

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
April 14, 2020

No physical meeting location was available. The meeting was held electronically via Zoom Meeting address:

Zoom Meeting
<https://zoom.us/j/859307858>
Meeting ID: 859 307 858

PRESIDING VIA
ZOOM MEETING:

Mark Shepherd

Mayor

PRESENT VIA
ZOOM MEETING:

Kent Bush

Councilmember

Nike Peterson

Councilmember

Vern Phipps

Councilmember

Tim Roper

Councilmember

Karece Thompson

Councilmember

STAFF PRESENT
VIA ZOOM MEETING:

JJ Allen

City Manager

Summer Palmer

Assistant City Manager

Stuart Williams

City Attorney

Kelly Bennett

Police Chief

Adam Favero

Public Works Director

Eric Howes

Community Services Director

Curtis Dickson

Community Services Deputy Dir.

Spencer Brimley

Community Development Director

Brad McIlrath

Senior Planner

Rich Knapp

Finance Manager

Lee Naylor

Accountant

Trevor Cahoon

Communications Coordinator

Nancy Dean

City Recorder

Wendy Page

Deputy Recorder

VISITORS VIA

ZOOM MEETING: Shirley Cooper-Aguilar, Michael Henry, Mark Garza, Grey Garza, Eden Bush, Kristi Bush

Mayor Shepherd called the meeting to order at 7:05 p.m.

Mayor Shepherd informed those present via the Zoom Meeting if they wanted to comment during the Public Hearings or Open Comment Period they could do so through the Zoom Meeting chat option and all comments would be shared once the public comment period was closed.

Mayor Shepherd announced each of the three public hearings that would be opened for public comments. He explained the first scheduled public hearing for the rezoning of a specific set of properties identified in the City's Form Based Code was previously opened during the meeting held on March 10, 2020 and tabled until a special session on March 17, 2020 which was cancelled due to the pandemic outbreak; therefore, it was noticed again for a public hearing tonight.

Mayor Shepherd opened all public hearings and the open comment period at 7:07 p.m.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON REZONING A SPECIFIC SET OF PROPERTIES IDENTIFIED IN THE CITY'S FORM BASED CODE LOCATED IN THE VICINITY OF THE CORRIDOR OF STATE ROUTE 126 (STATE AND MAIN STREET) FROM 800 NORTH TO 1000 SOUTH AND IN THE VICINITY OF THE CORRIDOR OF STATE ROUTE 193 (700 SOUTH) FROM 1000 EAST TO THE RAIL CORRIDOR

Brad McIlrath reviewed the background and history of the proposed rezones for the specific set of properties identified in the City's Form Based Code. He noted the proposed zones came as a result of the recommendation from the Downtown Clearfield Small Area Plan adopted by the Clearfield City Council in March of 2017 as well as part of the amendments to Form Based Code.

Mr. McIlrath explained the Form Based Code was adopted in June of 2018 and through implementation it was recognized to be in need of revisions to meet the vision of the Code. He noted in June of 2019 the City contracted with FFKR for updates to the Form Based Code. He said the updated Code was a collaboration between the Utah Department of Transportation, Utah Transit Authority, staff, and FFKR Architects. Mr. McIlrath mentioned there was a new look and feel to the Form Based Code which included updated graphics, standards, zones, and its new layout. He pointed out the zoning changes approved as part of the amendments to the Form Based Code would need to be aligned with rezoning of properties in the Form Based Code (FBC) area.

He reviewed the recently approved FBC zone districts which included Civic, Gateway Corridor Commerce, Town Mixed Commerce, Town Neighborhood Residential, Urban Core Commerce and Urban Mixed Residential. Mr. McIlrath explained some of the strategic placement of the zones was to help with buffering of existing zones. He continued public noticing was sent to property owners in February 2020 with the public hearings dates. He reviewed the following concerns from the public that had been provided during the previous public hearings:

- Chris Slocum owned property at 869 East 700 South and requested to keep it zoned as Town Mixed Commerce or changed to Town Neighborhood Residential rather than the current proposal of Gateway Corridor Commerce. Mr. McIlrath explained the property owner would prefer to allow for residential development in that area. He pointed out the Planning Commission and staff felt it was important to keep with the recommendation approved in the FBC updates which would zone the property as commercial.
- Shirley Cooper-Aguilar owned property at 270 East 200 South and currently operated a barber shop and massage business called Gene's His and Hers Styling at that location. She had asked that the property not be changed to the proposed Town Neighborhood

Residential but remain as a commercial use. She recommended the Urban Core Commerce zone be extended to her property line to keep it commercial.

