

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
April 9, 2019

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Nike Peterson Vern Phipps Tim Roper Karece Thompson	Councilmember Councilmember Councilmember Councilmember
EXCUSED:	Kent Bush	Councilmember
STAFF PRESENT:	JJ Allen Stuart Williams Kelly Bennett Scott Hodge Mark Baird Adam Favero Eric Howes Curtis Dickson Spencer Brimley Lee Naylor Trevor Cahoon Nancy Dean Wendy Page	City Manager City Attorney Police Chief Public Works Director Public Works Deputy Director Utility Superintendent Community Services Director Community Services Deputy Dir. Community Development Director Accountant Communications Coordinator City Recorder Deputy Recorder
EXCUSED:	Summer Palmer	Assistant City Manager
VISITORS:	Marvin Murri, Bob Bercher, Kathryn Murray, Brady Jugler – Planning Commission Chair, Ruth Jones	

Mayor Shepherd called the meeting to order at 7:00 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 MARCH 19, 2019 WORK SESSION AND THE MARCH 26, 2019 POLICY SESSION

Councilmember Tim Roper moved to approve the minutes from the March 19, 2019 work session and the March 26, 2019 policy session; as written, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST FOR A ZONING TEXT AMENDMENT TO THE FORM BASED CODE (FBC) REGARDING THE BUILDING STEP BACK FOR MULTI-FAMILY RESIDENTIAL BUILDINGS

Spencer Brimley, Community Development Director, stated the Downtown Clearfield Form Based Code (FBC) was adopted by the City Council in June 2018. He explained as part of its adoption and implementation, the City Council and staff recognized that there might need to be updates from time to time. He continued Marvin Murri, applicant, requested the Council consider a change to the step back requirements on multi-family residential buildings. Mr. Brimley noted the Planning Commission held a public hearing and discussed the issue on March 20, 2019.

He reviewed the proposed request and current FBC standards as well as the applicant's renderings which had not been available to the Council when it was discussed during its work session meeting on April 2, 2019. He mentioned there were two other developments, City Center and Clearfield Junction, which were allowed to develop without the current step back requirement because City Center was developed prior to FBC adoption and Clearfield Junction had been allowed modifications to the Code through a development agreement.

Mr. Brimley explained staff recommended approval to the Planning Commission; however, the Planning Commission recommended denial of the zoning text amendment so the City could wait for recommendations from a consultant that was in the process of thoroughly reviewing the entire FBC for changes that might benefit the entire downtown area. He acknowledged later in the meeting the Council would consider approving, denying or tabling the request.

Mayor Shepherd opened the public hearing at 7:07 p.m.

PUBLIC COMMENT

In Favor

Marvin Murri, applicant, pointed out the other residential projects identified with the step back shown during Mr. Brimley's presentation had mixed uses with retail on the ground level and housing on the higher levels. He indicated his proposal for the text changes to the FBC was distinct and not required for all buildings, just for multi-family residential buildings. He voiced his opinion it was difficult to find multi-family buildings with a similar step back as required in the City's FBC. He acknowledged it was his understanding the City was in the process of reviewing its FBC to make updates; however, he was disappointed with the timing and needed to

make decisions prior to the review's completion which would impact his development's progression and associated costs.

Mr. Murri stated he felt his proposed development was a good project which could enhance the Mabey Place redevelopment. He reiterated his time constraints and thanked the Council for its consideration of the requested changes to FBC.

Trenton Saxton, CRSA Architects, reminded the Council that staff had recommended the Planning Commission approve the amendment. He stated he recognized the City's desire to get a unified design throughout the FBC area and pointed out once the FBC review was completed, if it included the changes proposed, then Mr. Murri's project would be the only one in the City with the four story step back. He thanked the City Council for its consideration.

Opposed

Brady Jugler, resident, explained he was in attendance at the Planning Commission meeting on March 20, 2019 where the item was discussed. He expressed he was not necessarily against the idea that was proposed, but more concerned about the timing relative to the FBC review.

Councilmember Peterson moved to close the public hearing at 7:17 p.m. seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Thompson. Voting NO – None.

