

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
September 10, 2019

City Building  
55 South State Street  
Clearfield City, Utah

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
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Fred Blount, Nancy Weber – 2020 Census, Jo E. Reynolds, Matt Miller, John Losee, Bob Bercher, Ruth Jones, Telsie Nay, Debbie Barrett, Todd Meyers – Maverik, Zachary Page, Elise Page, Leslie Mascaro, Justin Taylor – Alta Homes, Shalese Cerniglia, Kristi Thompson, Devin Prouty, Chris Uccardi

Mayor Shepherd called the meeting to order at 7:01 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 Roper led and invited Pastor Miller to participate in the opening ceremony.

APPROVAL OF THE MINUTES FROM THE AUGUST 27, 2019 POLICY SESSION

**Councilmember Phipps moved to approve the minutes from August 27, 2019 policy session; as written, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PRESENTATION BY NANCY WEBER ON BECOMING A CENSUS WORKER FOR THE 2020 CENSUS

Nancy Weber, Census Bureau, displayed a yard recruitment sign in an effort to obtain workers to assist with the 2020 Census. She explained the importance of collecting data, providing statistics, and the funding that was based on the data collected. She pointed out the wage and flexibility of the jobs.

Ms. Weber shared a video about the 2020 Census jobs. She requested the Council inform people about the jobs available. Mayor Shepherd thanked her for coming.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO AMEND THE CITY'S GENERAL PLAN FUTURE LAND USE MAP DESIGNATING A MAJORITY OF THE PROPERTY LOCATED AT APPROXIMATELY 1040 WEST 700 SOUTH (TIN: 12-026-0011) FROM MANUFACTURING TO RESIDENTIAL

Brad McIlrath, Senior Planner, reviewed the three items on the agenda related to the property at approximately 1040 West 700 South. He stated John Losee, owner of the property, requested to change the zoning to allow the property to be subdivided into two lots. The property at the time of the request was zoned A-1 (Agricultural) and the property was designated as manufacturing in the General Plan Future Land Use Map. He stated there would be a rezone request to rezone the entire property from A-1 (Agriculture) to R-1-8 (Residential) for the front lot and M-1 (Manufacturing) for the lot in the rear where a cell tower was currently located.

Mr. McIlrath reviewed the subdivision plat submitted for approval and noted the rezone would be necessary because the property was not wide enough to meet the current A-1 zone.

Councilmember Bush wondered if the company operating the cell tower would own the back lot which would be zoned M-1. Mr. McIlrath stated it appeared the company would own and maintain the M-1 lot and access road and the future owner would maintain the front R-1-8 lot.

Mayor Shepherd opened the public hearing at 7:19 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Peterson moved to close the public hearing at 7:20 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO REZONE THE PROPERTY LOCATED AT APPROXIMATELY 1040 WEST 700 SOUTH (TIN: 12-026-0011) FROM A-1 (AGRICULTURAL) TO R-1-8 (RESIDENTIAL) AND M-1 (MANUFACTURING)

Brad McIlrath, Senior Planner, introduced the rezone request along with the prior agenda item: Public Hearing on a request to amend the City's General Plan Future Land Use Map for the same address located at approximately 1040 West 700 South.

Mayor Shepherd opened the public hearing at 7:21 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Thompson moved to close the public hearing at 7:22 p.m. seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO AMEND CITY CODE § 11-15A-3A – FREEWAY ORIENTED SIGNAGE OVERLAY ZONE (S-O)

Brad McIlrath, Senior Planner, discussed a zoning text amendment request from Maverik regarding freeway oriented signage height. At the time of the request the City Code based freeway oriented signage height from the site grade. The proposed amendment would instead base the height of freeway oriented signage from the adjacent freeway grade. Mr. McIlrath explained how the City determined the requirements and measurements for freeway oriented signs. He stated staff recommended approval of the text amendment.

Mayor Shepherd opened the public hearing at 7:27 p.m.

Mayor Shepherd asked for public comments.

*Todd Meyers*, Maverik, reported the staff report was very thorough and asked if the Council had any questions. There were no questions.

