

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
June 24, 2014 – POLICY SESSION

**Mission Statement:** To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

Executive Conference Room  
55 South State Street  
Third Floor  
Clearfield, Utah

**6:00 P.M. WORK SESSION**

Discussion on the Solid Waste Collection Contract, Curbside Recycling and Green Waste  
Discussion on the 2013/2014 Fiscal Year Budget Amendments  
Discussion on Cemetery Policy

**\*\*ADJOURN CITY COUNCIL WORK SESSION AND IMMEDIATELY RECONVENE  
AS THE CDRA IN A WORK SESSION \*\***

**CDRA WORK SESSION**

Discussion on the Loan Agreement with Clearfield Station, LLC

*(Any items not addressed prior to the Policy Session will be addressed in a Work Session  
immediately following the Policy Session)*

City Council Chambers  
55 South State Street  
Third Floor  
Clearfield, Utah

**7:00 P.M. POLICY SESSION**

CALL TO ORDER:

OPENING CEREMONY:

APPROVAL OF MINUTES:

Mayor Shepherd

Councilmember Young

May 13, 2014 – Work Session

May 27, 2014 – Policy Session

June 10, 2014 – Policy Session

**PRESENTATION:**

1. **PRESENTATION TO JOEL GAERTE FOR HIS SERVICE AS A MEMBER OF THE PLANNING COMMISSION**

**BACKGROUND:** Joel Gaerte has served the City as a member of the Planning Commission and recently submitted a letter of resignation. The Mayor and City Council desire to recognize Mr. Gaerte for his service to the City.

**PUBLIC HEARINGS:**

2. **PUBLIC HEARING TO RECEIVE COMMENT ON FINAL SUBDIVISION PLAT FOR CLEARFIELD STATION**

**BACKGROUND:** The Phase One Final Subdivision Plat for Clearfield Station was submitted to the City based on a very tight review timeframe. It was decided that the plans were not complete enough for the City to perform a comprehensive review and it was recommended that the application be pushed back in order to give time for the developer to provide a more thorough and complete submittal. The Planning Commission opened its public hearing on the final plat on June 4, 2014 and continued it until July 2, 2014.

**RECOMMENDATION:** Open the Public Hearing, receive any public comment and continue the public hearing until Tuesday, July 22, 2014, at 7:00 p.m.

3. **PUBLIC HEARING TO RECEIVE COMMENT ON AMENDING THE 2013/2014 FISCAL YEAR BUDGET**

**BACKGROUND:** State Law requires a public hearing before the City Council approves amendments to the City budget. Rich Knapp, Administrative Services Director, will be presenting amendments for the 2013/2014 fiscal year budget.

**RECOMMENDATION:** Receive public comment.

4. **PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0002 AMENDING TITLE 11, CHAPTERS 1 AND 5 OF THE CITY CODE SPECIFIC TO STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW**

**BACKGROUND:** Staff is proposing a change to the Site Plan Review process outlined in the City Code to allow for Administrative Site Plan Reviews for minor site plans, or those that have a limited impact burden on City infrastructure and neighboring developments. The Planning Commission considered changes to the Site Plan Ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide additional time for the public to provide comment. The City Council opened and continued the public hearing at its meeting on May 27, 2014.

**RECOMMENDATION:** Receive public comment.

5. **PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0003 AMENDING TITLE 11, CHAPTER 14 OF THE CITY CODE SPECIFIC TO STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES**

**BACKGROUND:** In November 2009, the City adopted new standards for all off street parking requiring it to be on an impermeable surface, effective January 1, 2015. The Clearfield City Council recently requested staff to consider alternatives to the ordinance which would limit the financial burden to residents and that would allow well maintained gravel parking surfaces to remain in the Clearfield City Code in some form. The Planning Commission considered changes to the ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide additional time for the public

to provide comment. The City Council opened and continued the public hearing at its meeting on May 27, 2014.

RECOMMENDATION: Receive public comment.

6. PUBLIC HEARING TO RECEIVE COMMENT ON A ZONING TEXT AMENDMENT – PARKING IN C-1 AND C-2 ZONES

BACKGROUND: On April 22, 2014, the Clearfield City Council enacted a temporary land use regulation regarding parking lots and facilities which was applicable to all commercially zoned property within Clearfield City. The City Council asked staff and the Planning Commission to review the parking ordinance within commercial zones and recommend language which would protect the City's remaining prime commercial property from being developed into stand-alone parking lots that are not necessarily tied to a primary commercial use. The Planning Commission considered changes to the parking requirements within commercial zones in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide additional time for the public to provide comment. The City Council opened and continued the public hearing at its meeting on May 27, 2014. Staff is recommending continuing the item to Tuesday, July 8, 2014 in order to allow additional time for review.

RECOMMENDATION: Receive public comment and continue the public hearing to Tuesday, July 8, 2014 at 7:00 p.m.

***SCHEDULED ITEMS:***

7. CITIZEN COMMENTS

8. CONSIDER APPROVAL OF RESOLUTION 2014R-15 ADOPTING AMENDMENTS TO THE 2013/2014 FISCAL YEAR BUDGET

RECOMMENDATION: Approve Resolution 2014R-15 adopting amendments to the 2013/2014 fiscal year budget and authorize the Mayor's signature to any necessary documents.

9. CONSIDER APPROVAL OF ORDINANCE 2014-17 AMENDING TITLE 11, CHAPTERS 1 AND 5 OF THE CITY CODE TO PROPOSE STANDARDS SPECIFIC TO ADMINISTRATIVE SITE PLAN REVIEW

RECOMMENDATION: Approve Ordinance 2014-17 amending Title 11, Chapters 1 and 5 of the City Code to propose standards specific to Administrative Site Plan Review and authorize the Mayor's signature to any necessary documents.

10. CONSIDER APPROVAL OF ORDINANCE 2014-15 AMENDING TITLE 11, CHAPTER 14 OF THE CITY CODE SPECIFIC TO STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

RECOMMENDATION: Approve Ordinance 2014-15 amending Title 11, Chapter 14 of the City Code specific to standards for gravel parking areas within residential zones and authorize the Mayor's signature to any necessary documents.

11. CONSIDER APPROVAL OF RESOLUTION 2014R-16 ACTING AS THE GOVERNING AUTHORITY OF THE NORTH DAVIS FIRE DISTRICT ADOPTING AND CERTIFYING ITS TAX RATE FOR THE 2014 TAXABLE YEAR

BACKGROUND: The Clearfield City Council acts as the governing authority for the North Davis Fire District (NDFD). The Administrative Control Board of the NDFD desires to establish a certified tax rate of .001379 for the 2014 taxable year for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services.

RECOMMENDATION: Approve Resolution 2014R-16 acting as the governing authority of the North Davis Fire District (NDFD) and adopting and certifying a tax rate of .001379 for the Fire District 2014 taxable year and authorize the Mayor's signature to any necessary documents.

12. CONSIDER APPROVAL OF A PROCLAMATION DECLARING THE WEEK OF JUNE 30 – JULY 6, 2014 AS INDEPENDENTS WEEK IN CLEARFIELD CITY

BACKGROUND: Clearfield's core of independently-owned businesses gives back to the community in goods, services, time and talent. Additionally the health of Clearfield's economy depends on support of businesses owned by our friends and neighbors. These local business owners and their employees enrich residents' shopping experiences with their knowledge and reflect a sense of place. The proclamation is a salute to community members and locally owned independently businesses that are integral to Clearfield.

RECOMMENDATION: Approve the Mayor's signature to the Proclamation officially declaring July 30-July 6, 2014 as "Independents Week" in the City of Clearfield.

13. CONSIDER APPROVAL OF A PROCLAMATION EXPRESSING THE CITY'S SUPPORT OF HOUSE BILL 275 DESIGNATING JUNE 24, 2014 AS "VIETNAM VETERANS DAY"

BACKGROUND: The Vietnam War marked a significant chapter in our Nation's history and recently the State of Utah paid tribute to the many service men and women who bravely served their Country. Significant sacrifices were made by these heroes and their families. The City desires to pay tribute to those who answered the duty to serve with courage.

RECOMMENDATION: Approve the Mayor's signature to the Proclamation expressing support designating June 25, 2014 as "Vietnam Veterans Day".

14. CONSIDER APPROVAL OF RESOLUTION 2014R-17 SETTING THE CERTIFIED TAX RATE

BACKGROUND: The City Council approved Resolution 2014R-13 setting the certified tax rate during its meeting on Tuesday, June 10, 2014. The City was recently notified by Davis County of changes in the breakdown between the general purpose fund and the debt. The overall rate remains the same and the proposed changes merely provide technical corrections based on the latest information provided by the County.

RECOMMENDATION: Approve Resolution 2014R-17 setting the certified tax rate and authorize the Mayor's signature to any necessary documents.

**COMMUNICATION ITEMS:**

Mayor's Report  
City Councils' Reports  
City Manager's Report  
Staffs' Reports

**\*\*ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA\*\***

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE MAY 20, 2014 WORK SESSION, THE MAY 27, 2014 POLICY SESSION AND THE JUNE 10, 2014 POLICY SESSION

**PUBLIC HEARING:**

2. CONSIDER AMENDMENTS TO THE CDRA 2013/2014 FISCAL YEAR BUDGET

BACKGROUND: State Law requires a public hearing before the Board approves amendments to the CDRA budget. Rich Knapp, Administrative Services Director, is here to present amendments for the 2013/2014 fiscal year budget.

RECOMMENDATION: Receive public comment.

**SCHEDULED ITEMS:**

3. CONSIDER APPROVAL OF RESOLUTION 2014R-11 AMENDING THE CDRA 2013/2014 FISCAL YEAR BUDGET

RECOMMENDATION: Approve Resolution 2014R-11 adopting amendments to the CDRA 2013/2014 fiscal year budget and authorize the Chair's signature to any necessary documents.

**\*\*ADJOURN AS THE CDRA\*\***

Dated this 19<sup>th</sup> day of June, 2014.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

# Staff Report



**To:** Mayor Mark Shepherd and City Councilors  
**From:** Rich Knapp, Administrative Services Director  
**Date:** June 20, 2014  
**Re:** Solid Waste Contract

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## Recommended Action

Staff recommends the city to renew a one year contract with Waste Management

## Description / Background

The city originally began using Waste Management in July 2003. The most recent request for proposal took place in early 2012. As a result of the RFP, the City entered a two year contract starting July 2012, with the option to renew for three one year renewals.

Per our agreement with WM, rates charged to the city go up with the CPI-West Urban—1.5% for 2013.

|                            | <u>Current Rate</u> | <u>Rates Effective July 1, 2014</u> |
|----------------------------|---------------------|-------------------------------------|
| First Trash Container      | \$4.38              | \$4.45                              |
| Additional Trash Container | \$2.20              | \$2.23                              |
| Clean-up Dumpsters         | \$76.65 per haul    | \$77.80 per haul                    |

Due to the financial position of the Garbage Fund, it is not necessary to pass this increase to the customers this year.

Because the three one year renewals were part of the original contract, the Mayor may execute the one year contract without a Council vote.

## Fiscal Impact

Waste Management collects about 5,875 first containers and 2,064 second containers per month. The cost increase to the Solid Waste Fund for the year will be about \$5,750.

## Alternatives

- RFP for solid waste collection services
- Provide collection in house

## Schedule / Time Constraints

The initial two year term of the contract expires June 30, 2014.



June 2014

# Single Stream Curbside Collection Discussion Clearfield City



Greg Walkenhorst  
Public Sector Solutions  
801-282-8257  
gwalken@wm.com

June 16, 2014

Rich Knapp  
Clearfield City  
55 S. State Street  
Clearfield, UT 84015



Dear Rich:

As a valued customer of our residential solid waste collection service, you already know first-hand about the level of reliability, professionalism, and value Waste Management of Utah provides. As the leading waste services provider in North America, it's not our size that has made us the world leader in the waste industry; it's the depth of quality services and solutions-driven approach we bring to each job that makes a difference.

As you know, we offer municipalities an optional curbside recycling service. Our single-stream recycling program allows residents to conveniently commingle recyclable paper, plastics, and metals in one container for collection. Everyone agrees that conserving resources and making recycling a widespread practice is the environmentally responsible thing to do. Recycling saves resources and energy. It protects the environment and extends the life of our landfills. Having an effective recycling program demonstrates a city's commitment to environmental stewardship and good community citizenship. And, because it reduces the size of your waste stream, it can save you money too!

Inasmuch as Clearfield City has no formal recycling program in place, it is missing out on opportunities to both control costs and assume greater environmental responsibility. Therefore, on behalf of Waste Management of Utah, I am pleased to present you a proposal for residential curbside recycling service. We are extremely excited about this opportunity to share our expertise and work with you and your City staff in establishing an effective and valuable recycling program that maximizes savings while demonstrating the City's environmental awareness.

If you have questions regarding our proposal or need additional information, please contact me at (801) 282-8257 or [gwalken@wm.com](mailto:gwalken@wm.com). I look forward to discussing single stream curbside collection in more detail..

Sincerely,

Greg Walkenhorst  
Public Sector Solutions  
Waste Management of Utah

## Current Situation

For the past eleven years, Clearfield City has contracted with Waste Management of Utah to provide residential waste collection and disposal services. Pertinent information includes:

- The Clearfield community has experienced first hand that Waste Management has been a dedicated partner in delivering exceptional service to Clearfield residents.
- The City is currently a member of Wasatch Integrated Waste Management District where the waste is burned and converted into steam and ultimately electricity. Through a contractual arrangement with Hill Air Force Base, the electricity is used to help support the Base's power needs.
- The contractual arrangement with Hill Air Force Base only uses 50% of the disposed trash. The remainder is landfilled.
- In an effort to address this matter, the City has requested information on curbside single stream collection program for City Council consideration and approval.
- Waste Management is desirous to maintain a strong local service commitment to the Clearfield community by assisting the City in establishing an effective recycling program similar to neighboring communities.

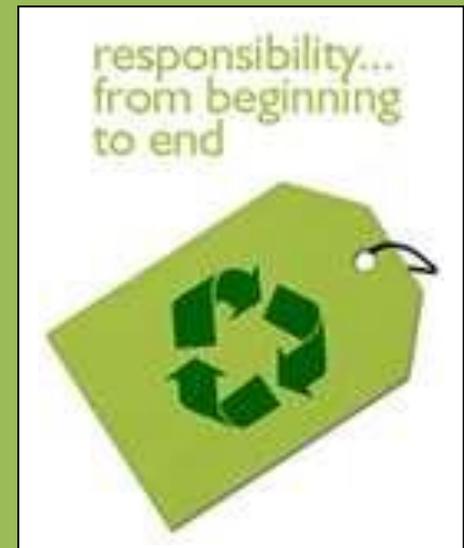
## Why Recycle?

A curbside recycling service at an affordable rate will compliment the City's solid waste program, demonstrate the City's commitment to environmental stewardship, and address the needs and wants of your environmentally conscious citizens in the following ways:

- More types and greater quantities of mixed recyclable materials will be collected conveniently, safely and cost-effectively at curbside using a rollout container.
- Utilizing a recycling container eliminates the need of a more expensive second trash can.
- Recycling helps protect the environment and our natural resources.
- Recycling helps extend area landfill life by saving landfill space and reduces disposal costs by diverting solid waste.
- Recycling creates manufacturing jobs and saves energy costs by reusing recyclable materials.



**Together, Waste Management and Clearfield elected officials and staff can partner to inspire residents to do their part and support a curbside recycling program and promote the City's environmental sustainability initiatives.**



## Recycling Program Options

Following are two curbside recycling programs to consider:

- City-wide (mandatory) program
- Opt-out (voluntary) program

### *City-wide Program*

- Requires participation from every household
- If household wishes to not participate and requests container be removed, the home is still charged for the service
- This option is relatively inexpensive per household when compared to the subscription options
- Is believed to do the most environmental good - highest volume of recyclable materials (30% more) and increased waste diversion rates
- Simplifies billing with bundled pricing - one trash can and one recycling can for flat rate

### *Opt-out Program*

- Residents are not required to participate - voluntary
- Provide 30-45 day time period for residents to notify the City and opt-out. If resident does not opt-out, they are automatically enrolled in the program
- Lower recycling volumes and waste diversion rates
- Higher cost for those who wish to recycle
- Resulting participation rate after dropout period determines specific tiered pricing levels

## Cost

The following ballpark pricing is quoted according to participation rate. Firm pricing is available upon program approval.

|                              |                 |
|------------------------------|-----------------|
| 100% city-wide participation | \$3.12 per home |
| 75% opt-out participation    | \$3.68 per home |
| 50% opt-out participation    | \$3.85 per home |



## How It Works

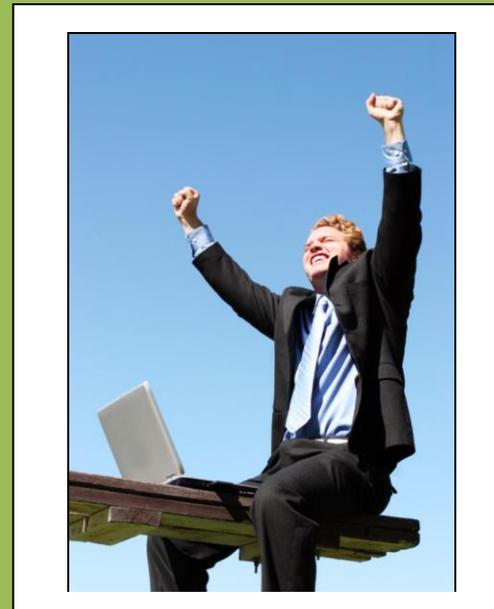
- A separate, specially marked, blue 96 gallon container, similar to your trash can, will be delivered to participating households one week prior to service start-up.
- Recyclables, including certain paper, cardboard, plastic and metal items (see attachment), can be mixed together in the one container.
- A separate truck will collect the recyclables bi-weekly (every-other-week) on the same day as regular trash. The recyclable materials are transported to our Waste Management owned and operated facility where they are sorted, baled, and marketed to various mills and companies for further processing and reuse.
- Each residence will receive a packet of information attached to their recycling container when it is delivered, noting recycling guidelines, collection schedule calendar, and a list of acceptable recyclable materials and unacceptable items.
- We will work closely with the City to educate the residents and promote the recycling program. The City's newsletter and web site, mailers, and promotional materials and reports will be used to help provide ongoing education on recycling and waste diversion.

## Next Steps

If the recycling program is approved, the following plan is proposed:

1. Consider and decide type of recycling program
2. Finalize pricing and contractual agreement
3. Develop an implementation plan
4. Engage with City staff to coordinate program roll-out and public relations campaign/ promotion
5. Coordinate container staging and delivery
6. Evaluate overall effectiveness of program implementation and resident acceptance

**Recycling... It Works Because of You!**





## RESIDENTIAL CURBSIDE RECYCLING

### ACCEPTABLE RECYCLABLES

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#### **Paper**

Brochures & Pamphlets  
File Folders & Card Stock  
Magazines & Catalogs  
Mail & Envelopes (envelope windows & labels ok)  
Newspaper (inserts & ads ok)  
Printing & Writing Paper (colored paper ok)  
Shredded Paper (bag up)  
Telephone & Paperback Books

#### **Plastics**

***Plastics 1 (PET clear and green) to include:***

Salad Dressing & Vegetable Oil Bottles  
Juice & Sports Drink Bottles  
Mouthwash Bottles & Peanut Butter Containers  
Soda Pop & Water Bottles

***Plastics 2 (HDPE natural and colored) to include:***

Bleach, Dish & Laundry Detergent Bottles  
Cosmetic & Shampoo Bottles  
Household Cleaner Bottles  
Milk & Water Jugs

***Plastics 3-7 (no plastic grocery bags)***

Ketchup, Syrup & Yogurt Containers  
Medicine Bottles & Egg Cartons

#### **Cardboard/Paperboard**

Corrugated Cardboard & Boxes (flatten & cut up)  
Cereal Boxes & Cracker Boxes (remove plastic liners)  
Food Cartons & Boxes  
Gift, Shoe & Tissue Boxes  
Milk Cartons & Drink Boxes  
Paper Bags  
Paper Egg Cartons  
Paper Towel & Toilet Paper Rolls

#### **Metals**

Aluminum Cans  
Clean Scrap Aluminum  
Cookware or Pots & Pans  
Non-hazardous Aerosol Cans (empty)  
Steel/Tin Cans

***\*Empty all bottles and containers of content***

### UNACCEPTABLE ITEMS

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Aluminum Foil & Pie Plates (soiled)  
Aluminum Siding For Homes  
Auto Parts & Batteries  
Bedding & Bath Items (blankets, pillows, towels)  
Cellophane Food Bags (pasta, salad, candy, cookies)  
China & Ceramics  
Clothes Hangers  
Clothing & Shoes  
Concrete, Rocks & Dirt  
Construction Materials (lumber & drywall)  
Diapers  
Draperies & Blinds  
Electronics Housing  
Furniture  
Food & Liquid Waste  
Glass (any kind)  
Green Waste (grass, weeds, tree limbs & yard trimmings)  
Household Hazardous Waste  
Metal or Plastic Pails & Buckets  
Motor Oil & Anti-freeze Bottles  
Paint Cans  
Paper Plates & Towels, Napkins (soiled)  
Pet Food Bags  
Plastic Bags (grocery, newspaper, bread, sandwich)  
Plastic Film Packing (shrink & plastic wrap)  
Photographic Paper, Tapes & CD's  
Pizza Boxes

Print or Toner Cartridges  
Propane or Gas Tanks  
Polystyrene, Bubble Wrap & Packing Peanuts  
Tarps & Garden Hoses  
Tissue & Gift Wrap  
Toys & Children's Pools

#### **Reuse (Deseret Industries or Salvation Army) the following:**

Bedding or Bath Items (blankets, pillows or towels)  
China or Ceramics  
Clothing or Shoes  
Clothes Hangers  
Draperies or Blinds  
Furniture  
Kitchen Utensils or Dishes  
Small Appliances

#### **Visit [www.thinkgreen.com](http://www.thinkgreen.com) to recycle the following:**

Batteries (household)  
Electronics  
Fluorescent Tubes  
Light Bulbs  
Medical Supplies (syringes, needles or lancets)

# Staff Report



**To:** Mayor Mark Shepherd and City Councilors  
**From:** Rich Knapp, Administrative Services Director  
**Date:** June 20, 2014  
**Re:** Fiscal Year 2014 Budget Amendments

*Rich Knapp*

## Recommended Action

Staff recommends the City Council approve the FY 2014 budget amendments.

