

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
November 25, 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 “Name that Park” Contest
Discussion on Proposed Zoning Text Amendments to Title 11, Chapter 11E,
Downtown Redevelopment (D-R) Zone
Discussion on the Agreement with the Salt Lake Chamber of Commerce
on Transportation Funding
Discussion on the Award of Bid for Janitorial Services
Discussion on the Award of Bid for an Energy Performance Contracting

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

CDRA WORK SESSION

Discussion on Downtown Clearfield Facade and Site Improvement Project

*(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:

Mayor Shepherd

OPENING CEREMONY:

Councilmember Jones

APPROVAL OF MINUTES:

October 28, 2014 – Work Session

October 28, 2014 – Policy Session

PRESENTATION:

1. PRESENTATION ON THE CLEARFIELD JUSTICE COURT

PUBLIC HEARING:

2. RECEIVE COMMENT ON PROPOSED ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 11, ARTICLE E, DOWNTOWN REDEVELOPMENT ZONE (D-R) ZONE

BACKGROUND: The proposed zoning text amendments in the Downtown Redevelopment Zone would amend commercial and residential ratios, unit size, and development agreement requirements. The Planning Commission addressed the amendments during its meeting on Wednesday, November 5, 2014, and forwarded a recommendation to the City Council.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEMS:

3. CITIZEN COMMENTS
4. CONSIDER APPROVAL OF THE WINNER OF THE “NAME THAT PARK” CONTEST FOR THE PARK LOCATED ON THE CORNER OF SOUTH MAIN STREET AND GORDON AVENUE

BACKGROUND: The City recently conducted a “Name that Park” contest to determine the name of the recently completed park located on the corner of South Main and Gordon Avenue. Over 70 submissions were received which were narrowed down to 10 by the Parks & Recreation Commission during its meeting on Wednesday, November 19, 2014. The Council reviewed those 10 recommended names during the work session held prior to the City Council meeting.

RECOMMENDATION: Approve the winning submission of the “Name that Park” contest and authorize the Mayor’s signature to any necessary documents.

5. CONSIDER APPROVAL OF ORDINANCE 2014-28 APPROVING ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 11, ARTICLE E, DOWNTOWN REDEVELOPMENT (D-R) ZONE

RECOMMENDATION: Approve Ordinance 2014-28 approving Zoning Text Amendments to Title 11, Chapter 11, Article E, Downtown Redevelopment (D-R) Zone and authorize the Mayor’s signature to any necessary documents.

6. CONSIDER APPROVAL OF RESOLUTION 2014R-23 SETTING TERMS FOR A LOAN BETWEEN THE CITY AND THE CDRA

BACKGROUND: The City has loaned money from its Utility Administration Fund to the CDRA in order to help fund the CDRA in its authorized activities and to further its purposes for the good of the City, its residents and businesses. This Resolution formally authorizes and sets the terms for repayment of the loaned funds including interest accrued.

RECOMMENDATION: Approve Resolution 2014R-23 authorizing and setting terms for the loan between the City and the CDRA and authorize the Mayor’s signature to any necessary documents.

7. CONSIDER APPROVAL OF ORDINANCE 2014-27 ENACTING THE PARAT (PARKS, ARTS, RECREATION, AQUATICS AND TRAILS) TAX

BACKGROUND: The City submitted an opinion question to voters during the General Election on November 4, 2014 regarding the imposition of a local sales and use tax to assist in funding facilities, programs and/or organizations designed to improve Parks, Arts, Recreation, Aquatics, and Trails (“PARAT”) opportunities in Clearfield. The majority of voters supported the imposition of the one-tenth of one percent local sales and use tax by a margin of 56 percent to 44 percent.

RECOMMENDATION: Approve Ordinance 2014-27 enacting the PARAT (Parks, Arts, Recreation, Aquatics and Trails) Tax and authorize the Mayor’s signature to any necessary documents.

8. CONSIDER APPROVAL OF AN AGREEMENT WITH THE SALT LAKE CHAMBER OF COMMERCE FOR THE UTAH TRANSPORTATION COALITION PROJECT

BACKGROUND: The Utah Transportation Coalition Project supports the research and analysis of transportation funding in Utah at both the State and local level. The agreement with the Chamber will assist with an advocacy and public awareness campaign related to Utah’s need for improved transportation. The advocacy and public awareness campaign will include strategic communications planning, advertising media, advertising purchases, public events, online media, social media, editorial content, and other communication tools which the City will be able to take advantage of by participating in the project. The Chamber will also provide the City with a transportation advocacy tool kit to aid in discussing transportation needs with residents.

RECOMMENDATION: Approve the Agreement with the Salt Lake Chamber of Commerce for the Utah Transportation Coalition Project 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 OCTOBER 28, 2014 WORK AND POLICY SESSIONS

2. CONSIDER APPROVAL OF RESOLUTION 2014R-12 SETTING TERMS FOR A LOAN BETWEEN THE CDRA AND THE CITY

BACKGROUND: The CDRA has borrowed money from the City in order to help fund the CDRA in its authorized activities and to further its purposes for the good of the City, its residents

and businesses. This Resolution formally authorizes and sets the terms for repayment of the loaned funds including interest accrued.

RECOMMENDATION: Approve Resolution 2014R-12 authorizing and setting terms for the loan between the CDRA and the City and authorize the Chair's signature to any necessary documents.

****CDRA ADJOURN****

Dated this 20th day of November, 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.

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. WORK SESSION
October 28, 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 Sergeant
	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: Andrew Watt, Braden Watt, Kathryn Murray, Antone Clark – Standard Examiner

Mayor Shepherd called the meeting to order at 6:03 p.m.

DISCUSSION ON A FINAL SUBDIVISION PLAT AMENDING THE LARSEN
COMMERCIAL SUBDIVISION

Scott Hess, Development Services Manager, explained the subdivision plat was approved in 1996 as one single parcel and a structure was built. He continued that in 1998 a warranty deed was recorded with Davis County which subdivided the parcel creating an illegal subdivision. The City became aware of the illegal subdivision when it received a request for a Conditional Use Permit for a pawn shop at that location and subsequently the Planning Commission required the correction of the illegal lot split and other necessary processes to make the subdivision legal. He reported the developer submitted an amended subdivision plat which had been reviewed by staff and the Planning Commission. The Planning Commission recommended approval of the plat during its meeting on Wednesday, October 15, 2014.

Mr. Hess informed the Council a ten-foot public utility easement along the west property line was not included in the amended plat; however, the developer had been made aware that it would need to be reflected prior to recordation. He explained the storage units to the west were already developed and the pawn shop building would sit very close to the western property line so the only thing to occupy the easement would be a drainage swell designed to collect the runoff from

the roof of the pawn shop building. He emphasized the amendment wouldn't change any lot lines; however, he pointed out the verbiage on the plat about the wall in the middle of the building separating two parcels would have to remain intact in order to maintain integrity to the building.

DISCUSSION ON A PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP OF THE GENERAL PLAN

Scott Hess, Development Services Manager, informed the Council that Con Wilcox, resident and developer, had requested a land use designation be changed for Lots 8 and 9 in his commercial development near 1600 South 1000 West from Commercial to Manufacturing on the City's General Plan Map. He reported staff reviewed the request and considered the possibilities and suggested the designating the lots for Business Park Use. He continued Business Park Use would facilitate C-1, Commercial, C-2, Commercial and M-1 Manufacturing as uses within that designation and expressed his opinion the Business Park Use better met Mr. Wilcox's vision for the development as well as meeting the Planning Commission's request for staff to work on creating changes that would address the type of use being proposed. He added changes would allow the property to be rezoned back to C-2, Commercial, at a later date which was previously reflected in the General Plan.

