

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
November 14, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Nike Peterson Vern Phipps Tim Roper Bruce Young	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Kent Bush	Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Stuart Williams Scott Hodge Greg Krusi Devin Rogers Eric Howes Summer Palmer Rich Knapp Terrence Jackson Trevor Cahoon Nancy Dean Wendy Page	City Manager Assistant City Manager City Attorney Public Works Director Police Chief Police Lieutenant Community Services Director Administrative Services Director Finance Manager IT Manager Communications Coordinator City Recorder Deputy Recorder

VISITORS: Kathryn Murray, Brady Jugler – Planning Commission Chair, Karece Thompson, Bob Bercher.

Mayor Shepherd called the meeting to order at 7:01 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during the Open Comment Period there were forms to fill out by the door.

Councilmember Young led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 12, 2017 WORK SESSION, THE SEPTEMBER 19, 2017 WORK SESSION, THE SEPTEMBER 26, 2017 WORK SESSION, THE OCTOBER 17, 2017 WORK SESSION AND THE OCTOBER 24, 2017 POLICY SESSION

Councilmember Peterson requested the September 12, 2017 work session minutes be amended to add clarity at the top of page four from “*She continued West Point City had been in favor of reorganization for a while and was pushing to have set representation on the board from the areas included in the District.*” to “*She continued West Point City had been in favor of*

*reorganization for a while and was pushing to have equal representation from each city for the District's board.”*

**Councilmember Phipps moved to approve the minutes from the September 12, 2017 work session as amended, the September 19, 2017 work session, the September 26, 2017 work session, the October 17, 2017 work session and the October 24, 2017 policy session, as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Young. Voting NO – None. Councilmember Bush was not present for the vote.**

PRESENTATION FOR CERT (COMMUNITY EMERGENCY RESPONSE TEAM)  
GRADUATION - TABLED

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF ORDINANCE 2017-18 AMENDING THE CLEARFIELD CITY CODE,  
TITLE 7 – MOTOR VEHICLES AND TRAFFIC SAFETY BY AMENDING CHAPTER 1  
AND CHAPTER 2, AND ENACTING CHAPTERS 3 THROUGH 5

Stuart Williams, City Attorney, stated the amendments were discussed previously during the work session held on October 24, 2017. He noted general updates were recommended for Title 7, Motor Vehicles and Traffic Safety to add clarification language and address changes necessary for the future civil enforcement of selected parking violations. He acknowledged staff had worked to make updates to the document discussed during work session and included the changes highlighted in red with the agenda packet. Mr. Williams indicated there were some additional corrections that had been recommended and shared the following additional recommendations:

- 7-2-2B reference to the “city council” should be amended to “city.”
- 7-2-7 change the word “or” to “and” authorizing officers of the police or fire department to direct traffic to expedite traffic *and* safeguard pedestrians.
- 7-5-5 spelling correction needed updating the word “therefor” to “therefore” in sections A and B.

Mr. Williams also explained the word *prima facie* was legal language used in Title 7 and Title 1. He acknowledged a recommendation was given to add the definition for the phrase which would add clarity. He recommended the definition be included in Title 1, Chapter 3, Section 2 since the phrase was elsewhere in the City Code. Ms. Dean recommended if it was the desire of the Council to add the definition for “*prima facie*” to the Code that the Council’s motion include that request.

Councilmember Phipps expressed appreciation for time spent in reviewing his list of comments during the work session on October 24, 2017. He recognized some of the suggested language corrections concerning the structure and perspective of the document were met; however, other

recommended changes were not updated because he was in the minority. He acknowledged he was supportive of the substance, concepts, and objectives of the proposed amendments to Title 7.

**Councilmember Peterson moved to approve Ordinance 2017-18 amending the Clearfield City Code, Title 7 – Motor Vehicles and Traffic Safety by amending Chapter 1 and Chapter 2, and enacting Chapters 3 through 5 with the recommended amendments as noted by the City Attorney including the addition of a definition for prima facie to Title 1, Chapter 3, Section 2, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Young. Voting NO – None.** Councilmember Bush was not present for the vote.

