

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
November 8, 2016

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson Kent Bush Nike Peterson Vern Phipps	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Bruce Young	Councilmember
STAFF PRESENT:	JJ Allen Stuart Williams Greg Krusi Eric Howes Curtis Dickson Scott Hodge Spencer Brimley Summer Palmer Rich Knapp Nancy Dean Kim Read	Assistant City Manager City Attorney Police Chief Community Services Director Community Services Deputy Dir. Public Works Director Development Services Manager Administrative Services Director Finance Manager City Recorder Deputy City Recorder
EXCUSED:	Adam Lenhard	City Manager

VISITORS: Tim Roper – Planning Commission Chair, Kathryn Murray – Planning Commission, Ron Brown – Hope Center

Mayor Shepherd called the meeting to order at 6:10 p.m.

PRESENTATION BY THE HOPE CENTER

Dr. Ron Brown, Hope Center, expressed appreciation to the City for its support of Hope Center’s “Backpack Giveaway” for local school children. He informed the Council that 500 backpacks were filled for the event, thanks to sponsors and partners like Clearfield City. He presented a plaque of appreciation to Mayor Shepherd.

Dr. Brown invited the Council to the next event “Children of Hope” Saturday, December 3, 2016 at Hope Fellowship Church. He stated gifts would be wrapped that day beginning at 8:30 a.m.

Mr. Brown left the meeting at 6:15 p.m.

OPEN MEETING TRAINING

Nancy Dean, City Recorder, provided training for the Council on Open and Public Meetings.

DISCUSSION ON A PROPOSED AMENDMENT TO THE MASTER STREET AND TRANSPORTATION PLAN MAP OF THE GENERAL PLAN TO REMOVE A FUTURE LOCAL ROAD IN THE VICINITY OF 1450 SOUTH 1350 EAST

Spencer Brimley, Development Services Manager, reminded the Council representatives of the property owner west of Rocky Mountain Care had shared a presentation regarding proposed development of that property during a work session in August. He stated the proposed development for the six acres of property was for an assisted living facility that would help create a healthcare campus in conjunction with Rocky Mountain Care. He reminded the Council that the representatives of the property owner had been told to submit an application to amend the Master Streets Plan and apply for a Zoning Text Amendment for consideration by the Council. Mr. Brimley shared a visual presentation specific to both requests.

He pointed out the current request was to remove the future connection to 1350 East as a future “through” street. He emphasized the current roadway was not a dedicated City roadway and clarified it had been developed by an adjacent property owner and stated it wasn’t a public right-of-way. He explained once the future proposed connection took place it would then become a dedicated road. He reported there was a water line in the right-of-way and Public Works had indicated the waterline could be relocated further north with an easement at the developer’s cost. He shared an illustration which identified the current road and explained it would then be an access road only to the development.

He summarized the developer requested an amendment to the Master Street Plan be approved by the Council. He reported the Planning Commission considered the request during its meeting on Wednesday, November 2, 2016 and recommended approval.

Councilmember Bush asked how the proposal would affect the dental office. Mr. Brimley responded the dental office had relinquished rights to the access; however, the developer had expressed a desire to continue to allow access for that business. He pointed out one of the dentists would be relocating to 2000 East and believed the access would still be allowed in the future.

Mr. Allen asked if there was an existing cross access agreement. Mr. Brimley responded he had not seen one and the property owner had never indicated one existed and pointed out parking for that business would also need to be accommodated. Councilmember Peterson inquired if that should be addressed as part of conditionals of approval. Mr. Brimley commented the items which would need to be identified would be the waterline easement and cross access/shared parking, etc. for the existing dental office. Mr. Allen suggested those conditions would be identified with the approval of the project, not so much the General Plan Amendment.

Mr. Brimley explained the consolidation of the properties would allow for joint parking between the facilities. Councilmember Peterson asked Scott Hodge, Public Works Director, if approval of

the amendment could potentially negatively affect development or traffic access in the future. Mr. Hodge didn't believe it would affect future traffic and re-routing the infrastructure wasn't significant. Mr. Allen pointed out the cost to relocate the waterline would be the developer's responsibility should the project be approved.

DISCUSSION ON A ZONING TEXT AMENDMENT TO ALLOW ASSISTED LIVING FACILITIES AS CONDITIONAL USES IN THE C-1, COMMERCIAL ZONE

Spencer Brimley, Development Services Manager, explained the applicant did not want to rezone the property located at 1450 South near 1350 East from C-1, Commercial, to R-3, Residential, which allowed for assisted living facilities; but rather preferred to amend the C-1, Commercial zone, to include assisted living facilities. He continued the request also included deleting "nursing or rest homes" from the ordinance as conditional uses as well as an increase in allowed height from 35 feet to 55 feet. He shared a visual presentation which identified the previous speaking points.