**Councilmember Roper moved to close the public hearing at 7:28 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO REZONE THE PROPERTY LOCATED AT APPROXIMATELY 938 SOUTH UNIVERSITY PARK BOULEVARD (TIN: 09-302-0009) FROM C-2 (COMMERCIAL) TO R-3 (RESIDENTIAL)

Brad McIlrath, Senior Planner, indicated the applicant requested to rezone 2.74 acres of the 3.46 acre property from C-2 (Commercial) to R-3 (Residential). The intent of the rezone request was to then subdivide and develop the front 0.73 acres of the property for commercial use and the back 2.74 acres with townhomes. Mr. McIlrath continued to highlight the details as explained in the staff report. He recommended the proposed project be approved because the General Plan designated mixed-use for the area. He then noted the Planning Commission recommended the requirement of a development agreement that focused on the timing of the development of the commercial portion and limited the building type of the residential portion to townhomes. Mr. McIlrath noted that the utilities were shared in the area with Layton City.

Mayor Shepherd opened the public hearing at 7:33 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Thompson moved to close the public hearing at 7:34 p.m. seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

OPEN COMMENT PERIOD

*Jo E. Reynolds*, resident, stated at the time there were no stop signs on 2200 South and cars were speeding at excessive speeds. She expressed her concern that children were going to get hit.

*Kristi Thompson*, resident, lived in the Fox Hollow area in close proximity to Bravo! child care center and the Fox Hollow Park. She explained the frequency of cars speeding in the area. Ms. Thompson shared her opinion that the installation of speed bumps would better serve the area and help keep the residents safe.

*Debbie Barrett*, resident, stated she provided childcare from her home. She expressed her concern regarding vehicle speeds in the area and the safety of the residents and the students of her childcare.

*Elise and Zachary Page*, residents, stated they ran a preschool from their home. Ms. Page explained she informed the parents of her students to be cautious when children are dropped off and picked up. Ms. Page expressed her concern about the vehicle speeds.

*Shalese Cerniglia*, resident, provided a written comment about several cars traveling at excessive speeds near Fox Hollow Park. She expressed her concern about the speeds because of the many children in the neighborhood. Ms. Cerniglia also worried for her own safety when going to get her mail.

Mayor Shepherd stated he would pass the information on to Kelly Bennett, Police Chief, to further investigate possible solutions.

JJ Allen, City Manager, said enforcement was only one aspect, slowing traffic down enhanced enforcement. He stated the City was in the process of hiring a City Engineer, which could help with possible solutions.

APPROVAL OF ORDINANCE 2019-19 AMENDING THE CITY'S GENERAL PLAN FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR A MAJORITY (0.57 ACRES) OF THE PROPERTY LOCATED AT APPROXIMATELY 1040 WEST 700 SOUTH (TIN: 12-026-0011) FROM MANUFACTURING TO RESIDENTIAL

**Councilmember Phipps moved to approve Ordinance 2019-19 amending the City's General Plan Future Land Use Map by changing the land use designation for a majority (0.57 acres) of the property located at approximately 1040 West 700 South (TIN: 12-026-0011) from Manufacturing to Residential 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2019-20 REZONING THE PROPERTY (0.57 ACRES) LOCATED AT APPROXIMATELY 1040 WEST 700 SOUTH (TIN: 12-026-0011) FROM A-1 (AGRICULTURAL) TO R-1-8 (RESIDENTIAL) AND M-1 (MANUFACTURING)

**Councilmember Peterson moved to approve Ordinance 2019-20 rezoning the property (0.57 acres) located at approximately 1040 West 700 South (TIN: 12-026-0011) from A-1 (Agricultural) to R-1-8 (Residential) and M-1 (Manufacturing) 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2019-21 AMENDING TITLE 11, CHAPTER 15A, SECTION 3, PARAGRAPH A - FREEWAY ORIENTED SIGNAGE OVERLAY ZONE (S-O)

**Councilmember Roper moved to approve Ordinance 2019-21 amending Title 11, Chapter 15A, Section 3, Paragraph A – Freeway Oriented Signage Overlay Zone (S-O) 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2019-22 REZONING A PORTION OF THE PROPERTY LOCATED AT APPROXIMATELY 938 SOUTH UNIVERSITY PARK BOULEVARD (TIN: 09-302-0009) FROM C-2 (COMMERCIAL) TO R-3 (RESIDENTIAL)

Councilmember Thompson asked if the requirement of a development agreement needed to be added to the language for the motion. Nancy Dean, City Recorder, agreed it should be added.