## Description / Background

The table below lists actual and proposed expenditures that do not have or exceed FY 2014 budget authority and require budget amendments as allowed by Utah Code Title 10 Chapter 6 Section 124 to 129.

| Division             | Description  | Amount    | Funding Source  |
|----------------------|--|-----------|---|
| <b>General Fund:</b> |  |           |   |
| A. Aquatic Center    | Membership Funds for Equipment   | \$62,600  | Donations   |
| B. Interdepartmental | City Water Charges   | \$350,000 | Fund Balance  |
| <b>CDRA:</b>         |  |           |   |
| C.                   | Reallocate EDA & CDRA funds so CDRA is making bond payment and not the EDA | Varies    | EDA #2 Fund Balance Increases and CDRA Fund Balances Decrease |

Although the State is not requiring cities to charge itself for water this year, we recently learned that GAAP has made this requirement. We are estimating on the high side a total yearly cost of \$350,000, of that estimate just over \$300,000 is for landscape irrigation. It is anticipated the actual amount charged to the general fund will be less, but want enough budget authority to make sure the cost is covered.

This amount can be recovered in the general fund after we meet the public noticing requirements, but it will not be reflected in FY14.

## List of Attachments

- FY2014 Budget Amend Items Worksheet

## FY2014 Budget Amendment Items June 24, 2014

| Division  | Division #        | Account | Expense Account Title | Expense Adjustment                       | Description | Source Account                              | Source Account Title | Source Adjustment |
|---|-------------------|---------|-----------------------|--|-------------|---|----------------------|-------------------|
| <u>General Fund</u>                                   |                   |         |                       |  |             |   |                      |                   |
| A.  | Aquatic Center    | 104565  | 645002                | Donation Expense                         | 50,000      | Donation Expense                            | 369003 Donations     | 50,000            |
| B.  | Interdepartmental | 104151  | 627003                | Interdepartment                          | 350,000     | City Water                                  | 381009 Fund Balance  | 350,000           |
|   |                   |         |                       | Total General Fund                       | 400,000     |   |                      |                   |
|   |                   |         |                       | General Fund Total Use of Fund Balance   | 350,000     |   |                      |                   |
| <u>Community Development and Renewal Agency(CDRA)</u> |                   |         |                       |  |             |   |                      |                   |
| C.  | RDA #6            |         | 691004                | transfer for FY14 sales tax bond payment | 53,422      | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |
|   | RDA #7            |         | 691004                | transfer for FY14 sales tax bond payment | (128,546)   | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |
|   | RDA #9            |         | 691004                | transfer for FY14 sales tax bond payment | 217,750     | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |
|   | RDA #10           |         | 691004                | transfer for FY14 sales tax bond payment | (121,330)   | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
May 13, 2014

|                |   |  |
|----------------|---|--|
| PRESIDING:     | Mike LeBaron  | Mayor Pro Tem  |
| PRESENT:       | Kent Bush<br>Ron Jones<br>Bruce Young   | Councilmember<br>Councilmember<br>Councilmember  |
| EXCUSED:       | Mark Shepherd<br>Keri Benson  | Mayor<br>Councilmember   |
| STAFF PRESENT: | Adam Lenhard<br>JJ Allen<br>Brian Brower<br>Greg Krusi<br>Scott Hodge<br>Scott Hess<br>Eric Howes<br>Curtis Dickson<br>Rich Knapp<br>Summer Palmer<br>Jessica Hardy<br>Nancy Dean<br>Kim Read | City Manager<br>Assistant City Manager<br>City Attorney<br>Police Chief<br>Public Works Director<br>Development Services Manager<br>Community Services Director<br>Community Services Deputy Dir.<br>Administrative Services Director<br>Human Resources Manager<br>Budget Analyst<br>City Recorder<br>Deputy Recorder |

VISITORS: Rob Allen, Timothy Roper, Kathryn Murray, Robert Browning, Bob Bercher

Mayor Pro Tem LeBaron called the meeting to order at 7:12 p.m.

DISCUSSION ON THE GRAFFITI ABATEMENT ORDINANCE

Brian Brower, City Attorney, explained the reason for eliminating the gang enhancement language and amending the graffiti abatement ordinance. He reviewed the proposed amendments with the Council which indicated once a resident/property owner had been noticed regarding the graffiti on the property; the property owner was required to remove it within five days. If it was not removed within the five days, it would then be declared a public nuisance at which time it would be addressed through code enforcement.

Councilmember Bush requested clarification on what constituted an offense. Mr. Brower responded the ordinance addressed the placement of graffiti, providing or possession of graffiti implements. Councilmember Young expressed concern regarding enforcement of the ordinance specific to possession of a marker or not being allowed to purchase a Sharpie marker from the local grocery store for the purpose of completing a school project. Greg Krusi, Police Chief, explained the inclusion was similar to the inclusion of the term “drug paraphernalia” in many

laws. He continued to explain there were many items specific to marijuana use; however, unless they were used for that purpose it wouldn't be considered "drug paraphernalia. He indicated something else would need to be present other than a kid possessing a Sharpie marker. Mr. Brower responded there were other implements which were used for graffiti other than a marker. Councilmember Young continued to express his concern with the proposed language. Mr. Brower believed the prosecutor would use discretion on those types of cases; however, the item could be removed from the agenda if the Council believed it needed further discussion. Adam Lenhard, City Manager, expressed confidence with the City's police officers in using discretion when enforcing the ordinance.

Mayor Pro Tem LeBaron inquired if the Council was comfortable with the proposed ordinance or if it needed further discussion and should be removed from the evening's agenda. Councilmember Jones responded he was comfortable with the proposed ordinance and indicated he had received an email from Councilmember Benson expressing her concerns with the ordinance. He reported her concern with parents possibly being responsible for something their children did. Councilmember Bush indicated he was okay with the ordinance. Councilmember LeBaron agreed with Councilmember Benson's concern but expressed confidence in the City's police officers.

Mr. Brower modified the language in the ordinance and read the altered language to the Council. He referred to the proposed ordinance under B3 – Prohibited Acts, suggested changing the language to read: "furnishing graffiti implements to a minor – it is unlawful for any person other than a parent or legal guardian to intentionally sell, exchange, give, loan or otherwise furnish or cause to permit to be exchanged, given, loaned or otherwise furnish any graffiti implement to any minor without the consent of the parent or other lawfully designated guardian which consent shall be given in advance in writing, with the purpose of facilitating the placement of graffiti."

Councilmember Young indicated he liked that language and requested specific input and the opinion of Greg Krusi, Police Chief, regarding the amended language. Chief Krusi stated he believed the ordinance as originally written was sufficient and believed it would be most beneficial to the City in protecting the City from graffiti. He expressed confidence in the City's police officers in enforcing the ordinance, as well as the prosecutor and judge when addressing possible violations.

Mayor Pro Tem LeBaron requested direction from the Council as to whether it wanted to proceed with the ordinance on the agenda or remove it for further discussion. Councilmember Young stated he was all right to proceed with the original ordinance once the original intent had been explained to him. Councilmember Jones stated he was good with the proposed ordinance as originally presented. Mayor Pro Tem LeBaron thanked Councilmember Jones for noting Councilmember Benson's concerns. Councilmember Bush suggested moving forward with the proposed agenda item.

**Councilmember Young moved to adjourn the work session and reconvene in a policy session at 7:30 p.m., seconded by Councilmember Jones. All voting AYE.**

The meeting reconvened at 8:15 p.m.

## DISCUSSION ON THE FIELD USE POLICY

Eric Howes, Community Services Director, distributed a handout reflecting the City's current Athletic Field/Facility Usage Policy and stated it had been in place since 2007. He didn't believe the policy had been strictly enforced and current staff believed there to be violations and/or abuses. He reported staff had been monitoring the use of the fields and informed him there was number of organized teams which were using the fields unknown to the City. He stated it were a important for the City to be aware of the use of the fields in order to control availability for City programs in addition to the wear and tear of the fields/facilities. He stated the proposed policy would also prioritize the use of the facilities.

Mr. Howes reviewed the proposed changes to the policy with the Council. He directed the Council to paragraph G which was specific to Field Usage. He emphasized the amendments would be specific to organized teams for practice and not a pick-up game with friends or family. He mentioned the fields would be identified as "game" fields and "practice" fields. A discussion took place regarding the use of facilities near Davis Schools' properties. Mr. Howes pointed out the City had no jurisdiction over activities which took place on school property.

Mr. Howes reported there were two soccer fields at Fisher Park and three at Barlow Park which would be identified strictly as "game" only fields. A discussion took place regarding the impact on neighborhoods near the parks.

Mr. Howes reviewed the consequences associated with violation of the policy and mentioned the proposed policy was a standard within the industry and a discussion took place. Mr. Howes reviewed the application process required by the policy.

Mr. Howes emphasized it was the goal of the City was to include everybody in its recreation programs and encouraged and supported non-profit youth recreation leagues and reviewed the prioritization list identified by the City. Mr. Howes reviewed the usage fees identified under paragraph M with the Council. A discussion took place regarding the field use by the High School for various activities. Councilmember Bush inquired if the individuals/organizations currently using the fields without permission had been made aware of the proposed policy. Mr. Howes indicated the City had contact information and meetings would take place next week informing them of the Policy. He announced Parks staff would be monitoring the field/facility use and enforcing the new Policy.

Councilmember Young suggested the fees should cover the City's maintenance costs and used the example of painting the soccer fields. Mr. Howes responded that had been taken into consideration and reviewed the fees assessed to AYSO for youth soccer games. He emphasized the City didn't want to price organizations out of using its facilities.

Mr. Howes requested direction from the Council prior to implementing the policy and indicated it could potentially have a significant impact. He wanted the Council to be prepared to respond to questions or concerns raised by citizens. The Council expressed support for the policy.

The meeting adjourned at 8:51 p.m.

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
May 27, 2014

|                |   |  |
|----------------|---|--|
| PRESIDING:     | Mark Shepherd   | Mayor  |
| PRESENT:       | Keri Benson<br>Ron Jones<br>Bruce Young   | Councilmember<br>Councilmember<br>Councilmember  |
| EXCUSED:       | Kent Bush<br>Mike LeBaron   | Councilmember<br>Councilmember   |
| STAFF PRESENT: | Adam Lenhard<br>JJ Allen<br>Brian Brower<br>Greg Krusi<br>Scott Hodge<br>Eric Howes<br>Curtis Dickson<br>Scott Hess<br>Rich Knapp<br>Nancy Dean<br>Kim Read | City Manager<br>Assistant City Manager<br>City Attorney<br>Police Chief<br>Public Works Director<br>Community Services Director<br>Community Services Deputy Dir.<br>Development Services Manager<br>Administrative Services Director<br>City Recorder<br>Deputy City Recorder |

VISITORS: Steve Reid, Kevin Reid, Elijah Robertson & Family, Kati Penner, Ellie Penner, Mike Christensen – Thackeray Garn Company, Kathryn Murray, Bob Bercher, Tayler Green, Wendy Osborn

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

Mayor Shepherd informed the citizens present that if they would like to comment during Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember Jones conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE APRIL 22, 2014 WORK SESSION AND THE MAY 13, 2014 POLICY SESSION

**Councilmember Jones moved to approve the minutes from the April 22, 2014 work session and the May 13, 2014 policy session as written, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

PRESENTATION TO ELIJAH ROBERTSON FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Elijah Robertson had completed the requirements to receive the rank of Eagle Scout. Mayor Shepherd and the City Council desired to recognize Elijah and acknowledge his achievement.

Councilmember Jones presented Elijah with a certificate and commemorative coin acknowledging his achievement and asked about his Eagle Scout Project. Elijah reported he had gone door to door in his neighborhood collecting over 500 pair of new men's socks which he then donated to St. Anne's homeless shelter in Ogden.

PRESENTATION TO KEVIN REID FOR RECOGNITION OF RECEIVING THE RANK OF EAGLE SCOUT

Kevin Reid had completed the requirements to receive the rank of Eagle Scout. Mayor Shepherd and the City Council desired to recognize Kevin and acknowledge his achievement.

Councilmember Jones presented Kevin with a certificate and commemorative coin acknowledging his achievement and asked about his Eagle Scout Project. Kevin responded he had recruited volunteers to complete landscaping at Barlow Park.

SPECIAL RECOGNITION TO PATRICIA ERDMAN AND JENNIFER AND GREG FREEMAN AS CLEARFIELD HOMETOWN HEROES

Patricia Erdman founded the non-profit organization "Food Between Friends" which fed between 1,200 -1,500 low-income families in the community each year. The Program relied strictly on donations and private funding and was believed to be the only mobile food program in northern Utah. She picked up the food which was donated by local companies, boxed it, and had friends help deliver it. In addition to food drives, clothing drives were held a couple of times per year. As a senior at Weber State University, Ms. Erdman received the Newman Civic Fellow Award for her service in 2012. Jennifer and Greg Freeman were Clearfield residents and were some of the volunteers who picked up donated food for distribution and delivered the food boxes to low-income residents within the City. Mayor Shepherd and the City Council desired to acknowledge Ms. Erdman and the Freeman's for their service to the community by presenting them with Hometown Hero certificates.

SCHOLARSHIP PRESENTATIONS BY DR. SHELDON PECK TO CLEARFIELD HIGH STUDENTS

The Dr. Sheldon and Angela A. Peck Scholarship Award was awarded to deserving graduates of Clearfield High School with a career goal in Science or Health Sciences. Applicants were required to exhibit qualities in leadership, service, academics, write a personal essay and receive administrative and community recommendations. This year's recipients were: Tayler Green, Emily Hein, Brittney Nash, Emily Harvey, Ellie Penner and Ashlee Reed.

Dr. Peck explained his background and the premise behind his scholarships and presented the recipients with a certificate acknowledging their scholarship. Mayor Shepherd announced he had attended the awards ceremony at Clearfield High and expressed appreciation to Dr. Peck for acknowledging some of the great students attending the school.

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0002 AMENDING TITLE 11, CHAPTER 5 TO PROPOSE STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW

Scott Hess, Development Services Manager, stated staff was proposing a change to the Site Plan Review section of the City Code to allow for Administrative Site Plan Reviews for minor site plans, or those that had a limited impact burden on City infrastructure and neighboring developments. The Planning Commission considered changes to the Site Plan Ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide time for the public to provide comment. Mr. Hess requested the Council open the Public Hearing, receive any public comment and continue the public hearing until Tuesday, June 24, 2014, at 7:00 p.m.

Mayor Shepherd opened the public hearing at 7:14 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Young moved to continue the public hearing at 7:15 p.m. until June 24, 2014 at 7:00 p.m., seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT ZTA 1404-0003 FOR TITLE 11, CHAPTER 14 TO PROPOSE STANDARDS FOR GRAVEL PARKING AREAS WITHIN RESIDENTIAL ZONES

Scott Hess, Development Services Manager, explained in November 2009, the City adopted new standards for all off street parking requiring it to be on an impermeable surface, effective January 1, 2015. The Clearfield City Council recently requested staff to consider alternatives to the ordinance which would limit the financial burden to the residents and that would allow gravel parking surfaces and their maintenance to remain in the Clearfield City Code in some form. The Planning Commission considered changes to the ordinance in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide time for the public to provide comment. Mr. Hess requested the Council open the public hearing, receive any public comment and continue the public hearing until Tuesday, June 24, 2014, at 7:00 p.m.

Mayor Shepherd opened the public hearing at 7:15 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Jones moved to continue the public hearing at 7:16 p.m. until June 24, 2014 at 7:00 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

PUBLIC HEARING TO RECEIVE COMMENT ON ZONING TEXT AMENDMENT – PARKING IN C-1 AND C-2 ZONES

Scott Hess, Development Services Manager, explained on April 22, 2014, the Clearfield City Council enacted a temporary land use regulation regarding parking lots and facilities which was applicable to all commercially zoned property within Clearfield City. The City Council asked staff and the Planning Commission to review the parking ordinance within commercial zones and recommend language which would protect the City's remaining prime commercial property from being developed into parking lots that were not necessarily tied to a primary commercial use. The Planning Commission considered changes to the parking requirements within commercial zones in a public hearing held on May 7, 2014. It opened the public hearing and continued the item to the June 4, 2014 meeting in order to provide time for the public to provide comment. Mr. Hess requested the Council open the public hearing, receive any public comment and continue the public hearing until Tuesday, June 24, 2014 at 7:00 p.m.

Mayor Shepherd opened the public hearing at 7:16 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Benson moved to continue the public hearing at 7:17 p.m. until June 24, 2014 at 7:00 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF ORDINANCE 2014-12 AMENDING THE PHASING PLAN OF THE MASTER DEVELOPMENT PLAN (MDP) FOR CLEARFIELD STATION, A MIXED USE DEVELOPMENT ON APPROXIMATELY 70 ACRES LOCATED AT 1250 SOUTH STATE STREET TIN 12-066-0071, 12-067-0139

Scott Hess, Development Services Manager, explained the transit oriented development, Clearfield Station, received approval of a rezone to Mixed Use (MU), approval of a Master Development Plan (MDP), and execution of an approved Master Development Agreement

(MDA) by the Clearfield City Council on March 11, 2014. In developing the specific plans for culinary water, sanitary sewer, and storm water facilities the developer's engineer discovered that they were not able to adequately gravity drain sanitary sewer from all portions of the approved Phase 1B within the residential portion of the project. The amendment requested the City Council to consider trading the construction order of residential buildings between the approved Phases 1B, and 2B. On May 7, 2014 the Planning Commission's recommendation concluded that the proposed amendment to the phasing plan was not a material change to the MDP and recommended approval to the City Council based on the findings and discussion in the staff report. Mr. Hess shared a visual presentation which illustrated the new phasing plan for the construction of the buildings.

Brian Brower, City Attorney, emphasized the item was merely a recommendation from the Planning Commission; however, the City Council could determine if it was a significant change to the MDP which would then require the amendment go through the regular zoning ordinance process.

**Councilmember Young moved to approve Ordinance 2014-12 amending the phasing plan of the Master Development Plan (MDP) for Clearfield Station, a Mixed Use Development on approximately 70 acres located at 1250 South State Street TIN 12-066-0071, 12-067-0139 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.**

#### APPROVAL OF RESOLUTION 2014R-12 INDICATING THE CITY'S INTENT TO PURSUE A PARAT (PARKS, ARTS, RECREATION, AQUATICS AND TRAILS) TAX

Adam Lenhard, City Manager, explained the City Council desired to notify Davis County that it intended to submit an opinion question to voters during the November General Election relative to the imposition of a new local sales tax of 1/10 of 1 percent (one cent on a \$10 sale) for the purpose of funding facilities and programs to improve Parks, Arts, Recreation, Aquatics, and Trails (PARAT) in Clearfield. The resolution was intended to fulfill the notice requirement set forth in Utah Code 59-12-1402(6). He indicated a notice would be sent to Davis County.

**Councilmember Jones moved to approve Resolution 2014R-12 indicating the City's intent to pursue a PARAT (Parks, Arts, Recreation, Aquatics and Trails) Tax and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones and Young. Voting NO – None. Councilmembers Bush and LeBaron were not present for the vote.**

#### APPROVAL OF THE AWARD OF BID TO ADVANCED PAVING AND CONSTRUCTION FOR THE SOUTH MAIN STREET IMPROVEMENT PROJECT

Scott Hodge, Public Works Director, stated bids were received from five construction companies for the South Main Street Improvement Project. The project included reconstructing the roadway from Antelope Drive to just short of Gordon Avenue and explained the repair process to the

Council. He explained how the City had completed the bid process and announced the lowest responsible bid was received from Advanced Paving and Construction with the bid of \$986,247. He pointed out this project would be completed using recycled asphalt with a Geo-Grid stabilizing material.

**Councilmember Young moved to approve the award of bid to Advanced Paving and Construction for the South Main Street Improvement Project for the bid amount of \$986,247.00 and approve funding for the project for the bid amount of \$986,247.00 with contingency and engineering of \$100,000.00 for a total project cost of 1,086,247.00; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF 2014R-11 APPROVING THE DEPOT STREET REIMBURSEMENT AGREEMENT WITH CLEARFIELD STATION, LLC

JJ Allen, Assistant City Manager, explained one component of the Clearfield Station project was that the Developer extend Depot Street from the north into the northwest corner of the UTA property. This was an offsite improvement that would create frontage along other properties which could develop in the future (“benefitted properties”), and which should pay their fair share of the road (and utilities therein). This agreement provided for collection from benefitted properties and reimbursement to the developer and City for their actual costs beyond their fair share. He shared an illustration which identified the proposed Depot Street extension and the identified properties which could be developed anytime in the future.