Mr. Brimley explained the C-1, Commercial zone currently allowed buildings with a 35-foot height and anything above and beyond that required a conditional use permit, which required a public hearing process. He added the applicant contended that the term "rest home" was an obsolete term and indicated State Statute didn't regulate it; therefore, the applicant believed it should be removed from the ordinance. He indicated staff wasn't sure the terminology should be deleted in case there was applicability for it in the future. He continued staff recommended adding "assisted living facility" as a Conditional Use in the C-1, Commercial zone and the Planning Commission agreed with that recommendation. Mr. Brimley clarified the definition was more specific to what took place within the facilities and explained "nursing or rest home" was defined the same in City Code as "assisted living facility" He added "assisted living facility" was only allowed in the R-3, Residential zone and was more specific to licensed caregivers providing assistance to individuals who could not function in daily activities. He summarized staff's recommendation was to add additional language to the zone allowing for the diversity of uses within the C-1, Commercial zone.

Mr. Brimley informed the Council that the Planning Commission had a discussion relative to the height increase from 35 feet to 55 feet and reported it recommended denial of that request. He added as part of that discussion, consideration had been given to allow a height up to 45 feet, and that motion failed; therefore, the recommendation was to deny the request. JJ Allen, Assistant City Manager, pointed out the current ordinance allowed an exception to the 35-foot height through a Conditional Use Permit (CUP). He continued the Planning Commission rationalized if the developer wanted to go beyond the 35-foot height, there was a process already in place for that to be considered. He emphasized the request, if approved for the 55-foot height, would be applicable properties throughout the entire C-1 zone within the City. Mr. Brimley reported it was the Planning Commission's opinion that changing the height for all C-1 zoned properties wouldn't be appropriate for the City as a whole.

Councilmember Peterson stated she would be more in favor of a CUP specific to land use rather than as a process to address the height of a development. She expressed concern it would be difficult for the City to deny a height variation through that process. Mr. Brimley responded the

purpose for the CUP was to allow the Planning Commission to mitigate impact by applying conditions for development. Tim Roper, Planning Commission Chair, added the proposed development only needed 50 feet in height, but the developer was asking to be allowed 55 feet. Mr. Brimley summarized the Planning Commission's consideration was there was no need for the ordinance to be amended for height variations since the conditional use process could already address it. Councilmember Bush stated he also wouldn't be in favor of allowing for the proposed increase to height restrictions via conditional use because of the proximity of residential uses. He expressed concern it would be too intrusive to adjacent residential property owners. Mayor Shepherd clarified this use wasn't currently allowed in the C-1, Commercial zone.

Mayor Shepherd suggested a possible alternative would be to allow a height variation through a development agreement and a discussion took place regarding height. He expressed his opinion that process would allow the City more control over the development. He also expressed concern the proposed height for the development being discussed would be unfair to adjacent residential properties. Mr. Brimley explained the applicant's position that 35 feet in height would already impede the view to adjacent residential properties and it had been suggested allowing the taller height would result in a nicer project upon completion. Councilmember Bush clarified his concern wasn't in blocking the view, but rather people residing in the proposed building to directly see into the backyards of adjacent properties. Mr. Brimley pointed out whether the building was 35 feet tall or 55 feet tall people in the building would be able to see into those backyards. Councilmember Bush suggested the proposed structure could be located further east to lessen the negative impact to adjacent residential properties.

Mr. Allen addressed Councilmember Peterson's questions whether a conditional use was the appropriate tool for designating allowed height of the proposed development. He pointed out a permitted use in the C-1, Commercial zone would allow for an office building; however, if the developer desired a taller building than the allowed 35 feet, it could be achieved through a Conditional Use Permit (CUP). Mr. Brimley added the CUP process would allow for the evaluation of other specifics associated with the project without having them evaluated through a development agreement process. He also mentioned the CUP process wouldn't require Council's approval.