**Councilmember Thompson moved to approve Ordinance 2019-22 rezoning a portion of the property located at approximately 938 South University Park Boulevard (TIN: 09-302-0009) from C-2 (Commercial) to R-3 (Residential) conditional upon the Planning Commission recommendation to negotiate a Development Agreement 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2019-23 AMENDING TITLE 1, CHAPTER 6 – MAYOR AND CITY COUNCIL AND TITLE 1, CHAPTER 7 – OFFICERS AND EMPLOYEES OF THE CLEARFIELD CITY CODE

Nancy Dean, City Recorder, stated the City Council approved and adopted its Council Rules of Order and Procedure on August 27, 2019. She indicated it necessitated an update to Title 1, Chapter 6 – Mayor and City Council because it also contained rules for the City Council. She mentioned staff also found updates needed in Title 1, Chapter 7 – Officers and Employees during the review that needed to be updated in order to be consistent with recent changes in State Code.

Ms. Dean pointed out many of the changes were to reference the State Code and remove outdated language.

**Councilmember Roper moved to approve Ordinance 2019-23 amending Title 1, Chapter 6 – Mayor and City Council and Title 1, Chapter 7 – Officers and Employees of the Clearfield City Code 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF THE DEVELOPMENT AGREEMENT WITH GOLD STREAM PARTNERS, LLC FOR THE DEVELOPMENT OF THE PROPERTY LOCATED AT APPROXIMATELY 458 EAST 700 SOUTH (TIN: 15-011-0003)

Brad McIlrath, Senior Planner, stated the Depot Crossing commercial and residential development included an office building at approximately the corner of Depot Street and 700 South and a 32-unit townhome subdivision to the south of the office building and Masonic Temple. He noted that at the time of the request those properties were located in the T-C (Town Commerce) zone and as required by the Form-Based Code (FBC), townhomes were only allowed in that zone if located to the rear of a commercial building. Mr. McIlrath stated that with topography and Utah Department of Transportation (UDOT) challenges along 700 South

the developer requested approval of the office building with modifications to some FBC standards as allowed through a development agreement.

Mr. McIlrath reviewed the following requested modifications to the FBC standards:

- Sidewalks
- Benches
- Building Entry
- Open Space
- Order of Construction

Mr. McIlrath emphasized part of the development agreement included a stipulation that required the commercial building go vertical prior to occupancy permits being issued for the residential component of the development.

**Councilmember Bush moved to approve the development agreement with Gold Stream Partners, LLC for the development of the property located at approximately 458 East 700 South 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE JOHN LOSEE SUBDIVISION LOCATED AT APPROXIMATELY 1040 WEST 700 SOUTH (TIN: 12-026-0011)

**Councilmember Thompson moved to approve the Final Subdivision Plat for the John Losee Subdivision located at approximately 1040 West 700 South with the three conditions as recommended by the Planning Commission and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE TOWERS AT LEGEND HILLS SUBDIVISION LOCATED AT APPROXIMATELY 1300 SOUTH 2000 EAST (TINS: 09-341-0306 AND 09-341-0305)

Brad McIlrath, Senior Planner, explained Wright Development proposed to create a 2-lot subdivision called Towers at Legend Hills Subdivision located at approximately 1300 South 2000 East. He stated the applicant intended to develop Lot 1 as commercial use and Lot 2 as the proposed Towers at Legend Hills Apartments. He commented the Planning Commission reviewed the plat at its meeting on July 17, 2019, and recommended approval based on six conditions as described in the staff report.

**Councilmember Bush moved to approve the Final Subdivision Plat for the Towers at Legend Hills Subdivision with the six conditions as recommended by the Planning Commission 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2019-24 ENACTING TITLE 4, CHAPTER 12 – MASSAGE BUSINESSES

Stuart Williams, City Attorney, stated on March 12, 2019, the City Council approved a land use moratorium on the establishment and/or relocation of massage businesses. He mentioned the land use moratorium was scheduled to expire on September 12, 2019. He indicated staff proposed a massage business license ordinance, which was intended to allow for the approval of applications for development, erection, construction, reconstruction, installation, alteration, licensing, or relocation of any massage business on commercially zoned property throughout the City. He reported there had been some concerns expressed by members of the Council, which were discussed in the work session earlier that evening. He suggested the language could be updated as proposed by the Council.

