removal of the cul-de-sac located at approximately 938 South 2000 East (TIN: 09-409-0001) 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-21 ADOPTING THE DOWNTOWN CLEARFIELD SMALL AREA PLAN

Councilmember Benson requested clarification about the purpose for adopting the resolution if UDOT (Utah Department of Transportation) had not yet approved the Plan. Spencer Brimley,

Development Services Manager, responded UDOT didn't have to approve the Plan; rather, the City wanted to allow for its input. JJ Allen, Assistant City Manager, explained the Plan focused on land use and what development would like but another concept of the Plan was the right-of-way specific to the development. He mentioned specifics associated with the street, how many lanes were intended, bicycle traffic, pedestrian traffic, etc. and access to parcels along the street.

Councilmember Benson asked what would happen if UDOT made additional recommendations to the Plan. Mr. Brimley responded adoption of the resolution stated the Council recognized the Plan represented its goals and objectives to be used to guide development. Mr. Allen added the Plan was a guiding policy for development and would become more so once adopted as part of the General Plan. He emphasized the current proposal before the Council was the first step toward that end.

Mayor Shepherd explained the importance of UDOT's input based on how access along SR 193 had impacted future development of vacant property near 2000 East (University Park Blvd).

Councilmember Phipps expressed his opinion the process had been great to participate in and believed it would be advantageous to development and future of Clearfield City.

**Councilmember Phipps moved to approve Resolution 2016R-21 adopting the Downtown Clearfield Small Area Plan 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-22 AUTHORIZING THE CITY'S PARTICIPATION IN FUNDING FOR THE 5310 GRANT FOR ENHANCED MOBILITY OF SENIORS AND PERSONS WITH DISABILITIES TO CONSTRUCT A SIDEWALK ON 1000 EAST FROM 1600 SOUTH TO 1700 SOUTH

Currently no sidewalk existed on either side of the 1000 East from approximately 1600 South to 1700 South causing a safety hazard for people with disabilities and students and also hampering access to bus stops and the Frontrunner station. Staff applied for a 5310 Grant for Enhanced Mobility for Seniors and Persons with Disabilities through the Utah Transit Authority to construct a sidewalk improving access to the area in February and was awarded funding in August. The project costs were estimated to be \$24,500 and the grant would provide \$19,600 toward the project costs.

Mayor Shepherd reminded the Council of the previous work session discussion pointing out staff was still determining viability and if it would be in the City's best interest to participate with the grant or complete the sidewalk in house.

Councilmember Benson asked why the sidewalk would stop at 1600 South and not continue in front of the apartments. Scott Hodge, Public Works Director, responded sidewalk currently existed in front of the apartments.

**Councilmember Benson moved to approve Resolution 2016R-22 authorizing the City's participation in funding for the 5310 Grant for Enhanced Mobility of Seniors and Persons with Disabilities to construct a sidewalk on 1000 East from approximately 1600 South to 1700 South 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 AWARD OF BID FOR INDIGENT DEFENSE SERVICES TO SKEEN & ROBINSON, LLC

JJ Allen, Assistant City Manager, explained the City's current contract for indigent defense services would soon expire and recently completed the Request for Proposals (RFP) process and received four proposals. He continued the proposals were reviewed and scored and reported the submission receiving the highest score was that of Skeen & Robinson, LLC. He announced it was staff's recommendation to award the bid to Skeen & Robinson, LLC.

Councilmember Phipps clarified the City would be compliant to recent recommendations specific to indigent defense services being offered by the Court. Mr. Allen responded the Sixth Amendment report was recently issued which determined indigent defense services which were compensated at a flat monthly fee might not be able to adequately provide appropriate legal counsel to defendants. He mentioned the proposal was \$150 fee per case and indicated the new contract might require a future budget amendment.

Stuart Williams, City Attorney, mentioned the new contract would bring the City more in alignment, not necessarily compliant, with the Sixth Amendment Study's recommendations.