Councilmember Bush announced he had concerns with the proposed project and was prepared to share some solutions. He suggested creating a new zone which wouldn't allow heavy manufacturing but which would allow some flex use with light distribution in conjunction with "warehousing". He also expressed agreement with changing the General Plan to reflect the new land use designation. He expressed concern that rezoning the two lots could be viewed as "spot zoning". He stated he didn't have a problem with the use; however, a Business Park designation for the entire area could potentially encourage manufacturing.

DISCUSSION ON A PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 919 WEST AND 939 WEST, 1600 SOUTH IN CLEARFIELD

Scott Hess, Development Services Manager, announced the proposed rezone was a request from Commercial to Manufacturing for Lots 8 and 9 in the commercial development near 1600 South 1000 West. He pointed out some unintended consequences associated with the rezone which deserved consideration was:

- Attorneys for both the City and the developer had drafted some Declarations of Limited Use.
- What could the City enforce or limit with possible future proprietors at that location under a manufacturing zone. He suggested if the City addressed making changes to the Land Use Ordinance to better identify the type of use being proposed and the manufacturing zone was approved, an application for rezoning should be submitted as soon as possible after the changes had been approved. He expressed his opinion the City should make changes within its existing C-2 or M-1 zones that would include definitions which would allow the flex business type of use without encouraging manufacturing with large distribution/large warehousing to all commercial zones.

- He reported the Planning Commission’s concern was the City’s lack of a definition for the proposed use – that of a small distribution use. He stated the closest definition was warehouse, which addressed wholesale sales and warehousing. He expressed his opinion and confidence with the Planning Commission’s decision and recommendation.

Councilmember LeBaron stated he wasn’t too worried about the M-1 zone given the size of the parcels. He continued future enterprises associated with hazardous products would be required to submit an Environmental Impact Study (EIS) and site plan.

Mayor Shepherd suggested the City shouldn’t be speculating what or how the property could be used in the future as the owner hadn’t yet applied for anything with those possibilities. Mr. Hess read from the Land Use Guideline section of the City’s General Plan which said, “Manufacturing and industrial activities should be limited to those areas already zoned for such uses.” He reported the Planning Commission didn’t have the authority to go against the General Plan and entitle new property for manufacturing use. He suggested that if the City Council wanted to entitle additional property for manufacturing use, the General Plan should be amended to be consistent with the current direction given to staff.

Brian Brower, City Attorney, pointed out a similar discussion needed to take place during the policy session. He stated it was important for the City to go on record and put the applicant on notice of its intent that further action would take place associated with the zoning of Lots 8 and 9 in the future.

Councilmember LeBaron moved to adjourn the work session and reconvene in a CDRA work session at 6:27 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

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
October 28, 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 Sergeant
	Scott Hodge	Public Works Director
	Scott Hess	Development Services Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Stacy Millgate	Business License Official
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Amber Self, Mike Millard, Andrew Watt, Braden Watt, Jean Britton, Michael Britton, Seth Britton, Linda Ferrin, Hannah Fifield, Con & Jeri Wilcox, Kristi Bush, Cameron Winquist, Blake Hart, Brady Jugler, Megan Ward

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 Bush conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 23, 2014 WORK SESSION, THE OCTOBER 7, 2014 WORK SESSION AND THE OCTOBER 14, 2014 POLICY AND WORK SESSION

Councilmember Benson requested a clarification on the September 23, 2014 work session minutes. The minutes reflect she made comments regarding Ogden City leasing out office space from its municipal building for entrepreneurs to jump start new businesses. She asked that the minutes be amended to reflect that the office space was not part of the Ogden Municipal building rather other buildings around its municipal building.

Councilmember LeBaron moved to approve the minutes from the September 23, 2014 work session, as amended, and the October 7, 2014 work session and the October 14, 2014 policy and work session, as written, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

PRESENTATION OF THE YARD OF THE YEAR AWARD

Each year, Clearfield City sponsored a Yard of the Week contest. The Parks and Recreation Commission members visited eleven different zones in the City during the summer and submitted a weekly winner. At the end of the summer, the Commission members judged the weekly winners and selected a winner for Yard of the Year. This year's Yard of the Year winner was Robert and LaRue Hawthorn. The runners-up were David McIntire and Verla Olsen.

Councilmember Bush expressed appreciation to the Parks and Recreation Commission for its efforts in selecting winners throughout the year. He also expressed appreciation to the recipients for their work in making the City a better place for all of its residents. He presented this year's winners with a certificate and gift card expressing appreciation on behalf of the City.

ARGUMENTS FOR AND AGAINST PROPOSITION #7, ALSO KNOWN AS THE PARAT (PARKS, ARTS, RECREATION, AQUATICS AND TRAILS) TAX

State Code requires that equal time be allowed for presentations on arguments both for and against the ballot proposition during a public meeting. Mayor Shepherd explained the proposed tax was a tenth of one percent sales tax which would go towards parks, arts, recreation, aquatics and/or trails within the City.

Amber Self, resident representing Citizens for PARAT, shared arguments for the PARAT Tax. She stated the tax funds could be used toward maintenance for maintaining and improving existing City facilities such as: the Aquatic Center, future Community Plaza Park at Clearfield Station, Steed Park, Mabey Pond, other playgrounds, sports fields, fishing facilities, trails, arts, theatre, cultural events and a variety of other recreation programs. She believed the benefits would provide economic vitality and enhance the quality of life for all citizens. She emphasized the PARAT Tax would result in an additional one cent sales tax for every ten dollars' worth of transactions. She pointed out qualified transactions were those not associated with grocery, food, fuel or food ingredients. She encouraged residents vote "yes" for the PARAT tax on November 4th.

Mayor Shepherd stated no arguments against had been received by the City. He indicated in order to provide a fair view of argument both for and against the tax, staff had prepared some arguments against the tax which appeared in the Voter Information Pamphlet. Mayor Shepherd then read those arguments to the Council:

- The PARAT Tax is a special purpose tax that benefits only Parks, Arts, Recreation, Aquatics, and Trails rather than a tax which would benefit a larger cross-section of general city-wide expenditure needs.

- New improvements will need to be maintained which could result in increased operating costs.
- Sales tax is a larger burden on those on fixed incomes and young families with large numbers of children.
- Separate “boutique” taxes add complexity to the tax system with reporting burdens to businesses and confusion to taxpayers.
- Risk that the tax is focused primarily on serving the needs of a few special interest groups rather than the broader community.

He asked if there was anyone present who would like to speak to either argument—for or against. No one expressed a desire to address the Council.

PUBLIC HEARING TO RECEIVE COMMENT FOR FSP 1410-0001, A FINAL SUBDIVISION PLAT REQUEST TO AMEND THE LARSEN COMMERCIAL SUBDIVISION PLAT LOT 2, LOCATED AT 325 WEST 1700 SOUTH (TIN: 12-243-0011, 12-243-0008)

Scott Hess, Development Services Manager, shared a visual illustration which identified the particular parcel being considered for amendment. He stated the Larsen Commercial Subdivision was originally approved in 1995 and a structure was then built at 325 West 1700 South. In 1998, the property and building were then subdivided through recordation of a Deed of Trust, which illegally split the south eastern portion of the lot. The applicant requested a Conditional Use Permit (CUP) and a building permit for a new structure on the remainder portion of Lot 2 in October 2014. That request was conditioned by the Planning Commission upon the correction of the illegal lot split and the recording of an amended plat.

He stated the amended plat provided opportunity for a cross access easement, public utility easement and other items the City would require during the plat process and pointed those out:

- On the west side of the existing lot for Tender Years LLC, there was a 25-foot access easement which ran the north/south length of the lot providing 1700 South access to lot 2B.
- Both lot 2A and 2B had independent drive accesses off of 300 West, a widened public utility easement to the south as the utilities for lot 2A, the new structure, run down the south line of the property into the road.
- No additional street right of way or any other road dedication with the plat.

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

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:17 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.