APPROVAL OF ORDINANCE 2017-17 AMENDING THE CLEARFIELD CITY CODE, TITLE 1 – BY ENACTING CHAPTER 15 – CIVIL INFRACTION HEARINGS

Stuart Williams, City Attorney, stated the amendments to Title 7 of the Clearfield City Code included the enactment of selected parking regulations being deemed civil infractions. He recommended enactment of Title 1, Chapter 15 which provided for the creation of the Civil Infraction Hearing Examiner to ensure due process in the enforcement of selected parking violations. He noted since the work session discussion on October 24, 2017 there were some minor word corrections and updates for appeals based on feedback. He commented the Administrative Office of the Courts preferred civil appeals be resolved in district court rather than the justice court. Mr. Williams indicated the appeals process was updated to reflect that any appeals would be resolved at district court.

**Councilmember Roper moved to approve Ordinance 2017-17 amending the Clearfield City Code, Title 1 by enacting Chapter 15 Civil Infraction Hearings, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Young. Voting NO – None.** Councilmember Bush was not present for the vote.

APPROVAL OF ORDINANCE 2017-19 AMENDING THE CONSOLIDATED FEE SCHEDULE ENACTING ONLINE TRAFFIC SCHOOL TUITION AND FEES FOR PARKING VIOLATIONS

Stuart Williams, City Attorney, recommend amendments to the City’s Consolidated Fee Schedule as the result of the implementation of an Online Traffic School Program, as well as the civil enforcement of selected parking violations. He noted the fee for traffic school tuition would be fifty dollars as discussed during work session on October 24, 2017. He explained the online traffic school was a voluntary program and the City would not receive all of the revenues because the plan was to contract with a vendor for those services which would retain a portion of the fees.

He mentioned receiving a suggestion to include “*parking violations*” as part of the title for “unauthorized use of streets” in the Consolidated Fee Schedule (CFS)” He acknowledged “unauthorized use of streets” was the legal definition and should remain in the CFS; however,

adding parking violations as a title could add clarity. Mr. Williams indicated there was a typo found and caught regarding the reductions in the fines which had been amended to show the parking violation would cost 125 dollars which could be reduced by \$100, \$50, or \$25 based on the time period payment was received. He reviewed another correction that was necessary in the fine amounts for some of the parking violations. He stated the fines needed to be updated from 125 dollars to 200 dollars for the following items on the fee schedule:

- Stopping, Standing and Parking 7-4-26 Fire Lanes - \$200.00
- Stopping, Standing and Parking 7-4-27 parking for Person with Disabilities - \$200.00
- Trucks, Dynamic Braking and Restricted Vehicle 7-5-2 parking of Trucks - \$200.00

Councilmember Phipps expressed his opinion that the City should be careful about not being heavy handed with its enforcement of the new ordinance with mass ticketing. He recognized the goal was to make the City a livable community and as such acknowledged feeling good about implementations which were clearly enforceable which would help resolve problems faced in previous years.

**Councilmember Young moved to approve Ordinance 2017-19 amending the Consolidated Fee Schedule enacting Online Traffic School tuition and fees for parking violations with the amendments as mentioned by the City Attorney and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Young. Voting NO – None.** Councilmember Bush was not present for the vote.

APPROVAL OF THE OPTION AND LEASE AGREEMENT WITH VERTICAL BRIDGE DEVELOPMENT, LLC FOR LEASING APPROXIMATELY 2,000 SQUARE FEET IN THE SOUTH EAST CORNER OF STEED PARK FOR THE ERECTION OF A COMMUNICATIONS TOWER

JJ Allen, Assistant City Manager, stated Vertical Bridge contacted the City about leasing space at Steed Park for the construction of a communications tower. Staff negotiated a contract for the option and lease of the property. He mentioned the proposed option and lease agreement was discussed during a work session on September 12, 2017. He noted the significant difference with the agreement since it was last discussed with the Council was the City would no longer be able to place any small pieces of equipment for communications on the tower rent free.

