

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
May 28, 2019

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush Nike Peterson Vern Phipps Karece Thompson	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Tim Roper	Councilmember
STAFF PRESENT:	JJ Allen Summer Palmer Stuart Williams Kelly Bennett Scott Hodge Mark Baird Adam Favero Eric Howes Brad McIlrath Nick Porter Rich Knapp Lee Naylor Trevor Cahoon Nancy Dean Wendy Page	City Manager Assistant City Manager City Attorney Police Chief Public Works Director Public Works Deputy Director Utility Specialist Community Services Director Senior Planner Management Intern Finance Manager Accountant Communications Coordinator City Recorder Deputy Recorder
EXCUSED:	Spencer Brimley	Community Development Director

VISITORS: John Bates, Ethan Swank, Kyle Weaver, Bob Bercher, Bryce Thurgood

Mayor Shepherd called the meeting to order at 7:00 p.m.

Mayor Shepherd 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 Peterson led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE MAY 7, 2019 WORK SESSION AND THE MAY 14, 2019 POLICY SESSION

**Councilmember Bush moved to approve the minutes from the May 7, 2019 work session and the May 14, 2019 policy session; as written, seconded by Councilmember Peterson. 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST FOR A ZONING TEXT AMENDMENT TO AMEND CITY CODE § 11-15-8F BILLBOARD REGULATIONS

Nick Porter, Management Intern, explained a billboard was recently relocated to a commercially zoned property located at I-15 and 200 South adjacent to a single family residential neighborhood. He noted concerns were raised by residents that prompted the Council to direct staff to research standards that might protect residential areas from the impacts of billboards.

He stated the proposed amendments were the result of that study and review of other municipal codes and information provided by Scenic Utah as well as input received from the Council during its work session discussion on May 21, 2019. Mr. Porter reviewed the proposed amendments. He stated staff was asked to do research on light dispersion from billboards into residences. He reported no information was found; however, darksky.org had identified acceptable and unacceptable types of lighting for billboards to help limit the amount of light trespass. He stated staff recommended that the amended code include in the language that billboards must be lit from below with “dark sky” compatible lights or stipulate that billboards must be lit from below with a certain type of light.

Mayor Shepherd opened the public hearing at 7:05 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Peterson moved to close the public hearing at 7:06 p.m. 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 90 WEST 200 SOUTH (TIN: 12-020-0062) FROM R-1-8 (RESIDENTIAL) TO R-1-6 (RESIDENTIAL)

Brad McIlrath, Senior Planner, stated Kyle Weaver, applicant, requested a rezone of the property located at approximately 90 West 200 South from R-1-8 (Residential) to R-1-6 (Residential) in order to subdivide the property. He noted the previous request to rezone the property to R-3

(Multi-family Residential) was denied by the City Council in July 2018 mostly due to increase density along the corridor. He explained since that decision, the General Plan was amended and now allowed the use of the R-1-6 zone for single family residential infill development. Mr. McIlrath reviewed the request, the current zoning maps and surrounding uses. He pointed out the lot sizes for the R-1-6 zone would be comparable to the adjacent Wedgewood Estates Subdivision. He commented the Planning Commission discussed the request at its meeting on May 8, 2019 and recommended approval.

Mayor Shepherd opened the public hearing at 7:07 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Bush moved to close the public hearing at 7:08 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.

#### OPEN COMMENT PERIOD

*Ethan Swank, resident*, was recognized by Mayor Shepherd for earning the rank of Eagle Scout with the Boy Scouts of America. He reported to the Council about his service project at Hamblin Park and thanked the City and Ben Frye for assistance in coordination of the project.

Mayor Shepherd commended him for his efforts. He said he had attended Mr. Swank's court of honor ceremony and presented him with a coin and certificate for the accomplishment. Mr. Swank thanked Mayor Shepherd for attending his court of honor.

Mayor Shepherd and the Council congratulated him and gathered for a group photo.

*John Bates, resident*, thanked Mayor Shepherd and the City for supporting the scouting program. He stated Ben Frye, Parks Superintendent, was terrific to work with and helpful in providing opportunities for various eagle projects. Mayor Shepherd indicated he was on a Board to come up with the leadership for the Davis and Weber County area so the scouting program would continue to function despite future changes in January when the Church of Jesus Christ of Latter-day Saints would remove itself from the program.

#### APPROVAL OF ORDINANCE 2019-16 AMENDING CITY CODE § 11-15-8F BILLBOARD REGULATIONS

Councilmember Peterson asked if the original recommendations from the Planning Commission could be administratively fine-tuned to add the wording about darksky.org recommendations or if it would need to be brought back to the Council for approval at a later date. Brad McIlrath, Senior Planner, responded the Planning Commission could add to the ordinance or it could be

worked on administratively if there was direction from the Council. He expressed his concern that if the City did not have a clear standard in its Code it could be easily misinterpreted.