Councilmember Bush was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST FOR AN AMENDMENT TO THE MIDTOWN VILLAGE AT LEGEND HILLS SUBDIVISION – FIRST AMENDED PLAT LOCATED AT APPROXIMATELY 788 SOUTH 2000 EAST (TIN: 09-419-0102)

Spencer Brimley, Community Development Director, said a request had been submitted to amend the Midtown Village at Legend Hills Subdivision – First Amended Plat by dividing the existing Lot 102 into two lots. He reviewed the proposed plat and indicated the proposed amendment did not vacate or amend any existing utility easements, access points or public right-of-way. He acknowledged the Planning Commission heard the request on March 20, 2019 and recommended approval subject to five conditions.

Mayor Shepherd opened the public hearing at 7:19 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Thompson 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.

Councilmember Bush was not present for the vote.

OPEN COMMENT PERIOD

There were no public comments.

DENIAL OF ORDINANCE 2019-10 AMENDING THE FORM BASED CODE REGARDING THE BUILDING STEP BACK FOR MULTI-FAMILY RESIDENTIAL BUILDINGS

Mayor Shepherd recognized Councilmember Thompson had a question for the applicant, Marvin Murri, and provided an opportunity for dialog. Councilmember Thompson confirmed with the applicant there were additional costs with the step back requirement. Trenton Saxton, CRSA Architects, explained step back requirements would require the building to be designed with additional structure support throughout the levels and reduce the square footage of each unit so there would be financial impacts. Councilmember Thompson asked how much housing affordability would be impacted if the step back requirement were to be amended in the future. Mr. Saxton responded it would allow utilization of the space and maximize the square footage. Councilmember Thompson wondered what the amount of savings would be for the person renting or owning a given unit and if it would assist in efforts to provide affordable housing. Mr. Saxton answered the numbers had not been evaluated and he did not have dollar amounts.

Councilmember Thompson expressed he was focused on housing affordability and worried if concessions were made with the development community those concessions might not increase affordability. Mr. Murri indicated there would be financial implications if a step back were required because it would increase the cost of the project which would be passed on to the consumer and reduce the amount of square footage for use; therefore, it contradicted affordable housing. Councilmember Thompson thanked him for his clarification.

Councilmember Roper commented FBC was put in place to govern the standards for downtown redevelopment. He recognized the City was getting ready to begin a thorough review of the standards. He acknowledged there would be issues that would continue to come up and hoped the review and update would address them.

Councilmember Peterson added the City had invested time and resources to be deliberate in creating a Code that would stand on its own as the corridor developed and not require a project by project exception list. She recognized the time constraints of the developer for his particular project. She expressed her opinion it would be unwise to make changes to the Code while in the process of its review. She pointed out experts in the development community were involved in the creation of FBC and had many opportunities to weigh in on the current development standards.

Councilmember Phipps concurred with prior comments. He indicated he had been hesitant about FBC but accepted it because it was well thought out and orchestrated by a large community. He expressed his support to review the FBC as a unit so it could stand alone as intended. He explained there might be individual impacts until updates to the Code were made; however, it was for the benefit of the City as a whole. He expressed his hesitancy in not following the recommendations of the Planning Commission except in circumstances where additional

information came to light that was not privy to that body during its decision making or its logic was not reasonable.

Councilmember Phipps moved to deny Ordinance 2019-10 amending the Form Based Code (FBC) regarding the building step back for multi-family residential buildings as recommended by the Planning Commission, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

APPROVAL OF AN AMENDMENT TO THE MIDTOWN VILLAGE AT LEGEND HILLS SUBDIVISION – FIRST AMENDED PLAT LOCATED AT APPROXIMATELY 788 SOUTH 2000 EAST (TIN: 09-419-0102)

Councilmember Peterson moved to approve an amendment to the Midtown Village at Legend Hills Subdivision – First Amended Plat located at approximately 788 South 2000 East (TIN: 09-419-0102) with the five conditions recommended by the Planning Commission and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR LANDON’S CORNER LOCATED AT APPROXIMATELY 357 AND 343 WEST 300 NORTH

Spencer Brimley, Community Development Director, stated Rick Scadden, applicant, was proposing a 16-unit townhome residential subdivision for the property located at approximately 357 and 343 West 300 North. He noted the property was currently zoned R-3 (Multi-family Residential) which allowed for the development of the townhome subdivision. He pointed out the item was administrative and did not require a public hearing. He indicated the Planning Commission heard the request at its meeting on March 20, 2019 and recommended approval with eight conditions. He mentioned the City Council had discussed the request at its meeting on April 2, 2019.

