

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
March 12, 2019

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Nike Peterson	Mayor Pro Tem
EXCUSED:	Mark Shepherd	Mayor
PRESENT:	Kent Bush Vern Phipps Karece Thompson	Councilmember Councilmember Councilmember
EXCUSED:	Tim Roper	Councilmember
STAFF PRESENT:	JJ Allen Summer Palmer Stuart Williams Kelly Bennett Scott Hodge Mark Baird Spencer Brimley Brad McIlrath Rich Knapp Trevor Cahoon Nancy Dean	City Manager Assistant City Manager City Attorney Police Chief Public Works Director Public Works Deputy Director Community Development Director Senior Planner Finance Manager Communications Coordinator City Recorder

VISITORS: Jeff Baker, Emili Baker, London Knudsen, Khristopher Parkinson, Bryson Harris, Ray Goodrich, Brian Goodrich, Darlene Parkinson, Howard Madsen, Norm Noyes, Chad Bangerter, Scott Wiggell, Ihyla Cameron, Maria Burnett, Ricky Carlson, Nancy Smalling, Pack 723 Webelos, Kendu Givens, Sarah Givens, Dennis Richards, Eileen Richards, Ali Horsfall, Taylor Cooper, Lydia Lang, Toby Smith, Samuel Goff, Chesarai Williams, Erick Danneman, Kris Lowry, Kate Kopsischke, Kristen Pucci

Mayor Pro Tem Peterson called the meeting to order at 7:00 p.m.

Mayor Pro Tem Peterson informed the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Phipps led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 12, 2019 POLICY SESSION AND THE FEBRUARY 26, 2019 POLICY SESSION

Councilmember Bush moved to approve the minutes from the February 12, 2019 policy session and the February 26, 2019 policy session; as written, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) ONE-YEAR ACTION PLAN FOR PROGRAM YEAR JULY 1, 2019 TO JUNE 30, 2020

Brad McIlrath, Senior Planner, stated the City was required to prepare a CDBG One-Year Action Plan whenever it anticipated receiving funds. He indicated staff was anticipating approximately \$197,000 in funding from the program. The following allocations were proposed for the anticipated funds:

- **Open Doors (Family Connection Center) – \$10,000** for the Circles Program for low-income families to obtain job skills; **\$2,500** for Food Services to at-risk low income persons and families.
- **Davis Community Learning Center – \$12,143.75** to help fund two part-time Family Support Specialists (FSS) at Holt and Wasatch Elementary. The FFS would work directly with school principals and families in need or crisis to address needs and provide assistance.
- **Safe Harbor – \$5,000** for case management, self-sufficiency support, educational and supportive groups, life skills classes, and connections to other resource agencies.
- **Housing Rehabilitation – \$58,456.25** would be used towards a housing rehabilitation program for Clearfield residents.
- **Purchase of Lot – \$70,000** would be used to purchase a building lot and partner with an agency to construct a home for a low to moderate income family.
- **Administration – \$39,525** for administrative expenses in order to oversee the CDBG program at Clearfield City, create the next 5-Year Consolidated Plan, and perform the Analysis of Impediments.

Councilmember Phipps asked when the City would receive notification of the City's funding allocation from the program. Mr. McIlrath stated staff estimated a five percent reduction from last year's funding when the action plan was prepared. He added HUD also limited the amount of funding that could be allocated to public service programs. He informed the Council that the City generally received notification of the amount of funding in September.

Mayor Pro Tem Peterson opened the public hearing at 7:09 p.m.

Mayor Pro Tem Peterson asked for public comments. There were no public comments.

Councilmember Phipps moved to close the public hearing at 7:10 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

Councilmember Phipps moved to open a 30-day comment period for the CDBG One-Year Action Plan for the Program Year 2019/2020, seconded by Councilmember Thompson. All voting AYE.

OPEN COMMENT PERIOD

Eileen and Dennis Richards, residents, stated they were not notified about the placement of a billboard near their home. They stated the billboard would be a distraction and was too close to the canal. They commented the only notification they received was a request to rezone the property from residential to commercial. They said they did not want the billboard at that location.

