

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
July 18, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Spencer Brimley	Development Services Manager
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Robert Stott, Zach Cragun, Brady Jugler – Planning Chair

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON A PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 880 SOUTH STATE STREET FROM COMMERCIAL (C-2) TO MULTI-FAMILY RESIDENTIAL (R-3)

This item was tabled to the work session scheduled for Tuesday, July 25, 2017.

DISCUSSION ON THE REZONE OF A PORTION OF THE PROPERTY LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET (CLEARFIELD STATION) FROM M-1 (MANUFACTURING) AND C-2 (COMMERCIAL) TO M-U SP (MIXED USE WITH A SPECIAL PURPOSE OVERLAY) AND A MEMORANDUM OF UNDERSTANDING WITH THE UTAH TRANSIT AUTHORITY (UTA) REGARDING THE PURCHASE AND DEVELOPMENT OF A PORTION OF THE SAID PROPERTY

JJ Allen, Assistant City Manager, summarized recent events leading toward the Stadler Rail (Stadler) development. He stated the City had given approval for the Clearfield Station Apartments and those were under construction which comprised 10 acres of UTA's 70 total acres at the Clearfield Station site. He commented the total remaining 60 acres were still under the

control of the Utah Transit Authority (UTA) as the property owner. He stated Stadler would need about 28 acres which included the roads for its operations. He stated Stadler would also like an option to purchase an additional 8.75 acres of the site in the future. Mr. Allen indicated the remaining larger area would be planned for a mixed-use, Transit Oriented Development (TOD), and then areas along State Street would likely be developed as retail or mixed-use. He stated UTA would retain an area for a maintenance building for its operations on the site.

Councilmember Bush asked what Stadler intended to do with the option parcel or southern piece. Mr. Allen responded it was labeled as a potential warehouse, but could be used as an assembly building if Stadler determined the need to expand its operations. He further explained the potential assembly building would be connected to the northern site by a rail line in the street.

Mr. Allen stated Stadler expressed a desire to purchase the property; however, UTA couldn't sell it to them directly, so the City would need to assist with the property acquisition. He indicated UTA had been reticent to authorize the purchase of the property without assurances from the City on zoning which would allow for mixed-use development on the remaining parcels. Mr. Allen advised those conditions had been outlined in a Memorandum of Understanding (MOU) so UTA would authorize the sale of approximately 28 acres and the option for the southern parcel of 8.75 acres. He informed the Council that the four million dollar purchase price was determined after an appraisal and included the main parcel, the option parcel rights-of-way and a small portion which would be needed for the test track. Mr. Allen explained Stadler offered to purchase the property for two million dollars leaving an additional two million dollars for the City to secure a funding mechanism that would be paid back through tax increment revenue generated by Clearfield Station Community Development Area (CDA).

Councilmember Bush asked if UTA had agreed to the purchase price. Mr. Allen stated the purchase agreement had not yet been written; however, UTA understood and agreed that the recent appraisal price was the amount that would be considered for the purchase value.

Mr. Allen noted the MOU stated the Clearfield Community Development and Renewal Agency (CDRA) would provide funding for a 700-stall parking structure and language was included that the funding for the structure would be dependent upon further development of the remaining parcels. He continued a lift station for sewer would be critical to the development of the 60 acres, so the MOU defined that Stadler would be responsible to provide that lift station and force main which would service the 60 acres. Mr. Allen suggested the lift station language be included in the development agreement with Stadler as well. He also suggested language be added that detailed the reimbursement arrangements through tax increment revenue or other means. Councilmember Peterson wondered what the cost would be for the lift station. Mr. Allen answered approximately one-half million dollars.

Mr. Allen explained the City and UTA would work together to create a Station Area Plan (SAP) which would become the basis for a future Master Development Plan (MDP). He continued the SAP would aid in finding a developer for the UTA property. Mr. Allen stated the developer would then work with the City to create an MDP and Development Agreement to implement the plan. He commented the SAP once developed would be incorporated into the City's General

Plan. Councilmember Phipps asked if the SAP would cover the unused parcels. Mr. Allen answered the SAP would include the remaining parcels as well as the surrounding area.

Councilmember Young asked what the time frame for purchase of the option on the additional 8.75 acres. Mr. Allen answered the option would be active for five years. Councilmember Young confirmed Stadler would have five years to decide if it wanted the additional property.

