

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
February 27, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Brie Brass	Assistant City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Zoey Nell – Clearfield Youth Commission (CYC), Sarah Jensen – CYC, Alyssa Belford – CYC, Kaitlynn Thomson – Clearfield Youth Commission Chair, Braden Waytt – CYC, Ashley Gordon – CYC, Eden Bush – CYC, Joe Baker – CYC, Dakota Baker – CYC, Bob Bercher

Mayor Shepherd called the meeting to order at 6:01 p.m.

Councilmember Phipps joined the meeting at 6:07 p.m.

DISCUSSION ON CODE ENFORCEMENT

Stuart Williams, City Attorney, reviewed the proposed Clearfield City Code, Title 1, Chapter 16, Code Enforcement with the Council. There was a discussion which included questions, clarifications, and suggestions for the proposed code. The following topics were addressed during the discussion:

- Code enforcement officer’s authority to inspect or enter property.
- Clarification the responsible person was the property owner, tenant, or both.
- Legal terms should be written in a simplistic fashion or a definition added for clarification.
- The noticing process, probationary 12-month compliance period, and subsequent notices reverting back to the original date of non-compliance.

- Optional criminal prosecution and how that process would work.
- The hearing officer's authority to increase or decrease fine amounts.
- The appeal process and scope of district court reviews.
- Updates were needed for the numbering sequence and grammar of the drafted copy.
- Emergency abatement notification language should be reviewed to see if anything should be added for clarification.
- The one reference to the Fire Marshall stood out as unusual; however, was identified as one of three individual positions most likely to be involved with a demolition.

The consensus of the Council was to have staff incorporate any items discussed and other suggestions which would be provided following the meeting that would add clarity for residents.

Spencer Brimley, Community Development Director, briefly reviewed the civil code enforcement process. There was a discussion about the process and its differences from criminal hearings, a designee of the City Manager would be the hearing officer, anticipated compliance ratios, increased potential for processing civil cases speedily, fairness with enforcement throughout the City, and software which could possibly rank complaints based on the Council's priority preferences for enforcement.

Councilmember Bush wondered if the designated code enforcement hearing officer would be the person processing a zoning ordinance violation and variance requests or if those issues would have separate processes. Mr. Brimley commented the administrative code for land use was currently being reviewed. He anticipated the Land Use Authority as currently written or similar body would review any zoning variance requests and would not likely be the hearing officer as it would require more technical knowledge about land uses, State Statue, and City Code. There was a discussion about addressing multiple violations during a property visit; the length of time required for compliance being 12 months but could be increased at the will of the Council; the potential hearing outcomes and associated fees; and authority potentially residing with the hearing officer to decrease fine amounts in settling a code violation.

Mayor Shepherd requested the Council conclude the discussion on code enforcement temporarily to allow time for the Youth Commission discussion prior to the policy session.

DISCUSSION WITH THE YOUTH COMMISSION

Mayor Shepherd welcomed the youth in attendance from the Clearfield Youth Commission (CYC) and turned the time over to Councilmember Roper to lead the discussion.

Councilmember Roper expressed appreciation for the opportunity for the Youth Commission to discuss with the Council it vision and ideas for the CYC. He invited Kaitlynn Thomson, Youth Commission Chair, to update the Council on things the CYC had been doing. Youth Commission members in attendance introduced themselves to Mayor Shepherd, City Council and staff.

Kaitlynn Thomson, Youth Commission Chair, thanked the Council for taking time to meet with the youth. She shared the motto, purpose, bylaws, and ideas of the Youth Commission. There was a discussion about getting youth involved in social and service events in the City, fundraising opportunities, and sharing positivity as well as optimism through social media.

Ms. Thomson asked what issues the Council had where youth perspective was most desired. Councilmember Phipps responded there were not many City activities planned for youth and wondered how that could be changed. Ms. Thomson requested support from the Council for the Youth Commission's plans to have social or service events each quarter which could involve the youth from the community.

Mayor Shepherd requested to have a member of the Youth Commission participate on the Fourth of July planning committee. He indicated the meeting times would be adjusted so youth participation could be accommodated after school. He asked Ms. Thomson to assign one of the youth commissioners to attend the next Fourth of July planning meeting scheduled for March 22, 2018 at 3:00 p.m. He mentioned afterwards the youth liaison could report back to the Youth Commission and share any additional feedback at the next planning committee.

Mayor Shepherd recommended a youth commissioner also participate with the Parks and Recreation Commission. Ms. Thomson indicated there were three youth interested in attending those meetings.

Ms. Thomson wondered how best to involve youth from Hill Air Force Base (HAFB) with the social and service activities. Mayor Shepherd stated he could attend the next Youth Commission meeting and share contact information which could help include those from HAFB. Ms. Thomson invited him to the next meeting on Thursday, March 1, 2018 at 5:30 p.m.

Ms. Thomson asked if there were any known concerns with the City having a Youth Commission. Councilmember Peterson responded she was not aware of concerns but recognized the need to get youth involved within the community. She noted balancing service and social activities would be a positive thing.

Councilmember Thompson expressed his opinion youth perspective was valuable. He suggested a service project idea which focused on inclusion to help those youth who could be struggling emotionally, socially or economically. There was a discussion about ways the Youth Commission could participate with outreach events in the City.

Councilmember Roper stated the Youth Commission prepared and formalized discussion topics for its meetings ahead of time with an agenda. Mayor Shepherd acknowledged it was time for policy session to begin shortly and invited the youth available to stay for the final discussion on public art which would be following a short policy session.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:58 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

The meeting reconvened at 7:21 p.m.