- Bryan Excell owned property at 671 East 700 South and requested the property remain Town Mixed Commerce rather than Town Neighborhood Residential.

Mr. McIlrath stated the three requests were discussed during the Planning Commission meeting on March 3, 2020. He reviewed the Planning Commission recommendation forwarded to the City Council which included some changes to the proposed zones. He indicated the Planning Commission recommendations for rezones were discussed by the City Council in work session on March 10, 2020. Mr. McIlrath commented based on the discussion with the City Council in work session the following changes were recommended for consideration:

- The property located at 270 East 200 South was to be included in the UC (Urban Commerce) zone instead of the TR (Town Neighborhood Residential) zone;
- The properties located from 709 East 700 South to 800 East were to be included in the CC (Gateway Corridor Commerce) zone instead of the TR (Town Neighborhood Residential) zone; and
- The properties located from 657 East 700 South to 699 East 700 South were to be included in the TC (Town Mixed Commerce) zone instead of the TR (Town Neighborhood Residential) zone.

Mr. McIlrath indicated staff recommended approval of the rezones included in the FBC along with the three changes highlighted as a result of the City Council work session discussion.

Once the public hearing was closed Mayor Shepherd asked for the public comments to be shared.

There were no public comments received.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDING TITLE 11, CHAPTER 9, ARTICLE F, SECTION 5, PARAGRAPH I – MOBILE HOME PARKS REGARDING PARKING STANDARDS AND STORAGE REGULATIONS

Brad McIlrath, stated Michael Henry, applicant on behalf of Cambridge Court Mobile Home Park, wanted to expand and add some additional mobile homes spaces which would require additional recreational space as well as storage space. He explained the request would not be possible with the current park area and Code requirements. Mr. McIlrath reported the applicant would like to have the development standard for boat, camper, trailer, etc. storage in mobile homes parks removed from City Code.

He pointed out staff reviewed municipal codes of cities in Weber, Davis, and Salt Lake counties and several of those standards had been included with the packet for the Council's review. Mr. McIlrath reviewed the summary of standards in surrounding communities. He indicated based on the review of other standards staff had proposed alternative language for the Code which would be more specific as to the amount of storage space.

Mr. McIlrath noted staff measured storage areas in both Cambridge Court and Sundown Mobile Home Parks to determine if changes in the Code specifying eighty square feet would require any

additional storage areas for either park. He pointed out based on the measurements calculated it would reduce each park's storage area by about 50 percent. He indicated keeping the regulations in place would be important not only by adding an amenity for the mobile home park but it would also improve the image of the City by ensuring storage was kept in a specific place.

He reviewed the ordinance proposals from the applicant and staff:

- *Applicant Proposal*
 - I. Parking: See [chapter 14](#) of this title. ~~In addition, space shall be provided for the storage of boats, campers, trailers, etc.; one such space shall be provided for every three (3) mobile home spaces in the park.~~

- *Staff Proposal*
 - I. Parking: See [chapter 14](#) of this title. In addition, space shall be provided for the storage of boats, campers, trailers, etc.; at the amount of eighty (80) square feet of storage space for every one such space shall be provided for every three (3) mobile home spaces in the park. The designated storage area shall be hard surfaced with a material approved by the planning commission. It shall be fully enclosed by an opaque fence to screen the storage from the surrounding mobile home spaces.

Mr. McIlrath commented the zoning text amendment had been discussed during the City Council work session on April 7, 2020. He continued based on the work session discussion and recommendation from the Council, staff had included the language designating the storage area be hard surfaced with a material approved by the Planning Commission and fully enclosed by an opaque fence to screen the storage from the surrounding mobile home spaces.

He reported on April 1, 2020 the Planning Commission forwarded a recommendation of approval for the amendments proposed by staff and then additional language was proposed by staff for consideration after the discussion with the Council.

Once the public hearing was closed Mayor Shepherd asked for the public comments to be shared.

