

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
October 23, 2018

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

VISITORS: Donovan Gilliland – Clearfield Junction, Bob Bercher, John Seidel, Makayla Pearson, Jennifer Lopez, Shailyn Waifu, Tania Jameson, Cassidy Howe, Kevin Nedeguard, Taylor Palmer, Melanie Palmer, David W. Bloomfield, Caden Heslop, Kerry Heslop, Jassmyn Edens, Jeff Loye, Frankie Willsey, Adam McClurg, Troop 582, Wyatt Pierce, Zachary Bott, Sawyer Shelton, Carter Hoffman, Gavin Reeves, Adam Peterson, Jeff Bunderson, Alex Dax, Carolyn Krey, Mike Krey, Addre Feathersten, Noah Cella, Daron Heslop, Gavin Spraker, Abby Shinn, Brandon Maki, Tim Tippetts, Robert Hawthorn, Larue Hawthorn, Jason Felt

Mayor Shepherd called the meeting to order at 7:03 p.m.

Mayor Shepherd informed the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Thompson led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE OCTOBER 2, 2018 WORK SESSION

Councilmember Roper moved to approve the October 2, 2018 work session as written, seconded by Councilmember Thompson. The motion carried upon the following vote:

Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PRESENTATION OF THE YARD OF THE YEAR AWARDS

Mayor Shepherd and members of the Council presented awards for Yard of the Year to the property owners Frances Willsey and Jeff Loye as the first place winners; with Tim Tippetts as well as Robert and Larue Hawthorn as runners up.

Councilmember Phipps commented about the process and commitment of the Parks and Recreation Commission in selecting the winners of the Yard of the Year Award. He expressed appreciation to all the residents who provided efforts in landscaping and maintaining their yards which contributed to the beauty of the neighborhoods throughout the City.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO REZONE THE PROPERTIES LOCATED AT 1017 EAST 700 SOUTH AND 1029 EAST 700 SOUTH (TINs: 09-017-0009, 09-017-0010, 09-017-0011) FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO C-2 (COMMERCIAL)

Brad McIlrath, Senior Planner, stated Maverik owned six properties from 627 South to 700 South between 1000 East and the Interstate 15 southbound off ramp and was anticipating the development of a convenience store at the location. He acknowledged three of the properties were currently zoned for commercial use but the others were zoned for residential use and had been requested to be rezoned from R-1-8 (Residential) to C-2 (Commercial) prior to the commencement of the project. He noted the request was consistent with the City's General Plan. Mr. McIlrath indicated the Planning Commission reviewed the rezone request at its meeting on October 3, 2018 and recommended approval.

Mayor Shepherd opened the public hearing at 7:12 p.m.

Mayor Shepherd asked for public comments.

Carolyn Krey, resident, stated she thought it was a great idea to rezone the area to commercial. She pointed out there had been accidents in the area, it was dark in the mornings, and the older high school students crossed at the intersection prior to a crossing guard. She expressed her concern with the heavier traffic anticipated as part of the proposed project. She asked that the City make sure the appropriate safety measures were in place so children who used the crosswalks to get to school would be able to travel safely.

David Bloomfield, resident, mentioned he had property to the north and received a Blue Stakes request notice to locate the secondary water lines for future foundation and footings work. He wondered how soon the project would begin. He expressed his concerns about large trucks needing access to the project, the difficulty large trucks would have turning at the intersection, the current design of the street not meeting the project's needs, and the amount of traffic such a project would attract to the area which was currently traveled by school children on a regular basis. Mayor Shepherd indicated the City Council would be considering only the rezone during

its meeting but there would be other meetings needed in the future to work out details with the site plan and moving the gas line that was currently running down the properties. He reported the City's understanding was the project was planned for the summer of 2019.