Mr. Allen reviewed the proposed reimbursement costs which would be recognized by the developer. He announced the agreement had been amended and was provided to the Council on the dais. He announced another amendment had been identified prior to the meeting. Brian Brower, City Attorney, stated there would likely be properties that benefitted from the Depot Street extension which wouldn't have frontage and shared the proposed new language. He stated a sentence in Paragraph 3b would read: The City shall allocate costs to the owners and developers of the Benefitted Properties in an equitable manner based on each Benefitted Property's proportionate share of street frontage along the Depot Street extension, parcel size or other relevant factors as determined by the City.

Mayor Shepherd requested clarification of those properties which could be affected that didn't have frontage. Mr. Allen responded the Hamblin and Meadow Park properties had been identified and mentioned the extension could possibly lend itself to development of other properties. He stated the new language just gave the flexibility it needed if the property developed in the future with other parcels which had frontage to Depot Street and identified those properties which could potentially benefit from the extension. A discussion took place and Mayor Shepherd expressed his concern with the proposed amended language.

Mr. Brower pointed out the exhibit identified the proposed properties which could potentially benefit from the Depot Street extension and commented the language could be subjective in that

the City would allocate costs in an equitable manner based upon each properties' share of street frontage, parcel size or other relevant factors. Councilmember Young expressed agreement with Mayor Shepherd's concern that unless the property owners received a direct benefit they shouldn't bear a proportion of the cost. A discussion took place regarding whether the Hamblin property would benefit from the extension. Mr. Allen suggested language could be included which stated property fronting Depot Street or access to. Mr. Brower suggested the following language: a proportionate share of street frontage or other street access thereto along the Depot Street extension.

Mike Christensen, Thackery-Garn, stated it was his position that access, easement, use or frontage – there was a benefit. He explained the idea in principle to the Council that any benefit or impact to the road by possible future development, reimbursement was appropriate. Mr. Brower suggested the inclusion of “or other access thereto” be added to the agreement where parcel size was referenced or “other relevant factors that could still be considered”.

Councilmember Benson inquired how the Hamblin property was currently used. Mr. Allen responded its current use was for agricultural purposes.

Mr. Brower mentioned the agreement could reflect “those properties not currently accessed wouldn't pay unless they ultimately had frontage or some other access to Depot Street” and suggested the parcel size verbiage be eliminated. A discussion regarding possible verbiage took place.

Dean Smith, Thackery-Garn, suggested leaving frontage or parcel size language in the agreement and suggested including a sentence which eliminated the Hamblin property if it were never developed. Mr. Brower then suggested the following language, “...benefitted properties proportionate share of street frontage along the Depot Street extension, parcel size or other relevant factors as determined by the City. Benefitted properties which do not have frontage or other access to the Depot Street extension will have no obligation to participate or provide any cost reimbursement pursuant to this agreement.” Mr. Smith expressed agreement to the proposed language, as did the City Council.

**Councilmember Young moved to approve Resolution 2014R-11 approving the Reimbursement Agreement as amended as per the discussion for Project Improvements with Clearfield Station, LLC, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF RESOLUTION 2014R-10 AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH WEST POINT CITY AND SYRACUSE CITY FOR THE DEVELOPMENT AND MAINTENANCE OF LANDSCAPING ALONG THE NEWLY CONSTRUCTED SR 193 CORRIDOR

Eric Howes, Community Services Director, announced staff had been working with representatives of West Point City and Syracuse City to develop a landscaping plan for the

SR 193 corridor. The proposed agreement confirmed the intent of the three participating cities to use the funding provided by UDOT as part of the SR 193 project for the development and maintenance of landscaping along the corridor. The agreement further outlined the maintenance responsibilities of each of the cities once the proposed landscaping was completed.

**Councilmember Jones moved to approve Resolution 2014R-10 authorizing an Interlocal Cooperation Agreement with West Point City and Syracuse City for the development and maintenance of landscaping along the newly constructed SR 193 corridor and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

APPROVAL OF RESOLUTION 2014R-09 AUTHORIZING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CLEARFIELD, SYRACUSE AND WEST POINT CITIES, AND UDOT (UTAH DEPARTMENT OF TRANSPORTATION) FOR THE DEVELOPMENT AND MAINTENANCE OF LANDSCAPING ALONG THE NEWLY DEVELOPED SR 193 CORRIDOR

Eric Howes, Community Services Director, explained the proposed agreement allowed for the establishment and maintenance of landscaping along the SR 193 corridor. Under the terms of the proposed agreement, Clearfield City would receive \$343,000 from UDOT for the purpose of the development of landscaping along SR 193. Clearfield City would then be responsible for the development of the landscaping and the maintenance of all improvements beginning at the back of the curb including fencing, sound walls, lighting, and all irrigation and landscaping in association with Syracuse and West Point Cities.

Councilmember Jones inquired how long the City would receive \$343,000. Mr. Howes clarified the funding received by the City was a one-time distribution.

**Councilmember Benson moved to approve Resolution 2014R-09 authorizing an Interlocal Cooperative Agreement between Clearfield, Syracuse and West Point Cities, and UDOT (Utah Department of Transportation) for the development and maintenance of landscaping along the newly developed SR 193 corridor and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

COMMUNICATION ITEMS

*Mayor Shepherd*

1. Informed the Council that he had the opportunity to attend the Clearfield High School Awards Ceremony during the past week. He mentioned a record number of students received an enormous amount of scholarship funds.
2. Announced the City was the recipient of the John L. Martin Partner Project Award from the International Partnering Institute for the coordinated efforts on the SR 193 extension from 2000 West to

I-15. He mentioned Councilmember Ron Jones accepted the award on behalf of the City. He presented the award to Adam Lenhard, City Manager, and requested he find an appropriate place for its display.

3. Stated the City Council would be completing a float for the parade with the assistance of Kathryn and Pat Murray. He requested the Council be prepared to work on the float the week prior to the Fourth.

4. He complimented the lifeguards at the Aquatic Center for their efforts within the past week with a near drowning.

**Councilmember Benson** – announced the schedule for the City’s “We’ve got Talent” contest in conjunction with the City’s Fourth of July Celebration. She expressed appreciation to Curtis Dickson, Community Services Deputy Director, for his assistance in advertising for the event.

**Councilmember Jones** – Informed the Council that when he accepted the John L. Martin Partner Project Award on behalf of the City for the SR 193 extension, comments were made about the smooth process of its completion. Those in attendance spoke of how well the three cities worked together on completing the project ahead of schedule but with no complaints.

**Councilmember Young** –nothing to report.

**Adam Lenhard, City Manager**

1. Complimented Eric Howes and his staff for their efforts over the Memorial Day Holiday regarding the City Cemetery. He reported his office had received a compliment from a resident that it was the best it had ever looked.

2. Reminded the Council that staff had been working with Zions Bank regarding possible refunding of the City’s bonds. He indicated the City would be sending a team to meet with the rating agencies within the next few months to present an update on the City’s finances with hopes to receive some savings on its debt.

3. Announced the City had been involved with discussions with Davis County and other entities within the County to be more efficient as a group regarding dispatch centers. He commented this was very early in the process to know if there would be any changes.

**STAFFS’ REPORTS**

**Nancy Dean, City Recorder** – Informed the Council of the following meeting schedule:

Tuesday, June 3, 2014 - no meetings were scheduled

Tuesday, June 10, 2014 - work session beginning at 6:00 pm followed by a policy session

Tuesday, June 17, 2014 - open house at Holt Elementary

Tuesday, June 24, 2014 – policy session beginning at 7:00 p.m.

There being no further business to come before the City Council **Councilmember Jones moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:04 p.m., seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Jones, and Young. Voting NO – None.** Councilmembers Bush and LeBaron were not present for the vote.

*\*\*The minutes for the CDRA are in a separate location\*\**

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
June 10, 2014

|                |               |                                  |
|----------------|---------------|----------------------------------|
| PRESIDING:     | Mark Shepherd | Mayor                            |
| PRESENT:       | Keri Benson   | Councilmember                    |
|                | Kent Bush     | Councilmember                    |
|                | Ron Jones     | Councilmember                    |
|                | Mike LeBaron  | Councilmember                    |
|                | Bruce Young   | Councilmember                    |
| STAFF PRESENT: | Adam Lenhard  | City Manager                     |
|                | JJ Allen      | Assistant City Manager           |
|                | Brian Brower  | City Attorney                    |
|                | Kelly Bennett | Police Lieutenant                |
|                | Scott Hodge   | Public Works Director            |
|                | Kim Dabb      | Operations Manager               |
|                | Eric Howes    | Community Services Director      |
|                | Scott Hess    | Development Services Manager     |
|                | Rich Knapp    | Administrative Services Director |
|                | Jessica Hardy | Budget Analyst                   |
|                | Kim Read      | Deputy City Recorder             |
| EXCUSED:       | Nancy Dean    | City Recorder                    |

VISITORS: David Tomczak, Bryan Saxton – Standard Examiner, Kenny Conners – American Legion Post 134, Con L. Wilcox – Wilcox Farms, Mike Millard

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

Mayor Shepherd informed the citizens present that if they would like to comment during Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember LeBaron conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE MAY 13, 2014 APPEAL AUTHORITY MEETING, MAY 13, 2014 JOINT WORK SESSION AND THE MAY 21, 2014 JOINT WORK SESSION

Councilmember Young stated the minutes from the May 21, 2014 joint work session reflected he was in attendance when he was excused. He requested they be amended to reflect his absence.

**Councilmember LeBaron moved to approve the minutes from the May 13, 2014 Appeal Authority meeting and the May 13, 2014 joint work session as written and the May 21, 2014 joint work session as amended, seconded by Councilmember Jones. The motion**

**carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

#### UPDATE BY THE MOSQUITO ABATEMENT DISTRICT

Gary Hatch, Mosquito Abatement District, informed the Council that Councilmember Young, the City's representative to the Board was currently the Board's president. He shared a visual presentation to the Council regarding the following issues which were being addressed by the District:

- West Nile Virus' effect on Bald Eagles
  - The virus was brought to Farmington Bay by Eared Grebes during their migration and when some of them died, became a food supply for the bald eagles. The strain which caused the death of some eagles was not from the local area.
- Surveillance and Testing associated with the West Nile Virus
  - Reported on the testing of mosquitos, pools of water, etc.
- Completed study to determine the effects of pesticide use and failure of honey bee beehives
  - Explained the processes of the study and reported the District's efforts had little effect on honeybees and their corresponding hives.
- Reported on efforts and operations of the District.

Councilmember Bush inquired if mosquitos were attracted to outdoor swimming pools. Mr. Hatch reported if the pool was chlorinated, mosquitos generally wouldn't be attracted to the area except due to possible humidity or vegetation surrounding the swimming pool.

#### UPDATE BY THE AMERICAN LEGION POST 134

Kenny Conners, American Legion Post 134, shared a presentation updating the Council on the activities associated with the American Legion Post 134, located in Clearfield City. He announced revenues recognized by fund raising efforts on behalf of the Legion went back into the community. He highlighted some of the activities of the Legion:

- The Veteran's Day celebration which took place every November.
- Conducting American Flag retirement ceremonies.
- Boys State
- American Legion Baseball Program
- City's Annual Easter Egg Hunt
- Sub for Santa (he commented they had the largest contribution to Sub for Santa in the State of Utah)
- Golf Tournament

He invited the Council to the installation of officers ceremony scheduled for Tuesday, June 17, 2014 at 5:30 p.m. and announced a special presentation would take place that evening.

He shared statistics associated with the Clearfield American Legion and presented Mayor Shepherd with copies of the newsletters from 2013 and announced he should begin receiving copies on a regular basis in the future.

## PUBLIC HEARING TO RECEIVE COMMENT ON THE 2014/2015 FISCAL YEAR BUDGET

Mayor Shepherd opened the public hearing at 7:35 p.m.

Rich Knapp, Administrative Services Director, stated Utah Code required cities to hold a public hearing regarding the adoption of the upcoming fiscal year budget. The City staff prepared and submitted to the Council a balanced tentative budget for the fiscal year 2014/2015 which would begin July 1, 2014 and end on June 30, 2015. The submitted tentative budget was adopted on May 13, 2014 and included all funds.

He stated it was a balanced budget for all funds and announced it was an annual budget of \$33 million. He reviewed the highlights associated with the budget:

- South Main Street Road Improvement Project (funding from the excess fund balance would be used toward the project)
- New vehicle purchases
- Other road maintenance projects

He reviewed the Enterprise and Internal Service Funds and all other funds. He pointed out payroll costs had decreased as well as the City's debt service. He stated the budget didn't include a merit increase for staff, but had appropriated a small amount for market adjustments. He stated the City would be maintaining the property tax rate.

Mr. Knapp reported the following changes from the tentative budget:

- Carry-over of funds appropriated for the Community Arts Center upgrades
- Impact fee revenue in the Capital Projects Parks Fund
- Sound system for the Community Arts Center

He expressed appreciation to Jessica Hardy, Budget Analyst, for her work on the budget and other staff that contributed to the budget process.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember LeBaron moved to close the public hearing at 7:40 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

## CITIZEN COMMENTS

David Tomczak, resident, stated his comments would be addressing the gravel issue and proposed PARAT Tax. He expressed his opinion the gravel parking issue to be a property rights infringement issue and indicated residents were prepared to begin legal action against the City on June 25, 2014 if needed to challenge the City's right to dictate a resident to change a condition

which had present for years. He also shared concerns regarding permit fees associated with the proposed ordinance.

He requested clarification on the proposed PARAT Tax and suggested other avenues be considered to recognize additional funding resources. He referred to costs associated with travel and training expenses for members of the City Council, Justice Court and the City Manager.

APPROVAL OF RESOLUTION 2014R-13 SETTING THE CERTIFIED TAX RATE AND RESOLUTION 2014R-14 ADOPTING THE FISCAL YEAR 2014/2015 BUDGET

City staff prepared and submitted to the Council a balanced final budget for fiscal year 2014/2015 which would begin July 1, 2014 and ends June 30, 2015. The certified tax rate would be set at 0.0018 as determined by the Utah State Tax Commission and Davis County.

Adam Lenhard, City Manager, stated staff was proposing to maintain the property tax rate of .0018 for the fourth year in a row. He announced the proposed budget was balanced for all funds.

**Councilmember Young moved to approve Resolution 2014R-13 setting the certified tax rate and Resolution 2014R-14 adopting the fiscal year budget for 2014/2015 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2014-13 AMENDING THE CONSOLIDATED FEE SCHEDULE

The Consolidated Fee Schedule was being amended to reflect changes to the City's Field Use Policy and fees for its facilities.

**Councilmember Bush moved to approve Ordinance 2014-13 amending the Consolidated Fee Schedule to reflect changes to the City's Field Use Policy and fees and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2014-14 AMENDING TITLE 4 – BUSINESS AND LICENSE REGULATIONS FOR TEMPORARY/SEASONAL VENDORS

Scott Hess, Development Services Manager explained the City Council discussed the option of amending the time restrictions associated with temporary business licenses during its work session on May 20, 2014. It then directed staff to amend the time restrictions, and to further investigate a zoning text amendment that would allow for temporary food vendors, while limiting the negative impacts associated with those types of businesses.

He reviewed the following proposed changes:

- 4-1-10C which addressed the license period. The proposed ordinance would change the time frame allowed for temporary businesses from 60 days to 180 days.
- 4-9-5D removing the verbiage, “All aspects of the business shall be removed from the premises each day at the end of operation
- 4-9-5F amending the time limit on location from 60 consecutive days to 180 consecutive days.

He announced a zoning text amendment specific to mobile food carts/vendors would come before the Council at a later date identifying standards.

Councilmember Benson expressed her understanding that the Council had concluded from its discussion during the recent work session that the maximum time limit per location would be 120 days. She expressed concern with 180 days. Mayor Shepherd believed staff had been directed to use 180 days. Councilmember LeBaron believed the Council had agreed to 180 days to allow the vendor more bang for its buck. He continued the Land Use Authority would be monitoring the conditions of the temporary vendors to ensure they were aesthetically pleasing, reflected well for the City and didn't detract from brick and mortar businesses in the area. Mayor Shepherd agreed with those reasons pointed out by Councilmember LeBaron.

**Councilmember Benson moved to approve Ordinance 2014-14 Amending Title 4 – Business License and License Regulations for Temporary/Seasonal Vendors and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

#### SET A PUBLIC HEARING TO AMEND THE 2013/2014 FISCAL YEAR BUDGET

Rich Knapp, Administrative Services Director, stated the City needed to amend its current fiscal year budget by adding items which had become necessary expenditures but were not budgeted for in the original budget. A public hearing was required to amend the budget. The staff was recommending the public hearing be set for June 24, 2014.

**Councilmember Jones moved to set a public hearing for June 24, 2014, at 7:00 P.M., to amend the 2013/2014 fiscal year budget, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

#### COMMUNICATION ITEMS

##### *Mayor Shepherd*

1. Informed the Council he and Adam Lenhard, City Manager, had taken the opportunity earlier in the day to participate with participants at Boys State held at Weber State University.
2. Excused Nancy Dean, City Recorder, who was sick.
3. Stated he had attended three separate Change of Command Ceremonies at HAFB and mentioned several more were planned within the next few weeks.
4. Announced he and Mr. Lenhard would be touring the Utah Test and Training Range on Monday, June 16, 2014.

5. Reminded the Council about the Fourth of July parade float. He stated design and construction had begun and invited the Council's participation on Monday, June 30, 2014. He requested they bring necessary tools to the Public Works Shop to complete construction of the float.

6. Informed the Council that Sounds of Freedom, an event that supported the airmen and their families stationed at HAFB, was scheduled for Saturday, June 21, 2014, in Layton.

7. Reminded the Council it would again be hosting dinner for General Baker on the Fourth of July before the fireworks at Fisher Park.

**Councilmember Benson** – informed the Council that the first audition for the “We’ve Got Talent” contest in conjunction with the City’s Fourth of July celebration had taken place on Monday, June 10, 2014. She announced one more audition was scheduled and stated applications were available at the Aquatic Center. She suggested the Council advertise the contest and announced cash prizes would be presented to the winners.

**Councilmember Bush** –

1. Informed the Council that he had presented the City’s Scholarship at Clearfield High School’s Award’s Ceremony.

2. Reported he had attended a seminar sponsored by the Utah Land Institute on Thursday, May 29, 2014, with Mayor Shepherd specific to high density and mixed-use developments.

3. Announced he had the opportunity to present the Kiwanis’ Hope of America Awards at several of the local elementary schools.

4. Stated he had attended the Kiwanis meeting and announced a Coats for Kids drive would be taking place instead of the book drive. He also mentioned the Kiwanis breakfast was planned for Saturday, August 9, 2014 and more information would be forthcoming.

5. Informed the Council, Albion Labs’ employees participated in a service project at Kiwanis Park. He reported they had painted restrooms, a wall and the boweries and cleaned up the park. He complimented the participants and stated the park looked very nice.

6. Reported he had attended Planning Commission meeting on Wednesday, June 4, 2014. He stated the meeting went until 10:30 p.m. and commended them for their diligence. He indicated due to some recent resignations, there were no alternate members and suggested the City proceed in recruiting alternate members.

**Councilmember Jones** – nothing to report.

**Councilmember LeBaron** – stated he was scheduled to be in town for the month of July.

**Councilmember Young** – nothing to report.

**Adam Lenhard, City Manager**

1. Recognized Rich Knapp, Administrative Services Director, and Jessica Hardy, Budget Analyst, for their efforts on the budget.

2. Reminded the Council the next open house was scheduled at Holt Elementary on Tuesday, June 17, 2014 at 6:00 p.m.

There being no further business to come before the City Council **Councilmember LeBaron moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:03 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

*\*\*The minutes for the CDRA are in a separate location\*\**

DRAFT



# City Council

## STAFF REPORT

**TO:** Mayor Shepherd, City Council, and Executive Staff

**FROM:** Scott A. Hess  
Development Services Manager  
[scott.hess@clearfieldcity.org](mailto:scott.hess@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** June 24, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **FSP 1405-0003**: A request by Michael Christensen, on behalf of Thackeray Company's, for a Final Subdivision Plat review for Phase 1 on an approved Mixed-Use Development on approximately 70 acres located at 1250 S. State Street (TIN: 12-066-0071, 12-067-0139).

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### RECOMMENDATIONS

Move to **continue the public hearing to July 22, 2014** FSP 1405-0003, Clearfield Station Final Subdivision Plat located at 1250 S. State Street (TIN: 12-066-0071, 12-067-0139) based on discussion and findings in the staff report.

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### PROJECT SUMMARY

| Project Information     |  |
|-------------------------|--|
| Project Name            | Clearfield Station   |
| Site Location           | 1250 S. State (SWC of State Street and 1000 East)              |
| Tax ID Number           | 12-066-0071, 12-067-0139                                       |
| Applicant               | Michael Christensen<br>Thackeray Garn Company                  |
| Owner                   | Utah Transit Authority (UTA)<br>Curtis Clayton, Representative |
| Proposed Actions        | Phase 1 - Final Subdivision Plat                               |
| Current Zoning          | MU (Mixed Use)   |
| Land Use Classification | Mixed-Use  |
| Gross Site Area         | 70 acres   |

| Surrounding Properties and Uses: | Current Zoning District   | Comprehensive Plan Land Use Classification                               |
|----------------------------------|---|--|
| North                            | Clearfield City Cemetery, agricultural properties with existing residences and Shady Grove Mobile Home Park | R-2 (Multi-family Residential)<br>A-1 (Agricultural)<br>C-2 (Commercial) |
| East                             | State Street, various commercial developments (e.g. Lucky Auto, Jim's Tires, Noah's Auto, Almosta Junction) | C-2 (Commercial)   |
| South                            | Oakstone Apartments and Townhomes   | R-3 (Multi-Family Residential)   |
| West                             | Union Pacific Railroad, then developed Industrial properties  | M-1 (Manufacturing)  |

## ANALYSIS

### Master Plan and Zoning

Clearfield Station Transit Oriented Development was approved through the Master Development Plan and Master Development Agreement process in a City Council meeting on March 11, 2014. The Preliminary Plat for the entire 70 acre site was approved on May 7, 2014 by the Clearfield Planning Commission. The current request is for Final Subdivision Plat approval for Phase 1 of the development.

