

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
May 22, 2018

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

VISITORS: Donovan Gilliland

Mayor Shepherd called the meeting to order at 6:04 p.m.

DISCUSSION ON THE PROPOSED DEVELOPMENT AGREEMENT WITH DG CONSTRUCTION FOR CLEARFIELD JUNCTION LOCATED AT APPROXIMATELY 17, 51, AND 101 NORTH MAIN STREET

Summer Palmer, Assistant City Manager, reminded the Council that the details of the Development Agreement with DG Construction were reviewed in work session on May 15, 2018. She added the final draft to the agreement was emailed to the Council for review.

Councilmember Phipps commented his vision for development of the site was the library would be built first and then there would be development of the rest of the site. He expressed concern it appeared that priority had flipped. He explained the construction of a new library on the site was a key component for his consideration of the project. He acknowledged the developer's intent to accommodate the relocation of the library to the site, but was concerned the order of development might negatively affect how Davis County approached the site. Ms. Palmer responded the Conditions Precedent on Page 4 of the Development Agreement addressed how decisions by the County would influence the project. Councilmember Peterson expressed concern that the agreement was being negotiated without binding the County to that site for its

new library. Ms. Palmer informed the Council that staff continued to work with Davis County on the placement of the library at the site and there was positive feedback from the County, but the City did not want to have the development stall if the County chose not to fund the construction of a new library. Mayor Shepherd stated the County expressed a strong desire to build a new library at the site but there was no real way to bind them to that decision. Ms. Palmer informed the Council that the developer was willing to install parking and public improvements for the library as well as a book drop which was a great benefit for the County. Mayor Shepherd added the type of development planned for the site would also be a benefit for library patronage.

Councilmember Phipps commented there was still a risk the library might not be built at the site. Donovan Gilliland, DG Construction, explained the agreement was written in such a way that the property could not be bought until the County determined its needs for the library at the site. Ms. Palmer added there were also time constraints included in the Development Agreement. She explained the Development Agreement would be null and void if the Conditions Precedent were not met within six months of the signing of the agreement.

Councilmember Peterson asked why the agreement specifically referred to LUDMA (Land Use Development and Management Act). Spencer Brimley, Community Development Director, stated the City sought help from Jody Burnett, land use attorney, in drafting the agreement. He explained the reference would protect the City as it worked to implement the new Form Based Code for the first time.

Councilmember Peterson expressed her concern that the agreement allowed the developer a reasonable level of flexibility for timing, sequencing, and phasing of the project. Ms. Palmer explained the City was tying its release of the \$1,000,000 lien on the property to the development of 20,000 square feet of commercial along Main Street. She indicated it was in the developer's best interest to work to release that lien. She also added \$500,000 would remain in escrow until the entire development was completed.

Councilmember Bush asked if the housing size was called out and should it be specified. Mr. Brimley explained market demand would drive the housing size. He added Form Based Code did not require a specific size but there would be a mix of sizes in the development. Councilmember Peterson did not think the City should regulate the housing size because it would be market driven. Mr. Gilliland stated the development would include multiple housing options.

Councilmember Phipps asked about the term of the agreement being specified as December 31, 2024. Ms. Palmer explained there were several items that would need to fall into place before the agreement became active and that date allowed for those items to be addressed while still giving the developer adequate time to complete the project. Mr. Williams added the County's timing for the library was a factor in determining a completion date for the project.

Councilmember Phipps asked about the \$1,100,000 incentive value with a bond amount of \$1,000,000. Ms. Palmer explained the \$1,000,000 represented the City's lien on the project while the \$1,100,000 represented the value of the land. Councilmember Peterson clarified the \$100,000 was the realization of the incentive. Ms. Palmer responded it was.

Councilmember Bush asked if the Form Based Code needed to be approved prior to the Development Agreement being considered. Ms. Palmer recommended tabling the decision on the Development Agreement if Form Based Code were not approved.

UPDATE AND DISCUSSION ON THE WATER ENVIRONMENT ASSOCIATION OF UTAH'S ANNUAL CONFERENCE AND UTAH LEAGUE OF CITIES AND TOWNS MIDYEAR CONFERENCE

Councilmember Bush reported on the Water Environment Association of Utah's Annual Conference. He commented there was discussion about algae growth within bodies of water in the City. He updated the Council on the North Davis Sewer District's efforts to meet EPA requirements for nitrogen and phosphorous removal from its discharge. Councilmember Peterson asked if the discharge was already being treated. Councilmember Bush explained the discharge was already being treated but new regulations required a greater removal level.

Councilmember Bush also reported on the Utah League of Cities and Towns (ULCT) conference. He took a class on communication and commended Trevor Cahoon for his efforts in helping the City communicate with its residents.

Councilmember Phipps also reported on the ULCT conference. He explained municipalities were encouraged to start now to work on legislative issues rather than waiting until the next session began. He commented on the Our Schools Now initiative that would be on the ballot in November, the state and local legal center representing state and local governments at the Supreme Court, building relationships with residents through good communications, linking housing and transportation statewide, housing affordability, avoiding fraud, and there was a concern voiced from the Lieutenant Governor's office for local government to make sure census numbers were accurate.

Councilmember Bush also noted he took the opportunity to tour the area that was the old St. George airport. He stated it was developing as a tech campus. He commented the development would be like a city within a city.

Councilmember Peterson moved to adjourn the work session and reconvene in policy session at 6:52 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 31st day of July, 2018**

/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, May 22, 2018.

/s/Nancy R. Dean, City Recorder