Mr. Bloomfield indicated Utah's Department of Transportation (UDOT) had not done an adequate study with its reconfiguring of the Interstate (I-15) on ramps and closure of the frontage road because the impacts were making turns difficult at the 1000 East and SR-193 intersection. Councilmember Bush commented he had also been concerned about the turning capabilities at the intersection. He voiced there was a possibility the road could be widened to allow for an additional turn lane making a right hand turn from SR-193 to 1000 East easier to accommodate the larger construction or fueling trucks. Mayor Shepherd stated the project would not be approved by UDOT unless it met all of its standards along its road. JJ Allen, City Manager, added the concerns of traffic and street access would be analyzed in a traffic study which would be required of the developer. He noted those things would be taken into account during the site planning process. He mentioned the City was not aware of any changes in the developer's time frame and anticipated the Blue Stakes request was an effort by the developer to complete due diligence for the project.

Mayor Shepherd expressed appreciation for the comments received.

Councilmember Bush moved to close the public hearing at 7:20 p.m. seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO CITY CODE TITLE 11, CHAPTER 3 MAKING CHANGES TO THE DEFINITIONS FOR DAYCARE RESIDENTIAL AND DAYCARE FACILITY

Brad McIlrath, Senior Planner, stated Tania Jameson requested a zoning text amendment that would make changes to the definitions in the City Code Title 11, Chapter 3 for Daycare Residential and Daycare Facility. He noted the primary purpose was to increase the number of children allowed as part of a residential daycare. He reported residential childcare locations did require State licensing. Mr. McIlrath mentioned since the Council's work session discussion on October 9, 2018, he had contacted the State to obtain additional information about its licensing requirements and how audits were conducted. He acknowledged the State allowed up to 16 children per childcare location with a ratio of at least one caregiver per eight children. He added the State respected any restrictions placed by local ordinances and would not issue a license that was greater than that allowed by the City. Mr. McIlrath continued the applicant requested the City increase the child allowance to match that of the State at 16 children, but would appreciate any increase the City was willing to make.

He reviewed the City's current definitions and compared it to neighboring community regulations. He highlighted the State childcare regulations which included the need for licensing, allowances for up to 16 children, locations providing a minimum of 35 square feet of indoor space per child, pre-inspection and at least two inspections annually, and limiting its licenses to

the local regulations. Councilmember Bush added the North Davis Fire District also completed inspections for daycare facilities.

Mr. McIlrath stated based upon review of other municipal ordinances, conversations with the applicant, and a review of State childcare licensing standards; staff recommended changes to the definitions which were reviewed by the Planning Commission at its October 3, 2018 meeting. He indicated the following changes were recommended for the Council's approval:

- **Daycare Residential:** any noncommercial, privately owned and occupied residence being used for the caring of more than four (4), but *not more than twelve (12)* children, including the owner/resident's children under the age of *four (4)* years, for less than twenty four (24) hours per day. *Each child care provider shall be eighteen (18) years of age or older. No more than four (4) children under the age of two may be cared for.*
- **Daycare Facility:** a *commercial* building or structure, or portion thereof, occupied by persons of any age who receive custodial care for less than twenty four (24) hours a day by individuals, in a place other than the home of the person cared for.

Mr. McIlrath noted the Planning Commission recommended the number of children allowed to be cared for at a Daycare Residential be increased to twelve rather than the State's allowance of sixteen because of the smaller lot sizes in the City. He added the Planning Commission recommended the change for the Daycare Facility definition adding language which identified it as a "commercial" building or structure.

Councilmember Bush wondered if the residential daycare was in a rental home whether it would require the permission of the property owner for licensing. Mr. McIlrath replied Daycare Residential defined the property as any noncommercial, privately owned and occupied residence; consequently, the City would require applicants to be owners that resided at the home.

Mayor Shepherd opened the public hearing at 7:29 p.m.

Mayor Shepherd asked for public comments.

Tania Jameson, resident, stated she owned a house in the City and had been operating a licensed daycare since 2001. She reported she was in compliance with the State and there were many rules she was required to follow to operate as a family childcare provider. She expounded on the layout of her operation, the costs involved with licensing and compliance standards, and the multiple agencies she received licensing, checks, or inspections from in order to confirm adequate conditions were in place to create a safe environment for children which were in her care. Ms. Jameson explained she had requested the zoning text amendment so that she could increase the number of children allowed to be cared for at her daycare. She noted those families who currently had children under her care were growing in size. She expressed her desire to continue to help those mothers but she already had all eight spots filled, so without an increase in number of children she would be unable to care for additional siblings. She requested the Council consider allowing an increased number of children by approving the zoning text

amendment. She indicated if it were approved she planned to hire help and understood they too would need to meet all the standards.