The plans submitted for Phase 1, although not complete, are in substantial conformance with the approved Preliminary Plat. The plans are also in substantial conformance with the Master Development Plan and the Mixed-Use Zone requirements.

### Phase 1 Final Subdivision Plat Planning Review

Planning Commission held a public hearing on this item on June 4, 2014 and continued the public hearing to the July 2, 2014 meeting.

The Phase 1 Final Subdivision Plat for Clearfield Station was submitted to the City based on a very tight review timeframe in hopes that the submittal would be thorough and not require many corrections. A meeting was scheduled on May 27, 2014 between the City and the Developer to discuss specifics of the Final Plat application as it was submitted. It was decided in the meeting that the plans were not complete enough for the City to perform a comprehensive review, and it was recommended that the application be pushed back in order to give time to the applicant's engineer time to develop a more thorough and complete submittal. Staff recommends that the

City Council hold the noticed public hearing, provide direction to staff, and continue the item and the public hearing to the City Council meeting scheduled for July 22, 2014.

Strictly from the planning department perspective, there are a couple of very small changes that the City Council should be aware of. These changes revolve around the access points to State Street and 1000 East. The developer has been working with the property owner of Shady Grove Mobile Home Park and has been unsuccessful in obtaining a right-of-way easement for the northern entrance point into the development. For this reason, the northernmost access point has been shifted south slightly to accommodate the necessary curve radius that will be needed for vehicles to turn from State Street into the development. This change may result in the Flex Business Buildings in Phase 1 being slightly smaller than previously planned, but does not change any other terms of prior agreements. The southernmost access connecting to 1000 East is shown on the plans as a direct 90 degree intersection. The eventual connection of this road will be a slight curve which will connect to a future road out on State Street after the intersection has been moved. For Phase 1, the access points will function, and can be approved as an interim solution.

#### **Fire Department Review**

North Davis Fire District (NDFD) worked with the applicant in the Preliminary Plat stage to best incorporate fire infrastructure into the development as a whole. NDFD was comfortable with the submittal strictly from a fire perspective based review of the Preliminary Subdivision Plan and based on a letter to Clearfield City Community Development on April 29, 2014. The comments focus on location of fire risers and fire-fighting infrastructure provided throughout the development. Exact locations of public utilities and fire infrastructure will be reviewed in detail when the complete phase 1 submittal has been provided.

#### **Public Works Review**

Clearfield City Public Works has performed an initial review of all public utilities, roads, and infrastructure impacts within the development. Their first concern is with assuring that the plans correctly reflect locations of utilities and details related to functionality of the infrastructure systems. Public Work's has requested a great deal of additional information that the applicant will be providing on a revised Phase 1 Final Subdivision Plat submittal.

#### **Engineering Review**

The City Engineer indicated a number of concerns specific to infrastructure improvements as they were shown on the submittal. The concerns mostly revolve around questions about sewer capacity in 1000 East, and whether the pump and lift station will work within the capacities of the City's sewer system. The developer has a strategy to flow test the current sewer system, and will report findings back to the City Engineer prior to the City Council meeting. Also, concerns over lack of detail on sewer and water systems as a whole helped drive the decision to push the recommended approval back to July. The applicant will be responding to the request for additional information and detail from the City Engineer and will be providing that detail in the revised Phase 1 Subdivision Plat submittal.

#### **Master Development Agreement**

The proposed Final Subdivision Plat (FSP), although not yet in final form, is currently consistent with the MDA as approved by Clearfield City Council on March 11, 2014.

#### **Public Comment**

No additional public comment has been received outside of the previous public hearings.

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## CONDITIONS OF APPROVAL

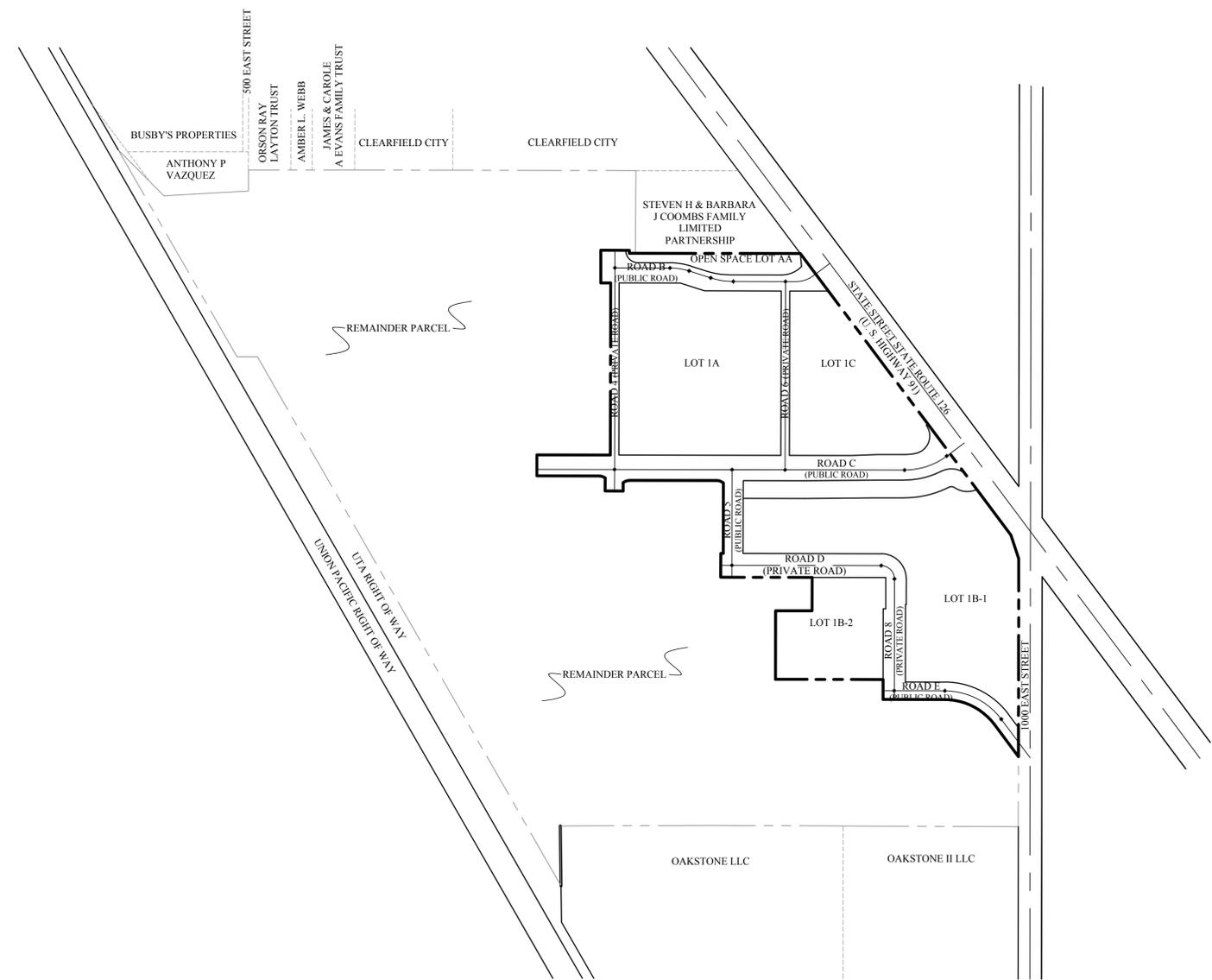
- 1) The developer shall submit a final clean copy of the Final Subdivision Plat documents correcting all errors and omissions indicated by Staff Reviews.
- 2) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer.
- 3) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.
- 4) Pursuant to the Subdivision Ordinance 12-4-5, an estimate of public improvements (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to recordation of the Final Plat.
- 5) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat. Final plat recordation may come in phases for large tract development.
- 6) All Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the approved Master Development Plan and Master Development Agreement.

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## ATTACHMENTS

1. Phase 1 Final Subdivision Plat dated May 29, 2014

**CLEARFIELD STATION TOD PHASE 1**  
 LOCATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST,  
 SALT LAKE BASE & MERIDIAN. DAVIS COUNTY, UTAH.



**SURVEYOR'S CERTIFICATE**

I, SATTAR N. TABRIZ, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PARCEL OF LAND SHOWN AND DESCRIBED ON THIS MAP. I ALSO CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE SUBDIVIDED SAID PARCEL INTO LOTS, AND STREET, TO BE HEREAFTER KNOWN AS:

**CLEARFIELD STATION TOD PHASE 1**

THE SURVEY WAS PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED SURVEYING PRACTICES, AND WAS MARKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE: \_\_\_\_\_ SATTAR N. TABRIZ  
 LICENSE NO. 155100

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AS MARKED BY A DAVIS COUNTY SURVEY BRASS CAP (SAID EAST QUARTER CORNER BEING NORTH 00°51'19" EAST 2636.71 FEET ALONG THE SECTION FROM THE SOUTHEAST CORNER OF SAID SECTION 12 WHICH IS WITNESSED BY TWO RECOVERED HIGHWAY BRASS CAP RIGHT-OF-WAY MONUMENTS AS SHOWN ON THE TIE SHEET FOR SAID SOUTHEAST CORNER AS FILED ON PAGE 671 OF TIE SHEETS AT THE DAVIS COUNTY SURVEYOR'S OFFICE, SAID SECTION LINE BEING THE BASIS OF BEARINGS FOR THE HEREIN DESCRIBED PROPERTY). SAID EAST QUARTER CORNER ALSO BEING SOUTH 89°54'00" EAST 2649.24 FEET FROM THE CENTER OF SAID SECTION 12 AS SHOWN ON RECORD OF SURVEY (ROS) MAP NO. 5703 PREPARED BY MOUNTAIN SURVEYING & MAPPING, INC. AND FILED IN THE DAVIS COUNTY SURVEYOR'S OFFICE; THENCE NORTH 89°54'00" WEST 56.04 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 12 AND SOUTH 498.24 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 126 AND THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 18°25'10" EAST 70.17 FEET (SOUTH 18°16'31" EAST BY HIGHWAY PROJECT NO. NM-2006(7)) TO THE WEST RIGHT-OF-WAY LINE OF 1000 EAST STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 00°05'19" WEST 556.74 FEET; THENCE NORTH 36°55'38" WEST 113.18 FEET; THENCE NORTHWESTERLY 162.21 FEET ALONG A 175.50 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 52°57'25" AND A LONG CHORD OF NORTH 63°24'20" WEST 156.50 FEET; THENCE NORTH 89°53'02" WEST 174.64 FEET; THENCE NORTH 00°06'58" EAST 56.00 FEET; THENCE NORTH 89°53'02" WEST 304.14 FEET; THENCE NORTH 00°06'58" EAST 192.71 FEET; THENCE SOUTH 89°53'02" EAST 103.14 FEET; THENCE NORTH 00°06'27" EAST 94.00 FEET; THENCE NORTH 89°53'02" WEST 258.38 FEET; THENCE NORTH 00°06'58" EAST 67.00 FEET; THENCE SOUTH 89°53'02" EAST 7.00 FEET; THENCE NORTH 00°06'58" EAST 198.22 FEET; THENCE WESTERLY 20.58 FEET ALONG A 30.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 39°17'47" AND A LONG CHORD OF NORTH 70°14'08" WEST 20.17 FEET; THENCE NORTH 89°53'02" WEST 245.25 FEET; THENCE WESTERLY 20.58 FEET ALONG A 30.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 39°17'47" AND A LONG CHORD OF SOUTH 70°28'04" WEST 20.17 FEET; THENCE SOUTH 00°06'58" WEST 23.22 FEET; THENCE NORTH 89°53'02" WEST 51.00 FEET; THENCE NORTH 00°06'58" EAST 36.72 FEET; THENCE WESTERLY 18.07 FEET ALONG A 30.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 34°31'05" AND A LONG CHORD OF NORTH 72°37'29" WEST 17.80 FEET; THENCE NORTH 89°53'02" WEST 176.00 FEET; THENCE NORTH 00°06'58" EAST 59.50 FEET; THENCE SOUTH 89°53'02" EAST 207.50 FEET; THENCE NORTH 00°06'58" EAST 484.00 FEET; THENCE NORTH 89°53'02" WEST 28.00 FEET; THENCE NORTH 00°06'58" EAST 92.00 FEET; THENCE SOUTH 89°53'02" EAST 80.50 FEET; THENCE SOUTH 00°06'58" WEST 8.53 FEET; THENCE SOUTH 89°56'48" EAST 17.23 FEET TO THE SOUTHWEST CORNER OF THAT PROPERTY DESCRIBED AND RECORDED AS ENTRY NO. 1516953 OF THE DAVIS COUNTY RECORDS AND AN EXISTING WOODEN RETAINING WALL CORNER WITH CHAIN LINK FENCE EXTENDING EAST; THENCE ALONG SAID EXISTING CHAIN LINK FENCE AND THE SOUTH LINE OF SAID PROPERTY SOUTH 89°56'48" EAST 466.09 FEET (EAST 464.2 FEET) TO SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 126, FROM WHICH A FOUND LEAD PLUG IN THE SIDEWALK BEARS SOUTH 89°56'48" EAST 4.87 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 36°55'38" EAST 990.44 FEET (SOUTH 36°47' EAST BY HIGHWAY PROJECT NO. 59 (3)) TO THE POINT OF BEGINNING.

**OWNER'S DEDICATION**

KNOWN ALL BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE HEREON DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS AND STREETS TO BE HEREAFTER KNOWN AS:

**CLEARFIELD STATION TOD PHASE 1**

DOES HEREBY DEDICATE, EXCEPT IN ACCORDANCE WITH THE COMPLETE DEFEASANCE CONTAINED HEREIN BELOW, FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER NECESSARY SERVICES.

SUBJECT TO THE FOLLOWING REVERSIONARY INTEREST IN AND TO THE UTAH TRANSIT AUTHORITY:

AS A CONDITION OF THE PUBLIC DEDICATION OF THE ROADS FOR PUBLIC RIGHT OF WAY AND THE APPURTENANCES THERETO, IF ANY OF THE ROADS AND ANY OF THE APPURTENANCES THERETO DEDICATED TO THE CITY OF CLEARFIELD CITY BY UTAH TRANSIT AUTHORITY CEASE TO BE USED AND MAINTAINED BY THE CITY OF CLEARFIELD CITY AS PUBLIC RIGHT OF WAY, TITLE TO SUCH PROPERTY SHALL AUTOMATICALLY DEFEASE AND REVERT TO UTAH TRANSIT AUTHORITY OR ITS SUCCESSOR; PROVIDED, HOWEVER, THAT PUBLIC AND PRIVATE UTILITY SYSTEMS DO NOT CONSTITUTE APPURTENANCES; ALSO PROVIDED THAT THE CITY'S RECORDING OF A STREET VACATION PLAT SHALL CONSTITUTE EVIDENCE THAT A ROAD HAS CEASED TO BE USED AND MAINTAINED AS PUBLIC RIGHT OF WAY.

(A) SUBJECT TO THE AFFECTED PROPERTY OWNER'S PRIOR WRITTEN APPROVAL AS TO THE LOCATION OF PARTICULAR FACILITIES, THE UNDERSIGNED OWNER HEREBY CREATES A GENERAL NON-EXCLUSIVE EASEMENT OVER, ACROSS, THROUGH, AND UNDER LOTS FOR INGRESS TO, EGRESS FROM, AND INSTALLATION, REPLACEMENT, REPAIR, AND MAINTENANCE OF, ALL UTILITY AND SERVICE LINES AND SYSTEMS, INCLUDING WATER, SEWER, GAS, TELEPHONE, ELECTRICITY, AND CABLE COMMUNICATIONS THAT SERVICE ALL OR PART OF THE LOTS.

(B) ANY UTILITY OR SERVICE COMPANY USING THIS GENERAL EASEMENT WILL USE ITS BEST EFFORTS TO INSTALL, REPAIR, REPLACE, AND MAINTAIN ITS LINES AND SYSTEMS WITHOUT DISTURBING THE USES OF OWNERS AND OCCUPANTS OF THE LOTS AND OTHER UTILITY AND SERVICE COMPANIES.

(C) IF THE AFFECTED OWNER OR ANY UTILITY OR SERVICE COMPANY FURNISHING UTILITIES OR SERVICES TO THE LOTS UNDER THE FOREGOING PROVISION REQUESTS A SPECIFIC EASEMENT BY SEPARATE RECORDABLE DOCUMENT, THE OWNER OF THE SAID LOT MAY, IN ITS DISCRETION, GRANT THE EASEMENT PURSUANT TO A SEPARATE WRITTEN INSTRUMENT THAT SPECIFIES THE LOCATION THEREOF.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS:

UTAH TRANSIT AUTHORITY  
 A PUBLIC TRANSIT DISTRICT OF THE STATE OF UTAH

UTAH TRANSIT AUTHORITY  
 A PUBLIC TRANSIT DISTRICT OF THE STATE OF UTAH

**OWNERS ACKNOWLEDGEMENT**

UTAH TRANSIT AUTHORITY  
 A PUBLIC TRANSIT DISTRICT OF THE STATE OF UTAH

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
 NAME: \_\_\_\_\_ NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

STATE OF UTAH  
 COUNTY OF SALT LAKE S.S.

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014, PERSONALLY APPEARED BEFORE ME  
 \_\_\_\_\_ AND \_\_\_\_\_, WHO

RESPECTIVELY, OF THE UTAH TRANSIT AUTHORITY, A PUBLIC TRANSIT DISTRICT OF THE STATE OF UTAH, AND THAT THE FORGOING INSTRUMENT WAS SIGNED IN BEHALF OF SAID UTAH TRANSIT AUTHORITY BY AUTHORITY, AND THEY ACKNOWLEDGE TO ME THAT SAID UTAH TRANSIT AUTHORITY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

RESIDING IN \_\_\_\_\_

**GENERAL NOTES**

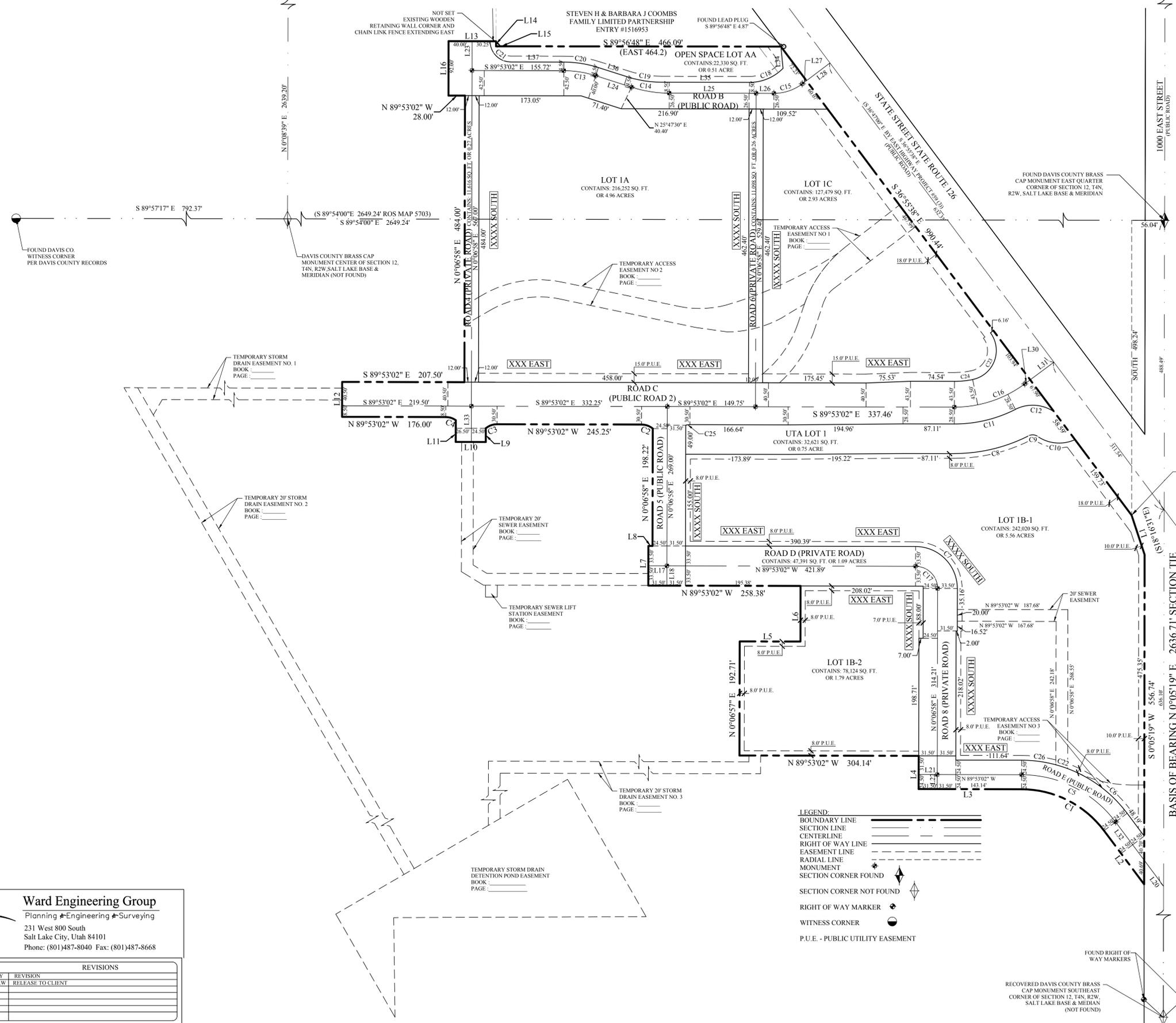
1. THE BASIS OF BEARING FOR THIS PLAT IS NORTH 0°05'19" EAST, 2636.71 FEET ALONG THE NORTH LINE OF EAST HALF OF SECTION 12, FROM THE FOUND SALT LAKE COUNTY MONUMENT MARKING THE NORTHWEST CORNER, TO THE FOUND SALT LAKE COUNTY MONUMENT MARKING THE NORTH QUARTER CORNER OF SAID SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. (AS SHOWN HEREON)
2. COURSES AND DISTANCES SHOWN ON THIS MAP ARE MEASURED DIMENSIONS TAKEN FROM ACTUAL FIELD MEASUREMENTS, UNLESS CONTAINED WITHIN PARENTHESES INDICATING A RECORD COURSE OR DISTANCE. RECORD INFORMATION IS TAKEN FROM MAPS, PLATS, DEEDS OF RECORD, OR OTHER SOURCES OF RECORD INFORMATION.
3. THIS MAP WAS PREPARED AT THE REQUEST OF THACKERY GARN COMPANY FOR THE PURPOSE OF SUBDIVIDING THE HEREON DESCRIBED PARCEL OF LAND INTO LOTS, STREETS.
4. THE MAP WAS PREPARED BASED UPON COMMITMENT FOR TITLE INSURANCE PREPARED BY LAND TITLE COMPANY.
5. THE SUBJECT PROPERTY IN THE LAND DESCRIBED IN THE COMMITMENT IS FEE SIMPLE IN THE NAME OF UTAH TRANSIT AUTHORITY.
6. THE SUBJECT PROPERTY IS LOCATED WITHIN FLOOD PLAIN.