The Council discussed its desire for the Code to be more flexible rather than more specific about brands of lights or Dark Sky standards should the brands or organization discontinue in the future. Mr. McIlrath suggested when an application for billboards was received by the City it could be required to include a lighting schematic or something similar to a photometric site plan showing how the light would be distributed on the billboard. Councilmember Phipps commented when staff reviewed the standards and criteria of Dark Sky there was probably text that directed the definition of acceptable lighting such as fixtures that shield the light source to minimize glare and light trespass. He clarified the Council was not concerned about if the light pointed up or down, but about the amount of light trespass. The Council expressed trust in the ability of staff to write the Code based on what had been discussed. Mr. McIlrath stated it would be good to include language in the Code that spoke to the shielding of the light. There was a discussion about phrasing of the motion that would allow staff to amend the drafted ordinance language to include the lighting of billboards be consistent with the intent of darksky.org for light trespass.

**Councilmember Phipps moved to approve Ordinance 2019-16 amending City Code § 11-15-8f Billboard Regulations with the stipulation that the regulation was amended to include criteria consistent with the intent of Dark Sky for light trespass and authorize the Mayor'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 ORDINANCE 2019-15 REZONING PROPERTY LOCATED AT APPROXIMATELY 90 WEST 200 SOUTH (TIN: 12-020-0062) FROM R-1-8 (RESIDENTIAL) TO R-1-6 (RESIDENTIAL)

**Councilmember Bush moved to approve Ordinance 2019-15 rezoning property located at approximately 90 West 200 South from R-1-8 (Residential) to R-1-6 (Residential) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. 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 THE DEVELOPMENT AGREEMENT WITH BRAVADA 193, LLC, FOR THE DEVELOPMENT OF THE PROPERTY LOCATED IN THE VICINITY OF 788 SOUTH 2000 EAST (TIN: 09-419-0102)

Brad McIlrath, Senior Planner, stated the applicant requested and received a conditional use permit to construct a 328-unit apartment development in the vicinity of 788 South 2000 East. He mentioned the applicant intended to develop a mixed use project which included high density residential, commercial space, and tied in with a proposed convenience store on the corner of 700 South and 2000 East. He commented the property was rezoned from C-2 (Commercial) to D-R (Downtown Redevelopment) in August 2018. Mr. McIlrath indicated the applicant had requested modifications to the standards specifically for timing of the development related to the

commercial and residential so that along with parking requirements were addressed through the development agreement. He noted the Council had reviewed the drafted development agreement during its work session on May 21, 2019 which addressed the parking issues and the development phasing and asked if there were any questions.

The Council expressed its need for staff to make sure that the tandem parking did not outnumber the two- and three-bedroom units. Mr. McIlrath stated Buildings C and D had 47 tandem parking spaces and there would be at least 47 two- and three-bedroom units. He reviewed the development agreement with the Council regarding parking and the phasing of the project. He stated phasing in that way would bring in the commercial the City was looking for in that area as well as allow for residential development. Mayor Shepherd reiterated the City should get a commercial development at the same time as a residential development.

Councilmember Phipps expressed his personal philosophy that Clearfield as a community lent itself to permanent residents who were building the community as opposed to transient residents that are living in Clearfield until they could afford a down payment. He reiterated it was his approach when it came to approve high density housing. Councilmember Bush agreed.

**Councilmember Peterson moved to approve the development agreement with Bravada 193, LLC for the development of the property located in the vicinity of 788 South 2000 East subject to the completion of required land use and other agency requirements and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson and Thompson and Mayor Shepherd. Voting NO – Councilmembers Phipps and Bush.** Councilmember Roper was not present for the vote.

APPROVAL OF THE AMENDED DEVELOPMENT AGREEMENT WITH HAMBLIN INVESTMENT GROUP, LLC FOR THE DEVELOPMENT OF KENSINGTON PLACE TOWNHOMES SUBDIVISION LOCATED AT 852 AND 880 SOUTH 550 EAST (TIN: 12-815-0001 AND 12-815-0002)

Brad McIlrath, Senior Planner, mentioned the Kensington Place Phase II Development Agreement was originally executed and recorded with the County on February 6, 2015. He stated the agreement outlined the specific development and design standards for the subdivision. He noted the Council recently approved an amendment to the subdivision plat for the expansion of the development to have six additional townhomes and a future office/storage space. Mr. McIlrath continued a condition of approval was for the developer to amend the original development agreement to include the additional space of the subdivision and record it in conjunction with the amended plat. He commented the Council had reviewed the draft agreement at its work session on May 21, 2019.