There were no public comments.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDING TITLE 11, CHAPTER 13, SECTION 34 – SUPPLEMENTARY REGULATIONS REGARDING LIGHT MANUFACTURING AND LIMITED DISTRIBUTION USES

Brad McIlrath, indicated the applicants, Mark and Grey Garza, wanted to develop a group of properties along 1700 South (Antelope Drive) with buildings that would fall under the design and use standards of light manufacturing and limited distribution uses. He stated the manufacturing and distribution services and buildings were a permitted use in the M-1 (Manufacturing) zone, but were conditional uses in the C-2 (Commercial) zone with those limitations outlined in the Supplementary Regulations of the City Code. He noted as adopted in 2015, Section 34 of the Supplementary Regulations, light manufacturing and limited distribution

buildings and uses were not “allowed on parcels that have frontage on, are adjacent to, or have direct unobscured visibility from main transportation corridors in the city.”

Mr. McIlrath indicated the applicants for the zoning text amendment recently rezoned their properties and based on market demands were seeing a request for office space or flex office and wanted to move forward with that type of development. He continued the property owners recognized a need for high quality and the proposal did include that recognition.

He reviewed a map with the streets of the City where light manufacturing and limited distribution uses would be prohibited adjacent to a property zoned C-2 (Commercial). Mr. McIlrath reviewed the applicant’s proposal and an example of the type of use in Bountiful City. He stated based on the discussion with the Council in work session on April 7, 2020, there were some additional language updates proposed by staff.

Mr. McIlrath reviewed the language proposal updates generated by staff which addressed the design more clearly. He pointed out the ordinance amendment would only apply to those properties along the north side of 1700 South. He added the applicant’s property currently would be the only property for which the proposed ordinance would apply.

Mr. McIlrath reported the Planning Commission discussed the zoning text amendment at its meeting on April 1, 2020, and forwarded a recommendation of approval.

Once the public hearing was closed Mayor Shepherd asked for the public comments to be shared.

There were no public comments received.

Following the staff presentations on each of the public hearing items, Mayor Shepherd reported the public comment period had expired.

Councilmember Roper moved to close all public hearings at 7:27 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.

APPROVAL OF ORDINANCE 2020-08 REZONING A SPECIFIC SET OF PROPERTIES IDENTIFIED IN THE CITY’S FORM BASED CODE LOCATED IN THE VICINITY OF THE CORRIDOR OF STATE ROUTE 126 (STATE AND MAIN STREET) FROM 800 NORTH TO 1000 SOUTH AND IN THE VICINITY OF THE CORRIDOR OF STATE ROUTE 193 (700 SOUTH) FROM 1000 EAST TO THE RAIL CORRIDOR

Councilmember Phipps stated he understood the intent of the rezone was to conform to the actual zoning outlined in the City’s Form Based Code (FBC). He explained his concern was his vote might be misconstrued that he was supportive of something he was not in favor of; yet, he recognized if the proposed ordinance were not approved there would be a discrepancy between the zoning and the Code. Councilmember Phipps indicated Mayor Shepherd reminded him recently that years ago many of the elected officials opposed high-density development. Councilmember Phipps reported he had been part of that effort. He indicated there had been

drastic changes since those times and he now felt the City welcomed, embraced, and in some cases even pursued high-density rentals. He said in past years elected officials wanted to lessen the amount of rentals; but currently the City was on pace to have a much greater percentage of rentals and a significantly higher amount over other surrounding communities. He voiced his opposition to the rezones. He expressed his feeling that no commercial should be zoned to mixed-use, but rather current commercial should be retained as such.

Councilmember Thompson stated he was in a mode of conflict because if the zoning were not approved as proposed there were projects that would be affected and some of them were necessary. He voiced his concern those projects left behind the median income Clearfield resident. He stated he felt all of the Council agreed the standards of the City should be raised. He expressed his worry the zoning changes would allow developers a reason to profit off the density created and not worry about the commercial aspect. He agreed with Councilmember Phipps that commercial should exist within its own industry and not as a mixed-use component. He felt the children living in neighborhoods affected by this zoning might not be able to take stock in what would be created by the zoning. He hoped the rezones were what was best for the City but expressed concerned it would prove otherwise.