Mr. Allen reviewed the highlights of the option and lease agreement for property on the south east end of Steed Park as followed:

- Vertical Bridge would have an “option” for up to two years on the 2,000 square foot premises until it decided to move forward with construction, at which point the lease would commence.
- The lease would allow for up to 10 five-year terms (the initial term plus nine automatic renewals). This allowed Vertical Bridge to align the land lease with the leases it had with service providers on the tower, which were also typically five years.
- Rent for the option would be \$1,000 per year. Rent for the lease would be \$1,250 per month, with an annual escalation factor of two percent.

- Vertical Bridge would install a paved driveway from the parking lot to the leased premises, and would reconfigure the walking path in that vicinity.
- The City would be precluded from leasing any other portion of the South Steed Park parcel to another cell tower company.
- The tower would be a monopole design, similar to others in the City.

He explained fiscally over the initial five-year term the City would generate \$78,000 of revenue. He noted if the lease continued for fifty years it would generate a total 1.27 million dollars of revenue in the General Fund. Mr. Allen indicated because the Council was comfortable during the work session discussion with pursuing the opportunity, staff recommended approval of the Option and Lease Agreement with Vertical Bridge Development.

Councilmember Phipps reiterated thoughts from the work session discussion. He recommended insuring the design would not negatively impact access to or use of the trails. Mr. Allen stated that recommendation brought up was a good point. He commented the lease was separate from the land use approval process. He noted Vertical Bridge would still need to have site plan approval which could take into account the maintaining of connections to the trails, architectural concerns with equipment, construction, base and fencing.

Councilmember Phipps requested the neighborhood be notified about the construction for advisory purposes. Mr. Allen responded the site plan did not require a public notice; however, the City would notify nearby residents about the project as a courtesy.

**Councilmember Peterson moved to approve the Option and Lease Agreement with Vertical Bridge Development, LLC for leasing approximately 2,000 square feet in the south east corner of Steed Park for the erection of a communications tower and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Young. Voting NO – None.** Councilmember Bush was not present for the vote.

CANVASS THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD ON NOVEMBER 7, 2017

State Law required the governing body to verify the results of the General Election, which was held on Tuesday, November 7, 2017. Nancy Dean, City Recorder, distributed a packet to the Council which included the results from the 2017 General Election provided by the Davis County Elections Official and reviewed the results with the Council. She noted the County had record of 9,068 registered voters for the City. She continued from those registered voters 1,578 voted by mail, 102 came to the voting center at City Hall, and one person used a voting center at another location within the County. Ms. Dean indicated 240 ballots were accepted by mail after the election with a total of 1,921 ballots counted.

She explained the County had received 42 ballots which were not counted in the 2017 Municipal General Election for the City. She noted the reasons ballots from the City could not be counted were based on the following: (1) deceased persons, (20) no signature, (1) no tabs, (14) the signature did not match the registered voter signatures on file, (4) not postmarked timely and (2)

provisional ballots. She indicated the provisional ballots were those cast from non-registered voters which did not count towards the election votes; however, the ballot could be used to register that voter for future elections. Ms. Dean assured the Council that the County attempted to collect affidavits from the voters where the signature did not match so each vote could be counted.

Clearfield City Mayor

	Total	
Number of Precincts	16	
Precincts Reporting	16	100.0%
Times Counted	1921/9068	21.2%
<u>Total Votes</u>	<u>1727</u>	
Mark Shepherd	1727	100.00%

Clearfield City Council

	Total	
Number of Precincts	16	
Precincts Reporting	16	100.0%
Times Counted	1921/9068	21.2%
<u>Total Votes</u>	<u>3418</u>	
Robert Stotts	545	15.94%
Tim Roper	1267	37.07%
Brady Jugler	765	22.38%
Karece Thompson	841	24.61%

Ms. Dean further requested the Council approve the canvass results to be reported to the Lieutenant Governor’s Office with Certificates of Election prepared for Mark Shepherd, Mayor, and Tim Roper and Karece Thompson, City Council.

**Councilmember Young moved to verify the official General Election results certifying that Mark Shepherd was elected Mayor and Tim Roper and Karece Thompson were elected as City Councilmembers and authorize the City Recorder to report those results to the Lieutenant Governor’s office, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Young. Voting NO – None.** Councilmember Bush was not present for the vote.

FINANCIAL UPDATE

Rich Knapp, Finance Manager, updated the Council on the Fiscal Year (FY) 2018 revenues, expenditures, three year historic trends, and budget performance to actual for the first quarter which included months July, August and September. He highlighted the following items:

- Revenues were trending higher than budgeted.
- Sales Taxes revenues continued to increase averaging 5.1 percent or \$190,000 growth per year.

- Sales tax was increasing; however, the City's population as a percent of Utah's population was diminishing which affected the proportional distribution of sales tax revenue from State funds.
- Expenditures were under budget.
- Water consumption was up 5.4 percent despite a slight utility rate increase in January.
- Impact fees were down significantly due to a large decrease in the fees and the City Centre project included with last year's first quarter report.

Councilmember Phipps asked if the City was on track to meet the projections outlined in the budget for the fiscal year based on the review of the first quarter. Mr. Knapp responded overall the City was on track and because sales tax was the main source of revenue to the City it could have higher revenues than projected if the trend continued to increase.

Mr. Knapp reviewed economic trends for national, state and city markets. He reported the best indicator for the local economy was point of sales. He noted July and August totals for point of sales were 17 percent higher than previous first quarter sales for those same months. He stated September data was not yet available but if projections were similar to previous months the total for point of sales during the first quarter would be close to \$700,000. Mr. Knapp indicated he was not certain what percentages from point of sales were attributed to online purchases. He commented the federal, state, and local economy appeared to be good and doing well.

## COMMUNICATION ITEMS

### ***Mayor Shepherd***

1. Reported he would be attending the National League of Cities (NLC) City Summit in Charlotte, North Carolina the remainder of the week, November 15 through 18, 2017.
2. Announced he had met with Clearfield High Officers preparing for Falcons Are Fabulous week. He indicated they were setting realistic goals and hoped the local businesses and others would get involved and be supportive.
3. Congratulated newly elected officials Tim Roper and Karece Thompson.

***Councilmember Peterson*** – nothing to report.

### ***Councilmember Phipps***

1. Commented the Hill AFB Environmental Restoration Advisory Board, for which he was a representative, expressed appreciation to the City for Mayor Shepherd and the North Davis Fire District's assistance in mitigating a response with residents which were affected when there was an alert detecting possible contamination. He assured nothing harmful was identified; however, it was comforting to know the Air Force took the matters seriously.
2. Expressed appreciation for the Parks and Recreation Commission and announced its holiday lighting contest. He requested residents participate by recognizing decorative yards with a nomination. He expressed his opinion the contest helped to build unity in the community.

### ***Councilmember Roper***

1. Reported attending the Children's Justice Center Gala on November 3, 2017 with Councilmember Phipps.
2. Announced the Youth Commission kick off meeting would be Thursday, November 16, 2017.

**Councilmember Young** – Attended a Davis Chamber of Commerce meeting recently where one of the topics of discussion was tax reform. He reported needing to stay on top of the sales and use tax exemption amendments which could have a fiscal impact on the City. He expressed his opinion the proposed bill sounded like it would create a disadvantage for cities with a strong manufacturing base which was not what legislatures were trying to achieve through the legislation.

## STAFF REPORTS

**Adam Lenhard, City Manager** – sent the monthly report out earlier in the day and recommended reading the main body of the email for details regarding the strategic planning meeting scheduled for December 5, 2017.

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

- Work Session on November 21, 2017
- Work and Policy Session on November 28, 2017
- Work Session on December 5, 2017
- Work and Policy Session on December 12, 2017

Mayor Shepherd informed the Council that the work session on November 21, 2017 would begin with a Tour of the City Centre Apartments and requested those attending meet on site at 6:00 p.m. Ms. Dean advised the Council there would be a farewell dinner for Councilmember Young on December 26, 2017 and details would be forthcoming. She reported the Oath of Office Ceremony for newly elected officials would be held at 6:00 p.m. on January 2, 2018.

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn at 7:49 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Young. Voting NO – None.** Councilmember Bush was not present for the vote.

**APPROVED AND ADOPTED  
This 28<sup>th</sup> day of November, 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, November 11, 2017.

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