**Councilmember Thompson moved to approve the amended development agreement with Hamblin Investment Group, LLC for the development of Kensington Place townhomes subdivision located at 852 and 880 South 550 East (TIN: 12-815-0001 and 12-815-0002) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. 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 Shepherd***

1. Attended the City's Memorial Day flag ceremony on May 27, 2019. He thanked Eric Howes, Community Services Director for speaking at the last second when the speaker cancelled.
2. Thanked staff for its efforts with the Hamblin Park ribbon cutting ceremony on May 21, 2019. He recognized the park was named and dedicated in honor of the late and former mayor, Neldon Hamblin.
3. Reported attending a meeting with Open Doors. He indicated the group was preparing for the future without the Utah Food Bank resources. He noted Pastor Ron Brown was looking for a new location for the Hope Center and its pantry because the building was being renovated and would not be available much longer.
4. Working to find solutions on youth issues with BBRC and Open Doors.
5. Planned to speak at the Job Corp graduation ceremony on Thursday, May 30, 2019. He invited the Council to attend if available.
5. Intended and was invited to participate on a scouting committee with Davis and Weber counties to address new leadership and a redesign of the program.
6. Thanked Scott Hodge, Public Works Director, for his 40 plus years of service with the City. He mentioned Mr. Hodge had left his touch on the City by changing lives and changing the City for its good.
7. Reported the City provided a scholarship for \$1,000 to Braden Watt at the Clearfield High School awards assembly on May 22, 2019, for his academic achievement, participation on the Youth Commission, and service provided to the City.
8. Announced he would be out of town Friday, May 31 – Monday, June 3, 2019.

### ***Councilmember Bush***

1. Attended the state transportation committee meeting on May 17, 2019. He learned more about some of the transportation issues facing the state including airports and other transportation statewide.
2. Enjoyed the Hamblin Park dedication.
3. Reported he was representing the North Davis Kiwanis Club at North Davis Junior High and many of the elementary schools to grant the Freedom Leadership Awards during upcoming ceremonies.
4. Attended the Fourth of July committee planning meetings.
5. Apologized for not being at the City's Memorial Day flag raising ceremony.

### ***Councilmember Peterson***

1. Expressed thanks to staff for the Hamblin Park dedication and Memorial Day flag raising event.
2. Acknowledged Scott Hodge was retiring and the meeting was his last City Council meeting. She thanked him for his forty plus years of working for the City.
3. Reported receiving comments from residents that their requests had received prompt responses.
4. Congratulated those students who would be graduating from Clearfield High School on Thursday, May 30, 2019.

### ***Councilmember Phipps***

1. Announced he would be out of town Wednesday, May 29 through Sunday, June 2, 2019.
2. Reiterated appreciation for Scott Hodge and his work done for the City. He wished him well in retirement.
3. Shared photos and information with the Council about the Wasatch Integrated facilities and its progressive waste management and recycling efforts.

*Councilmember Thompson* – nothing to report.

## STAFF REPORTS

### *JJ Allen, City Manager*

1. Invited Mayor Shepherd and the Council to attend the retirement party for Scott Hodge on Thursday, May 30, 2019. He commended Mr. Hodge was an example of quiet, firm, and steady leadership.
2. Wished Happy Birthday to Councilmember Peterson for her birthday celebrated on May 27, 2019.

*Summer Palmer, Assistant City Manager* – invited the Council to attend a benefit meeting on Thursday, May 30, 2019 because there would be a change to the health insurance provider beginning July 1, 2019, so any interested in an update should be in attendance to learn more. Mayor Shepherd indicated it would be a passive enrollment; however, learning more about the benefits would be worth the time to attend.

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

- No meeting on June 4, 2019
- Policy Session on June 11, 2019
- Work Session on June 18, 2019
- Policy Session on June 25, 2019
- No meeting on July 2, 2019

Ms. Dean reminded those interested in running for City Council that the declaration period would begin on June 3, 2019 and there were three City Council seats open in the City’s 2019 Municipal Election.

*Scott Hodge, Public Works Director* – expressed his gratitude to be able to work for the City for 40 years. He said he had a great love for the community and many family members lived and worked in the City. He thanked the City Council and Mayor Shepherd for their support in accomplishing many of the great City projects. He stated many great people remained and would continue to move the work forward.

**Councilmember Bush moved to adjourn the policy session and reconvene in work session at 7:56 p.m., seconded by Councilmember Peterson. 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 25<sup>th</sup> day of June, 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, May 28, 2019.

/s/Nancy R. Dean, City Recorder