Jeff Baker, resident, stated the neighborhood in the area of 700 East 200 South did not want a billboard located on the Mesa Storage property. He provided some maps showing the location of the billboard and its proximity to residential properties. The maps also showed the properties that claimed no notification was received about its placement. He expressed dissatisfaction with the process and how the City handled it. He suggested if the billboard was inappropriate to be placed in front of City Hall it was inappropriate to be placed anywhere in the City. He informed the Council that State Law limited the placement of billboards to within 500 feet of each other and the commercial property was 650 feet long, which would allow a second billboard. He asked the City to revoke the permit for the placement of the billboard. He added he worked as a contract employee for the City and was willing to give up his pay to provide funds for the City to help pay for any legal action that might come from revoking the permit. He suggested the current cost to the City for the billboard approval was a loss of trust in the City administration, elected officials, and Planning Commission. He expressed appreciation for the City Planner, who would not allow an electronic billboard on the site. He again asked the City to revoke the permit.

Emili Baker, resident, expressed her concern with a billboard being built in her neighbor's backyard. She asked why the billboard had to be relocated. She suggested it was bad for City business to allow the billboard to be placed near the residential neighborhood.

London Knudson, resident, expressed concern about the billboard being near her home. She suggested it would interfere with the view and interfere with the ability to sell the homes in the area. She commented she liked a quiet, respectful town and the billboard would destroy that image and beauty. She expressed her concern that home values would drop because of the placement of the billboard.

Justin Thornock, resident, could not be present but sent a letter that was read into the record by Jeff Baker. The letter expressed his disappointment with the City allowing the placement of the billboard near a residential area. The letter stated the billboard would have a negative effect on the homes and views in the area. The letter suggested a majority of the residents near the site had

no idea a billboard was being considered and its placement would create a negative effect on home values. The letter indicated Mr. Thornock was notified about the rezone application but not the permit for the billboard.

Eric Danneman, resident, stated he did not want a billboard near his home. He expressed his concern the billboard was just the first step in more commercial uses and billboards near his home. He suggested property values would drop and he didn't want to see that happen. He asked the Council to represent the residents and respect their concerns.

Kristen Pucci, resident, stated she did not want the billboard in her neighborhood. She expressed her concern that her property was completely left out of the loop on the billboard. She stated she did not want her property value to drop because of the billboard. She expressed her concern the City did not value the opinions of its residents. She asked the City to revoke the permit for the billboard.

Kate Kopischke spoke representing Scenic Utah, a statewide non-profit organization dedicated to preserving and enhancing Utah's visual environment. She spoke in support of the residents opposing the placement of the billboard. She stated there was no question the billboard would detract from the character of Clearfield. She added the nearby residents would be impacted by the visual clutter and decreased property values. She explained there were multiple studies showing that homes within 500 feet of a billboard were worth substantially less at the time of sale than those that were farther away. She expressed her opinion that the residents claiming to not having been given the opportunity to weigh in on the billboard were rightfully outraged. She suggested the placement of the billboard in close proximity to a residential area was contrary to good planning practice and contrary to Clearfield's publicly available long range strategic plan. She indicated that plan committed to engaging a broad range of stakeholders in community efforts to improve the look, feel, and function of the community. She informed the Council that Scenic Utah urged the Council to revoke the billboard's permit and provide thorough responses to the concerns of the residents. She urged the Council to consider the experiences of other communities in Utah that listened to residents' concerns and worked to eliminate, reduce, and better regulate the placement and proliferation of billboards. She offered suggestions of standards that would be more acceptable to residents. She offered the assistance of Scenic Utah in addressing the issues in Clearfield.

Councilmember Thompson expressed his support for preserving green space. He expressed regret that some of the residents felt they were never notified about the billboard. He informed them that he was not aware of their concern before the meeting and encouraged them to contact him directly when issues arose. He expressed appreciation for those who expressed their concerns.

Councilmember Bush echoed Councilmember Thompson's comments. He also stated he was unaware of the concern before the meeting and encouraged residents to contact him or any other councilmember directly with their concerns as soon as possible. He explained that sometimes notifications from the City were missed by residents.