V:\2013 Projects\13-019 Clearfield TOD Phase 1\Final\13-019-05-06 cover.dwg, May 29, 2014, 2:24pm

|  |  |  |   |
|--|--|--|---|
| <b>PHONE SERVICE</b><br>CENTURYLINK CORP.<br>APPROVED THIS ____ DAY OF _____ A.D. 20 ____<br>GENERAL MANAGER _____ | <b>CABLE COMPANY</b><br>COMCAST (XFINITY)<br>APPROVED THIS ____ DAY OF _____ A.D. 20 ____<br>GENERAL MANAGER _____ | <b>GAS COMPANY</b><br>QUESTAR GAS COMPANY<br>APPROVED THIS ____ DAY OF _____ A.D. 20 ____<br>GENERAL MANAGER _____ | <b>POWER COMPANY</b><br>ROCKY MOUNTAIN POWER COMPANY<br>APPROVED THIS ____ DAY OF _____ A.D. 20 ____<br>GENERAL MANAGER _____ |
|--|--|--|---|

|  |  |  |   |  |   |  |   |                        |
|--|--|--|---|--|---|--|---|------------------------|
| <b>COUNTY FLOOD CONTROL</b><br>DAVIS COUNTY FLOOD CONTROL<br>APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20 ____<br>NAME & TITLE _____<br>NOTE: THE FORGOING SIGNATURE IS NOT A PERMIT FOR THE CONSTRUCTION OF IMPROVEMENTS. PRIOR TO ANY WORK BEING CONDUCTED WITHIN 20 FEET OF A COUNTY FLOOD FACILITY, A FLOOD CONTROL PERMIT MUST BE OBTAINED. | <b>COUNTY HEALTH DEPARTMENT</b><br>DAVIS COUNTY HEALTH DEPARTMENT<br>APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20 ____<br>DAVIS COUNTY HEALTH DEPARTMENT | <b>CITY PLANNING COMMISSION</b><br>CITY PLANNING<br>APPROVED THIS ____ DAY OF _____ A.D. 20 ____<br>CITY PLANNER _____ | <b>SEWER DISTRICT</b><br>SOUTH VALLEY SEWER DISTRICT<br>APPROVED THIS ____ DAY OF _____ A.D. 20 ____<br>GENERAL MANAGER _____ | <b>CITY ATTORNEY</b><br>OFFICE OF THE CITY ATTORNEY<br>APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20 ____<br>ATTORNEY FOR CLEARFIELD CITY _____ | <b>CITY ENGINEER</b><br>CITY ENGINEER<br>I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.<br>CLEARFIELD CITY ENGINEER _____ DATE _____ | <b>MAYOR</b><br>CLEARFIELD CITY MAYOR<br>PRESENTED TO THE CLEARFIELD CITY MAYOR THIS ____ DAY OF _____ A.D. 20 ____ AT WHICH TIME THIS PLAT WAS ACCEPTED.<br>ATTEST: CITY CLERK _____ CITY MAYOR _____ | <b>COUNTY RECORDER</b><br>DAVIS COUNTY RECORDER<br>RECORD NO. _____<br>STATE OF UTAH, COUNTY OF DAVIS, RECORDED AND FILED AT THE REQUEST OF: _____<br>DATE _____ TIME _____ BOOK _____ PAGE _____<br>FEES _____ PRINTED NAME OF COUNTY RECORDER _____ | <b>SHEET</b><br>1 OF 2 |
|--|--|--|---|--|---|--|---|------------------------|

**CLEARFIELD STATION TOD PHASE 1**  
 LOCATED IN THE EAST HALF OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST,  
 SALT LAKE BASE & MERIDIAN. DAVIS COUNTY, UTAH.



| Line # | Length | Direction     |
|--------|--------|---------------|
| L1     | 70.17  | S18° 25' 10"E |
| L2     | 113.18 | N36° 55' 38"W |
| L3     | 174.64 | N89° 53' 02"W |
| L4     | 56.00  | N0° 06' 58"E  |
| L5     | 103.14 | S89° 53' 02"E |
| L6     | 94.00  | N0° 06' 27"E  |
| L7     | 67.00  | N0° 06' 58"E  |
| L8     | 7.00   | S89° 53' 02"E |
| L9     | 23.22  | N0° 06' 58"E  |
| L10    | 51.00  | N89° 53' 02"W |
| L11    | 36.72  | N0° 06' 58"E  |
| L12    | 59.00  | N0° 06' 58"E  |
| L13    | 80.50  | S89° 53' 02"E |
| L14    | 8.53   | S0° 06' 58"W  |
| L15    | 17.23  | S89° 56' 48"E |
| L16    | 92.00  | S0° 06' 58"W  |
| L17    | 31.50  | N89° 53' 02"W |
| L18    | 33.50  | N0° 06' 58"E  |
| L20    | 54.81  | N36° 55' 38"W |
| L21    | 31.50  | S89° 53' 02"E |

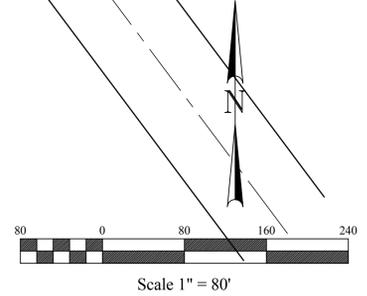
| Line # | Length | Direction     |
|--------|--------|---------------|
| L22    | 24.50  | N0° 06' 58"E  |
| L23    | 49.50  | S18° 25' 10"E |
| L24    | 63.88  | N72° 16' 29"W |
| L25    | 147.41 | N89° 53' 02"W |
| L26    | 30.12  | S89° 53' 02"E |
| L27    | 8.80   | S53° 04' 22"W |
| L28    | 50.00  | S53° 04' 22"W |
| L30    | 11.52  | N53° 28' 27"E |
| L31    | 50.00  | N53° 28' 27"E |
| L32    | 80.68  | N36° 55' 38"W |
| L33    | 60.50  | N0° 06' 58"E  |
| L34    | 36.95  | S5° 41' 09"E  |
| L35    | 148.91 | N89° 53' 02"W |
| L36    | 50.66  | S72° 16' 29"E |
| L37    | 89.91  | S89° 53' 02"E |
| L38    | 10.00  | S89° 53' 02"E |

| Curve # | Length | Radius | Delta      | Bearing     | Chord  |
|---------|--------|--------|------------|-------------|--------|
| C1      | 162.21 | 175.50 | 52°57'25"  | N63°24'20"W | 156.50 |
| C2      | 20.58  | 30.00  | 39°17'47"  | N70°14'09"W | 20.17  |
| C3      | 20.58  | 30.00  | 39°17'47"  | S70°28'04"W | 20.17  |
| C4      | 18.07  | 30.00  | 34°31'05"  | N72°37'30"W | 17.80  |
| C5      | 184.85 | 200.00 | 52°57'25"  | N63°24'20"W | 178.34 |
| C6      | 127.80 | 224.50 | 32°36'57"  | N53°14'06"W | 126.08 |
| C7      | 111.54 | 71.00  | 90°00'32"  | N44°52'46"W | 100.42 |
| C8      | 131.03 | 278.50 | 26°57'23"  | N76°38'16"E | 129.82 |
| C9      | 15.99  | 15.00  | 61°04'28"  | N86°18'11"W | 15.24  |
| C10     | 66.42  | 65.00  | 58°32'45"  | S85°02'20"E | 63.57  |
| C11     | 107.50 | 228.50 | 26°57'23"  | N76°38'16"E | 106.52 |
| C12     | 69.29  | 65.00  | 61°04'28"  | N86°18'11"W | 66.05  |
| C13     | 54.86  | 178.50 | 17°36'34"  | N81°04'46"W | 54.64  |
| C14     | 59.93  | 195.00 | 17°36'34"  | S81°04'46"E | 59.70  |
| C15     | 51.72  | 80.00  | 37°02'36"  | N71°35'40"E | 50.83  |
| C16     | 127.90 | 200.00 | 36°38'30"  | N71°47'42"E | 125.74 |
| C17     | 58.90  | 37.50  | 90°00'00"  | N44°53'02"W | 53.03  |
| C18     | 63.40  | 80.00  | 45°24'31"  | N67°24'42"E | 61.76  |
| C19     | 59.93  | 195.00 | 17°36'34"  | S81°04'46"E | 59.70  |
| C20     | 59.93  | 195.00 | 17°36'34"  | N81°04'46"W | 59.70  |
| C21     | 54.98  | 35.00  | 90°00'00"  | S44°53'02"E | 49.50  |
| C22     | 21.00  | 224.50 | 5°21'31"   | N72°13'20"W | 20.99  |
| C23     | 100.82 | 50.00  | 115°31'44" | N20°55'29"E | 84.59  |
| C24     | 31.21  | 156.50 | 11°25'36"  | N84°24'09"E | 31.16  |
| C25     | 7.09   | 25.00  | 16°15'37"  | N81°59'09"E | 7.07   |
| C26     | 58.70  | 224.50 | 14°58'56"  | N82°23'34"W | 58.54  |

POINT OF BEGINNING

BASIS OF BEARING N 0°05'19" E 2636.71' SECTION TIE

- LEGEND:**
- BOUNDARY LINE
  - SECTION LINE
  - CENTERLINE
  - RIGHT OF WAY LINE
  - EASEMENT LINE
  - RADIAL LINE
  - MONUMENT
  - SECTION CORNER FOUND
  - SECTION CORNER NOT FOUND
  - RIGHT OF WAY MARKER
  - WITNESS CORNER
  - P.U.E. - PUBLIC UTILITY EASEMENT



|  |      |                                 |      |
|--|------|---------------------------------|------|
| <b>COUNTY RECORDER</b>                             |      | <b>SHEET</b>                    |      |
| DAVIS COUNTY RECORDER                              |      | RECORD NO.                      |      |
| STATE OF UTAH, COUNTY OF DAVIS, RECORDED AND FILED |      |                                 |      |
| AT THE REQUEST OF:                                 |      |                                 |      |
| DATE   | TIME | BOOK                            | PAGE |
|  |      |                                 |      |
| FEES   |      | PRINTED NAME OF COUNTY RECORDER |      |
|  |      |                                 |      |

2 OF 2

**Ward Engineering Group**  
 Planning • Engineering • Surveying  
 231 West 800 South  
 Salt Lake City, Utah 84101  
 Phone: (801)487-8040 Fax: (801)487-8668

| No. | DATE      | BY  | REVISION          |
|-----|-----------|-----|-------------------|
| 0   | 8/15/2011 | DRW | RELEASE TO CLIENT |
|     |           |     |                   |
|     |           |     |                   |

V:\2011 Projects\11-019 Clearfield TOD Phase 1 - Final\11-019 Clearfield TOD Phase 1 - Final.dwg 2 BR 8/15/2011 2:23pm

# Staff Report



**To:** Mayor Mark Shepherd and City Councilors  
**From:** Rich Knapp, Administrative Services Director  
**Date:** June 20, 2014  
**Re:** Fiscal Year 2014 Budget Amendments

*Rich Knapp*

## Recommended Action

Staff recommends the City Council approve the FY 2014 budget amendments.

## Description / Background

The table below lists actual and proposed expenditures that do not have or exceed FY 2014 budget authority and require budget amendments as allowed by Utah Code Title 10 Chapter 6 Section 124 to 129.

| Division             | Description  | Amount    | Funding Source  |
|----------------------|--|-----------|---|
| <b>General Fund:</b> |  |           |   |
| A. Aquatic Center    | Membership Funds for Equipment   | \$62,600  | Donations   |
| B. Interdepartmental | City Water Charges   | \$350,000 | Fund Balance  |
| <b>CDRA:</b>         |  |           |   |
| C.                   | Reallocate EDA & CDRA funds so CDRA is making bond payment and not the EDA | Varies    | EDA #2 Fund Balance Increases and CDRA Fund Balances Decrease |

Although the State is not requiring cities to charge itself for water this year, we recently learned that GAAP has made this requirement. We are estimating on the high side a total yearly cost of \$350,000, of that estimate just over \$300,000 is for landscape irrigation. It is anticipated the actual amount charged to the general fund will be less, but want enough budget authority to make sure the cost is covered.

This amount can be recovered in the general fund after we meet the public noticing requirements, but it will not be reflected in FY14.

## List of Attachments

- FY2014 Budget Amend Items Worksheet

## FY2014 Budget Amendment Items June 24, 2014

| Division  | Division #        | Account | Expense Account Title | Expense Adjustment                       | Description | Source Account                              | Source Account Title | Source Adjustment |
|---|-------------------|---------|-----------------------|--|-------------|---|----------------------|-------------------|
| <u>General Fund</u>                                   |                   |         |                       |  |             |   |                      |                   |
| A.  | Aquatic Center    | 104565  | 645002                | Donation Expense                         | 50,000      | Donation Expense                            | 369003 Donations     | 50,000            |
| B.  | Interdepartmental | 104151  | 627003                | Interdepartment                          | 350,000     | City Water                                  | 381009 Fund Balance  | 350,000           |
|   |                   |         |                       | Total General Fund                       | 400,000     |   |                      |                   |
|   |                   |         |                       | General Fund Total Use of Fund Balance   | 350,000     |   |                      |                   |
| <u>Community Development and Renewal Agency(CDRA)</u> |                   |         |                       |  |             |   |                      |                   |
| C.  | RDA #6            |         | 691004                | transfer for FY14 sales tax bond payment | 53,422      | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |
|   | RDA #7            |         | 691004                | transfer for FY14 sales tax bond payment | (128,546)   | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |
|   | RDA #9            |         | 691004                | transfer for FY14 sales tax bond payment | 217,750     | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |
|   | RDA #10           |         | 691004                | transfer for FY14 sales tax bond payment | (121,330)   | RDA reallocation to Pay FY14 Sales Tax Bond |                      |                   |



# City Council

## STAFF REPORT

**TO:** Mayor Shepherd, City Council, and Executive Staff

**FROM:** Scott A. Hess, MPA  
Development Services Manager  
[scott.hess@clearfieldcity.org](mailto:scott.hess@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** June 24, 2014

**SUBJECT:** Public Hearing, Discussion, and Possible Action on **ZTA 1404-0002** Zoning Text Amendment to Title 11, Chapter 5 to propose standards for Administrative Site Plan reviews. This zoning text amendment would be effective across all Zones in Clearfield City.

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### RECOMMENDATION

Move to Approve Ordinance No. 2014-17 approving **ZTA 1404-0002**, an amendment to Title 11, Chapter 5 incorporating standards for Administrative Site Plan reviews, based on the findings and discussion in the Staff Report.

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### ANALYSIS

Clearfield City Planning Commission opened a public hearing on this item on May 7, 2014 and continued the item to June 6, 2014. On June 6, 2014 the Planning Commission took action making a **recommendation for approval of ZTA 1404-0002 based on discussion and findings in the staff report.**

Clearfield City Council has also opened a public hearing for this item on May 27, 2014, and the item has been continued to June 24, 2014. The City Council held a Work Session on this item on June 10, 2014 providing feedback to staff on the recommended standards for administrative site plans.

Clearfield City Code 11-5 Site Plan Review regulates the review and approvals of all Site Plans within the City. Site Plan review is required for: 1) new development except single-family detached dwellings, and 2) exterior modifications to existing structures or sites including, but not limited to, adding equipment, landscaping, or parking. City Code § 11-5-3, Application Review Procedure, lays out twelve specific criteria to be considered for Site Plan Reviews. Following the criteria in the code helps lead to predictable reviews and recommendations.

Currently, the review body for all Site Plans is the Planning Commission. While the requirement to bring all Site Plans to the Planning Commission has helped drive quality developments, it can become a time burden on the Planning Commission to review very minor items that are required based on the current procedures. Also, from the applicant's perspective waiting for the Planning Commission to review what seems to be a very minor or insignificant project can be frustrating.

**Discussion of Proposed Changes**

Staff is proposing a change to the Site Plan Review section of the City Code to allow for Administrative Site Plan Reviews for minor site plans, or those that have a limited impact burden on city infrastructure and neighboring developments. Clearfield City has the benefit of having a very well defined review procedure codified which with Administrative Site Plan Reviews would allow applicants to move forward on minor projects and site changes much faster, and without the time burden of waiting for Planning Commission meetings once per month. Decisions of the Zoning Administrator issued on Administrative Site Plan Reviews would be subject to appeal to the Planning Commission.

The Zoning Administrator's supervisor would be required to approve whether or not an application meets the criteria for an Administrative Review. The ordinance change as written would require a written letter from the Building Official, City Engineer, Public Works, Fire Department, and Planning Department for all Site Plans, both Administrative and Planning Commission review. This requirement provides an opportunity for multiple eyes to be placed on any review whether Administrative or by the Planning Commission. The process as written keeps the Planning Commission apart from Administrative Site Plan decisions. This is to ensure that the Planning Commission can act as the Appeal Body without being party to the original discussion and decision made by the Zoning Administrator.

**Proposed Ordinance Changes/Additions**

Staff would propose to following additions and amendments to Title 11, Chapter 5 Site Plan Review as indicated below:

Chapter 5  
**SITE PLAN REVIEW (AMENDED LANGUAGE)**

- 11-5-1: PURPOSE:
- 11-5-2: PROCEDURES:
- 11-5-3: APPLICATION REVIEW PROCEDURE:
- 11-5-4: ISSUANCE OF PERMIT:
- 11-5-5: EXPIRATION OF APPROVAL; EXTENSION:
- 11-5-6: APPEAL:

**11-5-1: PURPOSE:**

The purpose and intent of site plan review is to assure that the general appearance of buildings and structures and the improvement of land shall contribute to the stability of land values, the protection of investments, the attractiveness of the neighborhood and the general welfare of the community. It is not the purpose of this chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense be incurred; rather, it is the intent of this chapter that any controls exercised be the minimum necessary to achieve the objectives as stated above. (Ord. 2009-21, 11-24-2009)

**11-5-2: PROCEDURES:**

A. Review Required: Site plan review shall be required for all of the following:

1. All proposed new development except single-family detached dwellings.
2. Exterior modifications to existing structures or sites, except single-family detached dwellings. This includes, but is not limited to, adding equipment, landscaping or parking.

B. Application: Application for site plan review shall be made in writing by the property owner or their certified agent on forms prepared by the community development department. The planning and zoning administrator shall review the site plan application when it is submitted to see that all information and items required by this title are included in the application. The planning and zoning administrator shall not perform an Administrative Site Plan Review, or place any site plan on the planning commission agenda until all items required have been submitted or are omitted for good cause.

C. Contents Of Plan: Applications for site plan review shall be accompanied by three (3) full size (24 inch x 36 inch) and five (5) half size (11 inch x 17 inch) paper copies of site development plans and/or architectural drawings, and one electronic copy in a format approved by the community development department. All plans shall be drawn to a standard scale (not smaller than 1 inch = 30 feet) and stamped by a licensed landscape architect or civil engineer, and shall contain the following:

1. The building lot and dimensions.
2. Existing building locations.
3. Proposed building locations.
4. Existing trees and shrubbery.
5. Proposed landscaping and fencing.
6. Vehicular and pedestrian access and circulation.
7. Off street parking facilities.
8. Location and width of abutting streets.
9. Existing and proposed utilities.
10. Architectural drawings at a scale no smaller than one-eighth inch equals one foot ( $\frac{1}{8}'' = 1'$ ), sketches or perspectives of exterior elevations, structures, signs and indication of types of materials to be used. Said elevations or renderings must be sufficiently complete to show building heights and rooflines, exterior finish materials, the location and height of any walls, signs, light standards, openings in the facade, and the general architectural character of the building.
11. A full description of the proposed development with respect to type of use, density, height, construction, square footage, and unusual utility demands (including water needs).
12. Vicinity map and north arrow.