**Councilmember Peterson moved to approve the award of bid to Skeen & Robinson, LLC, 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.**

COMMUNICATION ITEMS

*Mayor Shepherd*

1. Announced he would be out of town beginning Monday, October 31, 2016 through the following Monday, November 7, 2016. He stated Councilmember Bush would be acting in his stead.
2. Informed the Council that the City's youth football team, Clearfield Thunder, would be playing in the Mini Bowl on Saturday, October 29, 2016, 8:00 a.m. at Weber State. He invited everyone to attend.
3. Mentioned he had attended the Mercedes open house at Farmington Station during the past week.
4. Reported he participated in a conference call with the National League of Cities Military Communities Council regarding possible future leadership service opportunities for him.
5. Announced what the Planning Commission had sought out to do and what they accomplished were exactly what it had been challenged to do in regards to amending the accessory building ordinance. He stated it would now be asked to write a new ordinance and mentioned it wouldn't please all City residents. He continued the effort would take some time and suggested it would probably be in place by spring.

***Councilmember Benson***

1. Expressed appreciation to Spencer Brimley, Development Services Manager, for his efforts and the Planning Commission for completing their due diligence on the proposed accessory building ordinance. She was appreciative of everyone’s efforts and emphasized the Council worked for residents of the City.

***Councilmember Bush***

1. Stated he had attended the North Davis Fire District (NDFD) open house.  
2. Informed the Council he had attended the water conference in New Orleans on behalf of the North Davis Sewer District (NDSD) during the last week and mentioned the many vendors were prepared to display and inform attendees of new stuff and processes. He reported the employee team that won the State competition had participated in the National Conference and announced their standings in the competition. He reported they represented the State and District very well.

***Councilmember Peterson***

1. Reported she had been working with Circles by visiting the City’s elementary schools identifying families to participate in the next Circles Program beginning in January.  
2. Stated she had also attended the NDFD open house for Fire Prevention. She appreciated the efforts of the District’s clowns continuing with fire education.  
3. Mentioned Boonanza at the Aquatic Center had been amazing and expressed appreciation to the Parks & Recreation staff.  
4. Announced on behalf of the Melanie Acres neighborhood the police presence had been noted and expressed her appreciation to the Police Department.

***Councilmember Phipps***

1. Reiterated comments specific to Boonanza. He stated it had been a great event and believed it was those types of events that made Clearfield a community. He mentioned a great deal of organization and planning went into the event and it had been remarkable.  
2. Mentioned the Yard of the Year presentation which took place earlier in the meeting and announced the City also conducted a Christmas light decoration contest. He mentioned the displays were self-nominated and solicited nominations from staff and the public. He explained how the nominations were evaluated and winners determined.

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

**STAFF REPORTS**

***Nancy Dean, City Recorder***

1. Informed the Council of the following meeting schedule:

- No meeting was scheduled for Tuesday, November 1, 2016.
- Tuesday, November 8, 2016, work session only beginning at 6:00 p.m., no policy session. She mentioned it was also Election Day. She mentioned ballots had been mailed out and could be mailed in up until the day before (postmarked the day before) Election Day. She emphasized if they weren’t mailed before Election Day the voter would need to drop them off at a polling location or vote in person. She mentioned City Hall was a polling location and there were others throughout the County.
- No meeting was scheduled for Tuesday, November 15, 2016.
- Tuesday, November 22, 2016, policy session.

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

1. Expressed appreciation to Community Services for the Boonanza event. He stated it was a great party and something the City should be really proud of.
2. Expressed appreciation to Spencer Brimley, Development Services Manager. He mentioned planning was a busy area within the City and always inundated with a heavy workload. He admired Spencer's great attitude and complimented his work.
3. Apologized for the use of the temporary projector during the meeting.
4. Announced the Better City Contract for the Mabey Pond, Lakeside Square, and Clearfield Mobile Home Park was moving forward. He stated he would be meeting with consultants on Friday, November 28, 2016.
5. Informed the Council that interviews of candidates for the Communications Coordinator position would take place on Wednesday, October 26, 2016, and Friday, October 28, 2016. He stated staff was trying to move forward and expedite the process.
6. Stated he was happy to fill in for Adam Lenhard, City Manager.

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn the policy and reconvene as the City Council in a work session at 9:02 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.**

**APPROVED AND ADOPTED  
This 22<sup>nd</sup> day of November, 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, October 25, 2016.

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