Mr. Brimley shared a conceptual site plan with the Council which included proposed setbacks for the project. He referred to an illustration and explained that although the building and parking lot could be configured differently; the parking was specifically placed to allow shared parking for all facilities. He continued the intent of the request for the additional height was to provide amenities for the residents. He emphasized the developer was trying to increase the look and feel of the building so those living there wouldn't feel confined. Councilmember Peterson cautioned the Council this was not the appropriate time for site plan approval and suggested the Council was being asked to make a determination in a likewise manner. Mr. Brimley reported a member of the Planning Commission brought up the point that the developer wasn't requesting a site plan approval and emphasized the request was for a zoning text amendment; however, it was the applicant's goal to convince the Commission and City Council the development was a great project so both bodies would need to be aware of what was intended. He continued it was important for the Commission and Council to evaluate the specific project to determine whether it merited the proposed changes. He reported the Planning Commission determined the issue was

whether the City should outright grant them a height allowance; and its conclusion was no, but it would consider an increase in height through the conditional use and site plan process.

Mayor Shepherd asked how many units were being proposed for the development. Mr. Brimley believed approximately 134. Mayor Shepherd concluded if the City allowed assisted living in the C-1, Commercial zone, in this circumstance with no onsite medical staffing, it would be allowing a 140 unit apartment complex. Councilmember Peterson read the City's assisted living definition and Mayor Shepherd expressed concern approval of the proposed development would allow an apartment complex to be built on property in a C-1, Commercial zone as long as it designated the housing as senior oriented by calling it assisted living. Kathryn Murray, Planning Commission, stated she asked that same question of the developer during the Planning Commission meeting and the response to her was that at least one of the residents in each unit would need some type of nursing care. She explained the four different levels of care offered by the company and a discussion followed. Councilmember Bush inquired if the proposed level of care was different than what Chancellor Gardens provided. Mr. Brimley responded the proposed care wouldn't be to the same extent as was provided at Chancellor Gardens. Mayor Shepherd also mentioned married couples didn't live at Chancellor Gardens.

Mr. Brimley informed the Council that the applicant was proposing one and two bedroom units which would allow couples to live together at the proposed location and shared an example in which the wife needed assistance and the husband was still working. He clarified the proposal was for 176 apartment units and since the property was in a C-1, Commercial zone, no density requirements were applicable. He pointed out the R-3 zone, which allowed for assisted living, designated 16 units to the acre. He continued the parcel being discussed was six acres and under an R-3 zoning, it would only allow a maximum 96 units. He clarified the R-3 zone would definitely limit the number of units based on the density restrictions and since the request was for the C-1, Commercial zone, density was not applicable for the proposed development. Mayor Shepherd explained the only difference would be that property zoned R-3 was taxed at the residential rate and suggested the only benefit to the City would be to fill a void. He believed amending the ordinance to provide for the proposed development would set a precedent where similar requests could be made allowing for multi-family density that wouldn't be allowed in areas zoned R-3. Councilmember Bush believed the proposal was a glorified apartment building. Mr. Brimley pointed out 0.7 percent of the City was currently zoned C-1 and shared an illustration identifying those areas within the City. A discussion took place specific to vacant properties currently zoned C-1.

Mr. Allen also suggested approval of the project would set precedent for the City. Mayor Shepherd agreed and added if the project were approved it could encourage developers to purchase property within the City with the intention to develop similar projects. Councilmember Bush mentioned he would be more inclined to rezone the property to residential and build single family homes to complement the adjacent Valhalla subdivision.

Mayor Shepherd reminded the Council of the history associated with John Hansen's development on 2000 East in which that property was rezoned from commercial to residential, because of its unique topography, with the intent that commercial development would remain on the street frontage and the residential twin home project would be at the rear. He added as that

development evolved he didn't believe the final project was what the City anticipated and suggested the current proposal could have a similar outcome. He stated he wasn't in favor of converting commercial use to residential use and believed it would be bad practice on behalf of the City. He stated the developer had attempted a similar project approximately ten years ago.

Mr. Brimley informed the Council that when approval for the addition at Rocky Mountain was requested part of that discussion spoke to proposed development of the vacant six acres. He continued Mr. Terburg was identified as the architect of record at the time and the reason he was promoting the development was because he had convinced his client to purchase the vacant property. Mayor Shepherd suggested the property could have been marketed during that time span. Mr. Brimley suggested the value of senior housing was now at a premium and believed that use was more valuable than a commercial use.

Mr. Allen pointed out the City's current ordinance included language which allowed a nursing or rest home in the C-1, Commercial zone. Mayor Shepherd believed a nursing home was indeed a commercial use and was taxed commercially. Mr. Brimley added he had verified with the County Assessor that taxation on an assisted living facility would be residential. He shared some examples of buildings of similar proposed height in comparison to surrounding residential homes in the area. He reported the Planning Commission recommended approval of the inclusion of the use but denial of the height request and referred to the staff report for additional information.

Councilmember Bush stated he didn't like the proposed project eight years ago and still wasn't in favor of it. Mr. Brimley pointed out the Council did not commit to approving the proposed project when it heard the developer's proposal a few months ago to either rezone the property to R-3, Residential, or apply for a zoning text amendment for the C-1, Commercial zone to allow for the assisted living use. Councilmember Peterson added the applicant came back with a request which was double the density allowed in R-3 and commented if the Council didn't like the density in R-3 why would it consider it in the C-1, Commercial zone, given the potential impact to other areas within the City. Councilmember Benson asked if an apartment building could be allowed in that particular zone. Mayor Shepherd responded not at this time. Councilmember Bush responded the property would need to be rezoned R-3 for that use to be allowed. Mayor Shepherd stated assisted living projects were currently highly marketable but indicated they were generally single level living. Mr. Brimley emphasized the applicant's project was intended to be a nice place with several amenities which was why it needed the height. He indicated it was intended to be patterned after Sterling Court located in St. George, Utah.

Councilmember Peterson inquired if the street vacation would be necessary if the Council didn't approve the amendments to use in the C-1, Commercial zone. Mr. Brimley responded the approval of the General Plan Amendment to remove that future road from the Streets Map could be beneficial to future development and suggested the Council consider that item on its own merit. Councilmember Benson commented the identified street continuation could provide street access for future development of the parcel. Mayor Shepherd suggested the Council weigh the reasoning for removing the future road. Mr. Brimley didn't know if commercial development on 1350 East corridor would be the best use for the commercial property. Mayor Shepherd expressed his opinion the Council should consider the request to remove the future street.

DISCUSSION ON THE ORBITAL ATK ECONOMIC DEVELOPMENT AREA (EDA) PROJECT AREA PLAN AMENDMENT

JJ Allen, Assistant City Manager, reminded the Council the CDRA (Community Development and Renewal Agency) recently approved a Resolution which authorized the preparation of an Amendment to the ATK Economic Development Area (EDA) Project Area Plan. He explained the Plan and budget were two separate documents. He added the Plan identified the geographic boundary and the purpose for the project area. He continued the project area was created in 2011 and the Plan was approved at that time. He mentioned the budget was separately approved and the Project Area was implemented. He reported ATK was occupying different properties than what was originally defined as the Project Area's geographic boundaries.

He shared an illustration identifying the parcels which were included in the original Project Area boundary and identified those that would remain in the Project Area boundary. The illustration also identified properties currently owned by Futura which ATK had intended to purchase but instead Freeport Center buildings G-12 and G-13 had been acquired.

Mr. Allen announced the Plan Amendment was scheduled to be on the December 13, 2016 agenda and explained it would remove #2 and #3 from the Project Area boundaries and legal description and add #6 and #7, which were Freeport Center buildings G-12 and G-13 to the boundaries and legal description. He clarified the amendment would match the properties occupied by ATK in the Project Area. He emphasized the proposed amendment would not affect the budget and all payments would remain the same. He pointed out the CDRA would collect the tax increment from the revised boundary.

He asked if there were any further questions and there were none. He briefly reviewed the process for the amendment to be put in place and expressed his desire for it to be accomplished by the December 13, 2016 policy session.

DISCUSSION ON EVENT PLANNING FOR KULTURE KRASH

Mayor Shepherd reminded the Council that the Kulture Krash car show had taken place in Clearfield City for the past two years. He stated the City had been providing some help almost to the extent of being a "partner" for the event. He indicated he had discussed with Eric Howes, Community Services Director, the issue of having the event become a Clearfield City event and partnering with Kulture Krash. He reported he had mentioned it to Kulture Krash and indicated it wouldn't change anything on their end, with the exception of they would no longer need to make application to the City for a special event.

Mr. Howes reported as a "special event" it was required to obtain special insurance and also a mass gathering permit. He indicated the event had grown dramatically and suggested there were over 600 cars at the last event. He stated it had been a good event and if it continued to grow could potentially exceed available space.

Mayor Shepherd suggested the City could assist in marketing the event if it was directly coordinated by the City. Councilmember Bush inquired about the impact to City staff. Mr.

Howes responded the City had provided trash receptacles in the past. He added Kulture Krash cleaned up after itself very well. Councilmember Benson asked if Kulture Krash was interested in the partnership. Mayor Shepherd responded it liked the idea.

Councilmember Bush asked if the City would enter into an agreement with Kulture Krash defining the relationship and a discussion followed. JJ Allen, Assistant City Manager, suggested the event would be considered a City event in the future and the City would be soliciting volunteers to help with it. He suggested an agreement probably wasn't necessary unless the Council wanted to define Kulture Krash's contribution to the event. Mayor Shepherd mentioned event insurance would be a big expense to Kulture Krash but minimal for the City and a discussion followed. Councilmember Phipps believed it would be in the best interest of the City to have something in writing spelling out respective responsibilities.

Mr. Allen commented the event supported a charitable cause each year and asked if the Council if it would like staff to formalize an agreement. Councilmember Peterson believed it would be a good idea to clarify the partnership through an agreement. Mr. Howes believed the event was a great benefit to the City and Mayor Shepherd agreed.

DISCUSSION ON COMMUNITY ARTS PROGRAMS AND SERVICE LEVEL

Eric Howes, Community Services Director, distributed a handout specific to Arts Center programming and informed the Council that all programming was tied to the Strategic Plan. He shared statistics specific to room rental at the Arts Center and reported the Arts Center rental was equivalent to 6.85 hours per day, which was far and above previous years. He stated he was prepared to present a more specific plan, which the Council requested, regarding Arts Center programming. He referred to the handout and stated the items highlighted in green on the front page were new to the list since the last discussion and directed the Council to the next pages and added the programs highlighted in blue were also new. He reported the projected revenue from these newly identified programs was approximately \$38,000 per year. A discussion took place specific to some of the identified programs.

He informed the Council that the individual currently in the arts position had submitted a letter of resignation and stated he would like to fill the position in house and was hopeful to have everything in place by the first of the year. Mayor Shepherd asked if Mr. Howes was still recommending the position be converted from part time to full time and Mr. Howes responded that was still his intent. Mayor Shepherd suggested filling the part time position internally before transitioning to a full time position.

JJ Allen, Assistant City Manager, requested direction from the Council and suggested the question for consideration should be the timing for expanding services and a discussion followed. Mayor Shepherd believed it made sense to continue keeping the position a part time position allowing an internal candidate to gain experience and possibly making it full time once consideration for it had been through the budget process. Councilmember Phipps requested clarification about information included in the handout and whether it reflected what could be accomplished if and when the position became full time. Mr. Howes responded the additional programming reflected an approximate 25 percent increase in programming and indicated

keeping the position part time would delay implementation of those programs and a discussion followed.

Mayor Shepherd suggested approving the position but implementing it at the beginning of the fiscal year. Mr. Allen added if that was the Council's direction, the status of the position could be evaluated during the budget process which wouldn't require amending the current budget. Summer Palmer, Administrative Services Director, suggested holding off on approving the full time position and allowing its implementation to be considered during the budget retreat at which time personnel priorities as a whole would be discussed. The Council agreed with that suggestion.

QUARTERLY FINANCIAL UPDATE

Rich Knapp, Finance Manager, shared a presentation on the first quarter of the 2017 fiscal year budget status. He shared an illustration comparing the current quarter to previous years and reported the City was doing better than the previous two years during the same quarter. He anticipated still being over the twenty five percent unrestricted reserves allowed by law even with paying down \$1.5 million through one time expenses. He informed the Council that the audit had not yet been completed.

He reviewed revenues specific to the General Fund and announced the City was receiving higher property tax revenue compared to the same quarter last year. He explained the funds identified as intergovernmental revenue were Proposition One revenues, and were coming in as projected. He reported Class C road revenues were still low and believed they would likely come in approximately \$100,000 higher once calculated and received by the County. He reviewed what was included in Charges for Services and mentioned Aquatic Center revenue was up from last year as well as Building Permits and Impact Fees were higher the same quarter last year. He stated Impact Fees would be much lower once the new fees were implemented in December. He reported Interest Revenues were lower due to allocation and indicated they would be spread among the funds more evenly.

He reviewed expenditures related to all funds by type reviewing the following specific areas:

- Personnel
- Materials & services
- Capital outlay
- Debt service – lower than prior years due to the refunding
- Transfers

He reviewed other funds:

- CDRA – he indicated ATK qualified for its incentive
- Water

He reviewed General Fund expenditures by division and mentioned the Aquatic Center was seeing an increase to revenue.

Mr. Knapp shared Economic Trends:

- Point of sale revenue
- Sales tax revenue
-

He reviewed National Economic Data with the Council. He also reviewed the City's investments' rate of return. He asked if there were any questions and there were none.

The meeting adjourned at 8:16 p.m.

**APPROVED AND ADOPTED
This 13th day of December, 2016**

/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, November 8, 2016.

/s/Nancy R. Dean, City Recorder