Councilmember Phipps moved to close the public hearing at 7:36 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO CITY CODE TITLE 11, CHAPTER 19 – FORM BASED CODE (FBC) THAT WOULD REDUCE VISITOR PARKING PERCENTAGES, OPEN SPACE/LANDSCAPING PERCENTAGES, AND THE SETBACK FOR BUILDINGS LOCATED ADJACENT TO PARCELS NOT LOCATED IN THE FBC AREA

Brad McIlrath, Senior Planner, mentioned the zoning text amendment proposed changes to the City's Form Based Code (FBC) recently adopted in June of 2018. He pointed out the creation of FBC had been a process over a couple of years which set development standards for the downtown area and were based upon designs rather than uses. He noted when FBC was adopted the Council directed staff to identify modifications as the code was implemented. Mr. McIlrath explained staff had begun to hear feedback from multiple developers and each identified the same concerns addressed through the applicant's requested zoning text amendment. He identified the concerns with FBC standards involved visitor parking percentages, open space and landscaping percentages, as well as the setback requirements for buildings located adjacent to parcels not located in the FBC area.

Mr. McIlrath stated John Seidel had been working with staff and proposed to develop a multi-family project with an office or commercial building fronting Main Street consistent with the T-R (Town Residential) zoning district. He mentioned the developer was finding it difficult to develop the properties due to some of the development standards of the FBC and the narrow shape of the properties. He indicated the applicant requested the following: a reduction in the visitor parking space requirement from 25 percent to 15 percent; to allow an overlap of the 10 percent open space and 10 percent landscaping requirement to not require a full 20 percent of open space and landscaping combined at the site; and to reduce the required 20-foot setback for new buildings with yards adjacent to existing single family or townhome residential not in the FBC area to be more flexible in width but also to allow other uses other than landscaping.

Mr. McIlrath reported the request was evaluated by reviewing other form based codes in the area which included the Wasatch Front Regional Council template, South Salt Lake, and South Ogden. He reviewed the similarities and differences in other codes in comparison to the City's FBC for the benefit of the public and Council in regards to the setbacks, visitor parking, and open space/landscaping.

He indicated staff's findings and conclusions were shared during work session on October 9, 2018. He noted after discussion with the Council during that meeting, staff recommended keeping the visitor parking space requirement at 25 percent; amending the open space and landscaping percentages to require that the total site shall have a combined open space and landscaping percentage of 20 percent and in no case shall either be less than 5 percent of the site;

amending the required 20-foot setback for new buildings adjacent to existing single family or townhome residential to be a building setback which would allow for more landscaping to be located in that area; and amending Table 7.5 (2) to correctly read TC/CC in both columns. Mr. McIlrath stated the Planning Commission reviewed the request at its meeting on October 3, 2018 and its recommendation was slightly different from staff allowing for a reduction in the visitor parking percentages so it would be 15 percent rather than 25 percent.

Mayor Shepherd opened the public hearing at 7:45 p.m.

Mayor Shepherd asked for public comments.

John Seidel, resident, stated he was a resident and business owner in Clearfield. He reported his local business supported 11 employees and he cared about beautification and progression of the City. He indicated he was aware there might be residents who were resistant to multi-family housing; however, there was currently a housing shortage in the State. He noted as the applicant he was asking for some exceptions to the FBC and the most important was the setback amendment. He expressed his appreciation for the time and effort that went into reviewing his request.

Jason Felt, non-resident, indicated he was a civil engineer and consultant for the proposed project. He expressed appreciation for staff as he had worked with them on a site plan which was compatible with FBC. He reported the property was long and narrow so it made fitting building, parking, and landscaping requirements difficult to create; however, his goal was to design something with the vision of FBC. He noted the difficulty was mainly with the setback which was prohibitive on this property and requested some flexibility to at least allow a building setback which could make it an accessible property. He reasoned he could work with the parking and landscaping with creativity to meet the requirement, but would really appreciate any consideration on the setback allowance. He expressed his feeling the proposed plan fit with the City's vision for its downtown development. He thanked the Council for its consideration of the amendments.

