

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
March 28, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Spencer Brimley	Development Services Manager
	Kelly Bennett	Assistant Police Chief
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Lee Naylor	Accountant
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Nicole Bigelow, Dan Bigelow, John Bates, Carson Jensen, Tashina Owen, Rebecca Reimann, Koral Vasquez, Kenneth Mullan, Alicia Wilson, Antonio Wilson, Ben Burnett, Michelle Burnett, Brayden Burnett, Jasmine Burnett, Anastasia Burnett, Taylor Burnett, Clay Hintze, Nathan Hintze, Benjamin Tate, Sarah Villeda, Heidi Bateman, Ruth Jones, Stephanie Young, Ruth Kjar, Cheryl Fansler, Elizabeth Fansler, Richard Clarke, Nelda Clarke, Brady Jugler – Planning Commission Chair, Kathryn Murray, Annie Felix, Angela Bucio, Danielle Bucio, Kayla Bucio, Rosemary Rogers, Terry Taylor, Patti Taylor, Julie Morris, Pam Carter, Kristi Bush

Mayor Shepherd called the meeting to order at 7:04 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during the Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 28, 2017 WORK SESSION,
MARCH 7, 2017 SPECIAL SESSION AND MARCH 14, 2017 POLICY SESSION

Councilmember Phipps referred to the February 28, 2017 work session minutes and asked that the minutes be amended to include, “*It was the consensus of the Council that option one, which included the shutting down of the Energy Recovery Facility (Burn Plant), would be the best option for Wasatch Integrated’s future.*” He also asked that a change be made to page three, first paragraph, line five, of that same meeting that read, “...meaning it would likely *significantly decrease* its purchase of steam from the burn plant over the next few years.”

Councilmember Peterson asked that the minutes for the March 7, 2017 Special Session include the list of visitors. She reminded the Council that representatives from Thackeray Garn Company were seated in the audience.

Councilmember Peterson moved to approve the minutes from the February 28, 2017 work session and March 7, 2017 special session, as amended, and the March 14, 2017 policy session, as written, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO TITLE 6 –
POLICE REGULATIONS AND TITLE 11 – LAND USE TO ALLOW CHICKENS ON
SINGLE FAMILY RESIDENTIAL LOTS

In 2009, the Clearfield City Council considered changes to Title 6 – Police Regulations relating to keeping chickens on properties that were zoned residential. Public input was received at that time and the measure failed to pass. Since that time there had been a continual interest for permitting chickens to be kept on properties with a single family zoning designation. The Planning Commission held a public hearing on the amendments and recommended approval to the City Council on March 1, 2017.

Spencer Brimley, Development Services Manager, explained staff was directed to look at the possibility of amending the Clearfield City Code, specific to Title 11 – Land Use, to allow chickens in residential areas. He stated consideration of amending Title 11 of the City Code was specific to the number of chickens that could be kept on a residential lot, distance from adjacent properties, structures on the residential lot, and coop regulations. He indicated the Council discussed the Planning Commission’s recommendation in work session on March 21, 2017, and directed staff to review and incorporate portions of the Bountiful City regulations for chickens in the proposed ordinance for its consideration. He reviewed the proposed regulations with the Council. He noted the intent of the regulations was to reduce the impact of chickens in residential areas for adjacent properties. Mr. Brimley stated the Council had also discussed the number of chickens to be allowed during its work session which would also affect Title 6 – Police Regulations of the City Code. He explained the Council suggested a need to count chickens as part of the allowed residential pet regulation by allowing two chickens for each household pet allowance.

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

PUBLIC COMMENT

In Favor

Jasmine Burnett, resident, stated she was in favor of allowing chickens on residential lots. She said they ate bugs, helped kids with autism and cut down on food waste.

Ben Burnett, resident, stated he was in favor of allowing chickens. He said they were great for growing families and helped families be self-reliant. He commented chickens were much quieter than other pets or animals. He also asked the Council to consider allowing chickens on smaller lots in the A-1, Agriculture, zone.

Brayden Burnett, resident, stated he was in favor of chickens because they made his brother happy, ate bugs, and helped people with autism.

Carson Jensen, resident, stated she was in favor of chickens. She explained she had read the proposed regulations and felt like they were reasonable. She wanted to raise her children to care for animals and become self-reliant.