Councilmember Thompson moved to approve the Final Subdivision Plat for Landon’s Corner located at approximately 357 and 343 West 300 North with the eight conditions as recommended by the Planning Commission and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

APPROVAL OF AND CONSENT TO THE MAYOR’S PROPOSED REAPPOINTMENT OF EDEN BUSH AS THE YOUTH AMBASSADOR FOR THE PLANNING COMMISSION

Mayor Shepherd acknowledged Eden Bush had been serving as the Youth Ambassador for the Planning Commission for one year and had been an asset by always coming prepared to discuss the items and provide unique and insightful thoughts and questions for each item considered. He

recommended, since the bylaws allowed for the youth delegate to serve a second one-year term, Eden Bush be reappointed as the Youth Ambassador for the Planning Commission.

Councilmember Roper commented in addition to serving on the Planning Commission, Eden was also the vice chair of the Youth Commission and equally involved and prepared. He explained his only regret was that she was not a voting member of the Planning Commission.

Councilmember Roper moved to approve and consent to the Mayor’s proposed reappointment of Eden Bush as the Youth Ambassador for the Planning Commission for one year and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

APPROVAL OF THE PUT/CALL OPTION AGREEMENT WITH LOTUS ACQUISITIONS, LLC TO FORMALIZE TERMS FOR THE ACQUISITION OF PROPERTY LOCATED AT 448 SOUTH STATE STREET

JJ Allen, City Manager, informed the Council that Lotus Acquisitions, LLC, was in the process of purchasing the property located at 448 South State Street, adjacent to the property formerly known as the Clearfield Mobile Home Park. He reminded the Council that the City had a Memorandum of Understanding with Lotus Company that was specific to the redevelopment of the area but a development agreement had not yet been executed. He explained Lotus was asking for the approval of a Put/Call Option for the property located at 448 South State Street. He indicated the Put/Call Option Agreement provided terms that would address the disposition of the property at 448 South State Street should negotiations on a development agreement terminate without its execution, which protected both parties. Mr. Allen noted the matter was discussed with the Council previously during work session on April 2, 2019.

Councilmember Peterson moved to approve the Put/Call Option Agreement with Lotus Acquisitions, LLC to formalize terms for the acquisition of property located at 448 South State Street and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Thompson. Councilmember Phipps wondered if Lotus Acquisitions, LLC was the same legal entity as Lotus. Mr. Allen responded there were multiple entities under the Lotus name and Lotus Acquisitions, LLC was one in the group of companies. **The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None.** Councilmember Bush was not present for the vote.

APPROVAL OF THE AWARD OF BID FOR THE CORNERSTONE PARK IMPROVEMENT PROJECT

Eric Howes, Community Services Director, stated the Cornerstone Park Improvement Project was discussed with the Council during work session on April 2, 2019. He explained the project proposed improvements for the north end of the park by adding a parking lot and restroom. He reported the City received nine bids for the project and 3XL was the lowest responsible bidder with a bid amount of \$118,599.52. He explained there was \$210,000 budgeted for the project and

the additional funding of \$91,400.48 would be used to purchase and place the restroom as well as for contingency needs.

Councilmember Roper mentioned he had recently visited the park and was supportive of the needed improvements.

Councilmember Phipps moved to approve the award of bid for the Cornerstone Park Improvement Project to 3XL, Inc. with the bid amount of \$118,599.52; with costs for contingency and the purchase and installation of the restroom in the amount of \$91,400.48, for a total project cost of \$210,000; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Bush was not present for the vote.

COMMUNICATION ITEMS

Mayor Shepherd

1. Expressed condolences to the family from Clearfield High School who lost their son yesterday in an accident.
2. Attended a breakfast where Wasatch Elementary was recognized by United Way for being one of the most improved Title I schools in the Nation. He commended the school and staff for its efforts in helping each student.
3. Reported attending a ribbon cutting ceremony with Councilmember Peterson on April 6, 2019 for Legacy Roofing, a new business located in the City.
4. Attended a reception for the U.S. Air Force Scientific Advisory Board from the Pentagon at the Hill Air Force Base Museum on April 8, 2019.

Councilmember Peterson – recognized March 29, 2019 was the National Vietnam War Veterans Day. She recognized there were two from Clearfield whose names had been placed on the memorial wall in Washington DC as well as the replica wall in Layton. She thanked those veterans on staff or residing in the City for their contributions. She felt it was an important part of history and expressed her gratitude for having a place to go for reflection.

Councilmember Phipps – nothing to report.

Councilmember Roper – thanked staff for its efforts with budget preparations.

Councilmember Thompson – nothing to report.

STAFF REPORTS

JJ Allen, City Manager

1. Reported a meeting would be held in the City's multi-purpose room on April 10, 2019 for a discussion on broad spectrum housing strategies. He invited those interested in attending. He explained it was not a City sponsored meeting.
2. Attended a meeting earlier in the day with Utah Department of Transportation's new director, Lisa Wilson, and her staff. He explained multiple meetings were planned to further develop relationships and to spend time collaborating.

3. Announced construction on the State's I-15 Davis-Weber Express project would begin shortly and could impact traffic in the City while a carpool lane from Layton to Roy was constructed.
4. Sent out the monthly report and directed the Council to let him know if there were any questions.

Eric Howes, Community Services Director

1. Participated with staff on April 8, 2019 at an event to test the gaming options that were being considered for entertainment at the upcoming Fourth of July celebration. He explained, in addition to an air conditioned trailer filled with arcade style games, the vendor would be able to provide laser tag and archery tag in the park for groups at a reasonable rate. He indicated it would be discussed during the next Fourth of July committee meeting whether or not it would be beneficial to open the activities earlier than planned then possibly begin to prepare an agreement with the vendor. Mr. Allen pointed out the activities would attract the participation of kids and teens during the festivities. Mayor Shepherd expressed his excitement and suggested it could be worth scheduling for future years as well.
2. Reported the Clearfield Aquatic and Fitness Center (CAFC) received an award from the American Red Cross as one of four centers that completed its audit successfully. He noted the region, which included Colorado, Wyoming, and Utah, was one of the most active and involved areas with fitness training in the Nation. He stated the award was a tribute to the staff and the safety of the facility. He stated it was nice to receive such compliments during the award presentation from the American Red Cross.

Nancy Dean, City Recorder –reviewed the Council's schedule:

- Work Session on April 16, 2019
- Policy Session on April 23, 2019
- Work Session on April 30, 2019
- Tentative Joint Work Session with the Planning Commission on May 7, 2019
- Work and Policy Session on May 14, 2019

Trevor Cahoon, Communications Coordinator – reported the shirt designs for the Fourth of July event were completed and there were two designs, one for staff and one that would be a for-sale shirt. He explained all the proceeds of the for-sale shirts would go toward the City's Veterans Monument. He reviewed upcoming events with the Council:

- April 19, 2019 – The Great Shakeout
- April 20, 2019 – Egg Hunt and Egg Dive
- April 26, 2019 – Kickoff Celebrate Clearfield Week
 - Arbor Day event at 10:00 a.m. at Fox Hollow Park
 - Summer Blitz for summer recreation enrollment at 2:00 p.m. at the CAFC
- April 27, 2019 – Take Pride in Clearfield Day and dumpster drop
- April 29, 2019 – Everyone Matters event to be held at City Hall
- May 2, 2019 – Police Outreach event at the CAFC

Mr. Cahoon thanked Weber State University's public relations group for its partnership with the City and assistance in planning, promoting, as well as its efforts in collecting donations for the Everyone Matters event.

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn the policy session and reconvene in work session at 8:00 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE –**

Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – None.
Councilmember Bush was not present for the vote.

APPROVED AND ADOPTED
This 23rd day of April, 2019

/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, April 9, 2019.

/s/Nancy R. Dean, City Recorder