PUBLIC HEARING TO RECEIVE COMMENT ON A PROPOSED ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 8 – AGRICULTURE ZONES, CHAPTER 9 – RESIDENTIAL ZONES AND CHAPTER 13 – SUPPLEMENTARY REGULATIONS – TO ESTABLISH STANDARDS FOR HOME DAYCARES AND PRESCHOOLS AS PERMITTED USES WITHIN RESIDENTIAL ZONES

Stacy Millgate, Business License Official, stated City Code currently required home daycares and preschools to obtain a Conditional Use Permit and the current review body for all Conditional Use Permits was the Planning Commission. While the requirement to bring all Conditional Use Permits to the Planning Commission had helped drive quality standards, it could become a time burden for the Commission to review minor items as required by current procedures; additionally the applicant was required to wait for the Planning Commission to review minor or insignificant applications. The proposed zoning text amendment would allow home daycares and preschools as a permitted use within residential zones and the supplementary regulations would call out traffic flow, drop-off/pick up plans, and outdoor environment.

The Planning Commission discussed the issue at its meetings on August 6, 2014 and September 10, 2014, during which proposed language was drafted. The Commission conducted a public hearing at its meeting on Wednesday, October 1, 2014, following which the Commission voted to recommend the proposed changes to the City Council. This zoning text amendment would be effective across all residential zones in the City.

Mayor Shepherd opened the public hearing at 7:18 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Young moved to close the public hearing at 7:19 p.m. seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT FOR GPA 1410-0002, A PROPOSED GENERAL PLAN AMENDMENT FOR DESIGNATED FUTURE LAND USE CATEGORIES ON PROPERTY LOCATED AT APPROXIMATELY 919 AND 939 WEST, 1600 SOUTH (TINS: 12-391-0008 AND 12-391-0009) FROM COMMERCIAL TO MANUFACTURING

The proposal included a request for two parcels comprising approximately 1.31 acres collectively to be redesignated from a commercial to a manufacturing land use category in the General Plan's Future Land Use Map with the intent to construct a new structure for a warehouse/distribution style use. The property was currently two individual parcels. Depending on the site plan for the potential M-1 zoned use, the property owner may choose to combine the two parcels into one. An application for rezone from commercial to manufacturing had been made in addition to this request to amend the City's General Plan.

Scott Hess, Development Services Manager, shared a visual illustration of a map identifying the location of the parcels and stated the request for two internal parcels of the commercial development to be changed in the General Plan designation from future uses commercial to future uses manufacturing. He reported the Planning Commission recommended denial of the request. He announced staff had considered all possible options since the Planning Commission meeting on Wednesday, October 15, 2014 and was prepared to make the recommendation that the future use of the property be designated as business park use. He believed that designation was better aligned with the property owner's and the developer's intentions for the parcels. Councilmember LeBaron reported the Planning Commission had deliberated extensively on this item during its meeting and it had expressed concern about future uses for the property with the manufacturing designation should the initial business fail. He expressed confidence in staff's recommendation and believed the Planning Commission would be in favor because it desired to approve the use if the zoning was appropriate for the "warehouse" use. He expressed his opinion that staff's suggestion was similar to the Planning Commission's inclination.

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

Mayor Shepherd asked for public comments.

Con Wilcox, Wilcox Farms LLC and resident, explained the City had approached Wilcox Farms in 1998 requesting property near the 1700 South/1000 West area be used for commercial purposes. He explained the commercial properties had been marketed for 16 years and 26 businesses had been secured bringing a variety of businesses to the area. He directed the Council to Mr. Hess' visual map and explained the problems associated with the two vacant lots as neither one had street visibility from 1700 South or 1000 West. He was pleased to announce a buyer had expressed interest for lots eight and nine and believed it would be a compatible use for the area and development. He believed the concerns could be mitigated by the additional Declarations and CCR's (Covenants, Conditions and Restrictions) which had recently been presented to ensure compatibility.

Councilmember Bush moved to close the public hearing at 7:24 p.m. seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT FOR RZN 1410-0002, A REQUEST FROM CON WILCOX FOR A REZONE ON PROPERTY LOCATED AT APPROXIMATELY 919 AND 939 WEST, 1600 SOUTH (TINs: 12-391-0008 AND 12-391-0009) FROM (C-2) COMMERCIAL TO (M-1) MANUFACTURING

The request was for approximately 1.31 acres to be rezoned from (C-2) Commercial to (M-1) Manufacturing with the intent to construct a new structure for a warehouse/distribution style use. The property was currently two individual parcels. Depending on the site plan for the potential M-1 zoned use, the property owner may choose to combine the two parcels into one. An application for General Plan Amendment as well as for the requested rezone was previously made to the Planning Commission.

Scott Hess, Development Services Manager, explained the discussion was a related to the previous agenda item. He mentioned the need for consistency in the General Plan and that the City requested applicants apply for a General Plan Amendment with an accompanying rezone if the two weren't compatible. He stated this discussion was on the rezone request following the General Plan Amendment, to designate the properties from Commercial to Manufacturing. He reported the Planning Commission had recommended denial at its meeting on Wednesday, October 15, 2014, based upon its findings and with a direction given to staff of amending the Commercial (C-2) zone to better accommodate light manufacturing or low level distribution uses, or the creation of a new zone. He reported staff had begun working toward the creation of a new zone. He stated the particular use which was requested, along with the rezone, was for a low level distribution use for seafood, with a small commercial component which would front 1600 South.

Councilmember LeBaron referred to Councilmember Bush's comments made during the previously held work session and indicated he agreed. He suggested the Council find a way to accommodate the request while staff continued to work on the creation of a new zoning designation which would better meet the intent of the owner and developer and which wasn't heavy manufacturing. Mr. Hess stated a Business Park General Plan Amendment would allow for a C-1 or C-2 (Commercial) or M-1 (Manufacturing) zoning designation. He believed this would better meet the intent of the applicant; however, the definition of warehousing under the M-1 zone was the best definition for the particular use currently being requested for by the property owner.

Mayor Shepherd opened the public hearing at 7:28 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:29 p.m. seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF FSP 1410-0001 TO AMEND THE LARSEN COMMERCIAL SUBDIVISION PLAT LOT 2, LOCATED AT 325 WEST 1700 SOUTH (TIN: 12-243-0011, 12-243-0008)

Councilmember LeBaron moved to approve FSP 1410-0001, a request by Cameron Winquist to amend the Larsen Commercial Subdivision Plat Lot 2, located at 325 West 1700 South 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 2014-23 AUTHORIZING A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 8 – AGRICULTURE ZONES, CHAPTER 9 – RESIDENTIAL ZONES AND CHAPTER 13 – SUPPLEMENTARY REGULATIONS – TO ESTABLISH STANDARDS FOR HOME DAYCARES AND PRESCHOOLS AS PERMITTED USES WITHIN RESIDENTIAL ZONES

Councilmember Young moved to approve Ordinance 2014-23 authorizing a Zoning Text Amendment to Title 11, Chapter 8 – Agriculture Zones, Chapter 9 – Residential Zones and Chapter 13 – Supplementary Regulations – to establish standards for Home Daycares and Preschools as permitted uses within Residential Zones and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2014-24 AMENDING THE GENERAL PLAN TO CHANGE THE DESIGNATED LAND USE CATEGORY ON PROPERTY LOCATED AT APPROXIMATELY 919 WEST AND 939 WEST 1600 SOUTH (TINS: 12-391-0008 AND 12-391-0009) FROM COMMERCIAL TO BUSINESS PARK

Councilmember LeBaron moved to approve Ordinance 2014-24 as proposed by staff changing the designated land use category in the City’s General Plan for property located at 919 West and 939 West 1600 South from “Commercial” to “Business Park” 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, Bush, Jones, LeBaron and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2014-25 CONDITIONALLY REZONING PROPERTY LOCATED AT APPROXIMATELY 919 WEST AND 939 WEST, 1600 SOUTH (TINS: 12-391-0008 AND 12-391-0009) FROM (C-2) COMMERCIAL TO (M-1) MANUFACTURING

Mayor Shepherd explained Mr. Wilcox had been marketing the property located at 919 West and 939 West 1600 South for approximately 17 years for a commercial use. He pointed out Mr. Wilcox had been instrumental in bringing numerous other businesses with various uses to the City. Mayor Shepherd believed the proposed rezone request was the best use for the property at this point in time. He reminded the Council of previous attempts by Mr. Wilcox to market the property in other ways which were not successful.