13. Location of existing and proposed streetlights (including style and height).

14. The following statistical information shall also be provided:

- a. Gross acreage of total project and acreage of phases (if applicable).
- b. Square footage of all individual buildings (with square feet of intended uses in each building).
- c. Building coverage (percent of overall site).
- d. Number of parking spaces required (with ratios).
- e. Number of parking spaces provided.
- f. Open space (percent of overall site).
- g. Current zoning of property.
- h. Type of construction.

15. Two (2) copies of a preliminary grading and drainage plan (stamped by a licensed engineer) showing existing and proposed contours at two foot (2') intervals. The existing contours shall extend a minimum of twenty five feet (25') beyond the property line. The plan shall also include any watercourse, storm drain pipe sizes, slopes and elevations, floodplains, unique natural features, natural hazards, proposed building finished floor elevation, etc.

16. Any other information deemed necessary by the city.

D. Fee: The application for site plan review shall be accompanied by the appropriate fee, as specified from time to time by the city council in the fee schedule. (Ord. 2009-21, 11-24-2009)

**11-5-3: APPLICATION REVIEW PROCEDURE:**

A. Planning Commission Land Use Authority Review: The planning commission Land Use Authority shall review all site plan applications, and shall determine if the proposed site development and architectural plans are consistent with this chapter and with the purposes and objectives of this title. The planning commission Land Use Authority shall approve, disapprove or approve subject to compliance with such modifications or requirements as may be deemed necessary to carry out the purposes of this chapter. (Ord. 2010-08, 6-22-2010)

B. Administrative Site Plan Review: The Zoning Administrator shall review all Site Plans eligible for administrative review. Administrative Site Plan reviews are subject to the Review Considerations as outlined in 11-5-3C.

Written determinations from the Zoning Administrator shall be sent to the Applicant, Planning Commission Chair, and City Departments for their records and review of the decision.

Site Plans eligible for Administrative Review must meet at least two of the following criteria:

1. Additions up to 10,000 square feet, or less than 10% of gross area of an existing building, whichever is less

2. Exterior modifications to multi-family residential, institutional, commercial, or industrial buildings that do not include additional residential units, or changes to access from state highways or approvals from state or federal agencies

3. Minor revisions to site plans previously approved by the Planning Commission that meet the standards of the zoning code, will not expand, intensify, or substantially change any approved site plan, landscape plan, or structure, and are consistent with the intent of the original approval

4. Exterior remodeling that affects color and materials, building design, location of utilities or other mechanical equipment within an existing or approved project that does not substantially change the appearance of the site or its structure

5. Changes in use requiring additional parking, where the proposed use will not cause increased impacts on existing infrastructure and public services, as determined by the Zoning Administrator, City Engineer, and Public Works Department, and the use is proposed in existing structures.

C. Site Plans not eligible for Administrative Review shall be reviewed by the Planning Commission.

CB. Review Considerations: The ~~planning commission~~ Land Use Authority shall consider the following matters and others when applicable in their review of site plan applications:

1. Traffic: The effect of the site development plan on traffic conditions on abutting streets.
2. Vehicle; Pedestrian: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
3. Off Street Parking: Compliance of off street parking facilities with [chapter 14](#) of this title.
4. Loading And Unloading Facilities: The location, arrangement and dimensions of truck loading and unloading facilities.
5. Surfacing And Lighting; Parking: The surfacing and lighting of off street parking.
6. Screen Planting: The location, height and materials, of walls, fences, hedges and screen planting.
7. Landscaping: The layout and appropriateness of landscaping.
8. Drainage: The effect of the site development plan on city stormwater drainage systems.
9. Utility: The effect of the site development plan on city utility systems.

10. Building Locations: Consideration of building locations on the site, elevations and relation to surrounding areas.

11. Exterior Design: Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended.

12. Signs: Compliance of signs with [chapter 15](#) of this title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.

~~DC~~. Staff Review: The building official, city engineer, and planning and zoning administrator shall review site plan applications and supporting materials prior to the application being considered by the ~~planning commission~~ [Land Use Authority](#). The building official, city engineer, and planning and zoning administrator shall provide ~~the planning commission with~~ a written recommendation for ~~all the~~ site plan reviews. (Ord. 2009-21, 11-24-2009)

#### **11-5-4: ISSUANCE OF PERMIT:**

A. Compliance Required: A building permit shall not be issued for any building or structure until the provisions of this chapter have been complied with. Any building permit issued shall ensure that development is undertaken in conformity to the approved site plan.

B. Landscaping And Recreation Facility Guarantee: The installation of all landscaping and recreation facilities shall be guaranteed in accordance with the provisions with section [11-13-23](#) of this title. (Ord. 2009-21, 11-24-2009)

#### **11-5-5: EXPIRATION OF APPROVAL; EXTENSION:**

Failure to obtain a building permit for an approved site plan within twelve (12) months of the date of approval by the ~~Land Use Authority~~ ~~planning commission~~ shall result in the expiration of said approval. The ~~Land Use Authority~~ ~~planning commission~~ may grant an extension for good cause shown for up to an additional six (6) months after the original date of approval. Applications for extension must be submitted to the community development department in writing prior to the expiration of the original permit. The application must describe the reason for the extension, and shall be accompanied by the fee set forth in the city's fee schedule. (Ord. 2010-08, 6-22-2010)

#### **11-5-6: APPEAL:**

All appeals to the provisions of this chapter shall be made in accordance with section [11-1-12](#) of this title. (Ord. 2009-21, 11-24-2009)

#### **Master Plan**

Clearfield City Master Plan states in the Community Vision, "7. Ensure that new development is of exceptional quality and expresses attractive architectural and site design standards

consistent with its particular use and location.” In addition to the Community Vision, the Land Use Guidelines in Clearfield City Master Plan talk about community identity and “the relationship of planned land uses which should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.” The Land Use Guidelines go on to state “development approval should be tied to construction of culinary water, sewer, storm drainage, and circulation systems.

The Site Plan review process is an implementation arm of these specific General Plan items. Administrative Site Plan reviews will be required to follow the same procedure as the current approval system, with the major change being that the Zoning Administrator can render decisions more quickly and efficiently and without the added time burden of waiting for an upcoming Planning Commission meeting. Staff does not see any conflict between language in the Clearfield City Master Plan, and the zoning text amendment being considered.

**Public Comment**

No public comment has been received to date.

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**FINDINGS**

**Zoning Ordinance Text Amendment**

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below:

| Review Consideration |   | Staff Analysis   |
|----------------------|---|--|
| 1)                   | The proposed amendment is in accordance with the General Plan and Map; or                       | As indicated in the staff analysis above, staff does not see a conflict between current General Plan language and the ability to perform Administrative Site Plan reviews, so long as Administrative Site Plan reviews are subject to the same review considerations as Planning Commission decisions. Planning Commission supported this finding in the June 6, 2014 meeting. |
| 2)                   | Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title. | No conditions are being recommended for this ordinance change.   |

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**ATTACHMENTS**

1. Table 11.1 Land Use and Appeal Authority (Revised)

| TABLE 11.1 LAND USE AND APPEAL AUTHORITY |                     |                     |                  |                     |                  |                     |                  |                |                  |      |
|--|---------------------|---------------------|------------------|---------------------|------------------|---------------------|------------------|----------------|------------------|------|
| LAND USE APPLICATION                     | LAND USE AUTHORITY  |                     | APPEAL AUTHORITY |                     |                  |                     | 1ST APPEAL       |                | 2ND APPEAL       |      |
|  | ADVISORY BODY       | LAND USE AUTHORITY  | DAYS TO APPEAL** | BODY                | DAYS TO APPEAL** | BODY                | DAYS TO APPEAL** | BODY           | DAYS TO APPEAL** | BODY |
|  |                     |                     |                  |                     |                  |                     |                  |                |                  |      |
| General Plan or Map Amendment            | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Land Use Ordinance or Map Amendment      | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Subdivision Ordinance or Amendment       | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Development Agreement                    | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Project Concept Plan*                    | Staff               | Planning Commission | N/A              | None                | N/A              | None                | N/A              | None           | None             |      |
| Site Plan                                | Staff               | Planning Commission | 10               | City Council        | 30               | City Council        | 30               | District Court | District Court   |      |
| Preliminary Subdivision Plat             | Staff               | Planning Commission | 10               | City Council        | 30               | City Council        | 30               | District Court | District Court   |      |
| Final Subdivision Plat                   | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Conditional Use                          | Staff               | Planning Commission | 10               | City Council        | 30               | City Council        | 30               | District Court | District Court   |      |
| Administrative Site Plan                 | N/A                 | Staff               | 10               | Planning Commission | 30               | Planning Commission | 30               | District Court | District Court   |      |
| Sign Permit                              | N/A                 | Staff               | 10               | Planning Commission | 30               | Planning Commission | 30               | District Court | District Court   |      |
| Lot Split                                | Staff               | Planning Commission | 10               | City Council        | 30               | City Council        | 30               | District Court | District Court   |      |
| Lot Line Adjustment                      | Staff               | Planning Commission | 10               | City Council        | 30               | City Council        | 30               | District Court | District Court   |      |
| Amendment of Approved Subdivision Plat:  |                     |                     |                  |                     |                  |                     |                  |                |                  |      |
| Preliminary                              | Staff               | Planning Commission | 10               | City Council        | 30               | City Council        | 30               | District Court | District Court   |      |
| Final                                    | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Variance                                 | Staff               | N/A                 | N/A              | Planning Commission | 30               | Planning Commission | 30               | District Court | District Court   |      |
| Street or Alley Vacation                 | Staff               | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Annexations                              | Planning Commission | City Council        | 30               | District Court      | N/A              | District Court      | N/A              | None           | None             |      |
| Administrative Approvals**               | N/A                 | Staff               | 10               | Planning Commission | 30               | Planning Commission | 30               | District Court | District Court   |      |

Any appeal of a City Council decision shall be to the District Court.

In such cases where the appellant may choose either the City Council or District Court as the Appeal Body, the appeal must be filed in ten (10) days if to the Council, and thirty (30) days if to the District Court.

\*Optional application, no decision rendered.

\*\*Administrative approval include interpretations of the land use ordinance, etc.

\*\*\*Calendar days from the time of written notification by the City of formal action on the application, or approval of the minutes of the meeting in which the action was taken, whichever occurs first.



# City Council

## STAFF REPORT

**TO:** Mayor Shepherd, City Council, and Executive Staff

**FROM:** Scott A. Hess, MPA  
Development Services Manager  
[scott.hess@clearfieldcity.org](mailto:scott.hess@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** June 24, 2014

**SUBJECT:** Public Hearing, Discussion, and Possible Action on **ZTA 1404-0003** Zoning Text Amendment to Title 11, Chapter 14 to propose standards for gravel parking areas within residential zones. This zoning text amendment would be effective across all Zones in Clearfield City.

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### RECOMMENDATION

Move to Approve Ordinance No. 2014-15 approving **ZTA 1404-0003**, an amendment to Title 11, Chapter 14 to propose standards for gravel parking areas within residential zones, based on the findings and discussion in the Staff Report.

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### ANALYSIS

Clearfield City Planning Commission opened a public hearing on this item on May 7, 2014 and continued the item to June 6, 2014. On June 6, 2014 the Planning Commission took action making a **recommendation for approval of ZTA 1404-0003 based on discussion and findings in the staff report.**

Clearfield City Council has also opened a public hearing for this item on May 27, 2014, and the item has been continued to June 24, 2014. The City Council held a Work Session on this item on June 10, 2014 providing feedback to staff on the recommended standards for gravel parking areas.

#### Background

On November 24, 2009, the Clearfield City Council passed Ordinance 2009-41, requiring all off street parking to be provided on an impermeable surface, effective January 1, 2015. In early 2014, Clearfield City published a notice within the City Newsletter reminding residents about the gravel parking ordinance change. This newsletter article generated a significant public response. Clearfield City Council requested staff to consider alternatives that were not such a financial burden on the residents of Clearfield City, and that would allow gravel parking surfaces to remain in the Clearfield City Code.

An important consideration for the Planning Commission and City Council in amending the gravel parking ordinance is doing it in such a way that it still protects the City against harmful

impacts of poorly constructed or maintained gravel parking areas. The City has an aging storm water infrastructure system that is sensitive to foreign material entering through inlets in gutters. In addition to that concern, the general maintenance of gravel driveways needs to be considered from an aesthetic standpoint. The City has done a significant amount of work over many years to help promote beautification and high quality development of the City. Any ordinance change needs to be careful to continue to promote the values of the community and the goals to lift and elevate the City.

### **Proposed Ordinance Changes**

In order to satisfy the request of the City Council and to move this item forward, the ordinance includes the following changes:

1. Remove 11-14-5 B2 stating that gravel or crushed rock will no longer be permitted after January 1, 2015.
2. Add provision as follows: "Any gravel or crushed rock installed for accessory parking in a residential zone after July 1, 2014, must be a minimum of four inches deep, compacted, placed atop a weed barrier, be maintained to be completely free of grass and weeds, and contained with durable borders."
3. Add provision as follows: "All new main residential driveways, approaches, and parking spaces required by this Title shall be surfaced with an impermeable hardscape concrete, asphalt, or masonry pavers."
4. Legally established and conforming gravel driveways installed prior to July 1, 2014 may continue to be utilized so long as they are maintained and kept completely free of grass and weeds.

### **General Plan**

The Goals and Policies of the Land Use Element of the General Plan relate to the ordinance being proposed. Specifically Goal 4, "Revitalize Deteriorating Neighborhoods and Commercial Districts." Implementation Measures 2 and 3 state that Clearfield City should create ordinances that allow and encourage infill and redevelopment, and the City should continue to prioritize code enforcement and property maintenance throughout the city.

Gravel parking areas within residential zones can be aesthetically pleasing, and can be nuisance free, but that depends on how the gravel or crushed rock was installed and how it is maintained. The ordinance needs to be explicit in keeping these areas maintained, weed free, and fully contained on the parcel where they have been installed. As long as the ordinance can do that, then this code change can meet the goals of the General Plan.

### **Public Comment**

Significant public comment was taken at the Planning Commission meeting. There were ten individual comment forms specific to this item accepted by The Planning Commission Chair. There were eight individuals who chose to speak, and the remaining two echoed comments from those who had already spoken. There were also nine emails read into the record. Record of those comments can be found in the June 6, 2014 meeting minutes, or reviewed in the Community Development Department prior to the June 10, 2014 Work Session.

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## FINDINGS

### Zoning Ordinance Text Amendment

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below:

| Review Consideration |   | Staff Analysis   |
|----------------------|---|--|
| 1)                   | The proposed amendment is in accordance with the General Plan and Map; or                       | As indicated in the staff analysis above, staff feels that any amendment to the residential surfacing requirements needs to be explicit and specific in order to meet the goals of the General Plan. The ordinance can be shown to meet the goals and intent of the General Plan through strict code enforcement and promoting the installation of high-quality accessory gravel parking areas within residential areas. Planning Commission supported this finding in the June 6, 2014 meeting. |
| 2)                   | Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title. | The recent concerns raised by many property owners throughout the city due to the impending deadline of the surface requirement changing has created a condition where the elected officials have asked Staff to consider an amendment to the surface parking regulations.   |

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## ATTACHMENTS

1. Ordinance No. 2014-15
2. Draft minutes from the June 6, 2014 Planning Commission meeting
3. Written comments received by the City

**From:** Curtis Galbraith [<mailto:curtishgalbraith@gmail.com>]  
**Sent:** Wednesday, June 04, 2014 9:38 AM  
**To:** Scott Hess  
**Subject:** Clearfield Gravel Police

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**From:** Christine Johns [<mailto:CJOHNS@dsdmail.net>]  
**Sent:** Wednesday, June 04, 2014 8:11 AM  
**To:** Scott Hess  
**Subject:** Ord. 11-14-5 Gravel Drive/Parking Area

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From: [rfisher590@earthlink.net](mailto:rfisher590@earthlink.net) [<mailto:rfisher590@earthlink.net>]  
Sent: Wednesday, June 04, 2014 1:16 PM  
To: Scott Hess  
Subject: Ord 11-14-5

Scott

I will not be able to attend the meeting tonight due to other obligations.

I am opposed to this City Code (11-14-5). As long as it is a gravel drive or parking area it should be ok to park on.  
Richard Fisher

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**From:** Calvin A Riley [<mailto:marcalrnd@hotmail.com>]  
**Sent:** Wednesday, June 04, 2014 2:44 PM  
**To:** Scott Hess  
**Subject:** City ord 11-14-5

To the City Planning Commission,

We have lived in the city for 45 years + and in our present home for 32 years. I fail to see where Clearfield has put a ordinance in that is unfair and illogical to us citizens. It was never put before the citizens in 2009 and if it would have been, vetoed. We have gravel beside our driveway for two reasons concrete is over priced, and asphalt next to concrete would look tacky. We now live on a fixed income and cannot afford to consider either option. To fine us would just as well put us in jail and hope you know how to take care of a LVAD patient in there. Are put me his wife there and escort me home each night to change his dressing.

Driving around this city and others around I see more trashed drive ways with weeds and grass growing in the cracks, junk cars, unkept lawns and no sidewalks in subdivisions where children have no way to walk or ride bikes. Look at cleaning up the city with more logical rules with out crossing into our private homes. My gravel driveway is neat and clean along with my yard. My household is against ord, 11-14-5 and any city personal in favor of it. That includes our children who have to do the work for us.

Calvin A and Marcene Riley

Timothy and Jacque Strong now in City living for 13 years  
Brian and Tami Farr also living in city for 13 years  
Toni Riley lived in this city for 38 years  
2 sons lived in Clearfield for 22 years and 19 years  
Chad and Daylene Riley now Woods Cross  
Cory and Correne Riley now Far West

From: Carrie Whitby [<mailto:cawhitby@icloud.com>]  
Sent: Wednesday, June 04, 2014 3:37 PM  
To: Scott Hess  
Subject: Gravel and rock surfaces

I am a resident of Clearfield and I am writing to you. We have been a resident of Clearfield since 2004 before we put in our gravel driveway we checked all codes that the city had nowhere did it state that this code would change January 2015. I feel that a failure to comply being a class C misdemeanor making me a criminal for having a gravel driveway to be unacceptable also \$500 in fines to be acceptable. I also feel that you should grandfather those of us who have had gravel driveways for years. The cost of putting in a concrete driveway is also an expense that many cannot afford and if they could have afforded the concrete driveway in the first place they would have done that as a first choice. This will only increase the financial burden of some struggling families.

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From: Tricia Bishop [<mailto:trishnicole@gmail.com>]  
Sent: Wednesday, June 04, 2014 6:10 PM  
To: Scott Hess  
Subject: 11-14-5

Scott Hess,  
I feel that city ordinance 11 – 14–5 to make it illegal to have a gravel driveway as a parking area is unacceptable. I have been a Clearfield resident since 2004 before we put in our gravel driveway we checked all codes that the city had nowhere did it state that this this code would change January 2015. I feel that a failure to comply being a class C misdemeanor making me a criminal for having a gravel driveway to be unacceptable also \$500 in fines to be acceptable. I also feel that you should grandfather those of us who have had gravel driveways for years. The cost of putting in a concrete driveway is also an expense that many cannot afford and if they could have afforded the concrete driveway in the first place they would have done that as a first choice. This will only increase the financial burden of some struggling families.

Thank you,  
Tricia Bishop  
Clearfield resident

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**From:** Adonia Perham [<mailto:adoniaperham@yahoo.com>]  
**Sent:** Wednesday, June 04, 2014 6:38 PM  
**To:** Scott Hess  
**Subject:** Ord 11-14-5

Dear Councilmember,

Please consider NO Ord 11-14-5. As a resident of Clearfield I am writing to you. We have been a resident of Clearfield since 2004 before we put in our gravel driveway we checked all codes that the city had nowhere did it state that this code would change January 2015. I feel that a failure to comply being a class C misdemeanor making me a criminal for having a gravel driveway to be unacceptable also \$500 in fines to be acceptable. I also feel that you should grandfather those of us who have had gravel driveways for years. The cost of putting in a concrete driveway is also an expense that many cannot afford and if they could have afforded the concrete driveway in the first place they would have done that as a first choice. This will only increase the financial burden of some struggling families.

I am a resident of Clearfield and I am writing to you. We have been a resident of Clearfield since 2004 before we put in our gravel driveway we checked all codes that the city had nowhere did it state that this code would change January 2015. I feel that a failure to comply being a class C misdemeanor making me a criminal for having a gravel driveway to be unacceptable also \$500 in fines to be acceptable. I also feel that you should grandfather those of us who have had gravel driveways for years. The cost of putting in a concrete driveway is also an expense that many cannot afford and if they could have afforded the concrete driveway in the first place they would have done that as a first choice. This will only increase the financial burden of some struggling families.

Sincerely,  
Adonia Perham

From: Tricia Bishop [<mailto:trishnicole@gmail.com>]  
Sent: Wednesday, June 04, 2014 6:44 PM  
To: Scott Hess  
Subject: Re: 11-14-5

Scott,

I need to correct my statement, I find find the 500 fine also unacceptable. I will be in class tonight and will be unable to attend.

Thank you,  
Tricia Bishop

On Jun 4, 2014, at 6:32 PM, Scott Hess wrote:

> Dear Tricia Bishop,

>

> Thank you for your email. I will include it as a written public comment for the Planning Commission's consideration tonight. I would encourage you to attend the meeting tonight at 7:00 PM located at City Hall 55 South State Street, Third Floor Council Chambers. The current proposed ordinance language can be found in the staff report for tonight's meeting located at the link provided here:

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> [http://www.clearfieldcity.org/index.php?option=com\\_pdflist&task=showyear&pdf\\_year=2014&Itemid=221](http://www.clearfieldcity.org/index.php?option=com_pdflist&task=showyear&pdf_year=2014&Itemid=221)

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> The Gravel Ordinance item is in the lower "Packet" attachment on the June 04, 2014 date shown on the provided link. The draft ordinance language that is currently proposed would continue to allow gravel driveways within the city. The intent of the draft ordinance language is to set basic maintenance and installation standards for gravel driveways. There is a provision in the draft ordinance language that would allow existing maintained gravel driveways that were installed prior to the ordinance change as well. If you have any questions, please feel free to give me a call.