Mr. Allen remarked there were some other entities that would need to give approvals for the project, but he didn't anticipate any problems. He speculated Union Pacific (UP) would be the most complicated; however, there was going to be a meeting on site with Union Pacific, Stadler and the UTA to understand any remaining concerns. He stated UP had given verbal consent to Stadler, but some details still need to be finalized. Adam Lenhard, City Manager, interjected the meeting with Union Pacific was a huge step to enabling Stadler to obtain the access needed for the project to be successful. Councilmember Bush asked if Stadler would need UP consent to have access at other sites that were being considered. Mr. Allen explained it would depend on the access needed and in Salt Lake, Stadler might be using another rail line so it was a challenge specific to the Clearfield site rather than the other sites being considered. Councilmember Phipps asked about the role of Union Pacific. Mr. Allen confirmed UP would need to give an access approval for Stadler at the site. If the UP approval was not obtained, Stadler would need to ship its product by truck and not rail and that just would not work. He also mentioned Federal Transit Authority (FTA) approval should be simple but had not yet been obtained. He also noted approval was needed from the Federal Railroad Authority as well.

Mr. Allen stated consistent with the TOD design guidelines that UTA already had in place, it wanted to have a right of first refusal to purchase the property if Stadler ever ceased to use it as intended. He continued the initial MOU language was not acceptable to Stadler, but after some revisions all the parties agreed to giving UTA the right of first refusal.

Mr. Allen described the remaining parcels owned by UTA, consisting of approximately 29 acres, would need to be rezoned with a Special Purpose (SP) Overlay. He indicated the Planning Commission would be meeting on July 26, 2017 in special session to begin the process for the rezone.

Councilmember Peterson questioned why the parcel on the north was not included as part of that rezone. Mr. Allen explained it was property that UTA would be using consistent with the M-1 (Manufacturing) zone. Councilmember Peterson wondered if there could potentially be housing on the triangular shaped parcel next to the Stadler parcel. Mr. Allen confirmed that was a possibility and expected the Station Area Plan would come back with proposed verticality to the development that would provide for the amount of residential and commercial density desired. He reported the initial site proposal for the entire 70-acre site approved 500 residential units and suggested that number be considered a cap for the area. Mr. Allen maintained the 216 residential units currently under construction in the area should count towards the total number allowed in a Master Development Plan for the site. Mayor Shepherd added there were developers anxious to develop the property; however, none were willing to take action until Stadler had broken ground at the site.

Councilmember Phipps wondered how the parking lot would fit into the rezone. Mr. Allen explained parking for the UTA site would be addressed by the development of a proposed four-story parking structure with approximately 700 parking stalls. Councilmember Bush asked if the existing parking lot would remain. Mr. Allen responded that had not yet been determined, but he anticipated once the parking structure was built there would not be much left of the existing parking lot.

Mr. Allen stated the Mixed-Use (MU) zone was created with the Clearfield Station project in mind and required a minimum of 40 acres and a Master Development Plan (MDP). He continued UTA's current rezone request needed the use of the SP Overlay to allow for less than 40 acres left after removing the acreage needed for the Stadler project. He added the SP Overlay would be used to set forth a process to develop an MDP because there was not one in place for UTA's remaining acreage. Mr. Allen listed the proposed process for the MDP as follows: 1) UTA's TOD Design Guidelines would be the basis for a Station Area Plan, 2) the Station Area Plan would address Clearfield Station specifically, and allow UTA and the City to solicit developers interested in implementing the plan, and, 3) the selected developer(s) would create a formal MDP, consistent with the Station Area Plan and the TOD Design Guidelines.

Mayor Shepherd commented tax increment revenue would be the funding source for the construction of the parking structure so its availability for future developers on the site was limited. He cautioned that developers might want to receive incentives for development similar to those used to incentivize Stadler and Thackeray Garn Company. Mr. Allen suggested tax increment revenue might not be needed to incentivize new developers because at that point the infrastructure would be in place. Mayor Shepherd stated UTA needed to be aware that those incentive dollars might not be available for future developers.

Councilmember Bush wondered if water, sewer, and storm water needs would need to be addressed for the development as a whole rather than in smaller, separate sections. Mr. Allen replied the storm water design would need to be done for the entire site. He explained an agreement would need to be negotiated regarding storm water and suggested an easement through the UTA property would likely be needed to get storm water to the City's storm water detention basin. He indicated the sewer lift station would service 60 acres but the sewer line development would be UTA's issue to work out. He acknowledged there would need to be a sewer main that serviced all the properties and a pioneering agreement might need to be negotiated for fair distribution of the costs associated with constructing it.

Councilmember Young asked how the City intended to fund the additional two million dollars needed to purchase the UTA property for Stadler. Mr. Allen suggested the next step was to create a property acquisition funding strategy and then wait for Stadler to commit to the UTA site for its operations. He indicated there were several funding options available to the City and described the options. Councilmember Young expressed concern about the City assuming the risk for the transaction. Adam Lenhard, City Manager, commented the City would retain a lien on the property. There was a discussion about the timeline and steps that needed to be addressed before property acquisition could be finalized.

Councilmember Bush asked if UTA would retain ownership of the remaining property and thus be required to maintain it. Mr. Allen indicated UTA would be the owner until it was sold to a developer. Councilmember Bush requested the agreement include language about the maintenance responsibility for the property. Mr. Allen agreed weed control was necessary and indicated UTA would be responsible for the weed control as the property owner.

Councilmember Phipps confirmed there was no intention for an additional traffic signal on State Street for access to the site. Mr. Allen responded there were no plans for an additional traffic signal; however, there would be two new access points for the site at Depot Street and 1000 East.

DISCUSSION ON AN AMENDMENT TO THE FINAL SUBDIVISION PLAT FOR OAKMONT TOWNHOMES LOCATED AT APPROXIMATELY 823 WEST 1600 SOUTH

Spencer Brimley, Development Services Manager, described where the property was located for the proposed Oakmont Townhomes. He stated the developer was proposing to develop 29 for sale townhomes on 1.88 acres. Mr. Brimley continued the product designed by the developer for the site included two story townhomes approximately 1450 square feet in size with a single car garage and driveway parking. He indicated the developer was proposing 25 percent open space on the site and intended to have the common areas maintained through a Homeowners Association (HOA). Mr. Brimley noted the proposed plat showed four buildings and the design materials would include hardie board and stone. He commented the cul-de-sac and street improvements were already in place and only curb cuts were needed for access to the site. He acknowledged a development agreement would be required and a draft of the development agreement would be provided for the Council's review prior to its consideration of the proposal.

Councilmember Phipps asked about the specifics of the open space. Mr. Brimley answered landscaping would be installed between each unit, next to the garage, and in the backyard which would be considered common areas maintained by the HOA.

Councilmember Bush questioned if the parking requirements for townhomes would be similar to apartments. Mr. Brimley responded the developer was proposing five additional parking stalls for the site to meet the requirements for guest parking.

DISCUSSION ON AMENDMENTS TO TITLE 11 – LAND USE SPECIFIC TO SIGN REGULATIONS AND TITLE 4 – BUSINESS LICENSE REGULATIONS AND TITLE 11 – LAND USE SPECIFIC TO MOBILE FOOD VENDORS

Mr. Brimley, Development Services Manager, informed the Council that there had been changes to State Law regarding food truck business licenses so the City needed to update its ordinances to comply with the new regulations. He noted there would no longer be a need for temporary permits or fees from food truck vendors because of the changes allowing the vendors to obtain one business license that would be valid in multiple cities. Mr. Brimley explained food truck vendors still had the responsibility to provide proof of licensing and permits from the Health Department to continue operations within the City. He stated the Planning Commission's recommendation was to remove all references to mobile food trucks in City Code § 11-13-26 to be consistent with State Law. Mr. Brimley also explained proposed fees for mobile food vendors

would be amended by removing the cleaning deposit fee, adjusting the license effective dates from 180 days to 365 days, and adding specifically the license fee for mobile food vendors which could be collected if requirements for licensing were not previously met. There was a discussion about whether or not the City should offer a low cost business license fee for mobile food vendors who located a home office in the City which could potentially provide additional sales tax revenue for the City.

Mr. Brimley also addressed the recommended changes to City Code § 11-15 regarding sign regulations within the City. He identified the proposed updates and there was a discussion about permitting advertising at City ballfields, allowing political or campaign signs to be posted sooner when a primary election was held, and defining, as well as regulating, the use of flag banner signs.

Mr. Brimley stated City ballfield signs would be regulated by the Community Services Department. He continued the ballfield signs by definition would only be allowed at Steed and Fisher Parks along the fences facing spectators. Councilmember Phipps asked if there were fees associated with the placement of those signs. Mr. Brimley explained the proposed language was to identify and regulate the use of that type of sign, which was not previously defined. He continued Community Services would address the fees and regulations associated with allowing for the marketing opportunities.

Councilmember Bush also proposed advertising signs could be used on the stage during the Fourth of July events. Mr. Brimley responded the amendments being proposed were specific to City ballfield signs on fences, but special events signs could be reviewed at a future date. There was a discussion about conflict with sponsors, balancing esthetics, and allowing businesses to advertise at City events. Councilmember Bush requested sign regulations associated with advertising during events be reviewed prior to next year's Fourth of July celebration.

Mr. Brimley explained the types of flag banner signs being used by businesses throughout the City. He stated the ordinance would define flag banner signs and their temporary use while assessing an administrative fee of \$20.00 to cover the costs for staff to determine the banners met the City regulations. Mr. Brimley continued flag banners would be allowed for a fourteen day period within each quarter year. Councilmember Peterson asked about the difficulty with enforcing the regulations because of the limited allowed posting period for the banners. There was a discussion about flag banner regulations, temporary versus permanent, allowed number, maintenance, distance between signs, and enforcement. Mr. Brimley stated there was currently nothing in City Code that allowed businesses to use the flag banner signs so adding flag banners to the ordinance would allow the City to regulate them. The Council expressed concerns about having an ordinance that was not business friendly and difficult to enforce and requested finding a balance to allow the signs without unnecessary restrictions.

Mr. Brimley reviewed the changes being proposed for political or campaign signs. There was a discussion about campaign sign posting periods as well as impacts on campaigning with the City choosing to conduct elections by-mail. It was the consensus of the Council to amend the ordinance allowing political or campaign signs to be posted 30 days prior to the mailing of ballots.

DISCUSSION ON AMENDMENTS TO THE CONSOLIDATED FEE SCHEDULE

Spencer Brimley, Development Services Manager, explained there was an amendment needed to the Consolidated Fee Schedule regarding mobile food vendors. He continued the proposed changes would maintain the \$120 business license fee for mobile food vendors under certain conditions, but extend the time frame for the license from 180 days to 365 days, and remove the \$100 cleaning deposit because it was no longer applicable based on changes to State Law.

Councilmember Young wondered if the cleaning deposit fee was due to costs incurred by the City. There was a discussion about the fees, comparing rates with other cities, and enticing food vendors to the City with no or minimal licensing fees which could generate sales tax revenue for the City. Mr. Brimley responded he would survey other cities and find out what fees were being assessed for a comparison.

DISCUSSION ON THE AWARD OF PROPOSAL FOR AQUATIC CENTER TREADMILLS

Eric Howes, Community Services Director, stated it had become necessary to replace the treadmills at the Clearfield Aquatic and Fitness Center. He continued the normal replacement schedule was every four years, but after stretching use to five years, many treadmills were not working and needed to be replaced. Mr. Howes noted the 2017/2018 fiscal year budget included \$80,000 to purchase the new treadmills and the revenue source would come from the Aquatic Center's equipment replacement fund which revenue was obtained from first time membership fees. Mr. Howes noted proposals were received from four companies highlighting nine different treadmills. He explained the selection committee rated the proposed treadmills based on a wide variety of criteria that included visits to other sites where the proposed treadmills had been used in order to more fully evaluate the performance and mechanics of the equipment. Mr. Howes indicated twelve treadmills needed to be replaced and proposed purchasing ten (10) Precor 835 treadmills from Pacific Fitness Products for a purchase price of \$56,700 and two (2) True Alpine Runner treadmills, which had a steeper incline, from Upper Limit Fitness for a purchase price of \$10,540. He reported the total cost for the purchase of all twelve treadmills was \$67,240.

Councilmember Phipps asked how the remaining budget would be used. Mr. Howes responded the money would be used to continue with the standard rotation of other types of equipment such as ellipticals, bikes, and weight equipment in coming years.

Mayor Shepherd asked who maintained the equipment. Mr. Howes answered most of the vendors maintained the equipment and those fees were included with the purchase price. There was a discussion about equipment maintenance, equipment testing or evaluations, safety concerns, staff responses to complaints from patrons, and timeframe for equipment replacement. Mr. Howes confirmed equipment should be regularly maintained. He stated the treadmills could be purchased as soon as the Council approved the purchase and would be in place about six weeks later.

Councilmember Bush moved to adjourn and reconvene as the CDRA at 7:17 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 22nd day of August, 2017**

/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, July 18, 2017.

/s/Nancy R. Dean, City Recorder