Scott Hess, Development Services Manager, commented staff had worked with the applicant and its legal counsel, as well as the City’s legal staff, in the creation of a Declaration of Limitation of Uses which would limit any noxious M-1 (Manufacturing) uses such as those omitting dust, noise, sound and such, which were brought to an area through heavy duty manufacturing uses as well as uses similar in nature to landscape supply yards. He recommended any rezone of the property should be conditioned upon those Declarations being recorded. Brian Brower, City

Attorney, stated the proposed ordinance required the Declarations to be recorded and attached as an exhibit. He further commented the ordinance directed no business license or building permits would be issued without the execution and recording of the Declarations against the property. He also stated the Council had discussed the rezone in the work session previous to the policy session. He recommended the Council go on the record about any details it may want applied to future uses of the property should the Council approve this request based upon some of the discussion in the work session.

Mayor Shepherd reported concerns had been expressed by councilmembers during its work session about the rezone request. He expressed those concerns being about two parcels surrounded by commercial being proposed for a rezone to manufacturing when factoring in future uses that could be potentially applied to the parcels under such a zoning designation. He added the Planning Commission had expressed the same concern. He explained the business currently wanting to locate on the property was not really manufacturing or commercial but rather a distribution type use and such a use was not addressed in the City's zoning ordinances. He explained the rezone with the attached Declarations would allow the business to be in a manufacturing zone but with restrictions put in place to protect from incompatible future uses on the property. He reiterated the property had been marketed as commercial for 17 years with no success because of its poor visibility from the streets. He stated the property's use was better regulated under the business park future land use category designation made in the General Plan earlier in the meeting.

Councilmember LeBaron added the Planning Commission had also expressed concern regarding the possibility of additional truck traffic to the area. He stated the business owner had indicated the business would add one more truck to the area maybe once or twice a week. He pointed out the business wouldn't generate different traffic other than what was being experienced by the current businesses in the area. He stated the rezone made sense when coupled with the work staff was directed to do addressing future uses and zoning requirements when the current process was completed.

Mr. Brower pointed out Mr. Wilcox, property owner, had not attended the publicly noticed work session prior to the policy session where the Council discussed some concerns about the request. He summarized the process the applicant had been through prior to the issues being brought to the Council in the current meeting. He stated there had previously been a zoning determination by staff and then an appeal of that zoning determination because the use being applied for really didn't entirely fit within any definitions that existed in the City Code. He explained that when that situation happens staff has to determine which definition was the best fit for the use based on what was in the code. Staff determined the best definition that fit the use was "warehousing" which was only allowed in the manufacturing zone although the proposed business use was more of a "distribution" type of use. He emphasized that "distribution" was not currently a defined term in any of the City's land use definitions.

Mr. Brower summarized concern had been expressed by the Council in the previous work session about how to facilitate the proposed use, for the time being, given the restraints within the current provisions in the Land Use Ordinance. He indicated the Council appeared to be willing to grant the application for rezone to M-1 (manufacturing), but was concerned about

potential future uses which might be allowed because of the manufacturing zoning designation, notwithstanding the Declaration of Limitation of Uses Restriction. He stated the Council indicated an intent to direct staff to make additional changes to the General Plan and Land Use Ordinance that would better facilitate and allow for light warehousing and distribution type uses which could be applied in areas such as those with a “business park” designation. He continued that the Council had indicated in its previous meeting an intent to consider, in the near future, an additional rezone for the property to something else that would better fit in the “business park” area once those changes to the City’s Land Use Ordinance had been made. He emphasized to the representatives of the property owner, developer and applicant that they should be advised there were possible changes yet forthcoming which would likely impact the future use of the property beyond the current proposed use associated with the application.

Councilmember Bush acknowledged there were times when projects were introduced that didn’t necessarily fit exactly within the current zoning ordinances. He continued by stating that sometimes those requests precipitated the creation of new zoning ordinances or the amendment of current zoning ordinances. He expressed his opinion the City had tried to provide a good solution for the proposed development given the time constraints associated with it as indicated by the property owner.

Councilmember Bush moved to approve Ordinance 2014-25 rezoning property located at approximately 919 West and 939 West, 1600 South (Tins: 12-391-0008 and 12-391-0009) from (C-2) Commercial to (M-1) Manufacturing, conditioned upon execution and recordation of the Declaration of Use Restriction on each parcel and with stipulation that staff begin preparing zoning text amendments and General Plan Amendments which will accommodate businesses of this type, while restricting other M-1 uses, 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, Bush, Jones, LeBaron and Young. Voting NO – None.

CONSIDER APPROVAL OF AND CONSENT TO THE MAYOR’S PROPOSED APPOINTMENTS OF INDIVIDUALS TO THE PLANNING COMMISSION

The Planning Commission currently had vacancies for three regular members and up to three alternate members. Residents were asked to submit letters of interest and interviews were conducted by the City Council during work sessions on October 7, 2014 and October 14, 2014. Mayor Shepherd read his proposed appointments to the Council:

- Move Michael Millard from an alternate member to regular member with a term expiring February 2019
- Move Robert Allen from an alternate member to regular member with a term expiring February 2015
- Appoint Amy Mabey as a regular member with a term expiring February 2016
- Appoint Steve Parkinson as an alternate member with a term expiring February 2017
- Appoint Michael Britton as an alternate member with a term expiring February 2018
- Appoint Brady Jugler as an alternate member with a term expiring February 2016

Councilmember LeBaron reported the Planning Commission Chair, Nike Peterson, had recently participated in training during which it was encouraged to appoint individuals from diverse backgrounds and believed the Mayor and City Council would accomplish that with the recommended appointments.

Councilmember LeBaron moved to approve and consent to the Mayor's appointment of Michael Millard from an alternate member to regular member of the Planning Commission with a term expiring February 2019, Robert Allen from an alternate member to regular member with a term expiring February 2015, and Amy Mabey as a regular member with a term expiring February 2016, Steve Parkinson as an alternate member with a term expiring February 2017, Michael Britton as an alternate member with a term expiring February 2018 and Brady Jugler as an alternate member with a term expiring on February 2016, 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.

COMMUNICATION ITEMS

Mayor Shepherd

1. Announced he had the opportunity to represent the City at a function during which Colonel Halvorsen, known as the Candy Bomber, spoke at HAFB (Hill Air Force Base).
2. Stated he would be traveling out of town November 4-11 and again November 13 and 14.
3. Reported the Wasatch Front Football League held its annual Mini Bowl game at Clearfield High School this past weekend.
4. Expressed appreciation to staff for its efforts with the Boonanza event which took place at the Aquatic Center on Saturday, October 25, 2014.

Councilmember Benson

1. Encouraged registered voters to complete their ballots and return them or be sure to vote on Election Day, Tuesday, November 4, 2014.
2. Announced Wasatch Elementary was looking for reading volunteers for 1-2 hours per week.

Councilmember Bush

1. Reported he had attended a Wasatch Choice 2040 Consortium sponsored by Envision Utah on Thursday, October 23, 2014, for planning throughout the State regarding housing, transportation, streets and roads. He shared a visual presentation illustrating a survey which individuals could participate in and submit.
2. Informed the Council that the Kiwanis Club would be conducting the Coats for Kids drive which would benefit elementary schools within the City. He stated donations were being collected as well as money collected to purchase new coats.