>

> Sincerely,

>

> Scott A. Hess  
> Development Services Manager  
> Community Development Department  
> 55 South State Street  
> Clearfield, UT 84015  
> (801) 525-2785  
> [www.clearfieldcity.org](http://www.clearfieldcity.org)

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> -----Original Message-----

> From: Tricia Bishop [<mailto:trishnicole@gmail.com>]

> Sent: Wednesday, June 04, 2014 6:10 PM

> To: Scott Hess

> Subject: 11-14-5

>

> Scott Hess,



carries a criminal charge if someone violates it. Violation of this ordinance and those like it is classified as a Class B Misdemeanor which is the criminal equivalent of Assault, DUI, resisting arrest, reckless driving, possession of marijuana, shoplifting, trespassing, and possessing a concealed weapon without a permit. Violators would now have a criminal record which could threaten current and future employment, not to mention the possible penalties of a Class B Misdemeanor which are fines of up to \$1,000 per offense as well as up to 6 months in jail per offense. (See <http://www.utcourts.gov/howto/criminallaw/penalties.asp>)

Should we really be threatening the employment of our residents, threatening them with oppressive fines and even jail time for having a gravel driveway?

This also applies to other restrictions included in the city code such as any weeds over 6 inches tall, vinyl siding on the front of a residence, an outbuilding which does not aesthetically match the primary residence, raising chickens in a backyard, having more than two pet dogs, etc. The list goes on.

Not only should the city be reconsidering this gravel driveway ordinance, but it should reconsider ALL similar ordinances and the threat of criminal prosecution violators could face. At the very least, violations of these ordinances should be changed to an **Infraction** which is non-criminal and which does not carry the threat of being imprisoned. (See <http://www.utcourts.gov/howto/criminallaw/penalties.asp>)

When considering this ordinance, other existing ordinances, and future ordinances, please consider these things. I have created a brief video that demonstrates my point in a slightly different way. Please share this with your colleagues on the planning commission as I do not have all of their email addresses and could not send them this email. I ask that you view the brief video and consider it as well as other resources that I include below.

- **Government, Freedom, and Gravel Driveways** by Todd Evans: <http://youtu.be/aTAyeBfFBrU>
- The Proper Role of Government by Ezra Taft Benson: <http://youtu.be/SyDrC5q6S9o>
- The Law by Frédéric Bastiat:  
<http://youtu.be/KIN4K5ldFnA>  
<http://mises.org/document/2731/The-Law>

Thank you again for reading my email and considering the points that I am making. Please at least view the video I created and consider the implications of the ordinances and their prescribed penalties for violation.

Sincerely,

Todd Evans

## PUBLIC COMMENT:

Curtis Beames, Clearfield, proposed Clearfield City Ordinance 11-14-5 be removed and not be replaced or added upon. 1) He believed if the City enforced the existing ordinances it would take care of the nuisance problems and driveways. 2) He said there was an economic impact on the residents when they were asked to upgrade the gravel driveways. 3) He asked who would enforce the ordinance. He said Code Enforcement would go out looking for gravel driveways. Mr. Beames said the City didn't maintain all its property weed and garbage free. He believed the City shouldn't impose the restriction at all and if it didn't change he would move to strike it on the ballot. Mr. Beames asked when the elected officials decided there was a need to monitor everything the residents did. He said just take care of the ordinances already in place.

Kris Gibson, Clearfield, said she supported the comments made by Curtis Beames.

Lezlee Monroe, Clearfield, said Mr. Beames stated it beautifully.

John Monroe, Clearfield, said he lived in a homeowner association (HOA) area. He said there were some gravel driveways in the HOA and he was concerned with the cost. Mr. Monroe said many residents were not aware of what was going on with City ordinances and would be surprised in January when they were ticketed. He said Mr. Beames stated it perfectly.

Dana Schlutter, Clearfield, said if the City Council would not remove the ordinance as a whole, she asked for changes to the proposed ordinance if the wording was sent forward as is. 1) She asked to have it removed. 2) She asked to have "atop a weed barrier" removed and wanted a definition for durable borders. 3) She asked to have gravel included with hard surfaced parking. 4) Asked for a definition for all new main residential. 5) Asked for a definition to all new parking surfaces. 6) She asked to take away the words "legally and conforming", so it stated "Established gravel driveways."

Bill Reilly, Clearfield, echoed the statements so far. He wanted beautification in the City. He said fines should never be a misdemeanor. Mr. Reilly said he was trying to bring business to Clearfield City. He lived adjacent to an older subdivision and said the City was not maintaining the sidewalks but the City wants the residents to have well maintained gravel driveways.

David Hansen, Clearfield, said he was at the meeting when the Mayor asked the gravel driveway ordinance be discussed and thought it was a dead issue. He appreciated the sign on his door knob. The only proposed ordinance change he agreed with was number one. He asked to have the remaining proposed changes stricken. He said it would cause financial burdens on residents. He said three inches was too thick and a weed barrier was useless. He would like to see the homes that met the criteria. He said the City should be an example in following the ordinances.

James Wright, Clearfield, asked to completely do away with the gravel parking ordinance. He said there were too many encroachments on the freedoms of residents. He said gravel looked wonderful and was manageable for his budget. He didn't want his rights and freedoms silently taken by those in power.

Sam Chelemes, Layton, wanted to speak on the Clearfield Station subdivision. He was told the public hearing for the subdivision would be discussed next.

Stan Smith, Clearfield, had issues with some of the specifications for gravel driveways. He would like a concrete driveway but could not afford it. He said the gravel from his driveway didn't go into the storm drain rather it was the gravel from the road. In his opinion the area where he lived was more rural than urban.

Ronnie Williams, Clearfield, agreed with what had been said. He walked around his neighborhood and said there were at least 25 houses that had gravel driveways. He said it would be upsetting to be in jail for 90 days. He said there were some properties that needed work. He said sometimes rewards worked better than punishment.

DRAFT



# City Council

## STAFF REPORT

**TO:** Mayor Shepherd, City Council, and Executive Staff

**FROM:** Scott A. Hess, MPA  
Development Services Manager  
[scott.hess@clearfieldcity.org](mailto:scott.hess@clearfieldcity.org) (801) 525-2785

**MEETING DATE:** June 24, 2014

**SUBJECT:** Public Hearing, Discussion, and Possible Action on **ZTA 1404-0001** Zoning Text Amendment to Title 11, C-1 and C-2 Commercial Parking Regulations and Definition, to better define Commercial Parking Lots, and the conditions imposed for location and use of parking lots.

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### RECOMMENDATION

1. Hold Public Hearing as noticed.
2. Consider information provided by staff.
3. Move to continue **ZTA 1404-0001** to July 8, 2014, an amendment to the Land Use Ordinance Title 11 C-1 and C-2 Commercial Parking Regulations and Definition, based on the findings and discussion in the Staff Report.

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### ANALYSIS

Clearfield City Planning Commission opened a public hearing on this item on May 7, 2014 and continued the item to June 6, 2014. On June 6, 2014 the Planning Commission took action making a **recommendation for approval of ZTA 1404-0001 based on discussion and findings in the staff report.**

The City Council has also opened a public hearing for this item on May 27, 2014, and the item has been continued to June 24, 2014. The City Council held a Work Session on June 10, 2014 providing feedback to staff on the recommended standards for commercial parking changes.

Staff is continuing to work on the language regulating commercial parking standards and stand-alone parking areas. Staff would like to take more time to make sure that the language is appropriate and meets the intent of the City's desire to protect its valuable commercial resources. The request for the City Council is to hold the public hearing, and continue this item to the July 8, 2014 City Council Policy Session.

**CLEARFIELD CITY RESOLUTION 2014R-15**

**A RESOLUTION APPROVING AND ADOPTING  
AMENDMENTS TO THE 2013/2014 BUDGET AND  
APPROPRIATING FUNDS FOR THE PURPOSES SET FORTH  
THEREIN**

WHEREAS, Clearfield City is nearing the end of its budget period which began on July 1, 2013 and ends on June 30, 2014; and

WHEREAS, the City Council has approved some expenditures that were not included in the original budget; and

WHEREAS, Utah state code allows the City Council to make adjustments to the budget; and

WHEREAS, proper notice of the public hearing for this matter was given; and

WHEREAS, Clearfield City has considered and approved those amendments.

NOW, THEREFORE, be it resolved by the Clearfield City Council that the amendments to the Clearfield City budget beginning July 1, 2013 and ending June 30, 2014 as set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference are authorized and approved.

The Mayor is authorized to sign any documents reflecting those amendments.

Passed and adopted at the Clearfield City Council meeting held on Tuesday, June 24, 2014.

Dated this 24<sup>th</sup> day of June, 2014.

ATTEST

CLEARFIELD CITY CORPORATION

\_\_\_\_\_  
Nancy R. Dean, City Recorder

\_\_\_\_\_  
Mark R. Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

# CLEARFIELD CITY ORDINANCE 2014-17

## AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE ALLOWING FOR ADMINISTRATIVE REVIEW OF QUALIFYING SITE PLANS

**PREAMBLE:** This Ordinance amends Title 11, Chapters 1 and 5 of the Clearfield City Code to allow for administrative review and approval of certain qualifying site plans.

**BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

### **Section 1. Enactment:**

Title 11, Chapter 5 of the Clearfield City Code is hereby amended to read as follows:

#### Chapter 5 SITE PLAN REVIEW

**11-5-1: PURPOSE:**

**11-5-2: PROCEDURES:**

**11-5-3: APPLICATION REVIEW PROCEDURE:**

**11-5-4: ISSUANCE OF PERMIT:**

**11-5-5: EXPIRATION OF APPROVAL; EXTENSION:**

**11-5-6: APPEAL:**

#### **11-5-1: PURPOSE:**

The purpose and intent of site plan review is to assure that the general appearance of buildings and structures and the improvement of land shall contribute to the stability of land values, the protection of investments, the attractiveness of the neighborhood and the general welfare of the community. It is not the purpose of this chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense be incurred; rather, it is the intent of this chapter that any controls exercised be the minimum necessary to achieve the objectives as stated above. (Ord. 2009-21, 11-24-2009)

#### **11-5-2: PROCEDURES:**

A. Review Required: Site plan review shall be required for all of the following:

1. All proposed new development except single-family detached dwellings.
2. Exterior modifications to existing structures or sites, except single-family detached dwellings. This includes, but is not limited to, adding equipment, landscaping or parking.

B. Application: Application for site plan review shall be made in writing by the property owner or their certified agent on forms prepared by the community development department. The planning and zoning administrator shall review the site plan application when it is submitted to see that all information and items required by this title are included in the application. The planning and zoning administrator shall not *perform an Administrative Site Plan Review*, or place any site plan on the planning commission agenda until all items required have been submitted or are omitted for good cause.

C. Contents Of Plan: Applications for site plan review shall be accompanied by three (3) full size (24 inch x 36 inch) and five (5) half size (11 inch x 17 inch) paper copies of site development plans and/or architectural drawings, and one electronic copy in a format approved by the community development department. All plans shall be drawn to a standard scale (not smaller than 1 inch = 30 feet) and stamped by a licensed landscape architect or civil engineer, and shall contain the following:

1. The building lot and dimensions.
2. Existing building locations.
3. Proposed building locations.
4. Existing trees and shrubbery.
5. Proposed landscaping and fencing.
6. Vehicular and pedestrian access and circulation.
7. Off street parking facilities.
8. Location and width of abutting streets.
9. Existing and proposed utilities.
10. Architectural drawings at a scale no smaller than one-eighth inch equals one foot ( $\frac{1}{8}'' = 1'$ ), sketches or perspectives of exterior elevations, structures, signs and indication of types of materials to be used. Said elevations or renderings must be sufficiently complete to show building heights and rooflines, exterior finish materials, the location and height of any walls, signs, light standards, openings in the facade, and the general architectural character of the building.
11. A full description of the proposed development with respect to type of use, density, height, construction, square footage, and unusual utility demands (including water needs).
12. Vicinity map and north arrow.

13. Location of existing and proposed streetlights (including style and height).

14. The following statistical information shall also be provided:

- a. Gross acreage of total project and acreage of phases (if applicable).
- b. Square footage of all individual buildings (with square feet of intended uses in each building).
- c. Building coverage (percent of overall site).
- d. Number of parking spaces required (with ratios).
- e. Number of parking spaces provided.
- f. Open space (percent of overall site).
- g. Current zoning of property.
- h. Type of construction.

15. Two (2) copies of a preliminary grading and drainage plan (stamped by a licensed engineer) showing existing and proposed contours at two foot (2') intervals. The existing contours shall extend a minimum of twenty five feet (25') beyond the property line. The plan shall also include any watercourse, storm drain pipe sizes, slopes and elevations, floodplains, unique natural features, natural hazards, proposed building finished floor elevation, etc.

16. Any other information deemed necessary by the city.

D. Fee: The application for site plan review shall be accompanied by the appropriate fee, as specified from time to time by the city council in the fee schedule. (Ord. 2009-21, 11-24-2009)

### **11-5-3: APPLICATION REVIEW PROCEDURE:**

*A. Land Use Authority Review Planning Commission:* The *Land Use Authority Planning Commission* shall review all site plan applications, and shall determine if the proposed site development and architectural plans are consistent with this chapter and with the purposes and objectives of this title. The *Land Use Authority Planning Commission* shall approve, disapprove or approve subject to compliance with such modifications or requirements as may be deemed necessary to carry out the purposes of this chapter. (Ord. 2010-08, 6-22-2010)

*B. Administrative Site Plan Review:* The *Zoning Administrator* shall review all *Site Plans* eligible for administrative review. The *Zoning Administrator's* determination that a *Site*

*Plan is eligible for Administrative Review shall be reviewed by and is subject to the approval of his/her supervisor. Administrative Site Plan reviews are subject to the Review Considerations as outlined in § 11-5-3C. Written determinations from the Zoning Administrator shall be sent to the Applicant, Planning Commission Chair, and City Departments for their records and review of the decision.*

*Site Plans eligible for Administrative Review must meet at least two of the following criteria:*

- 1. Additions up to 10,000 square feet, or less than 10% of gross area of an existing building, whichever is less*
- 2. Exterior modifications to multi-family residential, institutional, commercial, or industrial buildings that do not include additional residential units, or changes to access from state highways or approvals from state or federal agencies*
- 3. Minor revisions to site plans previously approved by the Planning Commission that meet the standards of the zoning code, will not expand, intensify, or substantially change any approved site plan, landscape plan, or structure, and are consistent with the intent of the original approval*
- 4. Exterior remodeling that affects color and materials, building design, location of utilities or other mechanical equipment within an existing or approved project that does not substantially change the appearance of the site or its structure*
- 5. Changes in use requiring additional parking, where the proposed use will not cause increased impacts on existing infrastructure and public services, as determined by the Zoning Administrator, City Engineer, and Public Works Department, and the use is proposed in existing structures.*

*C. Site Plans not eligible for Administrative Review shall be reviewed by the Planning Commission.*

**BD.** Review Considerations: The *Land Use Authority* ~~Planning Commission~~ shall consider the following matters and others when applicable in their review of site plan applications:

1. Traffic: The effect of the site development plan on traffic conditions on abutting streets.
2. Vehicle; Pedestrian: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
3. Off Street Parking: Compliance of off street parking facilities with chapter 14 of this title.

4. Loading And Unloading Facilities: The location, arrangement and dimensions of truck loading and unloading facilities.
5. Surfacing And Lighting; Parking: The surfacing and lighting of off street parking.
6. Screen Planting: The location, height and materials, of walls, fences, hedges and screen planting.
7. Landscaping: The layout and appropriateness of landscaping.
8. Drainage: The effect of the site development plan on city storm water drainage systems.
9. Utility: The effect of the site development plan on city utility systems.
10. Building Locations: Consideration of building locations on the site, elevations and relation to surrounding areas.
11. Exterior Design: Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended.
12. Signs: Compliance of signs with chapter 15 of this title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.

**GE. Staff Review:** The building official, city engineer, and planning and zoning administrator shall review site plan applications and supporting materials prior to the application being considered by the *Land Use Authority Planning Commission*. The building official, city engineer, and planning and zoning administrator shall provide the ~~Planning Commission~~ with a written recommendation for the *all* site plan reviews. (Ord. 2009-21, 11-24-2009)

#### **11-5-4: ISSUANCE OF PERMIT:**

**A. Compliance Required:** A building permit shall not be issued for any building or structure until the provisions of this chapter have been complied with. Any building permit issued shall ensure that development is undertaken in conformity to the approved site plan.

**B. Landscaping And Recreation Facility Guarantee:** The installation of all landscaping and recreation facilities shall be guaranteed in accordance with the provisions with section 11-13-23 of this title. (Ord. 2009-21, 11-24-2009)

#### **11-5-5: EXPIRATION OF APPROVAL; EXTENSION:**

Failure to obtain a building permit for an approved site plan within twelve (12) months of the date of approval by the *Land Use Authority Planning Commission* shall result in the expiration of said approval. The *Land Use Authority Planning Commission* may grant an extension for good cause shown for up to an additional six (6) months after the original date of approval. Applications for extension must be submitted to the community development department in writing prior to the expiration of the original permit. The application must describe the reason for the extension, and shall be accompanied by the fee set forth in the city's fee schedule. (Ord. 2010-08, 6-22-2010)

#### **11-5-6: APPEAL:**

All appeals to the provisions of this chapter shall be made in accordance with section 11-1-12 of this title. (Ord. 2009-21, 11-24-2009)

Title 11, Chapter 1, Section 3, Table 11.1 "Land Use and Appeal Authority" of the Clearfield City Code is hereby amended to read as shown on Exhibit "A" attached hereto.

**TABLE 11.1 LAND USE AND APPEAL AUTHORITY**

| LAND USE APPLICATION                    | LAND USE AUTHORITY  |                     | APPEAL AUTHORITY  |                     |                   |                |
|---|---------------------|---------------------|-------------------|---------------------|-------------------|----------------|
|   | ADVISORY BODY       | LAND USE AUTHORITY  | 1ST APPEAL        |                     | 2ND APPEAL        |                |
|   |                     |                     | DAYS TO APPEAL*** | BODY                | DAYS TO APPEAL*** | BODY           |
| General Plan or Map Amendment           | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Land Use Ordinance or Map Amendment     | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Subdivision Ordinance or Amendment      | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Development Agreement                   | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Project Concept Plan*                   | Staff               | Planning Commission | N/A               | None                | N/A               | None           |
| Site Plan                               | Staff               | Planning Commission | 10                | City Council        | 30                | District Court |
| Administrative Site Plan                | N/A                 | Staff               | 10                | Planning Commission | 30                | District Court |
| Preliminary Subdivision Plat            | Staff               | Planning Commission | 10                | City Council        | 30                | District Court |
| Final Subdivision Plat                  | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Conditional Use                         | Staff               | Planning Commission | 10                | City Council        | 30                | District Court |
| Sign Permit                             | N/A                 | Staff               | 10                | Planning Commission | 30                | District Court |
| Lot Split                               | Staff               | Planning Commission | 10                | City Council        | 30                | District Court |
| Lot Line Adjustment                     | Staff               | Planning Commission | 10                | City Council        | 30                | District Court |
| Amendment of Approved Subdivision Plat: |                     |                     |                   |                     |                   |                |
| Preliminary                             | Staff               | Planning Commission | 10                | City Council        | 30                | District Court |
| Final                                   | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Variance                                | Staff               | N/A                 | N/A               | Planning Commission | 30                | District Court |
| Street or Alley Vacation                | Staff               | City Council        | 30                | District Court      | N/A               | None           |
| Annexations                             | Planning Commission | City Council        | 30                | District Court      | N/A               | None           |
| Administrative Approvals**              | N/A                 | Staff               | 10                | Planning Commission | 30                | District Court |

Any appeal of a City Council decision shall be to the District Court.

In such cases where the appellant may choose either the City Council or District Court as the Appeal Body, the appeal must be filed in ten (10) days if to the Council, and thirty (30) days if to the District Court.

\*Optional application, no decision rendered.

\*\*Administrative approval include interpretations of the land use ordinance, etc.

\*\*\*Calendar days from the time of written notification by the City of formal action on the application, or approval of the minutes of the meeting in which the action was taken, whichever occurs first.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective July 1, 2014.

Passed and adopted by the Clearfield City Council this 24th day of June, 2014.

CLEARFIELD CITY CORPORATION

\_\_\_\_\_  
Mark R. Shepherd, Mayor

ATTEST:

\_\_\_\_\_  
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

# CLEARFIELD CITY ORDINANCE 2014-15

## AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE PERTAINING TO ACCEPTABLE PARKING SURFACES IN RESIDENTIAL AREAS

**PREAMBLE:** This Ordinance amends Title 11, Chapter 14, Section 5 of the Clearfield City Code dealing with acceptable surfaces for parking in residential areas.

**BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

### **Section 1. Enactment:**

Title 11, Chapter 14, Section 5 (B) of the Clearfield City Code is hereby amended to read as follows:

B. Surfacing:

1. Except as provided in subsection B2 of this section, parking areas shall be properly surfaced with concrete, asphalt, or masonry pavers, maintained in good condition, and kept free of weeds, dust, trash, and debris.
2. *Residential parking areas:*
  - a. *All new main residential driveways, approaches, and parking spaces required by this Title shall be surfaced with concrete, asphalt or other hard surfaced (impermeable) pavement material.*
  - b. *Any gravel or crushed rock installed for accessory parking in a residential zone after July 1, 2014, must be a minimum of four inches (4") deep, compacted, placed atop a weed barrier, be maintained completely free of grass and weeds, and contained within durable borders.*
  - c. *Legally established, but non-conforming residential gravel driveways installed prior to July 1, 2014 may continue to be utilized, provided they are properly maintained and kept completely free of grass and weeds.*

~~Gravel or other crushed rock surfacing shall be permitted for residential parking until January 1, 2015, after which time it shall no longer be permitted.~~

3. Variations to the required surface materials set forth in subsection B1 of this section may be permitted for residential parking in the A-1 agricultural zone and for temporary businesses and special events for which the necessary permits or licenses have been issued by the city.

**Section 2. Repealer:** Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

**Section 3. Effective Date:** These amendments shall become effective July 1, 2014.

Passed and adopted by the Clearfield City Council this 24th day of June, 2014.

CLEARFIELD CITY CORPORATION

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Mark R. Shepherd, Mayor

ATTEST:

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

## RESOLUTION 2014R-16

### **A RESOLUTION OF THE CLEARFIELD CITY COUNCIL ACTING AS THE GOVERNING BODY OF THE NORTH DAVIS FIRE DISTRICT ADOPTING AND CERTIFYING A TAX RATE TO THE DAVIS COUNTY CLERK-AUDITOR AND THE BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY FOR THE 2014 TAXABLE YEAR**

**WHEREAS**, the Clearfield City Council ("Council") acted as the Governing Body for the purpose of creating the North Davis Fire District ("District") as a Special Service District in accordance with the Utah Special Service District Act §§ 17D-1-101 et seq. Utah Annotated, 1953 (the "Act"); and

**WHEREAS**, the Council created the Administrative Control Board in accordance with the provisions of §17D-1-301 of the Act and delegated to the Administrative Control Board the power to act as the governing body of the District; and

**WHEREAS**, the Council cannot delegate to the Administrative Control Board the power to levy a tax on the taxable property of the District and the Council retains the power and duty to levy a tax on the taxable property of the District; and

**WHEREAS**, the Administrative Control Board desires to establish a certified tax rate for the 2014 taxable year at a rate of .001379 per dollar of taxable value on all taxable property within the District, in addition to all other taxes levied or imposed on such property within the District for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services within the District; and

**WHEREAS**, the Administrative Control Board has passed and adopted its Resolution No. 2014R-6 on June 19, 2014 requesting that the Council adopt a Resolution certifying a tax rate of .001379; and

**WHEREAS**, a regular meeting was duly noticed and held at which time the Council considered the certified tax rate for the District.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CLEARFIELD CITY COUNCIL OF CLEARFIELD CITY, UTAH**, as follows, to wit:

**Section One: CERTIFIED TAX RATE ESTABLISHED**

That the Certified Tax Rate on all taxable property lying and being within the district boundaries of the North Davis Fire District for the 2014 taxable year be, and the same is hereby fixed, set and established at a rate of .001379.

**Section Two: CERTIFIED COPIES OF RESOLUTION TO COUNTY OFFICIALS**

That the City Recorder of Clearfield City is hereby authorized and directed forthwith to certify a copy of this Resolution and forward and direct one copy each to the Davis County Clerk-Auditor and the Davis County Board of Commissioners of Farmington, Utah.

**Section Three: LEVY, COLLECTION AND REMITTANCE OF TAXES**

The Clearfield City Council requests that the Board of Commissioners of Davis County include this Certified Tax Rate in its levying process for property taxes for the 2014 taxable years and that such tax be extended and collected in the manner provided by law for the collection of general county taxes and that the proceeds thereof, as collected, be turned over to the treasurer of the North Davis Fire District and that said taxes in all respects be collected and delivered to the North Davis Fire District according to law.

**Section Four: EFFECTIVE DATE**

This Resolution shall be effective immediately upon passage and adoption.

**PASSED AND ADOPTED** by the Clearfield City Council of Clearfield City, Davis County, State of Utah this 24<sup>th</sup> day of June 2014.

CLEARFIELD CITY  
a Municipal Corporation

\_\_\_\_\_  
Mark Shepherd  
Mayor

ATTEST:

\_\_\_\_\_  
Nancy Dean,  
City Recorder

Vote of the Council

Ayes:

Nays:

# LOCAL FIRST UTAH'S INDEPENDENTS WEEK Proclamation

**Whereas**, Independents Week provides a time to celebrate the independence of the members of the community of Clearfield and the entrepreneurial spirit represented by our core of local independent businesses; and

**Whereas**, the individual decisions every community member makes today affect the future of Clearfield; and

**Whereas**, Clearfield's local independent businesses help preserve the uniqueness of the community and give us a sense of place; and

**Whereas**, Clearfield's core of independently-owned businesses give back to this community in goods, services, time and talent; and

**Whereas**, the health of Clearfield's economy depends on our support of businesses owned by our friends and neighbors; and

**Whereas**, Clearfield's independent business owners and employees enrich community members' shopping experiences with their knowledge and passion;

Therefore, as we celebrate Independents Week 2014, we acknowledge that the ability to choose the direction of Clearfield lies within each of us.

NOW, THEREFORE, I, Mark Shepherd, Mayor of Clearfield, do hereby proclaim the week of June 30-July 6, 2014, as: "Independents Week" and salute our community members and locally owned independent businesses who are integral to the unique flavor of Clearfield and honor their efforts to make Clearfield the place we want to live and work.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of Clearfield to be affixed this 24<sup>th</sup> day of June, 2014.

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Mark Shepherd, Mayor of Clearfield

# VIETNAM VETERANS DAY

**WHEREAS**, Clearfield City joins the State of Utah and the Nation in reflecting with solemn reverence upon the valor of those who served in the Vietnam War. We pay tribute to the more than 27,000 Utah service men and women who were among the three million young Americans that left their families to serve bravely, in a world far away from everything they knew and loved; and

**WHEREAS**, Throughout Vietnam, our soldiers pushed through jungles and rice paddies, heat and monsoons, fighting heroically to protect the freedoms we hold dear as Americans. For more than a decade of combat, over air, land and sea, these proud American heroes upheld the highest traditions of our Armed Forces; and

**WHEREAS**, We draw inspiration from the heroes who sacrificed their lives, suffered unspeakably as prisoners of war, who were wounded and suffered the effects of Agent Orange, and those who have suffered from Post-Traumatic Stress Disorder. We recognize the tremendous sacrifice of the many that still carry scars of war, seen and unseen. With more than 1,600 of our American heroes still among the missing, we remember the 14 Utahans who have not yet been found; and

**WHEREAS**, This war marks a significant chapter in our Nation's history that must never be forgotten. Innumerable sacrifices have been and continue to be made to maintain the liberties that we enjoy. We honor our Vietnam veterans, our fallen, our wounded, those unaccounted for, our former prisoners of war, their families and all those who served with honor and integrity; and

**WHEREAS**, While no words can ever fully describe their service, nor any honor truly befit their sacrifice, let us remember that it is never too late to pay tribute to the men and women who answered the duty with courage and valor.

**NOW, THEREFORE, BE IT RESOLVED** that I, Mark R. Shepherd, Mayor of Clearfield City, and the Clearfield City Council do hereby proclaim from this date forward March 29<sup>th</sup>, as **"Vietnam Veterans Day"** in Clearfield City. We join with local, state and federal agencies across the country to commemorate the Vietnam War and express thanks to a generation of proud Americans who saw our country through one of the most challenging missions we have ever faced. We encourage our community to participate in events, ceremonies and activities that honor the countless and heroic efforts of our Armed Forces.

In Witness Whereof; I have caused the Seal of the City of Clearfield, Utah, to be affixed on this 24<sup>th</sup> day of June 2014.

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Mark R. Shepherd, Mayor of Clearfield

# Staff Report



**To:** Mayor Mark Shepherd and City Councilors  
**From:** Rich Knapp, Administrative Services Director  
**Date:** June 19, 2014  
**Re:** Revised Certified Tax Rate

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## Recommended Action

Staff recommends adopting the revised certified tax rate.

## Description / Background

On June 10, 2014 the Council adopted the certified tax rate based off data presented by the County, several days later the County adjusted the calculations and rates for most taxing entities in the county, including Clearfield City. The overall rate remains the same, but the breakdown between general and debt slightly changed.

|                    | Adopted June 10 Rates | Revised Rates |
|--------------------|-----------------------|---------------|
| General Operations | .001028               | .001037       |
| Interest and Bond  | .000772               | .000763       |
| Total              | .001800               | .001800       |

## Fiscal Impact

This change has no financial impact on the city and is a technicality.

Some of the GO bond is paid with general tax dollars because the city does not levy the entire debt burden. The county disburses the full amount, .0018, to the city and does not break it out between general and debt. The city uses this amount to first pay the debt and the remainder goes to the general operations. As a side note, if the city levied the full debt service amount the total rate would be close to .0022

# CLEARFIELD CITY RESOLUTION 2014R-17

## A RESOLUTION SETTING THE FINAL REAL AND PERSONAL PROPERTY TAX RATE FOR FISCAL YEAR 2014/2015

**WHEREAS**, Clearfield City was provided with its certified tax rate prior to its meeting on Tuesday, June 10, 2014; and

**WHEREAS**, the Clearfield City Council approved Resolution 2014R-13 adopting the rate provided to it by the Utah State Tax Commission and Davis County at its meeting on Tuesday, June 10, 2014; and

**WHEREAS**, the adopted certified tax rate was modified by Davis County upon further review; and

**WHEREAS**, it is necessary for the City to adjust its final certified rate in accordance with the changes provided by the County.

**THEREFORE, be it resolved** by the City Council of Clearfield City Corporation;

That there is hereby adopted and levied an amended final certified tax rate on all real property and personal property located within the municipality, which is not otherwise exempted by law, as follows:

|                         |                |
|-------------------------|----------------|
| General Purpose Fund    | .001037        |
| Interest & Sinking Fund | <u>.000763</u> |
| Total Tax Rate          | .001800        |

Dated this 24<sup>th</sup> day of June, 2014.

CLEARFIELD CITY CORPORATION

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Mark R. Shepherd, Mayor

ATTEST

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY  
MEETING MINUTES  
6:00 P.M. WORK SESSION  
May 20, 2014

*(This meeting was held following a City Council work session.)*

|                |               |                                  |
|----------------|---------------|----------------------------------|
| PRESIDING:     | Bruce Young   | Chair                            |
| PRESENT:       | Keri Benson   | Director                         |
|                | Mike LeBaron  | Director                         |
|                | Mark Shepherd | Director                         |
| EXCUSED:       | Ron Jones     | Director                         |
|                | Kent Bush     | Director                         |
| STAFF PRESENT: | Adam Lenhard  | City Manager                     |
|                | JJ Allen      | Assistant City Manager           |
|                | Brian Brower  | City Attorney                    |
|                | Greg Krusi    | Police Chief                     |
|                | Eric Howes    | Community Services Director      |
|                | Scott Hess    | Development Services Manager     |
|                | Rich Knapp    | Administrative Services Director |
|                | Nancy Dean    | City Recorder                    |
|                | Kim Read      | Deputy City Recorder             |

VISITORS: Isa Perry – Davis County Health Department, Hal Johnson, Utah Transit Authority, Brett Coulam – Utah Transit Authority, Chris Hale – Hokulia, Eddy Cumins – Utah Transit Authority, Chuck Gates – Utah League of Cities and Towns/Utah Transit Authority, Dean Smith – Thackeray Garn Company, Amy Hale – Hokulia, Amber Huntsman – Thackeray Garn Company

Chair Young called the meeting to order at 7:27 p.m.

DISCUSSION ON THE CLEARFIELD STATION TAX INCREMENT FINANCE PARTICIPATION AGREEMENT

JJ Allen, Assistant City Manager, informed the Board it would be considering approval of the Tax Increment Participation Agreement during its meeting on Tuesday, May 27, 2014. He explained it was an agreement between the CDRA and the developer, Clearfield Station LLC, which provided funding from the CDRA via the CDA (Community Development Area) as generated from the Clearfield Station site to the developer for the purpose of funding the public infrastructure needed for the development. He stated the CDA was designated to capture seventy five percent of the tax increment with the remaining twenty five percent flowing through to the other taxing entities. Of the seventy five percent received by the CDA, five percent would be retained for administration by the CDRA and the other ninety five percent generated from the site would be directed back to the developer as a reimbursement for actual costs. He pointed out

the developer would receive the funds post performance and explained the proposed timeline associated with the agreement. He explained once the first tranche was triggered through the CDA annual disbursements would then to be received from Davis County after property taxes had been collected. He continued once the CDA began receiving the disbursements the developer would begin to be reimbursed for costs.

Brian Brower, City Attorney, stated he would be working with the developer to fine tune language in the agreement. He reported the most controversial issues were relative to attorney's fees and read some language from the agreement to the Board. He shared his opinion and suggested the language used might create a disincentive to pursue a mutual resolution unless it was a real substantial issue. He invited the Board members to share any opinion regarding the language and none did. He reported he would be working with the developer regarding the language.

Mr. Allen reported the agreement and the Depot Street Reimbursement Agreement were both requirements of the Master Development Agreement (MDA). He mentioned the Loan Agreement was also required and would come before the Board at a later date.

The meeting adjourned at 7:32 p.m.

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY  
MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
May 27, 2014

*(This meeting was held following the regularly scheduled City Council Meeting.)*

|                |                |                                  |
|----------------|----------------|----------------------------------|
| PRESIDING:     | Bruce Young    | Chair                            |
| PRESENT:       | Keri Benson    | Director                         |
|                | Kent Bush      | Director                         |
|                | Ron Jones      | Director                         |
|                | Mike LeBaron   | Director                         |
|                | Mark Shepherd  | Director                         |
| STAFF PRESENT: | Adam Lenhard   | City Manager                     |
|                | JJ Allen       | Assistant City Manager           |
|                | Brian Brower   | City Attorney                    |
|                | Greg Krusi     | Police Chief                     |
|                | Scott Hodge    | Public Works Director            |
|                | Eric Howes     | Community Services Director      |
|                | Curtis Dickson | Community Services Deputy Dir.   |
|                | Scott Hess     | Development Services Manager     |
|                | Rich Knapp     | Administrative Services Director |
|                | Nancy Dean     | City Recorder                    |
|                | Kim Read       | Deputy City Recorder             |

VISITORS: Steve Reid, Kevin Reid, Elijah Robertson & Family, Kati Penner, Ellie Penner, Mike Christensen – Thackeray Garn Company, Kathryn Murray, Bob Bercher, Tayler Green, Wendy Osborn

Chair Young called the meeting to order at 8:05 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE MAY 13, 2014 POLICY SESSION

**Director Shepherd moved to approve the Clearfield Community Development and Renewal Agency (CDRA) minutes from the May 13, 2014 policy session, as written, seconded by Director Jones. The motion carried upon the following vote: Voting AYE – Directors Benson, Jones, and Shepherd. Voting NO – None.** Directors Bush and LeBaron were not present for the vote.

APPROVAL OF RESOLUTION 2014R-09 APPROVING THE TAX INCREMENT PARTICIPATION AGREEMENT WITH CLEARFIELD STATION, LLC

JJ Allen, Assistant City Manager, explained the Clearfield Station CDA was created for the primary purpose of capturing tax increment to help pay for the cost of public infrastructure connected with the development of the UTA property. The Participation Agreement set forth the

provisions under which the CDRA would reimburse the Developer for those costs. Mr. Allen reviewed the formula used to determine the reimbursement to the developer.

Mr. Allen indicated there was one change to Exhibit C of the Agreement and directed the Board to Page 6, Article 4, Paragraph (a). He stated toward the bottom of the paragraph it should reflect: the Agency shall pay Tax Increment Subsidy to the Developer in the amount of 100 percent of the Available Tax Increment, but in no event shall the amount of Tax Increment Subsidy to be paid to the Developer exceed the Developer's Qualified Costs.

Brian Brower, City Attorney, responded that was correct.

**Director Jones moved to approve Resolution 2014R-09 approving the Tax Increment Participation Agreement noting the changes to Exhibit C with deletions and amended language as presented during the meeting, with Clearfield Station, LLC, and authorize the Chair's signature to any necessary documents, seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Benson, Jones, and Shepherd. Voting NO – None.** Directors Bush and LeBaron were not present for the vote.

There being no further business to come before the Community Development and Renewal Agency, **Director Shepherd moved to adjourn as the Community Development and Renewal Agency at 8:11 p.m., seconded by Director Benson. All voting AYE.** Directors Bush and LeBaron were not present for the vote.

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY  
MEETING MINUTES  
7:00 P.M. REGULAR SESSION  
June 10, 2014

*(This meeting was held following the regularly scheduled City Council Meeting.)*

|                |               |                                  |
|----------------|---------------|----------------------------------|
| PRESIDING:     | Bruce Young   | Chair                            |
| PRESENT:       | Keri Benson   | Director                         |
|                | Kent Bush     | Director                         |
|                | Ron Jones     | Director                         |
|                | Mike LeBaron  | Director                         |
|                | Mark Shepherd | Director                         |
| STAFF PRESENT: | Adam Lenhard  | City Manager                     |
|                | JJ Allen      | Assistant City Manager           |
|                | Brian Brower  | City Attorney                    |
|                | Kelly Bennett | Police Lieutenant                |
|                | Scott Hodge   | Public Works Director            |
|                | Kim Dabb      | Operations Manager               |
|                | Eric Howes    | Community Services Director      |
|                | Scott Hess    | Development Services Manager     |
|                | Rich Knapp    | Administrative Services Director |
|                | Jessica Hardy | Budget Analyst                   |
|                | Kim Read      | Deputy City Recorder             |
| EXCUSED:       | Nancy Dean    | City Recorder                    |

VISITORS: David Tomczak, Bryan Saxton – Standard Examiner, Kenny Conners – American Legion Post 134, Con L. Wilcox – Wilcox Farms, Mike Millard

Chair Young called the meeting to order at 8:04 p.m.

PUBLIC HEARING TO RECEIVE COMMENT ON THE CDRA 2014/2015 FISCAL YEAR BUDGET

Rich Knapp, Administrative Services Director, explained Utah Code required a public hearing regarding the adoption of the CDRA's upcoming fiscal year budget. Staff had prepared and submitted to the Board a balanced tentative budget for the fiscal year 2014/2015 which would begin July 1, 2014 and end on June 30, 2015. The submitted tentative budget was adopted on May 13, 2014 and included all funds. He stated the CDRA budget was approximately \$2.6 million with the following included projects:

- \$50,000 for Mabey Pond improvements
- \$100,000 for Gateway signage and landscaping

Chair Young opened the public hearing at 8:04 p.m.

Chair Young asked for public comments.

There were no public comments.

**Director LeBaron moved to close the public hearing at 8:05 p.m. seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

APPROVAL OF RESOLUTION 2014R-10 ADOPTING THE CDRA 2014/2015 FISCAL YEAR BUDGET

City staff prepared and submitted to the Board a balanced final budget for fiscal year 2014/2015 which would begin July 1, 2014 and end on June 30, 2015.

**Director Shepherd moved to approve Resolution 2014R-10 adopting the CDRA 2014/2015 fiscal year budget and authorize the Chair’s signature to any necessary documents, seconded by Director LeBaron. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

SET A PUBLIC HEARING TO AMEND THE 2013/2014 FISCAL YEAR BUDGET

Rich Knapp, Administrative Services Director, stated the CDRA needed to amend its current fiscal year budget by adding items which had become necessary expenditures but were not budgeted for in the original budget. A public hearing was required to amend the budget. The staff was recommending the public hearing be set for June 24, 2014.

**Director Bush moved to set a public hearing for June 24, 2014, at 7:00 P.M., to amend the 2013/2014 fiscal year budget, seconded by Director Jones. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

There being no further business to come before the Community Development and Renewal Agency, **Director LeBaron moved to adjourn as the Community Development and Renewal Agency at 8:07 p.m., seconded by Director Shepherd. All voting AYE.**

**CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY 2014R-11**

A RESOLUTION APPROVING AND ADOPTING  
AMENDMENTS TO THE 2013/2014 BUDGET AND  
APPROPRIATING FUNDS FOR THE PURPOSES SET FORTH  
THEREIN

WHEREAS, Clearfield Community Development and Renewal Agency is nearing the end of its budget period which began on July 1, 2013 and ends on June 30, 2014; and

WHEREAS, the Board has approved some expenditures that were not included in the original budget; and

WHEREAS, Utah state code allows the Board to make adjustments to the budget; and

WHEREAS, proper notice of the public hearing for this matter was given; and

WHEREAS, Clearfield Community Development and Renewal Agency has considered and approved those amendments.

NOW, THEREFORE, be it resolved by the Clearfield Community Development and Renewal Agency that the amendments to the Clearfield Community Development and Renewal Agency budget beginning July 1, 2013 and ending June 30, 2014 as set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference are authorized and approved.

The Chairman is authorized to sign any documents reflecting those amendments.

Passed and adopted at the Community Development and Renewal Agency Board meeting held on June 24, 2014.

Dated this 24<sup>th</sup> day of June, 2014.

ATTEST

CLEARFIELD COMMUNITY DEVELOPMENT  
AND RENEWAL AGENCY

\_\_\_\_\_  
Nancy R. Dean, Secretary

\_\_\_\_\_  
Mark Shepherd, Vice Chair

VOTE OF THE BOARD

AYE:

NAY: