

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
August 25, 2020

City Building  
55 South State Street  
Clearfield City, Utah

|                |   |   |
|----------------|---|---|
| PRESIDING:     | Vern Phipps   | Mayor Pro Tem   |
| EXCUSED:       | Mark Shepherd   | Mayor   |
| PRESENT:       | Kent Bush<br>Nike Peterson<br>Tim Roper<br>Karece Thompson  | Councilmember<br>Councilmember<br>Councilmember<br>Councilmember  |
| STAFF PRESENT: | JJ Allen<br>Summer Palmer<br>Stuart Williams<br>Kelly Bennett<br>Adam Favero<br>Braden Felix<br>Eric Howes<br>Spencer Brimley<br>Brad McIlrath<br>Rich Knapp<br>Trevor Cahoon<br>Nancy Dean | City Manager<br>Assistant City Manager<br>City Attorney<br>Police Chief<br>Public Works Director<br>City Engineer / PW Deputy Director<br>Community Services Director<br>Community Development Director<br>Senior Planner<br>Finance Manager<br>Communications Coordinator<br>City Recorder |

Mayor Pro Tem Phipps called the meeting to order at 7:00 p.m.

Mayor Pro Tem Phipps informed the audience that if they would like to comment during the Open Comment Period there were forms to fill out by the door.

Councilmember Thompson led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE JULY 28, 2020 WORK SESSION

**Councilmember Peterson moved to approve the minutes from the July 28, 2020 work session; as written, seconded by Councilmember Roper. 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 CLEARFIELD CITY'S 2020 ANALYSIS OF IMPEDIMENTS (AI) TO FAIR HOUSING CHOICE

Brad McIlrath, Senior Planner, explained the Analysis of Impediments (AI) to Fair Housing Choice report had been a requirement of the City's Community Development Block Grant (CDBG) program each time it completed a five-year action plan. He indicated the study should drive the City's CDBG funding to help remove barriers to the development of housing choices for low and moderate income household. He noted it might be the last time the City prepared an AI because the U.S. Department of Housing and Urban Development (HUD) was no longer requiring the study as a qualification for CDBG funding.

Mr. McIlrath mentioned the City had contracted with Resource Consultants to complete the study. He reviewed the following impediments to fair housing in Clearfield that the consultants had identified in the 2020 AI report:

- Limited English proficiency
- Large populations of minorities, disabled, low-income and other protected classes found in Clearfield
- Lack of accessible and visitable housing
- Job transit connections
- Lack of familiarity with the Fair Housing Act

He pointed out the Council had an opportunity to review the 2020 AI report at its work session on August 4, 2020. He noted citizens were given the opportunity to review the plan in the Community Development Department from June 9, 2020 to July 14, 2020. Mr. McIlrath recommended the Council approve the adoption of the 2020 Analysis of Impediments to Fair Housing Choice.

Councilmember Peterson apologized that two concerns she found with another review of the documents were not vetted during the work session discussion. She mentioned the following items should be removed or revised because each was not consistent with the current policy of the City:

- Page 7 – Additionally, Clearfield has amended its zoning code to grant a density bonus or another financial incentive to developers building single family homes. This bonus would allow developers to build more single-family homes per acre or receive another financial incentive if they make a certain percentage of the newly constructed homes “visitable.”
- Page 32 section: Quality of Housing Inventory – An analysis of age and value of homes in Clearfield indicates several neighborhoods where there are a large number of homes built prior to 1960 and valued at less than \$100,000.

Councilmember Peterson stated she was not aware of any policy where density bonus or other financial incentives were given to developers. She pointed out even the older homes in Clearfield likely commanded a value higher than \$100,000. Mr. McIlrath acknowledged having the same concerns when reviewing the document and said he would speak with the consultants about it. Councilmember Peterson expressed her appreciation for the work of the consultants in preparing the document and found it easy to read with great information.

Councilmember Thompson stated he felt encouraged that even though the poverty level was 9.5 percent there was only a one percent eviction rate. He expressed how pleased he was these numbers represented the inclusionary nature of the City.

Mayor Pro Tem Phipps commented his observations of the document did not affect the objective usability of it, but he found the numbers were quite dated. Mr. McIlrath stated he asked the consultants about the data used and was assured it was the most recent data available from the U.S. Department of Housing and Urban Development (HUD) and the State. He indicated being pleased to see data was also included from work done by the Kem C. Gardner Institute to provide local comparison data. He noted most studies were outdated as soon as they were completed so he recognized some limits with data resources.