Councilmember Jones – nothing to report

Councilmember LeBaron –nothing to report.

Councilmember Young – nothing to report.

Adam Lenhard, City Manager

1. Recognized staff for its efforts with the Boonanza which took place over the weekend at the Aquatic Center.
2. Informed the Council that the South Main Street rebuilding was completed and announced it was the largest capital project completed this year. He believed the one million dollar project was money well spent.
3. Announced the Depot Street extension had been paved and was nearing completion. He emphasized this project was tied to development at Clearfield Station.

STAFFS' REPORTS

Nancy Dean, City Recorder

1. Reviewed the City Council meeting schedule with the Council:
 - No meeting on Election Day, Tuesday, November 4, 2014
 - No meeting on Veteran's Day, Tuesday, November 11, 2014
 - Special Session beginning at 6:00 p.m. on Tuesday, November 18, 2014
 - Regularly scheduled meeting for Tuesday, November 25, 2014
 - Regularly scheduled meeting on Tuesday, December 9, 2014. She stated this December 9 was the last meeting scheduled for the year.
2. Reminded the Council that the PARAT Tax Proposition would be on the ballot for the November 4, 2014 General Election.
3. Encouraged everyone to exercise his/her right to vote in the General Election on Tuesday, November 4, 2014.

There being no further business to come before the City Council **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:00 p.m., seconded by Councilmember LeBaron. 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



City Council

STAFF REPORT

TO: Mayor Shepherd, City Council, and Executive Staff

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

MEETING DATE: **November 25, 2014**

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 1410-0004** Zoning Text Amendment to Title 11, Chapter 11, Article E, Downtown Redevelopment Zone (D-R) to amend commercial and residential ratios, unit size, and permitted and conditional uses. This zoning text amendment would be effective throughout Clearfield City for any parcels eligible for the Downtown Redevelopment zoning classification.

RECOMMENDATION

Move to **approve ZTA 1410-0004**, an amendment to Title 11, Chapter 11, Article E, Downtown Redevelopment Zone (D-R) to amend commercial and residential ratios, unit size, and development agreement requirements, based on the Planning Commission recommendation, as well as findings and discussion in the Staff Report.

ANALYSIS

Clearfield City Code 11-11E Downtown Redevelopment (D-R) Zone is designed to encourage redevelopment of vacant or under-utilized properties within the downtown area of Clearfield City. No property in Clearfield City is currently zoned D-R. The original version of this zone attempted to address what staff at the time believed what would be necessary in order to encourage multi-story mixed use development in the downtown area. A conceptual plan for desirable downtown development similar to the intent of the D-R zone has been submitted to Clearfield City Community Development. Execution of the conceptual plan as it has been proposed would require amendments to the existing D-R Zone which appear to be in the best interest of the community.

Clearfield City Planning Commission made a motion to recommend approval of the amendments to the D-R zone as proposed below on November 5, 2014.

Proposed Changes

Title 11, Chapter 11, Article E, Section 1, Purpose, is hereby amended to read as follows:

The purpose of the D-R downtown redevelopment zone is to provide for attractive, vibrant, and safe urban development or redevelopment along major commercial/transportation corridors and downtown areas in the city; to encourage the development of vacant or underutilized parcels of

land; and to encourage the replacement, renovation, or rehabilitation of dilapidated or decaying structures.

Title 11, Chapter 11, Article E, Section 4, Subsection C, Approvals Required is hereby amended to read as follows:

- C. Development Agreement: A development agreement shall be required for all new development in the D-R downtown redevelopment zone. All applications for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council.

Title 11, Chapter 11, Article E, Section 5, Subsection A, Regulations for Residential Development is hereby amended to read as follows:

- A. Commercial Use Required: Except as otherwise allowed through a development agreement in order to facilitate projects which, in the city's opinion, will encourage development of underutilized parcels and/or the replacement, renovation, or rehabilitation of dilapidated and decaying structures, the following requirements will apply: i) residential dwelling units shall not be permitted unless as part of a commercial development; and ii) nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage along a public street, including State Street and North Main Street.

Title 11, Chapter 11, Article E, Section 5, Subsection B, Regulations for Residential Development is hereby amended to read as follows:

- B. Floor Area: Minimum unit size shall be no less than 700 square feet, average unit size, and mixture of bedroom units will be specified in the development agreement

Public Comment

No public comment has been received to date.

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	The proposed text amendment is consistent with the goals and policies of the Land Use Element of the City's General Plan. It will assist in encouraging development of downtown parcels of land, and provide more flexibility through development agreement-based development.

2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	A recently submitted conceptual plan for downtown development has prompted staff to consider changes to the existing D-R Zone in order to better facilitate development of downtown parcels of property.
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Community Services

55 South State Street
Clearfield, Utah 84015

Phone: 801.525.2790

Fax: 801.525.2863

NAME THAT PARK CONTEST FINALISTS

- Falcon Park
- Main Street Park
- Richard Hamblin Park
- Cornerstone Park
- Sand Ridge Park
- Boundary Park
- Clearfield South Park
- Clearfield South Point Park
- South Main Park
- Mountain View Park
- Crossroads Park



CLEARFIELD CITY ORDINANCE 2014-28

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11 of the Clearfield City Code by amending Chapter 11, Article E of said title regarding the regulation of the Downtown Redevelopment Zone.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 11, Article E, Section 1, Purpose, is hereby amended to read as follows:

The purpose of the D-R downtown redevelopment zone is to provide for attractive, vibrant, and safe urban development or redevelopment along major commercial/transportation corridors and downtown areas in the city; to encourage the development of vacant or underutilized parcels of land; and to encourage the replacement, renovation, or rehabilitation of dilapidated or decaying structures.

Title 11, Chapter 11, Article E, Section 4, Subsection C, Approvals Required is hereby amended to read as follows:

- C. Development Agreement: A development agreement shall be required for all new development in the D-R downtown redevelopment zone. Any approval of an application for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council, execution of said agreement by the parties, and the recording of said approved and executed agreement against the subject property.

Title 11, Chapter 11, Article E, Section 5, Subsection A, Regulations for Residential Development is hereby amended to read as follows:

- A. Commercial Use Required: Except as otherwise allowed through a development agreement in order to facilitate projects which, in the city's opinion, will encourage development of underutilized parcels and/or the replacement, renovation, or rehabilitation of dilapidated and decaying structures, the following requirements will apply: i) residential dwelling units shall not be permitted unless as part of a commercial development; and ii) nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage along a public street, including S-R 126 (State Street and North Main Street), SR-193 (700 South), and SR-108 (1700 South) and North Main Street.

Title 11, Chapter 11, Article E, Section 5, Subsection B, Regulations for Residential Development is hereby amended to read as follows:

Comment [BB1]: What do each of you think about slightly broadening the scope here. As JJ pointed out, it would still provide an out with the language indicating "Except as otherwise allowed through a development agreement . . ."

B. Floor Area: Minimum unit size shall be no less than 700 square feet. ~~an~~ average unit size, and ~~the number mixture~~ of bedrooms in each units ~~may~~will be specified in the development agreement.

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 immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 25th day of November, 2014.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED: Councilmember LeBaron.