Councilmember Peterson expressed her excitement for the changes and felt it was a necessary step to continue the process of helping the City turn its future around. She commented the zoning changes were not drastically different from that originally planned but rather a finessing with better alignment to the original concept for the downtown area. She acknowledged there were some major projects in the downtown area that the Council was heavily involved with and financially committed to that were dependent upon zoning approvals. She mentioned there had been some concerns with moving forward but expressed her disapproval with the idea of sacrificing progress to seek for perfection. She expressed her thoughts that the zoning proposal best represented the public input received and the professional analysis obtained when creating the Downtown Small Area Plan. Councilmember Peterson stated she did not think that density and commercial enterprises should be separated but were very symbiotic and needed to coexist to be mutually successful. She commented she was in favor of the rezones. She expressed her support of the request for Gene's His and Her's Salon to remain in a commercially zoned area. She explained she could see rationale for a couple of approaches to the zoning along State Road 193 but felt commercial was a strong use and had been commercially viable on the north end so she favored TC (Town Mixed Commerce) or a commercial component there. Councilmember Peterson concluded her opinion was to keep mixed-use along State Street and not exclude commercial that had viability there.

Councilmember Roper commented he felt Councilmember Peterson said it best and added his opinion the proposed zoning would be best for Clearfield and help it thrive. He expressed his support for the rezones.

Councilmember Bush admitted he thought the proposed changes were good, but there were still some areas and ordinance wording that should be looked at further.

Mayor Shepherd thanked the Council for its comments. He added the ordinance would not be changing the Form Based Code, but rather bring the zoning into compliance with the Code.

Mayor Shepherd stated Councilmember Phipps had expressed his comments about having a Council in years past that did not want to bring higher density to the City earlier in the process as well. He continued past councils were also hopeful that business would come to Clearfield, but as time had shown, business did not materialize; so a change was needed. He stated the City could not afford to stay the same and it was time to change; and that change would come as the downtown was revitalized and recreated. He stated those changes would come, in part, as the City brought higher density to its downtown through apartments, townhomes, or condos with all its variations. He expressed his excitement for current changes with mixed uses planned for Clearfield Junction which were moving along.

Councilmember Peterson asked for clarification about how the ordinance language reflected the zoning along the north side of 700 South. Nancy Dean, City Recorder, responded the ordinance was drafted based on the discussion of the Council during work session on April 7, 2020, with some changes to the Planning Commission recommendation specific to the north side of 700 South. Councilmember Peterson confirmed the ordinance would rezone the parcels along 700 South as CC (Gateway Corridor Commerce) for the deeper lots and TC (Town Mixed Commerce) beginning at the shorter lots moving west and thanked staff for the clarification.

Councilmember Peterson moved to approve Ordinance 2020-08 rezoning a specific set of properties identified in the City’s Form Based Code located in the vicinity of the corridor of State Route 126 (State and Main Street) from 800 North to 1000 South and in the vicinity of the corridor of State Route 193 (700 South) from 1000 East to the rail corridor 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, Roper, and Thompson. Voting NO – Councilmember Phipps.

APPROVAL OF ORDINANCE 2020-10 AMENDING TITLE 11, CHAPTER 13, SECTION 34 – SUPPLEMENTARY REGULATIONS REGARDING LIGHT MANUFACTURING AND LIMITED DISTRIBUTION USES

Mayor Shepherd mentioned the proposed ordinance reflected what had been discussed during work session on April 7, 2020.

Councilmember Bush stated it had been discussed in work session to allow more than one building on a property as long as the total square footage was not more than 30,000 square feet. He wondered if it was decided whether or not that was allowed. Mr. McIlrath answered the way the language read it would allow for any building to be up to 30,000 square feet and there could be multiple buildings. He added it did not limit the number of buildings, just the amount of square footage of each individual building.

Nancy Dean, City Recorder, explained the Ordinance had been drafted with both the applicant and Planning Commission/City Council versions. She requested the Council specify which version was desired when making the motion for added clarity.

Councilmember Bush moved to approve Ordinance 2020-10 as proposed by the Planning Commission/City Council, amending Title 11, Chapter 13, Section 34 – Supplementary Regulations regarding Light Manufacturing and Limited Distribution Uses 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 2020-11 AMENDING TITLE 11, CHAPTER 9, ARTICLE F, SECTION 5, PARAGRAPH I – MOBILE HOME PARKS REGARDING PARKING STANDARDS AND STORAGE REGULATIONS

Mayor Shepherd stated the proposed ordinance had been drafted with both the applicant proposal and staff proposal. He requested the Council clarify which version was wanted during the motion.