Mayor Pro Tem Phipps acknowledged the City was driving towards a substantial increase of high density and because the data included in the report was so dated that might not have been accurately reflected. He mentioned if it had been noticed sooner, he might have requested some wording changes to show the City was increasing its density essentially as an objective. Mr. McIlrath pointed out that message could be communicated to the consultants to see if there was a way to address it. Councilmember Phipps responded if changes could be made that did not slow the process he would be supportive of the clarification.

**Councilmember Roper moved to approve the 2020 Analysis of Impediments to Fair Housing Choice with the amendments and any clarifications discussed 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 FINAL SUBDIVISION PLAT FOR THE UNION TOWNHOMES  
SUBDIVISION LOCATED AT APPROXIMATELY 305, 315, AND 325 EAST 700 SOUTH

Brad McIlrath, Senior Planner, stated the Union Townhomes Subdivision was located at approximately 305, 315, and 325 East 700 South. He mentioned the Council reviewed the subdivision plat during its work session on August 11, 2020. He pointed out the site plan and preliminary subdivision plat were approved by the Planning Commission on June 17, 2020.

Mr. McIlrath indicated originally the subdivision was planned for 61 townhomes but in order to comply with Form Based Code standards was reduced to 58 townhomes. He reviewed the subdivision plat and noted the modifications made to comply with Form Based Code standards. He mentioned the detention basin for the project would be shared with the Newcastle Greene Townhomes subdivision to the north and the developers were working with staff and the City Engineer to ensure it would meet the needs for both developments. He reviewed the site plan, demolition plan, landscape drawings, layout, and elevation renderings planned for the project.

Mr. McIlrath reported on August 5, 2020 the Planning Commission reviewed the final subdivision plat and forwarded a recommendation of approval to the Clearfield City Council with the five conditions outlined in the staff report.

Councilmember Bush asked if all the townhomes had garages. Mr. McIlrath answered each townhome had a two car garage and they were side by side.

Councilmember Bush wondered if there was visitor parking for the development. Mr. McIlrath responded visitor parking was available in four locations as shown on the landscaping plan. He mentioned during non-winter months parking on the streets would also be an option.

Mayor Pro Tem Phipps recognized the site had formerly been used by an auto repair shop. He questioned if there was any potential for hazardous waste contaminates on the site. Mr. McIlrath answered there certainly could be and it would be up to the developers to get the proper permits and address any contaminants discovered as part of the development process.

Councilmember Bush asked if all the conditions required for approval had been met. Mr. McIlrath explained all of the five conditions either had been met or the developer was working towards compliance. He pointed out condition number two addressed the project needing to have a Homeowners Association (HOA). He indicated the developer was currently working on the necessary documents which would then be reviewed by the City Attorney to make sure it complied with that requirements then, once fully executed, could be recorded along with the subdivision plat at the County. He continued condition number four would be continually reviewed throughout the construction process and condition five would also need to be completed before final recording of the plat.

Councilmember Thompson wondered if there were balconies displayed on the site plan. Mr. McIlrath said the majority had full balconies but others had a balcony concept. Councilmember Thompson asked if the Form Based Code (FBC) required screening for balconies. Mr. McIlrath stated the FBC code did require screening of balconies in certain zones; however, the project was in the TR Zone so it would not apply.

**Councilmember Peterson moved to approve the final subdivision plat for the Union Townhomes Subdivision located at approximately 305, 315, and 325 East 700 South with the five conditions recommended by the Planning Commission 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 RESOLUTION 2020R-13 AUTHORIZING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT WITH THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY TO PROVIDE MUNICIPAL SERVICES ON AN AS NEEDED BASIS AT FALCON HILL

Rich Knapp, Finance Manager, stated the City currently had an Interlocal Agreement with Military Installation Development Authority (MIDA) to provide municipal services on an as needed basis at Falcon Hill. He explained all fees charged by the City through the agreement tied to a direct cost, except for the storm sewer utility fee. He pointed out that fee was based pm the total impervious surface and had been charged at \$193.00 per month.