DISCUSSION ON CODE ENFORCEMENT (continued)

Mayor Shepherd asked if there were additional questions about Code Enforcement which should be discussed. Councilmember Bush wondered what the anticipated time would be for implementation of the code amendments. Mr. Williams responded after incorporating the comments from the current discussion, it would be back for review and possible adoption during the March 27, 2018 policy session. JJ Allen, City Manager, commented the implementation process would happen gradually because there were several steps necessary to complete the process such as code adoption, reviewing Title 5 and other nuisance ordinances, job descriptions drafted, employees hired, and the transitioning oversight to the Community Development department. There was a discussion about necessary code updates and reorganization nuances which would impact the implementation process likely to begin late spring or mid-summer.

Councilmember Peterson asked how the fee structure was determined or if it was State regulated. Mr. Williams stated fee amounts were proposed based on review of other municipalities' fee structures but the Council could determine the amounts because they were not regulated by the State. Councilmember Peterson wanted to confirm there was not a fee for having the property inspected again after receiving a notice of violation. Mr. Williams commented a property owner could come into compliance without any fees; however, there would only be one free inspection and after the first inspection, payments would be required for any re-inspections. He anticipated the success of the program and aggressive fines would be taken care of through negotiations with the hearing officer.

Councilmember Bush wondered about the fund to collect payments, its uses, and how it would be set up. Mr. Williams responded it would be a separate fund and code was currently drafted so the funds could only be used for abatements; however, language might be added to the code to allow funds to cover other code enforcement measures and training.

Councilmember Phipps asked how the fees compared to other cities. Mr. Williams indicated the fees were based off amounts obtained from other similar cities. He continued only a small percentage of code violations would result with fines paid because there would be no fee if there was compliance within the 14-day notice period. Brie Bass, Assistant City Attorney, commented \$150 had been the standard fine amount for code violations prosecuted criminally in the justice court.

DISCUSSION ON PUBLIC ART

Trevor Cahoon, Communication Coordinator, stated staff desired further direction from Council regarding art around the City and planned to discuss 1) if there was a desire for public art, 2) was a review and application process needed, and 3) what, if any, changes should be made to City Code.

Councilmember Bush indicated several cities required public art as a part of new development. There was a discussion about public art increasing the public perception and livability of the City; art being a uniquely identifiable link to the City; art restrictions based on time, manner, and place rather than content; following guidelines of State law which prohibited certain speech or

obscenities; Utah's Department of Transportation (UDOT) regulations which didn't allow public art in its rights-of-way; locations or areas of the City which could promote public art; art versus advertising or signage; and the possibility of offensive art and its consequences. Mr. Cahoon noted the City currently didn't have any restrictions on public art and suggested it would be important to consider adopting code that could help promote the desired vision for art throughout the City. The consensus of the Council was public art was good; however, controls were needed.

The following limitations, constraints or suggestions were discussed for art within the City:

- Limiting text
- Limiting colors
- Limiting art on certain facades
- Limiting size in various locations
- Restrictions by area or zone
- Sustainability of art was important
- Longevity and keeping art in good repair
- Materials used could be limited
- Limiting surfaces for artwork
- Following State guidelines

Mayor Shepherd stated the Americold Mural could spark the desire for art in the community. He suggested the City could apply for grants to help promote public art. He mentioned the idea of having a type of jet as the art symbol which could be replicated throughout the City or along the corridor similar to the horse statues in Ogden. He requested staff draft an ordinance for public art and its restrictions which could be reviewed by the Council as well as the Youth Commission to obtain feedback.

Councilmember Bush recommended expanding the idea of having an art commission to include beautification. There was a discussion about public art, street art, temporary art, areas where art should be limited, and areas to focus on including art such as State Street, including youth in art appreciation, publically or privately funded art, an art commission, and funding options for art.

Mr. Brimley requested clarification about murals, because when the steering committee met to discuss form based code it was understood murals were not desired in the downtown area. He explained during the discussion about wall art in the downtown area it seemed the consensus was murals or wall art would be acceptable so long as it was not on front facades. He confirmed that murals were acceptable as art; however, a large mural would not be acceptable as a sign.

Mr. Cahoon reviewed the application process options including creating application criteria and a review body. He recommended having an art commission as the review body. Councilmember Bush expressed his opinion it should be an art and beautification commission. Ms. Brass noted the commission review body would determine if the application had met the requirements set forth by the City relating to the time, manner, and place restrictions. Mr. Allen added if there was a funding source established for public art, the commission could also be involved with determining the use of those funds. There was a discussion about an art foundation, the discretion which could be used towards funding art projects, having a competitive application process, avoiding litigation by staying away from commercial vs. noncommercial or content

prejudices, and the composition of an art and beautification commission. Mr. Cahoon indicated staff would prepare an application with its criteria for review.

He recommended making ordinance changes and separating art from Title 11 with its own code. He explained if art was defined by its own ordinance it could address funding, remove the Planning Commission from its governance, and have murals addressed as art rather than signs.

Councilmember Phipps questioned if there were other municipalities that had public art addressed by code. Ms. Brass responded yes, but most included art within the sign codes. There was a discussion about creating a new commission; having a separate title for public art; the possibility of having a program where one percent of project development costs were donated to the City's art foundation; and memorial projects as an optional use for the art funds. The consensus of the Council was for staff to prepare the preliminary documents which could be reviewed for creating an arts and beautification commission, Code relative to public art, and available options for having a program which funded art and how it would work.

There being no further business to come before the Council, **Councilmember Bush moved to adjourn at 8:27 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

**APPROVED AND ADOPTED
This 27th day of March, 2018**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, February 27, 2018.

/s/Nancy R. Dean, City Recorder