CLEARFIELD CITY RESOLUTION 2014R-23

A RESOLUTION AUTHORIZING, APPROVING AND ESTABLISHING THE TERMS FOR A LOAN FROM CLEARFIELD CITY'S UTILITY ADMINISTRATION FUND TO THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

WHEREAS, in 1983, pursuant to statutory authority granted by the State of Utah, Clearfield City Corporation (the "City") established what is now known as the Clearfield Community Development and Renewal Agency (the "CDRA"); and

WHEREAS, the CDRA is currently authorized by and governed according to the Community Development and Renewal Agencies Act as set forth in Title 17C of the Utah Code (the "Act"), as well as the CDRA's own Bylaws; and

WHEREAS, the stated purposes of the CDRA are to "undertake or promote urban renewal, economic development, or community development" within Clearfield and "to provide the City of Clearfield with a redevelopment plan and take action that would revitalize, upgrade and develop certain areas of the City" pursuant to the Act and the CDRA's Bylaws; and

WHEREAS, the Governing Board for the CDRA is comprised of the members of the Clearfield City Council; and

WHEREAS, over roughly a ten year period ending in 2008, the City has loaned money from the City to the CDRA by transferring certain amounts from the City's Utility Administration Fund to the CDRA Fund in order to help fund the CDRA in its authorized activities and to further its purposes for the good of the City, its residents and businesses; and

WHEREAS, for proper accounting and auditing purposes, those funds loaned from the City's Utility Administration Fund to the CDRA Fund should be formally authorized and the terms for the repayment of said loaned funds, including interest accrued, officially approved;

NOW THEREFORE BE IT RESOLVED by the Clearfield City Council:

That the cumulative net transfers of funds loaned from the City's Utility Administration Fund to the CDRA Fund over roughly a ten year period ending in 2008, in the total amount of \$1,011,681 (including interest accrued to date), are hereby authorized and approved;

That interest shall accrue on the outstanding balance of said loan at a rate equal to the investment pool rate (or PTIF) for the State of Utah, which interest shall be paid at least annually; and

That the full amount of said loan, including any interest accrued, shall be repaid to the City by the CDRA by June 30, 2024.

Passed and adopted by the City Council at its regular meeting on the 25th day of November, 2014.

ATTEST:

CLEARFIELD CITY CORPORATION:

Nancy R. Dean, City Recorder

Mark R. Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

Staff Report



To: Mayor Mark Shepherd and City Councilors
From: Rich Knapp, Administrative Services Director
Date: November 25, 2014
Re: CDRA Interfund Loan from Enterprise Fund

Recommended Action

Set loan terms for Utility Admin Fund loan to CDRA Fund.

Description / Background

The CDRA Fund has borrowed \$1,011,681 from the Utility Administration Fund—an enterprise fund. In FY 2000, most of this loan was established, and it appears most of it was to cover a CDRA fund balance deficit. The CDRA has been charged an interest rate equal to the State investment pool rate, or PTIF, for the loan. Staff is unable to find an official Council action setting the terms of the loan.

This proposed resolution will set the terms of the loan to charge a rate of interest equal to the PTIF, and the CDRA to pay the loan back in full by June 30, 2024.

Fiscal Impact

No impact to status quo.

Alternatives

- Forgive the loan. This will require a notice to all rate payers.

Schedule / Time Constraints

Staff would like to have this done before the FY14 Audit is complete in December.

CLEARFIELD CITY ORDINANCE 2014-27

AN ORDINANCE ENACTING A LOCAL SALES AND USE TAX IN THE AMOUNT OF ONE-TENTH OF ONE PERCENT TO ASSIST IN FUNDING ITEMS SUCH AS THE CLEARFIELD COMMUNITY ARTS CENTER, THE CLEARFIELD AQUATIC CENTER, AND THE COMMUNITY PLAZA PARK AT CLEARFIELD STATION, AS WELL AS OTHER PARKS, ARTS, RECREATION, AQUATICS, AND/OR TRAILS (“PARAT”) FACILITIES, PROGRAMS, AND ORGANIZATIONS

PREAMBLE: Pursuant to the authority granted to Clearfield City by the State of Utah, this Ordinance enacts a local sales and use tax in the amount of one-tenth of one percent to assist in funding items such as the Clearfield Community Arts Center, the Clearfield Aquatic Center, and/or the Community Plaza Park at Clearfield Station, as well as other Parks, Arts, Recreation, Aquatics, and/or Trails (“PARAT”) facilities, programs, and/or organizations.

WHEREAS, Clearfield City (“the City”) has a strong history of and continued interest in supporting facilities, programs and organizations designed to improve Parks, Arts, Recreation, Aquatics, and Trails (“PARAT”) opportunities for its residents; and

WHEREAS, the City’s continued support of such PARAT facilities, programs and organizations for its residents could be enhanced by providing additional revenue to be used for those purposes; and

WHEREAS, the City submitted an opinion question to voters during the General Election held on November 4, 2014, regarding the imposition of a local sales and use tax to assist in funding items such as the Clearfield Community Arts Center, the Clearfield Aquatic Center, and/or the Community Plaza Park at Clearfield Station, as well as other Parks, Arts, Recreation, Aquatics, and/or Trails (“PARAT”) facilities, programs and/or organizations in accordance with Utah Code Ann. § 59-12-1402; and

WHEREAS, Clearfield voters supported the imposition of the one-tenth of one percent local sales and use tax with 1,695 (55.72%) votes cast for the imposition of the tax and 1,347 (44.28%) votes cast against the imposition of the tax; and

WHEREAS, the City Council determined that the imposition of a one-tenth of one percent (.1%) sales and use tax for funding Parks, Arts, Recreation, Aquatics and Trails (“PARAT”) facilities, programs and organizations is in the best interests of Clearfield City, its residents and the surrounding community;

NOW THEREFORE BE IT ORDAINED, by the Clearfield City Council that:

Section I. Enactment: Clearfield City hereby authorizes, enacts and imposes a one-tenth of one percent (.1%) local sales and use tax for funding Parks, Arts, Recreation, Aquatics, and Trails (“PARAT”) facilities, programs, and organizations.

Section II. Pursuant to Title 59, Chapter 12, Part 14 of the Utah Code, City staff is hereby directed to file notice of this enactment and imposition of the PARAT Tax in Clearfield with the Utah State Tax Commission and to post this Ordinance in three public places within the City.

Section III. Effective Date: Pursuant to Utah Code Ann. § 59-12-1402 (5)(b) (2014), this enactment and imposition of the PARAT Tax shall take effect on April 1, 2015 and shall be levied for a period of ten years from the effective date unless repealed or reauthorized.

Passed and adopted by the City Council during a special session on the 25th day of November, 2014.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

Project Name: Utah Transportation Coalition / Salt Lake Chamber

AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
CLEARFIELD CITY CORPORATION
and
The Salt Lake Chamber of Commerce

THIS AGREEMENT made and entered into this ____ **day of** November, 2014, by and between CLEARFIELD CITY CORPORATION, a Utah Municipal Corporation (hereinafter referred to as “**City**”), and THE SALT LAKE CHAMBER OF COMMERCE (hereinafter referred to as “**Consultant**”).

The **City** and **Consultant** agree as follows:

1. **RETENTION AS CONSULTANT**

City hereby retains **Consultant**, and **Consultant** hereby accepts such engagement, to perform the services described in Paragraph 2. **Consultant** warrants it has the qualifications, experience and facilities to properly perform said services.

2. **DESCRIPTION OF SERVICES**

Task 1: Transportation Issues Research and Analysis:

The **Consultant** shall research and analyze transportation funding in Utah at both the State and local level, and use this data to suggest improvements and enhancements to funding transportation in Utah.

These Services shall be completed on June 30, 2015.

Task 2: Transportation Issue Advocacy and Public Awareness Campaign:

The **Consultant** shall create an issue advocacy and public awareness campaign related to Utah’s need for improved transportation, and how improved transportation can benefit Utah’s economy, air quality, and quality of life. This advocacy and public awareness campaign will include strategic communications planning, advertising media, advertising purchases, public events, online media, social media, editorial content, and other communications tools.

These Services shall be completed on June 30, 2015.

Task 3: Transportation Issue Local Government Tool Kit:

The **Consultant** shall deliver to City a Transportation advocacy tool kit, consisting of but not limited to social media content, utility bill insert content, a city specific fact sheet detailing transportation funding in the individual municipality, editorial content for local papers, website content, and other items to support and aid local governments in discussing their transportation needs with residents.