Councilmember Peterson moved to approve Ordinance 2020-11 amending Title 11, Chapter 9, Article F, Section 5, Paragraph 1 – Mobile Home Parks regarding parking standards and storage regulations, as drafted by staff with discussion from the City Council; 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.

Mayor Shepherd stated the Open Comment Period would be extended while the communication items were discussed to allow time for any still interested in commenting to have additional time to do so.

COMMUNICATION ITEMS

Mayor Shepherd

1. Thanked Eden Bush for her service on the Youth Commission and Planning Commission. He indicated something would be presented in the future to her in person when different circumstances would allow recognition of her outstanding service.
2. Shared updates about COVID-19 and feedback from the County health officials. He mentioned it was likely safety precautions would remain in place for a while. He reported cases were dropping in the area and the City was doing great. He explained economic outcomes were worrisome and he would push hard to loosen restrictions as soon as possible. He indicated the restrictions would likely shut down the City’s Fourth of July events. He acknowledged the City would continue to see what could be done moving forward.
3. Thanked staff for the City’s Easter event which included a drive-by egg pick up with the Easter Bunny, an egg delivery to registered homes, and search the City activity. He was pleased staff kept things going even though it had been a difficult setting.
4. Thanked everyone for joining the meeting on Zoom and staff for finding ways to keep things moving forward during unusual times through a virtual environment.
5. Stated Governor Herbert announced earlier in the day that the remainder of the 2019/2020 school year would be online. He wished parents with young children luck as they schooled from home.

Councilmember Bush nothing to report until next meeting when updates would be provided about the North Davis Sewer District.

Councilmember Peterson echoed sentiments of Mayor Shepherd and thanked everyone.

Councilmember Phipps reported on updates from Wasatch Integrated:

- Self-haul services were reopened and Wasatch Integrated was taking all appropriate actions to ensure safety of staff and only allowed credit card payments.
- Transfer Station should be working on May 12, 2020.
- Material Recovery Facility should be online the third week of May 2020. As it initiated, there could be a learning curve until it was fully operational due to safety and manpower issues.

Councilmember Roper

1. Announced North Davis Fire District (NDFD) had been keeping up services handling the current situation. He explained that precautions had been helpful and the NDFD was ahead of the game trying to keep its fire personnel safe.
2. Thanked staff for its quick response to address an issue reported on one of the trails.
3. Thanked Eden Bush for her service on the Youth Commission and said she would be missed. He reported the City had amazing youth.

Councilmember Thompson

1. Acknowledged the Mosquito Abatement District – Davis had experienced some slowdowns due to COVID-19. He reported currently the Centers for Disease Control and Prevention (CDC) did not have statistics about West Nile Virus available, but the District was treading along.
2. Expressed his interest in helping minority communities understand the need for virus testing and he was working on effective communication.
3. Reported his concern for the economy while things were in a state of uncertainty. He expressed empathy for local businesses. He indicated even though things were crazy he was encouraged by the State and felt it had shown the world how local responses and trusting was the best way to govern and create a healthy State.

Mayor Shepherd requested Eden Bush take a moment to express her thoughts.

Eden Bush expressed appreciation to everyone for their patience with her. She thanked Mayor Shepherd, Councilmembers Roper and Peterson, and staff members Brad McIlrath and Spencer Brimley for help and guidance. She indicated the experience to serve with the Planning Commission was hard but as she persevered it had been amazing. She enjoyed her time working with the Youth Commission and hoped other youth of the City would step forward to serve and help the City to grow. Mayor Shepherd thanked her again.

OPEN COMMENT PERIOD

Mayor Shepherd acknowledged time had been extended for the open comment period and asked if any comments had been submitted. Trevor Cahoon, Communications Coordinator, replied there had been no comments received.

Kristi Bush, resident, requested to comment. She indicated she had just learned that the mayor from South Jordan had written letters to all the small business owners in her city encouraging them to apply for the loan available as a result of the COVID-19 pandemic. She indicated that mayor had even offered staff with specialized services to assist those small businesses owners with the application. She mentioned it would be marvelous for small businesses in the cities to utilize those resources to help the economy. It would be good for the City to assist small business in Clearfield in the same manner so they knew the City cared.

There being no further business to come before the Council, **Councilmember Thompson moved to adjourn the policy session and reconvene in work session at 8:08 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.**

**APPROVED AND ADOPTED
This 28th day of April, 2020**

/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 14, 2020.

/s/Nancy R. Dean, City Recorder