Councilmember Peterson moved to close the public hearing at 7:50 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO CITY CODE TITLE 11, CHAPTERS 4 AND 5 MAKING CHANGES TO CONDITIONAL USE PERMIT REQUIREMENTS AND SITE PLAN REVIEW

Brad McIlrath, Senior Planner, said Clearfield City's Land Use Ordinance outlined all organization, procedural, and development standards for the community. He mentioned the proposed amendment was to update the procedural processes used for Conditional Use Permits and Site Plan Reviews to provide more clarity, align more fully with State Code, and simplify the process.

He indicated Councilmember Phipps, prior to the meeting, wondered what the impacts would be to the City's Consolidated Fee Schedule if the amendments were approved and requested some clarification to the language in the fee sections of both Chapters 4 and 5. Mr. McIlrath stated the Conditional Use Permit was currently \$350 and the Site Plan Review fee was \$500, but if amendments were approved there could be modifications to the City's Consolidated Fee Schedule requiring action in a future meeting. He reviewed the proposed changes to the fee language of the City Code which would add clarity to each chapter if it were amended.

Mr. McIlrath acknowledged the Planning Commission reviewed the amendments at its meeting on October 3, 2018 and forwarded a recommendation of approval to the City Council.

Mayor Shepherd opened the public hearing at 7:53 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:54 p.m. seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF ORDINANCE 2018-20 REZONING PROPERTY LOCATED AT APPROXIMATELY 1017 EAST 700 SOUTH AND 1029 EAST 700 SOUTH (TIN: 09-017-0009, 09-017-0010, AND 09-017-0011) FROM R-1-8 (RESIDENTIAL) TO C-2 (COMMERCIAL)

Councilmember Bush moved to approve Ordinance 2018-20 rezoning property located at approximately 1017 East 700 South and 1029 East 700 South (TINs: 09-017-0009, 09-017-0010, and 09-017-0011) from R-1-8 (Residential) to C-2 (Commercial) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2018-24 AMENDING TITLE 11, CHAPTER 3 – DEFINITIONS FOR DAYCARE RESIDENTIAL AND DAYCARE FACILITY OF THE CLEARFIELD CITY CODE

Councilmember Thompson moved to approve Ordinance 2018-24 amending Title 11, Chapter 3 – Definitions for Daycare Residential and Daycare Facility of the Clearfield City Code and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2018-23 AMENDING TITLE 11, CHAPTER 19 – FORM BASED CODE OF THE CLEARFIELD CITY CODE

Councilmember Phipps stated he wanted clarification and it was his understanding the items addressed in the proposed amendments to Form Based Code (FBC) could be applied to the applicant's site through a development agreement without impacting the development standards governing the entire downtown area. Brad McIlrath, Senior Planner, responded staff received direction to try to adhere to the FBC for the downtown area and to do so with fewer development agreements; consequently, the applicant was advised to pursue a text amendment because the developer was not the only developer concerned with the issues. He indicated the applicant's property was uniquely shaped and there were other properties in the downtown area that faced similar issues. Mr. McIlrath stated it was not the intent of staff to get out of enforcing the code as originally written, but rather to make sure the requirements adopted met the vision intended for the area. He added a development agreement could be worked out with the applicant if that was the desire of the Council. There was concern expressed about being so quick to amend the FBC. A discussion took place about whether to amend FBC with reductions to the visitor parking percentages and setbacks, as well as landscaping and open space and whether such amendments were best for the entire downtown area or should be reviewed on a case by case basis through development agreements.

Councilmember Peterson asked if Ordinance 2018-23 was written with the Planning Commission's recommendation or with the staff recommendations which would keep the visitor parking at 25 percent. JJ Allen, City Manager, suggested when the motion was made clarification should be given if there were any changes desired to the ordinance as written.