These Services shall be completed on June 30, 2015.

Task 4: Legislative and Governmental Relations:

The **Consultant** shall work with the Utah League of Cities and Towns and the Utah Association of Counties to educate legislators about state and local transportation funding

issues. No lobbyists will be engaged in this effort; however individuals required by State law to register as lobbyists working on behalf of these organizations will be involved.

These Services shall be completed on June 30, 2015.

3. **COMPENSATION**

The total compensation payable to **Consultant** by **City** for the Services described in paragraph 2 shall not exceed the sums described in the attached proposal (which is attached hereto as “Exhibit A” to this Agreement and is incorporated herein by this reference), and shall be earned on the basis as indicated in the **Consultant’s** attached proposal.

All payments shall be made within thirty (30) calendar days after execution of this *Agreement*.

EXTRA SERVICES

No other extra services are authorized by this *Agreement*.

4. **PROGRESS AND COMPLETION**

The **City** and the **Consultant** are aware that many factors outside the **Consultant’s** control may affect the **Consultant’s** ability to complete the Services to be provided under this *Agreement*. The **Consultant** will perform these Services with reasonable diligence and expediency consistent with sound professional practices.

5. **PERSONAL SERVICES/NO ASSIGNMENT/SUBCONTRACTOR**

This Agreement is for professional services, which are personal services to the **City**. The following persons are deemed to be a key member(s) of or employee(s) of the **Consultant’s** team, and shall be directly involved in performing or assisting in the performance of this work.

- Abby Albrecht, Granite Construction and Utah Transportation Coalition
- Justin Jones, Salt Lake Chamber of Commerce
- Cameron Diehl, Utah League of Cities and Towns
- Lincoln Shurtz, Utah Association of Counties

The **Consultant** will subcontract the following portions of the work out to other parties:

- Penna Powers: strategic communications, public relations, and consulting services.

This *Agreement* is not assignable by **Consultant** without the **City’s** prior written consent.

6. **HOLD HARMLESS AND INSURANCE**

Consultant shall defend, indemnify and hold the **City**, its elected and appointed Officials, officers, and employees, harmless from all claims, lawsuits, demands, judgments or liability including, but not limited to general liability, automobile and professional errors and omissions liability, arising out of, directly or indirectly, the negligent performance, or any negligent omission of the **Consultant** in performing the services described.

Consultant shall, at **Consultant's** sole cost and expense and throughout the term of this *Agreement* and any extensions thereof, carry:

- (1) Workers compensation insurance adequate to protect Consultant from claims under workers compensation acts.
- (2) Professional errors and omissions insurance in the amount of \$2,000,000, and
- (3) General personal injury and property damage liability insurance and automobile liability insurance with liability limits of not less than \$2,000,000 each claimant and \$2,000,000 each occurrence for the injury or death of person or persons and property damage.

All insurance policies shall be issued by a financially responsible company or companies authorized to do business in the State of Utah.

7. **RELATIONSHIP OF THE PARTIES**

The relationship of the parties to this *Agreement* shall be that of independent contractors and that in no event shall **Consultant** be considered an officer, agent, servant, or employee of **City**. The **Consultant** shall be solely responsible for any workers compensation, withholding taxes, unemployment insurance and any other employer obligations associated with the described work.

8. **TERMINATION BY CITY**

The **City**, by notifying **Consultant** in writing, may upon ten (10) calendar days' notice, terminate any portion or all of the services agreed to be performed under this *Agreement*.

9. **WAIVER/REMEDIES**

Failure by a party to insist upon the strict performance of any of the provisions of this *Agreement* by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such party's right to demand strict compliance by such other party in the future. No waiver by a party of a default or breach of the other party shall be effective or binding upon such party unless made in writing by such party, and no such waiver shall be implied from any omission by a party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach and/or period of time specified. All of the remedies permitted or available to a party under this *Agreement* or at law or in equity shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.

10. **CONSTRUCTION OF LANGUAGE**

The provisions of this *Agreement* shall be construed as a whole according to its common meaning and purpose of providing a public benefit and not strictly for or against any party. It shall be construed consistent with the provisions hereof, in order to achieve the objectives and purposes of the parties. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neutral genders and vice versa.

11. **MITIGATION OF DAMAGES**

In all situations arising out of this *Agreement*, the parties shall attempt to avoid and minimize the damages resulting from the conduct of the other party.

12. **GOVERNING LAW**

This *Agreement*, and the rights and obligations of the parties, shall be governed and interpreted in accordance with the laws of the State of Utah.

13. **CAPTIONS**

The captions or headings in the *Agreement* are for convenience only and in no other way define, limit or describe the scope or intent of any provision or section of the *Agreement*.

14. **AUTHORIZATION**

Each party has expressly authorized the execution of this *Agreement* on its behalf and acknowledge it shall bind said party and its respective administrators, officers, directors, shareholders, divisions, subsidiaries, agents, employees, successors, assigns, principals, partners, joint ventures, insurance carriers and any others who may claim through it to this *Agreement*.

15. **ENTIRE AGREEMENT BETWEEN PARTIES**

Except for **Consultant's** proposals and submitted representations for obtaining this *Agreement*, this *Agreement* supersedes any other *Agreements*, either oral or writing, between the parties hereto with respect to the rendering of services, and contains all of the covenants and *Agreements* between the parties with respect to said services. Any modifications of this *Agreement* will be effective only if it is in writing and signed by the party to be charged.

16. **SEVERABILITY**

If any provision in this *Agreement* is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

17. **NOTICES**

Any notice required to be given hereunder shall be deemed to have been given by depositing said notice in this United State mail, postage prepaid, and addressed as follows:

TO CITY: Clearfield City
Attn: Nancy Dean, City Recorder
55 S. State St., 3rd Fl.
Clearfield, UT 84015

TO CONSULTANT: Utah Transportation Coalition
c/o Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake City, Utah 84111

18. **ADDITIONAL TERMS/CONDITIONS**

Additional terms and conditions of this *Agreement* are:

Contractor represents and warrants that it is in compliance and will remain in compliance during the term of this Agreement with Utah Code Ann. § 63G-12-302 (2011) as well as Utah Code Ann. § 13-47-201 (2014) by participating in the Status Verification System as required by law in order to enter into a contract with a political subdivision of the State of Utah. Contractor further warrants that it will also require compliance with the aforementioned provisions and applicable legal requirements for any of its subcontractors.

IN CONCURRENCE AND WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES EFFECTIVE ON THE DATE AND YEAR FIRST WRITTEN ABOVE.

CLEARFIELD CITY:

Attest:

Signature

City Recorder

Print Name

Approved as to Form:

Date

Municipal Legal Counsel

CONSULTANT:



Signature

Lane Beattie, President and Chief Executive Officer

Date

State of Utah)
 :SS
County of Salt Lake)

On this _____ day of _____, 20____, personally appeared before me Mr. Lane Beattie, whose identity is personally known to me or was proved to me on the basis of satisfactory evidence, and who affirmed that he is the President and Chief Executive Officer, of The Salt Lake Chamber of Commerce, a corporation, and said document was signed by him/her in behalf of said corporation by authority of its bylaws or of a Resolution of its Board of Directors, and he acknowledged to me that said corporation executed the same.

Notary Public



October 27, 2014

Mayor Mark Shepherd, Clearfield
55 S State St
Clearfield, UT 84015

Dear Mayor Shepherd,

Whether you drive on roads, bike on paths, cruise on ATVs, hop on the bus, or walk on the sidewalk, transportation is a part of your daily life. Which roads do you avoid? Where does your sidewalk end? How often do your kids stay inside because of the inversion? You hear from residents how they expect not only well-maintained roads but also transit, ATV, and active transportation options. You have to do more with less and the traditional resources are diminishing. We live in a new era of transportation—we must have a new vision for funding it.

