

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
April 22, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson Kent Bush Ron Jones Bruce Young	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Mike LeBaron	Councilmember
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Greg Krusi Kim Dabb Eric Howes Scott Hess Rich Knapp Kodi Nelson Nancy Dean Kim Read	City Manager Assistant City Manager City Attorney Police Chief Operations Manager Community Services Director Development Services Manager Administrative Services Director Court Supervisor City Recorder Deputy City Recorder
EXCUSED:	Scott Hodge	Public Works Director
VISITORS:	Kathryn Murray, Becky Brooks	

Mayor Shepherd called the meeting to order at 6:07 p.m.

DISCUSSION ON ENACTING A TEMPORARY LAND USE REGULATION

JJ Allen, Assistant City Manager, distributed a handout and informed the Council that the proposed Ordinance 2014-08 would temporarily, for up to six months, prohibit development of any new stand-alone parking lot which would serve a separate commercial parcel. He explained this temporary land use regulation would allow the City the necessary time to develop permanent language for a zoning text amendment. He announced the Planning Commission would address the topic at its May 7, 2014 meeting and begin discussing appropriate language for an amendment to the City's land use ordinance. He added that an ordinance would come before the Council for adoption within the next six months.

Mr. Allen informed the Council that staff had received information that certain key commercial property located within Clearfield was being considered for use as stand-alone parking to serve highly desirable retail development on adjacent property in a neighboring city. The property was one of Clearfield's last prime commercial opportunities to attract sales tax generating businesses.

He directed the Council to the handout which illustrated the limited remaining commercial opportunities available to the City and briefly reviewed it. He pointed out the City's General Plan specifically stated the few remaining vacant commercial properties in the City should be developed at their highest and best use to maximize their value to the City. He briefly reviewed four identified key points: Employment, Destination, Sales Tax Revenue and Revenue Balance, which a stand-alone parking lot would not provide to the City. He emphasized the temporary land use ordinance served to address this "compelling and countervailing public interest" which therefore justified the City's action and suggested such verbiage be included in the motion during the policy session.

Brian Brower, City Attorney, stated Mr. Allen had accurately pointed out the legal standard for justification of such an ordinance and read from the Utah State Code regarding temporary land use regulations and emphasized the importance of a detailed discussion identifying specific facts which supported the proposed temporary land use regulation.

Councilmember Bush inquired if the term "stand-alone" would be specific to a parking lot which wasn't associated with any business. Mr. Allen clarified it meant any parking lot located on a particular parcel which didn't serve a primary use/building on the same parcel. Councilmember Bush expressed concern about how adoption of the ordinance could potentially impact the proposed parking lot associated with the vacant Northrop Grumman building on 2000 East. Mr. Brower responded staff had discussed that concern and believed some solutions had been identified which would be presented to the property owners there. He added if the proposed ordinance was adopted it would indeed preclude the parking lot as it was originally intended.

Councilmember Benson inquired what would happen by the end of the six month period. Mr. Allen responded that would allow the Planning Commission to make a recommendation to the City Council and staff could draft an amendment to the City's land use ordinance with permanent language to address and correct this problem. He added the City's current definition of commercial parking facilities was not as complete as it should be and some minor adjustments to the definition and ordinance should protect the City and its scarce remaining undeveloped commercial property. Mr. Brower emphasized that without the approval of the temporary land use regulation, the City would have to grant the use if an application were received for this purpose.

Councilmember Jones asked whether there was any way another entity could maneuver around the City's intent with the temporary land use restriction or if it would have to be pursued through the court system. Scott Hess, Development Services Manager, stated the planning division formally filed application for Zoning Text Amendment which theoretically should stay any land use applications under that regulation as well. Mr. Allen added the temporary land use regulation ordinance provided necessary additional protection to the City. Mr. Brower summarized that State Code allowed the City to utilize both approaches (the temporary land use regulation as well as making formal application to amend the City's land use ordinance) to address a need such as this one which presented a compelling and countervailing public interest for the Council to protect; therefore, the City believed it had covered all possible avenues in the event legal action was brought forth against the City.

JUSTICE COURT UPDATE

Kodi Nelson, Court Supervisor, introduced herself to the Council and shared a visual presentation specific to the Justice Court and informed the Council about the Justice Court.

Councilmember Bush moved to adjourn and reconvene in a City Council policy session at 6:55 p.m., seconded by Councilmember Benson. All voting AYE.

The work session reconvened at 8:40 p.m.

VISITORS: Kathryn Murray, Becky Brooks, Shawn Young, Mindi Weaver, Korven Weaver, Skyler Cullens, John Cullens, Rayden Weaver, Lydia Flores, Richard Christensen, Ernie Higham

DISCUSSION ON THE YOUTH RESOURCE CENTER

Adam Lenhard, City Manager, reminded the Council of the discussion specific to the Youth Resource Center (YRC) from a previous work session in which Eric Howes, Community Services Director, had been requested to complete some research and options for the Council to consider on whether to continue programs at the YRC or close the Center. He mentioned although the City valued the program, it was unsustainable given the number of participants in association with the cost. He continued staff had been directed to determine the best use for the facility and property.

Mr. Howes briefly shared statistics relative to the YRC:

- Served youth between the ages of 10-15
- Average attendance of youth served was approximately 50
- The Center could only accommodate
- Operation costs were \$24,000 per year:
 - \$12,000 General Fund
 - \$8,000 CDBG Funding
 - \$4,000 on Utilities from the General Fund

He summarized based upon that information the cost per person per year was approximately \$480.

Mr. Howes reviewed options with the Council:

- There were other after school programs which could serve the youth of the community. He stated Wasatch Elementary provided a program for 10-12 year olds and Program Care offered at North Davis Junior High (NDJH) was designed for those 12-15 years old.
- Additional programing to take place at the Aquatic Center. He announced contact had been made with the Boys & Girls Club to solicit its interest in providing a program and indicated only one conversation had taken place in two months with five different attempts. He informed the Council that the Boys and Girls Club's original decision to leave the YRC was based on its proximity to Mabey Pond because the Director was not willing to accept liability associated with the pond.

- Program Care, after school program offered at NDJH. He reported meetings had taken place with the Program Care director who had expressed excitement about a potential partnership with the City enhancing that program. He explained that partnership would allow him the opportunity to possibly receive additional funding through grants. He stated after meeting with representatives from Wasatch Elementary they had also expressed similar interest identifying some of the same benefits. He pointed out the challenge associated with the proposed partnership would be offering a program during the summer months and suggested the City might have to assume that responsibility. He mentioned the school would need to grant the City access to the school facilities for the summer program; otherwise, it would need to be combined with the City's Recreate in the Park. He explained the benefit of having an indoor facility.

Mr. Howes stated students participating in Program Care were assessed a fee; however, he indicated students wouldn't be turned away due to an inability to pay especially if there was a partnership with the City. He didn't know how that would be administered or how eligibility would be determined.

He explained the other major difference was that Program Care was a structured program and reviewed what a participant could expect from attending. He summarized the YRC provided a supervised place for social activity as opposed to a rigid curriculum associated with Program Care. He also emphasized the YRC could accommodate siblings from 10-15 years of age together compared to Program Care in which participants would be segregated by age and required to participate at their specific school. He expressed his opinion the variety of activities and curriculum was obviously more than what could be offered by the City in addition to supervision. He mentioned another advantage to Program Care was its ability to provide transportation to participants which the City had no capacity to do. Mr. Howes reported significant funds were expended on a program in which there was no financial return and commented it was difficult to measure outcomes with such programs. He stated it would be his recommendation to partner with Program Care and close the YRC because similar services could be provided at a significantly lower cost.

Councilmember Benson asked who would be responsible to staff Program Care at the schools during the summer months. Mr. Howes responded the City would have employees run the Program during the summer. He mentioned discussions had taken place about the possibility of using the school's staff all year long and believed that would be ideal; however, their pay scale was higher than the City's and that would be an added cost to the City.

Adam Lenhard, City Manager, requested Mr. Howes review the Capital Expenditures associated with the YRC; roof, HVAC system, carpet and electrical upgrades. Mr. Howes summarized those costs and announced the final cost was approximately \$40,000-\$50,000.

Councilmember Benson inquired if transportation would be provided during the summer months. Mr. Howes believed that to be the case based upon the partnership agreement.

Councilmember Young asked about the current participation levels associated with Program Care. Mr. Howes responded he had requested that information but had not yet received it.

Councilmember Benson believed there were significant participants in Program Care especially during the spring. A discussion took place regarding the possible use of the Community Arts Center.

Jolene Collins, resident, pointed out the benefits of having more of a social, unstructured experience for the youth participants at the YRC. She believed the YRC had met a need within the community and was a great place for kids to hang-out in a non-school space for an uneducated experience. Rich Christensen, resident, expressed agreement and stated kids didn't like the structure of Program Care and believed it was a waste of money.

Councilmember Benson suggested a less regimented structure associated with Program Care be explored. She stated she had been fighting for the continuation of the program offered at the YRC but emphasized the cost couldn't be justified.

Mindi Weaver, resident, asked what was available to high school students. Councilmember Benson believed Program Care was open to high school students. Ms. Weaver pointed out the benefits associated with the YRC participants getting to know one another, becoming friends, looking out for one another and the peer counseling that takes place at the YRC.

DISCUSSION ON A SPECIAL EVENT POLICY

Eric Howes, Community Services Director, reminded the Council of a previous discussion which took place relative to special events approximately a year ago. He briefly reviewed the application process and expressed his desire to address specific activities as the review process was subjective. He believed the type of event based upon the number of participants to be important, as well as identifying resources needed on behalf of the City. He added insurance requirements for special events needed to be addressed as well as the use of bounce houses in conjunction with events. He proposed the City define the different level of events and reviewed the proposed definitions for identifying "levels" with the Council as well as the required insurance. He mentioned the current policy didn't clearly define the insurance requirement.

Mr. Howes reviewed the proposed insurance requirements associated with the defined activity "levels" with the Council. He stated bounce houses had recently become a liability issue and recommended any event with the use of a bounce house be required to provide a \$2 million insurance policy. He pointed out the insurance recommendations had been made after careful deliberation by the Parks & Recreation Commission. Brian Brower, City Attorney, explained the liability issue for those types of activities. A discussion took place regarding liability insurance for events.

CITY COUNCIL UPDATES ON THE UTAH LEAGUE OF CITIES AND TOWNS MEETINGS

Mayor Shepherd solicited feedback regarding the Utah League of Cities and Towns' meetings and seminars attended by the elected officials. Councilmember Benson commented the classes she attended were fabulous and full of information. Councilmember Jones believed the classes were worthwhile in many ways specific to infrastructure, water and roads. He believed it was a

great opportunity to attend and believed the information to be valuable. A discussion took place regarding information obtained from the seminars.

The meeting adjourned 9:30 p.m.

APPROVED AND ADOPTED
This 27th day of May, 2014

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, April 22, 2014.

/s/Nancy R. Dean, City Recorder