Councilmember Bush moved to approve Ordinance 2018-23 amending Title 11, Chapter 19 – Form Based Code of the Clearfield City Code with the staff recommendation which included the following: 1) keeping the visitor parking requirement at 25 percent rather than a reduction to 15 percent, 2) allowing a combined open space landscaping requirement of 20 percent total for the site, 3) allowing the 20-foot setback for new buildings adjacent to existing single family or townhome developments to include more than landscaping in the setback requirement, and, 4) amending Table 7.5 (2) to correctly read TC/CC in both columns; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion failed upon the following vote: Voting AYE – Councilmembers Bush and Peterson. Voting NO – Councilmembers Phipps, Roper, and Thompson.

Councilmember Peterson moved to approve Ordinance 2018-23 amending Title 11, Chapter 19 – Form Based Code of the Clearfield City Code based on the Planning Commission's recommendations which included the following: 1) reducing the visitor parking requirement to 15 percent, 2) allowing a combined open space landscaping requirement of 20 percent total for the site, 3) allowing the 20-foot setback for new buildings adjacent to existing single family or townhome developments to include more than landscaping in the setback requirement, and, 4) amending Table 7.5 (2) to correctly read TC/CC in both columns; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following

vote: Voting AYE – Councilmembers Peterson, Roper and Thompson. Voting NO – Councilmembers Bush and Phipps.

APPROVAL OF ORDINANCE 2018-21 AMENDING TITLE 11, CHAPTER 4 –
CONDITIONAL USE PERMITS OF THE CLEARFIELD CITY CODE

Councilmember Phipps wondered if the ordinances would be updated with the language changes to the fee section as presented by staff during the public hearing. Mr. McIlrath responded the language updates were clearer and would be updated. There was a discussion about adjustments which would be necessary to the City’s Consolidated Fee Schedule at a later date if the ordinance were approved.

Councilmember Peterson moved to approve Ordinance 2018-21 amending Title 11, Chapter 4 – Conditional Use Permits of the Clearfield City Code and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2018-22 AMENDING TITLE 11, CHAPTER 5 – SITE PLAN
REVIEW OF THE CLEARFIELD CITY CODE

Councilmember Phipps requested clarification because the Code sometimes referenced the Planning Commission and other times it sited the Land Use Authority and he wondered if it was worded deliberately or if it should be more consistent since the Planning Commission was designated as the City’s Land Use Authority for Site Plan Review. Brad McIlrath, Senior Planner, responded the State allowed each municipality to determine the body that would be recognized as its Land Use Authority. He commented the State Code only made reference to the Land Use Authority; however, the City Code interchanged the two referring to the Planning Commission and Land Use Authority both. He explained that was because there were different times when a given body would be acting as the Land Use Authority. JJ Allen, City Manager, added who the Land Use Authority was depended on what the type of item was being considered and what action was needed. He mentioned the City had designated the Planning Commission as its Land Use Authority for the site plan review process; however, for other various items a rezone or plat for example, the Land Use Authority was the City Council and sometimes staff. He indicated the City Code was specific and general in various parts of the Code because the Land Use Authority would depend on the action requested and which body had oversight. Councilmember Phipps expressed thanks for the clarification and said he would trust the term was consistently used in the Code.

Councilmember Roper moved to approve Ordinance 2018-22 amending Title 11, Chapter 5 – Site Plan Review of the Clearfield City Code and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVAL OF RESOLUTION 2018R-13 AUTHORIZING THE INTERLOCAL COOPERATIVE AGREEMENT WITH SUNSET CITY FOR THE 800 NORTH STREET ROADWAY IMPROVEMENT PROJECT

Scott Hodge, Public Works Director, stated Sunset City and Clearfield City, in conjunction with the Utah Department of Transportation (UDOT), were planning to reconstruct 800 North Street from North Main Street (SR-126) to 450 West Street. He explained the two cities worked together to submit a grant in 2014 to the Wasatch Front Regional Council attempting to get federal funding assistance for the project. He noted the grant funding had been approved but would not be available yet; however, in anticipation of the project funding in 2019 the Interlocal Cooperative Agreement acknowledged that the City desired to cooperate with Sunset City and outlined each city's responsibilities. Mr. Hodge indicated Sunset City was the lead agency and Clearfield would be a participating agency and each would be splitting the matching funds required by the grant.

Councilmember Phipps referenced in Paragraph 1 of the Interlocal Cooperative Agreement it stated the cities would be splitting the shared proportional costs. He asked if the split would be 50/50. Mr. Hodge responded the basic project would be a 50/50 split; although, if there was a change order needed and it affected one city over another then the costs would be negotiated and proportionately adjusted.

Councilmember Phipps wondered if the actual costs exceed the estimated costs if the federal government would be paying towards the total increase. Mr. Hodge answered the federal government had an amount committed to the project and once it was exceeded the two cities were obligated for any additional funding.

Councilmember Bush asked if Sunset City had approved the Interlocal Cooperative Agreement yet. Mr. Hodge reported Sunset City had recently approved the agreement. He mentioned there was also a possibility to switch from Federal funding to State funding the project, which could help with the overall cost of the project because of the differences in regulations when using State vs. Federal funding. Councilmember Bush asked which City would hold the bid opening. Mr. Hodge indicated Sunset City being the lead agency would ensure the bid was advertised, opened and awarded compliance with State Law. He stated representatives from the City would attend the bid opening.

Councilmember Thompson moved to approve Resolution 2018R-13 authorizing the Interlocal Cooperative Agreement with Sunset City for the 800 North Street Roadway Improvement Project and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

APPROVAL OF THE FIRST ADDENDUM TO THE DEVELOPMENT AGREEMENT
BETWEEN THE CITY, CDRA AND CLEARFIELD JUNCTION LLC FOR THE PROJECT
COMMONLY KNOWN AS CLEARFIELD JUNCTION

Brad McIlrath, Senior Planner, explained the City and Community Development and Renewal Agency (CDRA) had executed a Development Agreement with Clearfield Junction LLC in May 2018. He commented the first addendum would address some of the issues regarding design elements for the project that had been recommended by the Planning Commission. He reviewed the seven following limited specific exceptions that had been discussed with the Council during its work session on October 16, 2018, and were negotiated through the proposed First Addendum to the Development Agreement.

1. The Form Based Code required buildings taller than three stories to have a step back of six feet, which was located in between the top of the first story and the top of the third story along street frontage facades. The developer agreed to construct the buildings that were four stories tall without a six foot step back as required by Code.
2. The Form Based Code required mixed-use or arcade entrance types for all mixed-use buildings. The developer agreed to provide the entrances as shown in Exhibit C of the Addendum with additional articulation/emphasis for commercial entries of the building, as approved by the Clearfield City zoning administrator.
3. The Form Based Code required building coverage of the front property line to be no less than 60 percent. The developer agreed to build the multi-family residential buildings with a setback from the street to provide a future building site for a new Davis County Library.
4. The Form Based Code required that parking be located fully in the basement or in the rear of upper floors. The developer agreed to provide parking on the ground floor as podium style parking for the building on Lot 4 but not for the building on Lot 5. Parking would also be provided around the perimeter of the buildings.
5. The Form Based Code required the principal entrance to be located on the front façade. The developer agreed to provide entrance locations for the buildings located on Lots 4 and 5 on the sides of the buildings.
6. The Form Based Code required all upper story windows on all residential and mixed-use residential buildings to be recessed and double hung. The developer agreed to provide windows on the upper floors that were neither double hung nor recessed.
7. The developer should submit a revised palette for the building colors and materials that were required to be approved by the City Council no later than December 31, 2018.

Mr. McIlrath displayed renderings of the project which were similar to those proposed by the developer; examples of mixed use entry types; aerial drawings showing the front property line coverage of 60 percent, podium parking and front entries; as well as examples of drawings and photos of projects with recessed and double hung windows.

Spencer Brimley, Community Development Director, stated an updated copy of the First Addendum to the Development Agreement had been emailed to the Council for its review on October 22, 2018. He mentioned there were some additional items the developer was concerned about and requested they be brought to the attention of the Council for its consideration. He commented the developer had requested a language change to item number two regarding the entrances for commercial entries of the building and asked it be changed to say “approved as

proposed” rather than “approved by the Clearfield City zoning administrator.” Mr. Brimley indicated he had explained to the developer that both the Planning Commission and City Council shared the desire to have the articulation and the reasoning behind it.

Mr. Brimley acknowledged the developer had an additional concern relative to its timeline and requested an eighth item be included with the addendum. He said the developer wanted to have the ability to obtain permits prior to the finalization of required civil drawings and things of that nature. He noted there were still issues with the drawings and staff was working with the developer but had discussed the risks involved with proceeding without the necessary drawings and permits.

Councilmember Peterson expressed appreciation to Mr. Brimley for relaying the information that the developer proposed. She pointed out that item two in the Addendum for articulation to the entrances had been a recommendation from both of the land use bodies. She encouraged the language remain as it was written because it seemed like a reasonable request to have articulation and felt that approval would be best recommended by the zoning administrator.

Councilmember Thompson moved to approve the First Addendum to the Development Agreement between the City, CDRA and Clearfield Junction LLC for the project commonly known as Clearfield Junction and authorize the Mayor’s signature to any necessary documents. Councilmember Phipps wondered if the motion included Councilmember Peterson’s recommendation to keep the language as it was in item number two. Councilmember Peterson responded the Addendum was written as she had requested; however, she had responded to Mr. Brimley’s comments by acknowledging the request from the developer.

Mayor Shepherd recognized Donovan Gilliland, developer, and allowed him to address the Council. Mr. Gilliland stated in reference to the window articulation he would ask that it be approved as proposed with the drawings already submitted. He mentioned he hoped the articulation details could be worked out during the tenant approval phase of the development. He displayed a current drawing and stated the signs for the entrances and those of the tenants were planned for evaluation during the tenant approval process.

Mr. Gilliland said the second item he had requested was to assist with moving forward with the project prior to the onset of winter weather. He explained the drawings and items which had been submitted to the City in one fashion or another were being reviewed; however, he felt all items of concern to the City’s engineer had been resolved. He shared project updates in regards to rights-of-way dedications and access approvals from Utah’s Department of Transportation. He stated he was asking the City to allow issuance of the building permit prior to the final civil drawings and the site plan. JJ Allen, City Manager, advised Mr. Gilliland that granting building permits was not the City Council’s role because it was an administrative responsibility. He stated when the City’s building official was comfortable that all the items were addressed or those that were not needed could be deferred for a period of time, the processing of permits would be completed. He added the construction activity occurring on site currently was at the risk of the developer; although, the City was not completely uncomfortable with it. Mr. Allen indicated the City was not intentionally holding up the project, but there was a process in place and once everything was in order the City would then have an assurance that the project would come together as it was

hoped. Mr. Gilliland explained he had been working to get the items of concern resolved but some appeared to require a longer time than anticipated.

Mr. Brimley stated the Clearfield Junction project had not followed the land use processes like most typical projects. He noted part of the reason for the deviation in the process was at the request of the developer and accommodations had been made along the way which had caused some back and forth deviations from the normal process. He recognized staff was trying to keep everything moving forward and working through the accommodations requested by the developer as they arose. Mr. Brimley stated there were some things which had made it difficult for staff since things had been done out of order. He commented it appeared the developer was working to resolve all the outstanding issues and was nearing completion so he could proceed through the remainder of the process.

Mayor Shepherd recognized there had been a motion and asked if there was a second.

Councilmember Bush seconded the motion. Councilmember Peterson noted the motion had not included changes to item number two of the development agreement which was requested by the developer. **The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF THE BELLS OF PEACE PROCLAMATION IN REMEMBRANCE OF THE WORLD WAR I CENTENNIAL ARMISTICE

Mayor Shepherd read the Bells of Peace proclamation which recognized the individuals who served the Nation and the world in a global conflict during World War I. He mentioned in 1918 on the 11th hour, of the 11th day, of the 11th month an armistice to the fighting was declared. He acknowledged the centennial commemoration would be held shortly; consequently, the World War One Centennial Commission had called upon all Americans to honor and remember those who served. He reported the proclamation called upon the community to toll the bells on November 11, 2018 at 11:00 a.m. in remembrance of the Armistice. Mayor Shepherd explained there was an app available for anyone interested in participating with tolling the bells. He announced he would be at the City Building at the commemorative time to toll a bell.