The approval of ordinance 2019-24 was subject to editorial adjustments as reviewed during the earlier work session.

**Councilmember Thompson moved to approve Ordinance 2019-24 enacting Title 4, Chapter 12 – Massage Businesses with the additions or changes made during the earlier work session 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, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2019-25 AMENDING THE CITY’S CONSOLIDATED FEE SCHEDULE BY UPDATING THE FEES FOR POLICE RECORDS AND GRAMA, AS WELL AS ENACTING FEES FOR THE LICENSING OF MASSAGE TYPE BUSINESSES

Nancy Dean, City Recorder, stated staff recently reviewed its processes for responding to record requests for police records. She mentioned as a result of the review, a determination was made that requests for police records should be handled in the same manner as any other request for records; consequently, staff proposed a change to the City’s Consolidated Fee Schedule. The change would allow for the varying hourly rates that might apply and be more consistent with what was allowed by State Law.

Ms. Dean commented in addition to the GRAMA fee changes, the fees established with Title 4, Chapter 12 – Massage Businesses also required changes to the Consolidated Fee Schedule.

Councilmember Peterson wondered how police report requests were handled if the individuals requesting them were involved. Ms. Dean stated currently the first copy was free if the individual was involved. Stuart Williams, City Attorney, said State Law allowed victims to get records for free. He stated higher costs correlated more with the request of videos not paper copies.

Ms. Dean reviewed the process for requesting records and how the fees were determined.



**Councilmember Phipps moved to approve Ordinance 2019-25 amending the City's Consolidated Fee Schedule updating the fees for Police Records and GRAMA as well as enacting fees for the licensing of massage type businesses; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

## COMMUNICATION ITEMS

### ***Mayor Shepherd***

1. Reported he would be out of town September 11, 2019 through Friday, September 13, 2019.
2. Expressed concern with needing to bring budgeted items to the Council in a work session then again for a policy session. He wondered if the process could be streamlined and only brought to the Council during a policy session. Councilmember Bush expressed his opinion that he was comfortable with that procedure unless there was a need to increase the budget for an item, then it should be discussed during a work session. Consensus was all were okay with making the adjustment.
3. Reported design plans for the proposed Davis County Library had been adjusted, ground breaking was planned for March.
4. Attended a presentation about income on acreage. Encouraged other councilmembers to attend the same presentation at the Utah League of Cities and Towns (ULCT) meetings.

### ***Councilmember Bush***

1. Kiwanis Club (North Davis) had its first annual Hope of America golf tournament. Reported it was successful. Reported the tournament was planned to be the Friday after Labor Day annually. JJ Allen, City Manager, wondered if the City should budget to support the event next year.
2. Attended the ULCT pre-conference workshops with Councilmember Peterson
3. Would be on the nominating committee for the board of directors, which would meet between the opening session and lunch at the ULCT meetings.

***Councilmember Peterson*** – expressed she was looking forward to the League meetings.

***Councilmember Phipps*** - Out of town September 19-20, 2019

### ***Councilmember Roper***

1. Thanked Mayor Shepherd for attending the recent Youth Commission meeting and for speaking.
2. Attended Communities who Cared and had discussion with that group.

### ***Councilmember Thompson***

1. Attended Being a Developer for a Day workshop. Discussed the information learned.
2. Attended a Census meeting. Reviewed statistics of funding based on Census data. Highlighted the importance and need for the Census.

## STAFF REPORTS

***JJ Allen, City Manager*** - reported the Council had received a letter and packet from Jerome Curran. He mentioned a work session discussion had tentatively been scheduled on the topic of winter parking for October 1, 2019. He indicated no other information would be prepared other than what was already provided.

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

- Work Session on September 17, 2019
- Policy Session on September 24, 2019
- Work Session on October 1, 2019

1. Reported the approved election ballot list had been sent to the printers.
2. Candidate debate - September 19, 2019 in the library of Clearfield High School.
3. Ballots would be mailed mid-October.

There being no further business to come before the Council, **Councilmember Thompson moved to adjourn at 8:37 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

**APPROVED AND ADOPTED  
This 24<sup>th</sup> day of September, 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, September 10, 2019.

/s/Nancy R. Dean, City Recorder