Mr. Knapp stated MIDA recently approached the City requesting it no longer charge the monthly storm water utility fee as set forth in the agreement because all the storm runoff from the impervious surface was handled by MIDA from within MIDA's boundaries. He indicated staff determined there was no overhead or ongoing costs incurred by the City related to MIDA's storm water; therefore, recommended approving the proposed amendments to the agreement for discontinuing the storm sewer utility fee of \$193 per month. Mr. Knapp mentioned any direct costs related to storm would continue to be billed at the rates set forth in the agreement.

**Councilmember Thompson moved to approve Resolution 2020R-13 authorizing an amendment to the storm sewer utility fee in the Interlocal Cooperation Agreement with the Military Installation Development Authority 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.**

#### AWARD OF BID FOR THE WATERLINE IMPROVEMENT PROJECT ON STATE STREET FROM 700 SOUTH TO 1450 SOUTH

Braden Felix, City Engineer / Public Works Deputy Director, stated the waterline improvement project along the west side of State Street would be between 700 South and 1450 South. He pointed out the upgrades from the current 4-inch line to a 10-inch line would help ensure the City was able to better supply its water demand along State Street and better equip the City to meet the demands of any future growth or development. He mentioned the bid award was discussed with the Council during its work session on August 11, 2020.

Mr. Felix explained the City solicited bids and Paragon Construction Systems was the low bidder on the project. He noted that contractor was working with the City on another project on 1100 South and staff had been pleased with its quality of work. He stated staff recommended approving the contract and bid award to Paragon Construction Systems for \$1,273,641.48 with contingency of \$258,010.30 for a total project cost of \$1,531,651.78.

**Councilmember Peterson moved to approve the award of bid for the Waterline Improvement Project on State Street from 700 South to 1450 South to Paragon Construction Systems for the bid amount of \$1,273,641.48 with contingency and engineering costs of \$258,010.30 for a total project cost of \$1,531,651.78 and authorized the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

#### UPDATE ON THE FISCAL YEAR 2020 YEAR END FINANCIAL STATUS

Rich Knapp, Finance Manager, reviewed the year-end revenues and expenditures for fiscal year 2020. He pointed out the numbers included in the agenda packet were out of date and the summary information included with the presentation was updated but still in draft form because there would still be more changes before the year-end report was completed. He indicated the FY20 budget had projected the City to spend down \$3,783,627 of its reserves, but the draft

actuals showed a reduction in reserves of only \$786,900. He pointed out the available cash or unrestricted fund balance was about 37 percent of the City's revenues which was \$2 million higher than allowed by the State.

Mr. Knapp highlighted the following key revenues:

- Sales Tax - \$573,000 over budget, \$425,000 higher than last year
- Energy Tax projection - \$64,000 under budget, \$135,000 lower than last year
- Building permits - \$213,000 over budget, \$110,000 higher than last year
- Clearfield Aquatic and Fitness Center (CAFC) - \$450,000 under budget, \$337,000 less than last year actuals
- Recreation - \$130,000 under budget
- Fine/Forfeitures - \$63,000 under budget
- Fee/Costs/Contempt - \$57,000 under budget
- Community Service Rentals - \$62,000 less than last year

Mr. Knapp highlighted the following key expenditures:

- Payroll - \$980,000 under budget, \$45,000 higher than last year
  - CAFC - \$363,000 under budget
  - Recreation - \$193,000 under budget
- Coronavirus Aid, Relief, and Economic Security (CARES) Public Safety Personnel - \$315,000 expense reimbursement
- Transfer to Capital Projects Fund for future projects - \$582,000
- CAFC and Recreation \$274,000 less spending than last year

Mr. Knapp reviewed the economy statistics for state and national averages of personal income growth; Utah labor market trends; and he noted the housing prices in Utah increased 6.5 percent since June of 2019. He highlighted historical point of sale data for Clearfield by quarter. He reported in June of 2020 the City received the highest amount of sales tax revenues in history and it was also the second highest month for the State on record. He reviewed the following Clearfield sales tax information:

- FY20 sales tax was 9.2 percent or \$425,000 higher than FY19
  - \$573,000 higher than budgeted
- Clearfield's total point of sales was .46 percent of all State sales
  - Increased from .44 percent in FY19 or 8 percent
- Clearfield population as a percent of the State had decreased 3.3 percent in the last five years and was just above one percent of the State's population

Mr. Knapp highlighted the City's historical point of sales totals by percent and dollars for each industry. He reported the taxes received for online shopping or those purchases made that were delivered to the City were trending higher each year and almost 40 percent of the City's total sales tax revenues.