Ruth Kjar, resident, stated she was in favor of chickens. She hoped to be able to have chickens to improve her health. She felt chickens were less mess and noise when compared to neighbors with dogs.

John Bates, resident, stated he was in favor of allowing chickens. He wanted to make sure some of the risks of having chickens were addressed such as the coops and feed containers being predator proof and the placement of the coops to property lines so no contamination would take place across properties.

Heidi Bateman, resident, stated she was in favor of chickens. She commented her neighbors had chickens and they had not been a bother to her. She liked the idea of her kids raising chickens.

Ruth Jones, resident, stated that she was in favor of chickens. She didn't want the count of chickens to go against the count of residential pets. She also expressed her opinion that the Planning Commission did a great job.

Rosemary Rogers, resident, stated that she was in favor of chickens. She indicated that having chickens could assist in family life in many ways such as financially and nutritionally.

Rebecca Reimann, resident, stated that she was in favor of chickens. She expressed appreciation to the Council for time spent considering the matter. Specifically she mentioned Councilmember Peterson helping her to see the concerns with allowing chickens in residential areas specific to predators. After local records were reviewed, the fear of predators was put to rest. Ms. Reimann also thanked Councilmember Phipps for his help in understanding the process for change and lending encouragement for the property right issue. She recognized Councilmember Bush as being an important voice for the people. He helped her realize that there could be concerns about noise and smell in regards to keeping chickens. She researched chickens being kept on

residential properties and found that there were fewer complaints about properties with a limited number of hens than there were with those that had dogs. She appreciated the email she received from Councilmember Bush encouraging her to continue long term with her efforts. Ms. Reimann thanked Mayor Shepherd for his encouragement which prompted her to raise money to address her dream to allow chickens on residential properties in Clearfield.

Benjamin Tate, resident, stated he was in favor of chickens. As a business owner he wanted people to have reasonable options for their properties when purchasing a home in Clearfield.

Sarah Villeda, resident, stated that she was in favor of chickens. She commented that a 15-foot distance from her neighbors' homes was sufficient. She expressed her opinion that enforcement would not be an issue because most people were responsible property owners and chickens would be kept in their enclosures.

Opposed

Krisi Bush, resident, stated that she was not against chickens and recognized some of the benefits. She expressed concerns about the enforcement of the proposed ordinance. She stated that if the ordinance was enforced then she had no objections to it.

Alicia Curtis, resident, provided a written objection to allowing chickens. She expressed her opinion that farm animals should not be allowed on residential properties.

Councilmember Young moved to close the public hearing at 7:43 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT ON AMENDMENTS TO THE CITY'S GENERAL PLAN INCLUDING THE ADOPTION OF THE DOWNTOWN SMALL AREA PLAN AS AN EXHIBIT TO THE PLAN

In 2015, Clearfield City staff began a review of the City's General Plan for the purpose of updating it. Staff sought input from the community, elected and appointed officials, and other stakeholders at a series of public meetings throughout 2016 and compiled that input for review by the Planning Commission and City Council. The addition of the Downtown Small Area Plan as an exhibit was included with the amendments. The Planning Commission held a public hearing on the items on March 1, 2017 and recommended approval.

Spencer Brimley, Development Services Manager, reviewed the amendments to the General Plan with the Council and commented most of them were minor changes. He pointed out some of the amendments included updates to the Trails Master Plan, Master Streets Plan, and Future Land Use map. He reviewed the specifics of those changes with the Council. He stated the process for updating the Plan began in 2016 and involved input from the Utah Transit Authority (UTA), Planning Commission members, staff, other stakeholders, residents, and other members of the public. He noted the Plan included proposed increases to density recommendations for the R-2 and R-3 residential zones. He also explained there were changes to the Goals and Policies in the

Land Use and Transportation elements in the Plan. He reviewed those specifics with the Council. He emphasized the Downtown Small Area Plan was proposed to be added as an exhibit to the General Plan.

Councilmember Phipps commented the inclusion of Clearfield Station was not part of the discussion associated with adopting the Downtown Small Area Plan. He expressed concern it might be misleading to show it on the map. Mr. Brimley explained the Downtown Small Area Plan identified strings of pearls along the corridor and determined that the development of one specific area was not a solution. He continued Clearfield had a lot of assets in its downtown area such as the Mabey Pond area and Clearfield Station. He explained Clearfield Station had significant value because of its size, 70 acres, and its connection to Frontrunner ridership so it had been proposed to be added to the Plan. Councilmember Phipps complimented the collaborative process used to develop the Downtown Small Area Plan but wanted to emphasize that the process had not addressed Clearfield Station. He agreed it made sense to add it but wanted it to be clear to those involved that its addition to the map was made after the process was completed. Mr. Brimley agreed that was a distinction that needed to be made.

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

There were no public comments.

Councilmember Peterson 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 Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF ORDINANCE 2017-04 AMENDING TITLE 6 – POLICE REGULATIONS AND TITLE 11 – LAND USE TO ALLOW CHICKENS ON SINGLE FAMILY RESIDENTIAL LOTS

Mayor Shepherd thanked the residents that attended the meeting and provided comment on allowing chickens on residential lots. He specifically thanked Ms. Reimann for her comments and efforts to find solutions to the City's concerns. He explained the Council reviewed the Planning Commission's recommendations in a previous work session wherein the Council reviewed a couple of other cities' ordinances on the issue. He expressed his opinion that the Bountiful City ordinance was reviewed at length because it was the most similar as far as size of lots, varying types of lots, and its similarities to Clearfield.

Councilmember Roper asked for current zoning regulations in the A-1, Agricultural Zone, for lots greater than ½ acre and the number of chickens allowed. Spencer Brimley, Development Services Manager, explained the current ordinance allowed fowl units, 30 chickens, on agricultural properties greater than ½ acre but none were permitted on lots less than ½ acre. He continued allowing chickens on the smaller lots had not been addressed as part of the current

process but could be addressed at a future date. Councilmember Peterson suggested staff look at addressing that issue in the near future. Councilmembers Roper and Young agreed.

Councilmember Phipps asked about the proposal to count chickens in the household pet allowance that was part of Title 6 of the City Code. Mr. Brimley responded chickens were not previously defined as household pets in the City Code. Councilmember Roper expressed his opinion that the proposed regulations for allowing chickens in residential areas were good except for counting them as household pets. He indicated he was comfortable with allowing six chickens but not counting them against the household pet allowance.

Councilmember Peterson commented most of the evidence compiled from other cities indicated allowing six chickens in residential areas was not creating increased enforcement issues.

Councilmember Phipps directed the Council to the part of the ordinance addressing the exterior of the chicken coop. He suggested the language be changed to address that the exterior should be painted to match the home. Mayor Shepherd agreed. Adam Lenhard, City Manager, clarified the idea was that the coop should be treated with a weather proofing material. Mr. Brimley explained the language could be changed to meet that request. There was a discussion about how the language should be modified. It was determined to remove paragraph F(6) from the ordinance and include a regulation about the exterior surface needing to be constructed in an all-weather material.

Councilmember Bush stated he wanted to see the height requirement for the coop increased from six (6) feet to seven (7) feet. There were no objections from the other members of the Council on that proposal. Councilmember Bush stated he did not have a problem with the coop five (5) feet from the property line but did not want to see coops right up against a fence. Mr. Brimley clarified that the proposed ordinance addressed that concern specifically.

Councilmember Bush asked if renters would be allowed to have chickens with permission of the property owner(s). There was a discussion about whether to allow renters to have chickens. It was determined that should be addressed by the owner and renter and not regulated by the City.

Councilmember Bush suggested that a resident who wanted chickens would need to provide the City with a site plan so compliance would be monitored. Mayor Shepherd expressed concern that site plan review of a chicken coop might become burdensome to staff. There was a discussion on whether to require a site plan. It was determined an application or license would be prepared that outlined the regulations and required staff review of the residents' plans.

Councilmember Young stated he liked the proposed distance requirements from adjacent property owners. He continued he understood that allowing chickens was a property right issue but there was a need for balance in considering the needs of adjacent properties so he was in favor of the proposed regulations in an attempt to control that balance. He also expressed his opinion that chickens would not be a greater burden to the community than dogs.

Councilmember Bush expressed his opinion that when the Council considered changes to the City's ordinances it was important to keep the needs of the entire City in mind. He stated it was

important to be mindful of all the residents not just those that were more vocal about an issue. He explained his decision would be about whether allowing chickens in residential areas was intrusive to the quality of life for adjacent properties and creating regulations that mitigated any intrusive uses. He expressed his opinion that the ordinance should address the number of chickens allowed through the household pet allowance.

Councilmember Phipps expressed concern about the Council overriding the recommendation of the Planning Commission too often on issues. He cautioned about establishing a pattern of doing that. He stated the items currently being addressed by the Council appeared to enhance the Planning Commission's recommendation. Councilmember Bush agreed the changes being proposed by the Council appeared to enhance the Planning Commission's recommendations. Councilmember Phipps expressed his opinion the issue appeared to be a property right issue. He complimented Ms. Reimann's efforts to bring change to her community. He stated the evidence appeared to support that chickens in residential areas was not intrusive.

There was a discussion about whether to include the chicken count as part of the household pet allowance. Councilmembers Bush and Young expressed opinions that the chicken count should be part of the household pet allowance.

Councilmember Phipps moved to approve Ordinance 2017-04 Version B amending Title 11 – Land Use to allow chickens on single family residential lots with following amendments:

- **Strike the proposed changes to Title 6 counting chickens as part of the household pet allowance,**
- **Replace paragraph F(6) with “The coop shall be built with a finished, all weather exterior material,” and,**
- **The height addressed in paragraph F(11) be changed from six (6) feet to seven (7) feet,**

and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. Councilmember Young stated while he was in favor of chickens he had stated his opinion on the number allowed and how it should be applied. **The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, and Roper. Voting NO – Councilmembers Bush and Young.**

APPROVAL OF ORDINANCE 2017-05 AMENDING THE CITY'S GENERAL PLAN INCLUDING THE ADOPTION OF THE DOWNTOWN SMALL AREA PLAN AS AN EXHIBIT TO THE PLAN

Councilmember Peterson referred to the language in the Plan for increasing density in R-3, residential. She expressed concern that the language needed to be stronger about areas where the City might consider those increases in density. Mr. Brimley suggested the City could use broader language there, if the Council preferred.

Councilmember Phipps asked the first paragraph of the ordinance include the word “Plan.” He also referred to references about funding on page 16 – Implementation Measure number one of the Plan and asked if the General Plan was the proper place to discuss funding issues. Mr. Brimley explained the intent of the General Plan was to address broad topics. He indicated the reference was not specific but was an effort to address the Council's objective to provide

incentives for the heart of the City including the main corridor that improved the look and feel of the community. He noted the reference was to encourage those improvements. He expressed concern that the reference might bind future councils to funding that plan. Mr. Brimley explained the General Plan was a guiding document not a regulation so the reference would not bind future decisions. Adam Lenhard, City Manager, added staff wouldn't be opposed to striking the wording. It was agreed the wording would be removed.

Councilmember Phipps also directed staff to page 20 where it talked about form based code. He expressed concern that the way it was worded might imply the City was accepting form based code. Mr. Brimley explained the wording did not imply the City had accepted form based code. Councilmember Phipps just wanted to make sure that as a goal it didn't imply the City endorsed that type of action. Mr. Brimley stated staff could make the goal broader if that was what the Council preferred. He indicated the goal helped to secure funding to study the development of a form based code. Councilmember Phipps agreed the reference did not indicate the Council would adopt a form based code if presented to it at a later date. Councilmember Phipps also asked if the reference to the Affordable Housing Study from 2014 was the most current data. Mr. Brimley stated it was the most current data.

Councilmember Peterson referred to the Future Land Use map and stated she liked continuing to reference the Clearfield Station property as mixed-use on the map.

Mr. Lenhard asked that references to the overlay zones being 'cancelled' be changed to 'non-standard' or 'inactive' because there was occasion for the City to use them in special circumstances.

Councilmember Phipps moved to approve Ordinance 2017-05 amending the City's General Plan including the adoption of the Downtown Small Area Plan as an exhibit to the plan with the following amendments;

- **Add the word "Plan" to the first paragraph of the ordinance,**
- **Include broader language in the references to density increases in the R-3, residential, areas,**
- **Remove references to funding on page 16, and,**
- **Change the word "cancel" when referring to the use of overlay zones to "non-standard" or "inactive,"**

and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE - Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF AN INCREASE TO THE CONTINGENCY FUND ON THE STEED PARK BALLFIELD ELECTRICAL UPGRADE PROJECT

The City contracted with Hidden Peak Electric to upgrade the ballfield lighting electrical system at Steed Park. The contract was originally approved by the City Council for a total project cost of \$87,300 which included a \$10,000 contingency fund. Due to unforeseen problems with the current electrical system, an additional \$5,000 was needed to finish the upgrade project and

would bring the ballfield lighting system up to code. The original budget for the project was \$125,000 and the new funding request would bring the total project cost to \$92,300.

Councilmember Young moved to approve a \$5,000 increase to the contingency fund on the Steed Park Ballfield Electrical Upgrade Project and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE - Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

APPROVAL OF THE ESTOPPEL CERTIFICATE AND CONSENT AGREEMENT
BETWEEN CLEARFIELD CITY, 888 ASSOCIATES, LLC, AND ZIONS BANK RELATING
TO THE PROPERTY LOCATED AT 888 SOUTH UNIVERSITY PARK BOULEVARD

888 Associates, LLC, owned the office building at 888 South University Park Boulevard and was in the process of refinancing a loan. Because it leased property from the City and CDRA to provide additional parking for the building, Zions Bank was requiring the owner of the land (the City and CDRA) consent to Zions' ability to lien the ground leases because they were a key aspect of the building's function. It was important to note that Zions would lien the ground leases not the property itself.

Councilmember Phipps declared that he was employed by Zions Bank but was not involved with the project. Councilmember Roper also declared he was employed by Zions Bank.

Councilmember Peterson moved to approve the Estoppel Certificate and Consent Agreement between Clearfield City, 888 Associates, LLC, and Zions Bank relating to the property located at 888 South University Park Boulevard and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE - Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

Councilmember Bush moved to adjourn and reconvene as the CDRA at 8:55 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

The minutes for the CDRA are in a separate location

The City Council reconvened at 8:58 p.m.

COMMUNICATION ITEMS

Mayor Shepherd

1. Welcomed back Adam Lenhard, City Manager, who had returned from a recent absence.
2. Recognized Wendy Page, Deputy Recorder, and Kelly Bennett, Assistant Police Chief, who were recently promoted.
3. Complimented JJ Allen, Assistant City Manager, for his extra efforts during the City Manager's absence.

4. Announced he would be unable to attend the meeting scheduled for Tuesday, April 11, 2017.

Councilmember Bush

1. Expressed appreciation to staff members for their assistance with the Neighborhood Open House Meeting that was held at Antelope Elementary on Tuesday, March 21, 2017.
2. Reported he attended an open house for the 800 North Project that would begin in 2018. He indicated that everyone seemed happy with the project.

Councilmember Peterson – expressed her desire to see chickens addressed by the City Council specific to the Agricultural Zone in the near future.

Councilmember Phipps

1. Expressed appreciation to the staff members for their efforts with the Neighborhood Open House Meetings.
2. Reported he attended a recent meeting with Wasatch Integrated. In answer to a question by Councilmember Peterson in a previous work session, he informed the Council that environment studies at the site were pending. He mentioned that Wasatch Integrated would be releasing an RFP for the demolition of the building.
3. Announced he would not be able to attend the meeting scheduled for Tuesday, April 11, 2017.

Councilmember Roper - complimented the residents for their involvement during Council meeting.

Councilmember Young – nothing to report.

STAFF REPORTS

Adam Lenhard, City Manager – nothing to report.

Nancy Dean, City Recorder – Reviewed the Council’s schedule:

- No meeting on April 4, 2017
- Work and policy session on April 11, 2017
- Neighborhood Open House on April 18, 2017 at Holt Elementary
- Work and Policy Session on April 25, 2017

There being no further business to come before the Council, **Councilmember Bush moved to adjourn the policy and reconvene as the City Council in a work session at 9:05 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

**APPROVED AND ADOPTED
This 25th day of April, 2017**

/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, March 28, 2017.

/s/Nancy R. Dean, City Recorder