Councilmember Peterson expressed appreciation for the concerns brought to the attention of the Council. She explained the Council could not take action on items discussed during the open comment period. She asked JJ Allen, City Manager, to address some of the concerns. Mr. Allen explained the billboard placement was granted through a conditional use permit, which was an administrative action, and there were public notice requirements associated with the consideration. He indicated mailing records should exist for the public hearing associated with the matter. He explained State Law did not allow the Planning Commission to deny the permit rather it could only impose conditions that mitigated some of the impacts. He continued there was no action available to the City Council that would revoke the permit for the billboard. He assured the residents that their concerns were recorded and part of the minutes for the meeting. He commented the City believed it followed the procedures required in its consideration of the billboard's permit.

Councilmember Phipps expressed appreciation to the residents for coming and expressing their concerns. He commented he did not know about the issue before the meeting. He reiterated the City Council was bound by law on the matter and it would not be legal for the body to take any action on the issue without proper noticing. He acknowledged the concerns of the residents.

Stuart Williams, City Attorney, reiterated the City believed it met the requirements of the law in the matter. He commented the communication efforts could be reviewed regarding the issues but there was no action available to the City Council during the open comment period.

The residents were invited to meet with staff further on the issue following the meeting.

APPROVAL OF RESOLUTION 2019R-10 ANNEXING SUNSET CITY INTO THE NORTH DAVIS FIRE DISTRICT'S SERVICE AREA FOR FIRE PROTECTION AND EMERGENCY MEDICAL AND AMBULANCE SERVICES

Mark Becraft, Fire Chief for the North Davis Fire District (NDFD), stated Sunset City petitioned the North Davis Fire District (NDFD) to consider its annexation into the District's service area for fire protection and emergency medical and ambulance services. He explained the North Davis Fire District passed its Resolution 2018R-11 requesting Clearfield City, as the Governing Authority for the NDFD, take all the necessary and appropriate action to annex Sunset City into its boundaries. He stated the request was initially made in the fall of 2017 but put on hold because of a filed referendum in Sunset City. He indicated the issue was resolved and the annexation could now move forward.

Councilmember Phipps asked if the filed referendum was withdrawn. Chief Becraft responded the filed referendum was specific to a new Sunset City ordinance regarding the structure of its fire department not the annexation.

Sunset City Mayor Madsen added the annexation request had been a long process for Sunset City. He thanked Clearfield City for its patience and consideration of the request. He explained the referendum filed by voters was specific to a new ordinance on the structure of Sunset's fire department. He indicated that ordinance was rescinded so the referendum became moot allowing the annexation request to move forward. He also informed the Council that Chief Becraft was

appointed the Sunset City Fire Chief ending the legal arguments for the referendum. He stated Sunset City had since held additional public meetings on the issue that were not well attended and was now looking forward to a partnership with the NDFD.

Councilmember Thompson moved to approve Resolution 2019R-10 annexing Sunset City into the North Davis Fire District's service area for fire protection and emergency medical and ambulance services and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

APPROVAL OF ORDINANCE 2019-09 ENACTING A TEMPORARY LAND USE REGULATION REGARDING MASSAGE PARLOR ESTABLISHMENTS APPLICABLE TO THE COMMERCIALY ZONED PROPERTIES LOCATED WITHIN THE CITY'S GEOGRAPHIC BOUNDARIES

Stuart Williams, City Attorney, noted the City had revoked five massage parlor businesses licenses located within City boundaries within the past four years as a result of criminal and administrative violations occurring on the premises of the massage parlors. He indicated the City found a compelling, countervailing public interest to regulate massage parlors within its boundaries in order to promote the health, safety, and welfare of the community; and to serve the best interests of the City's residents, visitors, and property and business owners.

Councilmember Thompson moved to approve Ordinance 2019-09 enacting a temporary land use regulation regarding massage parlor establishments applicable to the commercially zoned properties located within the City's geographic boundaries and authorize the Mayor Pro Tem's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

APPROVAL OF RESOLUTION 2019R-07 AUTHORIZING AMENDMENT NO. 3 TO THE INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY FOR ANIMAL CONTROL SERVICES

Kelly Bennett, Police Chief, stated Davis County Animal Care and Control provided animal control services for the City. He indicated the service was essential to the residents of Clearfield City in order to promote public health, safety, and improve the City's image and livability. He stated each year the services and fees were reviewed and the agreement amended as necessary. Chief Bennett explained Amendment No. 3 increased the fee for the services for 2019 just under \$13,000 annually.

Councilmember Phipps moved to approve Resolution 2019R-07 authorizing Amendment No. 3 to the Interlocal Cooperation Agreement with Davis County for animal control services and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE –

Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None.
Councilmember Roper was not present for the vote.

APPROVAL OF RESOLUTION 2019R-08 AUTHORIZING THE INTERLOCAL AGREEMENT WITH DAVIS COUNTY FOR ELECTION SERVICES

Nancy Dean, City Recorder, reported the City had successfully conducted its last two municipal elections by mail with the assistance of the Davis County Clerk's office. She mentioned the County had the resources and equipment necessary to continue to assist in administering the election by mail. She stated the Interlocal Agreement set out the terms and fees for that service. Ms. Dean indicated staff was recommending approval of Resolution 2019R-08 authorizing the Interlocal Agreement with Davis County for election services.

Councilmember Bush moved to approve Resolution 2019R-08 authorizing the Interlocal Agreement with Davis County for election services and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

COMMUNICATION ITEMS

Mayor Pro Tem Peterson

1. Reported she joined other community leaders at the First Baptist Church to hear a presentation on the Constitution and freedom of religion. She expressed appreciation for the First Baptist Church's efforts in setting up the event.
2. Reminded the community of the City's networking luncheons each month. She stated the March event would be held during the evening on Wednesday, March 13, 2019 at 7:00 p.m. at the Community Art Center.
3. Thanked staff and the police chief for their efforts tracking bills and working at the Legislature during the current session.

Councilmember Bush

1. Wished Scott Hodge, Public Works Director, a happy birthday.
2. Attended the Republican Women's meeting last week. He informed the Council that there was a discussion about obscene and suggestive magazines being displayed in businesses. Troy Rawlings, Davis County Attorney, talked about the State Law on the matter and what cities could do about it.

Councilmember Phipps – nothing to report.

Councilmember Thompson – stated the 2020 census was coming and it was important for all residents to participate. He explained there needed to be an accurate accounting of the community through the census. He encouraged residents to participate. He also stated federal funds were often distributed based on the statistics gathered by the census.

STAFF REPORTS

JJ Allen, City Manager

1. Wished Scott Hodge, Public Works Director, a happy birthday.

2. Thanked Rich Knapp, Finance Manager, and Lee Naylor, Accountant, for their efforts in working to prepare the FY 2020 budget for the Council's review.
3. Reported the monthly report was emailed to the Council earlier in the day.
4. Directed the Council to the invitation to a United Way of Salt Lake event where Wasatch Elementary would be recognized. He asked the members of the Council to let him know if they wanted to attend and he would get them registered.

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

- Work Session on March 19, 2019
- Policy Session on March 26, 2019
- Work Session on April 2, 2019
- Policy Session on April 9, 2019

Scott Hodge, Public Works Director, updated the Council on the canal company's construction project near the Davis Weber Canal and the installation of boxed culverts. He stated the City replaced its waterline casing under the culvert as part of the project for future expansion of the line. He also reported the last area to be worked on for the project was the bridge over the canal at 1500 East and while there the canal company discovered the City's waterline, twenty feet farther west than expected. He explained the waterline needed to be moved for the canal company to complete its project because it was too high to have a boxed culvert placed on it. He reported staff would be meeting to address how to get the project done quickly so as not to hamper the canal company's construction.

There being no further business to come before the Council, **Councilmember Bush moved to adjourn at 8:05 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None.** Councilmember Roper was not present for the vote.

**APPROVED AND ADOPTED
This 26th day of March, 2019**

/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 12, 2019.

/s/Nancy R. Dean, City Recorder