He mentioned tranche two of the CARES Act funding would be coming shortly and be about \$946,000. Mr. Knapp noted there would need to be an additional discussion to determine how the funding would be allocated.

Councilmember Bush pointed out the City had \$2 million to spend in reserves. JJ Allen, City Manager, mentioned some of the excess reserves was due to decreased spending but some would be spent towards capital projects which had not been able to be completed in FY20. Mr. Knapp noted another reason for the excess in reserves was due to conservative budgeting and revenues coming in much higher than expected.

## COMMUNICATION ITEMS

**Mayor Pro Tem Phipps** – attended the tour of the Wasatch Integrated Davis Materials Recovery Facility on August 20, 2020. He mentioned Wasatch Integrated had more details about each of the stations along the tour that could be viewed on its website. He reported the Board had approved its budget and things were going well.

### **Councilmember Bush**

1. Enjoyed the tour of the Wasatch Integrated Davis Materials Recovery Facility.
2. Met with the State's Uniform Building Commission and the amendments to the Utah Electrical Code were passed so it would be presented to the Legislators for consideration in January.
3. Listened to the discussion about accessory dwelling units (ADUs) during the Business of Labor Committee meeting. He indicated the topic would be one to watch during the legislative session because the proposal might be for cities to mandate ADUs and eliminate all impact fees.

**Councilmember Peterson** – visited eight schools that served Clearfield residents earlier to welcome students, administrators, and faculty back to school. She expressed appreciation to educator teams at each of the schools.

**Councilmember Roper** – apologized for not being able to join with the Council on the tour. He reported the North Davis Fire District had passed its budget and would be looking for ways to prepare for future growth, protect residents of the District, and maintain fiscal sustainability.

### **Councilmember Thompson**

1. Attended a webinar about understanding the new state of local businesses which was hosted by the Small Business Administration and Utah Chamber of Commerce.
2. Visited with some of the local businesses to inform each of the City's CARES Act grant program. He reported on the feedback from business owners about their economic successes or struggles during the past months dealing with the COVID-19 pandemic. He planned to continue meeting with local business owners and learn more stories.
3. Attended the Ogden Branch National Association for the Advancement of Colored People (NAACP) monthly meeting on August 10, 2020. He mentioned the Davis School District recently joined as a corporate member and he felt it would be great for the School District. He shared highlights of the meeting related to statistics from an assessment on juvenile criminal justice reform in the State. He pointed out the assessment showed minority children were experiencing difficulties. He expressed his desire for an equitable society and hoped as an organization it could attack those issues. He also learned the School District would be moving from a content based assessment to a skills based learning system. He encouraged everyone to be patient with teachers as they applied those changes.
4. Invited to participate on the NAACP Ogden Economic Development Committee. He expressed his excitement for the opportunity to help make a better place for Davis County and Clearfield City.

## STAFF REPORTS

### ***JJ Allen, City Manager***

1. Reported the hedgehog methodology committee was ready to begin holding meetings.
2. Invited the Council to join City employees at the Maintenance Operations Center (MOC) for lunch on August 26, 2020 between 11:00 a.m. until 1:00 p.m.
3. Announced the ribbon cutting ceremony for Pop's, the new Sinclair station, would be on Friday, August 28, 2020 at 1:00 p.m. He pointed out the Mayor had asked for representation by the Council since he was out of town.
4. Informed the Council his daughter had baked a cake which would be served in the hallway following the meetings.

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

- No meeting on September 1, 2020.
- Joint work session with Planning Commission; work and policy sessions on September 8, 2020.
- Work session on September 15, 2020.
- Policy session on September 22, 2020.
- Virtual ULCT Annual Convention Sept 21<sup>st</sup> – 25<sup>th</sup>; asked the Council to review the email sent out earlier today about registrations.

***Eric Howes, Community Services Director*** – updated the Council about the plans for a modified Boo-nanza event planned for 2020. He explained due to the typical event size the event would be modified to the outdoors and include a movie in the park the night before Boo-nanza, then the next day have a pumpkin drop off to residents similar to the Easter event, and later in the evening hold an outdoor drive up event involving local businesses to decorate for a drive thru spook ally reverse trunk-or-treating activity.

**Councilmember Peterson moved to adjourn the policy session and reconvene in work session at 8:07 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

**APPROVED AND ADOPTED  
This 8<sup>th</sup> day of September, 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, August 25, 2020.

**/s/Nancy R. Dean, City Recorder**