Councilmember Roper moved to approve the Bells of Peace Proclamation in Remembrance of the World War I Centennial Armistice and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd

1. Announced he would be out of town on October 30, 2018 returning November 5, 2018.
2. Reported he would be attending the Annual Conference of the National League of Cities in Los Angeles, California with Councilmember Roper from November 6, 2018 until November 10, 2018.

3. Invited the Council to attend a hard hat tour of the new G4CE facility on December 13, 2018 following staff meeting at about 11:00 a.m. He requested any member of the Council wishing to attend to let the City Manager know ahead of time.
4. Advised Council Chambers had been reserved by a group on October 25, 2018 at 7:00 p.m. for a presentation on Proposition 2.

Councilmember Bush – nothing to report.

Councilmember Peterson

1. Recognized the recent efforts of the police and fire in responding to a high number of calls that were difficult in nature. She expressed appreciation to those who put themselves in harm's way to offer protection and safety to the community.
2. Expressed appreciation for the recreation department, recognizing that the Clearfield High School's sophomore football team had a great season and a majority of those kids had developed through the City's participation with the Wasatch Front Football League (WFFL) program.
3. Thanked staff both with Community Services and Public Works departments for their efforts in contributing to the success of the Boo-nanza event held at the Clearfield Aquatic and Fitness Center on Saturday, October 20, 2018. She recognized there were many hours spent preparing for such events and thought the Boo-nanza turned out well.

Councilmember Phipps – nothing to report.

Councilmember Roper

1. Thanked the Youth Commission for helping with Boo-nanza. He stated the members' participation with the event provided great leadership opportunities.
2. Extended an invitation to participate with a Trunk-or-Treat event on October 29, 2018 from 6 p.m. to 8 p.m. at Fisher Park which was being sponsored by resident Jared Hadley.

Councilmember Thompson

1. Expressed his opinion Boo-nanza was a great event.
2. Stated he had the opportunity to meet Burgess Owens who was heading up the One Heart Project Initiative. He explained the project provided at-risk and incarcerated youth a second chance through national redirection and reentry initiatives.
3. Planned to attend a conference as a member of the Davis County Mosquito Abatement Board to learn more about mosquitos.

STAFF REPORTS

JJ Allen, City Manager

1. Mentioned the Boo-nanza event was great and well organized by the Community Services department.
2. Requested to follow up with Councilmembers Roper and Thompson following the meeting to get a date scheduled for the next retreat.
3. Reported staff had been working with Davis County and was very close to scheduling the Council's review of an agreement for a property swap which would be tied to the Clearfield Junction project discussed earlier.
4. Indicated staff traveled to visit the property owner of Lakeside Square to discuss redevelopment opportunities and the visit was beneficial.
5. Planned to attend the HAFB Joint Land Use Study on October 25, 2018 to learn more about the scope of a study and involvement of neighboring communities.

6. Anticipated December 11, 2018 would be an opportunity to meet with local legislators to discuss the City's accomplishments, goals, objectives and any concerns with pending legislation prior to the upcoming legislative session. He recommended the Council think about the desired topics of discussion for that evening.

Wendy Page, Deputy Recorder –reviewed the Council's schedule:

- No meetings scheduled for October 30, 2018 and November 6, 2018 (Election Day)
- Work and Policy Session on November 13, 2018
- Work Session on November 20, 2018
- Policy Session on November 27, 2018
- Work Session on December 4, 2018
- Work and Policy Session on December 11, 2018

Trevor Cahoon, Communications Coordinator

1. Mentioned the City would begin an interactive polling event to educate residents about code compliance and the results of the poll would help identify what items mattered most to them.
2. Reported the City's Jr. Pee Wee team would be going to the WFFL Mini Bowl on Saturday, October 27, 2018, playing at 1:30 p.m. at Layton High School.

There being no further business to come before the Council, **Councilmember Thompson moved to adjourn as the City Council and reconvene as the CDRA in policy session at 9:08 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, Roper, Shepherd and Thompson. Voting NO – None.**

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 13th day of November, 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, October 23, 2018.

/s/Nancy R. Dean, City Recorder