At this year's Utah League of Cities and Towns Annual Convention, the ULCT membership passed a resolution that identified the need for transportation funding and recommended a legislative solution. **We must expand funding for local transportation NOW.**

We recognize the power in numbers. The Utah League of Cities and Towns, Utah Association of Counties, and the Salt Lake Chamber have formed the Utah Transportation Coalition. The Coalition's goal is to build support for major investment in Utah's transportation system per Utah's Unified Transportation Plan, preserve Utah's quality of life, bolster economic growth, improve personal health and air quality, and provide maximum value to all Utahns.

The Coalition will roll out a communications campaign to generate public and political support for comprehensive transportation solutions and to fund the Unified Transportation Plan across the state. We have provided a sample interlocal agreement for your city/town to review, prepare, and enact to join the Coalition. The Coalition will provide a communication toolkit that you can use as is (without additional staff work) or personalize the materials for your community, including newsletter messages, utility fee inserts, social media messages and a city council resolution.

We need Clearfield City's financial support of \$1,000 to join together with all other Utah cities, towns, counties, and chambers. The private sector has pledged the majority of the needed amount and they are asking for local government to stand shoulder to shoulder in the effort—a public-private partnership that will make a difference. Please adopt an interlocal agreement (based on the enclosed sample) and support the Coalition. For more information, contact Abby Albrecht at the Utah Transportation Coalition at (801) 831-6116 or at abby.albrecht@gcinc.com.

Thank you for your partnership and your support.

Lane Beattie
President/CEO of Salt Lake Chamber

Ken Bullock
Executive Director, Utah League of Cities & Towns



CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. WORK SESSION

October 28, 2014

*(This meeting was held following a City Council work session
and prior to 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 Sergeant
	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: Andrew Watt, Braden Watt, Kathryn Murray, Antone Clark – Standard Examiner

Chair Young called the meeting to order at 6:27 p.m.

DISCUSSION ON THE SALE OF PROPERTY LOCATED AT 690 SOUTH STATE STREET

JJ Allen, Assistant City Manager, reminded the Council that First National Bank was currently located on the corner of State Street and 700 South and provided a visual illustrating identifying its location. He stated the CDRA owned the land and had leased it to the bank since it was built in 1996. He indicated it was a 30-year lease and one of the provisions was that the bank had the option, at any time, to purchase the property for a price of \$250,000. He reported the City had recently received notice on behalf of First National Bank of its intent to exercise the option to purchase.

Mr. Allen reported the City had received a Real Estate Purchase Contract and suggested the City submit a counter offer requesting an earnest money deposit of \$5,000 and changing the closing date from November 28, 2014 to a full 60 days which would be December 19, 2014.

Brian Brower, City Attorney, pointed out he didn't want to contractually bind the City to November 28, 2014, if unforeseen circumstances arose.

A discussion took place regarding the lease. Mr. Allen reported the revenue generated from the sale of the property would be limited to use within the designated RDA#7 which was the west side of State Street from 700 South to the Knight property near Center Street and North Main.

The meeting adjourned at 6:34 p.m.

DRAFT

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. POLICY SESSION
October 28, 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
	Kim Dabb	Operations Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Jessica Hardy	Accountant
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Amber Self, Mike Millard, Andrew Watt, Braden Watt, Jean Britton, Michael Britton, Seth Britton, Linda Ferrin, Hannah Fifield, Con & Jeri Wilcox, Kristi Bush, Cameron Winqvist, Blake Hart, Brady Jugler, Megan Ward

Chair Young called the meeting to order at 8:00 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE AUGUST 26, 2014 WORK AND POLICY SESSIONS AND THE SEPTEMBER 23, 2014 WORK SESSION

Director LeBaron moved to approve the Clearfield Community Development and Renewal Agency (CDRA) minutes from the August 26, 2014 work and policy sessions and the September 23, 2014 work session as written, seconded by Director Benson. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.

APPROVAL OF A REAL ESTATE PURCHASE CONTRACT TO SELL THE PROPERTY AT 690 SOUTH STATE STREET (PARCEL ID# 12-434-0001) TO FIRST NATIONAL BANK OF LAYTON

JJ Allen, Assistant City Manager, explained in January of 1996, the Clearfield CDRA and First National Bank of Layton entered into a 30-year ground lease for the parcel of land located at 690 South State Street, Clearfield, and the bank subsequently constructed its building. He stated the lease provided First National Bank the exclusive and irrevocable option to purchase the leased land at any time during the term of the lease for the total sum of \$250,000. Mr. Allen informed the Council that the bank recently provided the CDRA with written notice of its intent to exercise the purchase option.

He stated staff would be requesting earnest money of \$5,000 be included in the counter offer in addition to changing the closing date to December 19, 2014, in case more time was needed for any unforeseen or unexpected delays. He stated since the parcel was in RDA#7, the funds were required to remain in that particular project area which was:

- west of State Street
- east of the Railroad tracks and
- north of 700 South continuing to the intersection of Main and Center.

Director Shepherd moved to approve the Real Estate Purchase Contract and proposed addendum/counteroffer for the sale of the property at 690 South State Street (Parcel ID #12-434-0001) to First National Bank of Layton, and authorize the Chair's signature to any necessary documents, seconded by Director Benson. 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 Shepherd moved to adjourn as the Community Development and Renewal Agency at 8:06 p.m., seconded by Director LeBaron. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

RESOLUTION 2014R-13

A RESOLUTION ACCEPTING, APPROVING AND ESTABLISHING THE TERMS FOR A LOAN FROM CLEARFIELD CITY'S UTILITY ADMINISTRATION FUND TO THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

WHEREAS, in 1983, pursuant to statutory authority granted by the State of Utah, Clearfield City Corporation (the "City") established what is now known as the Clearfield Community Development and Renewal Agency (the "CDRA"); and

WHEREAS, the CDRA is currently authorized by and governed according to the Community Development and Renewal Agencies Act as set forth in Title 17C of the Utah Code (the "Act"), as well as the CDRA's own Bylaws; and

WHEREAS, the stated purposes of the CDRA are to "undertake or promote urban renewal, economic development, or community development" within Clearfield and "to provide the City of Clearfield with a redevelopment plan and take action that would revitalize, upgrade and develop certain areas of the City" pursuant to the Act and the CDRA's Bylaws; and

WHEREAS, the Governing Board for the CDRA is comprised of the members of the Clearfield City Council; and

WHEREAS, over roughly a ten year period ending in 2008, the City has loaned money from the City to the CDRA by transferring certain amounts from the City's Utility Administration Fund to the CDRA Fund in order to help fund the CDRA in its authorized activities and to further its purposes for the good of the City, its residents and businesses; and

WHEREAS, for proper accounting and auditing purposes, those funds loaned from the City's Utility Administration Fund to the CDRA Fund should be formally accepted and the terms for the repayment of said loaned funds, including interest accrued, officially approved;

NOW THEREFORE BE IT RESOLVED by the CDRA Board:

That the cumulative net transfers of funds loaned from the City's Utility Administration Fund to the CDRA Fund over roughly a ten year period ending in 2008, in the total amount of \$1,011,681 (including interest accrued to date), are hereby approved and accepted;

That interest shall accrue on the outstanding balance of said loan at a rate equal to the investment pool rate (or PTIF) for the State of Utah, which interest shall be paid at least annually; and

That the full amount of said loan, including any interest accrued, shall be repaid to the City by the CDRA by June 30, 2024.

Passed and adopted by the CDRA Board at its regular meeting on November 25, 2014.

ATTEST:

CLEARFIELD COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY:

Nancy R. Dean, Secretary

Bruce Young, Chair

VOTE OF THE CDRA BOARD

AYE:

NAY:

EXCUSED: