

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
August 4, 2020

City Building  
55 South State Street  
Clearfield City, Utah

*The meeting was held electronically via Zoom Meeting address:*

Zoom Meeting  
<https://us02web.zoom.us/j/89823547318>  
Meeting ID: 898 2354 7318

PRESIDING VIA  
ZOOM MEETING:

Mark Shepherd

Mayor

PRESENT VIA  
ZOOM MEETING:

Kent Bush  
Nike Peterson  
Vern Phipps  
Tim Roper  
Karece Thompson

Councilmember  
Councilmember  
Councilmember  
Councilmember  
Councilmember

STAFF PRESENT  
VIA ZOOM MEETING:

JJ Allen  
Summer Palmer  
Stuart Williams  
Kelly Bennett  
Adam Favero  
Eric Howes  
Spencer Brimley  
Brad McIlrath  
Rich Knapp  
Lee Naylor  
Trevor Cahoon  
Wendy Page

City Manager  
Assistant City Manager  
City Attorney  
Police Chief  
Public Works Director  
Community Services Director  
Community Development Director  
Senior Planner  
Finance Manager  
Accountant  
Communications Coordinator  
Deputy Recorder

EXCUSED:

Nancy Dean

City Recorder

VISITORS: Brian, Heather Laird – Resource Consultants, Ryan Hales, Elizabeth McNannay – Resource Consultants, Ken Shields, Doug Thimm, Darin Fristrup, Tyler Smithson, Timothy Merrill, Nathan Ricks, David Abraham, Trevor Evans

Mayor Shepherd called the meeting to order at 6:03 p.m.

## DISCUSSION ON THE DRAFT 2020 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE REPORT

Brad McIlrath, Senior Planner, welcomed Heather Laird and Elizabeth McNannay the consultants from Resource Consultants that worked with staff on preparing the Analysis of Impediments for 2020. He 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 at 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 households. He reviewed the following impediments to fair housing in Clearfield that the consultants had identified in the 2020 AI report:

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

Heather Laird, Resource Consultants, pointed out she had helped many communities prepare the AI report and each had to identify impediments. She noted every community had things to work on, but Clearfield should feel good about where it was as a community. She acknowledged the biggest challenge for low to moderate income households was simply the cost of housing burden and that problem was bigger than one to be solved on the City Council level. Ms. Laird mentioned the five impediments were things that the City could integrate into projects and things already happening in the community. She stated all of the action items were relatively inexpensive and easy to do to make a substantial difference for the low and moderate income households in the community. She recognized the document had to show areas of challenge; but expressed her opinion in relationship to Davis County, the State of Utah, and the country, Clearfield was doing really well.

Elizabeth McNannay, Resource Consultants, added the items in the plan were items already called out in other planning documents the City was using. She agreed Clearfield should get a big high five for doing so well. She stated the impediments identified were common and some communities had challenges, but Clearfield was already working towards the action items and doing a good job.

Ms. Laird reported last week the federal government announced it would no longer require the AI report as a qualifier for funding from entitlement communities. She added it could be utilized as much or as little going forward; but 45 days from now, it would no longer be a requirement. Mr. McIlrath clarified the current presidential administration was not requiring the document; however, that could change in the future based on the desire of another administration.

Councilmember Peterson stated some of the recommendations were not being addressed in the budget and she wondered if there were some things that might need to be discussed further during the budget discussion such as contracted translation services. She pointed out several of

her questions currently seemed irrelevant because an assessment of how the City was addressing impediments would not be required.

Councilmember Thompson questioned how well the City's new website would correlate with Google Translate. JJ Allen, City Manager, responded the City currently translated several of its documents into Spanish especially those related to the CDBG program, but he was not sure how it would work for the City's new website which was still being designed. Trevor Cahoon, Communications Coordinator, mentioned staff had done some integration for translation, but it might not be perfect so it should be further tested. He recognized twenty (20) percent of the City's population could be helped by Spanish translation. He mentioned the website would also be compliant with Americans with Disabilities Act (ADA) standards to ensure it was usable for every person and population. Mr. Cahoon acknowledged the text would be limited so that should help with the amount of translation necessary. He pointed out it would also be necessary to work on translating other documents of the City so those were available.

Councilmember Peterson wondered if it would be more cost effective to pursue contracted translation services or make technical changes in the website to allow Google Translate to assist the Spanish population of the City. Mr. Cahoon answered making the City's website more adaptive with Google Translate would be ideal. Councilmember Peterson requested to have staff provide information in the future on what the costs or options would be to serve the Spanish population of the City and have it integrated with the website while it was still in the design phase and before it went live. Mr. Allen added the City did have some personnel who could assist with translations when needed at the Customer Service Center, Police, or Court; however, there were translation services available when necessary.

Councilmember Thompson wondered what the law was on advertising to make sure some of the Low-Income Housing Tax Credit LIHTC projects in the City were targeting the most underrepresented populations. Mayor Shepherd responded the City would not be responsible for marketing the LIHTC projects; it would be an obligation of the developer. Ms. Laird agreed the developers understood the requirements and ultimately were responsible for meeting those guidelines. There was a discussion about affordable housing in Clearfield and areas of responsibility ranging from developers, the County, and the City to work collaboratively in moving forward with regional affordable housing goals.

Mr. Allen stated the document was called Analysis to Impediments Fair Housing Choice but much of the discussion had been about affordable housing. He asked if fair housing choice and affordable housing were fundamentally the same or completely separate issues. There was a discussion about how fair housing and affordable housing often blended together. Mr. Allen pointed out the fundamental purpose of the document was to address impediments to fair housing for protected classes; however, it was often confused with affordability. Ms. Laird commented there was a struggle in many communities where those with low income levels might have difficulty in finding housing but that was not a problem in Clearfield. She added different communities had different minority pressures.

Councilmember Thompson wondered if the document addressed renter's rights. He expressed his concern that if renter's rights were violated it could create a challenge for residents in the City.

Ms. Laird commented section three spoke broadly to fair housing rights, but not specifically about renter's rights.

Councilmember Thompson wondered if there was something more that could be done on the City's website or through collaborating to help residents be aware of their rights. Ms. Laird questioned if he was concerned specifically about eviction rights. Councilmember Thompson said yes, the residents could have challenges with displacement if eviction rights were violated. He mentioned United Way 211 did a great job of helping people connect to a wide range of resources and services. Ms. Laird indicated the Disability Law Center (DLC) was the place someone could file a grievance with HUD if there had been a violation of the Fair Housing and Equal Opportunity Act. She pointed out many cities contracted with consultants to do an audit of the community and determine if there were challenges for renters or other areas where improvements could be made such as marketing or messaging.

Ms. McNannay stated Clearfield's eviction rates were at one percent which was great in comparison to national eviction rates of ten (10) to fifteen (15) percent. She mentioned that statistic was encouraging and indicated that Clearfield was doing something that was working. She pointed out it would be important during the current economic difficulties that the City continue to use its resources or provide extra support to renters ensuring eviction rates remained low. She acknowledged if an individual or family was evicted their chance of homelessness increased substantially. Ms. McNannay added a great benefit which could also be effective in keeping eviction rates low would be to partner regionally and hold landlord trainings.

Mayor Shepherd thanked the consultants for their work in preparing the AI.

#### DISCUSSION ON THE CLEARFIELD STATION DRAFT MASTER DEVELOPMENT PLAN (MDP)

Summer Palmer, Assistant City Manager, indicated the staff report listed two outstanding issues remaining with the Clearfield Station draft Master Development Plan (MDP). She asked if there were any additional things to discuss other than the two listed in the staff report.

Councilmember Bush wondered if the phasing of the 1450 South connection was determined to be the last thing. JJ Allen, City Manager, answered it would all be done first thing presuming the rights-of-way were in place. Councilmember Bush asked if the same would be true of Depot Street. Mayor Shepherd responded yes. He indicated the idea of preparing a super pad for the site was to ensure all intersections and utilities were in place and the ground was shovel ready for further development.

Councilmember Bush questioned if the pedestrian and bike trail connections planned with Utah Transit Authority for the FrontRunner Station were also happening in conjunction with the MDP. Spencer Brimley, Community Development Director, explained the trail improvement project was being coordinated with the Clearfield Station project to make sure it was consistent; however, it was a completely separate project and had not yet been designed. Brad McIlrath, Senior Planner, reported staff would soon be meeting with UTA staff to visit the site and begin plans for its design.

Ms. Palmer stated the alternative intersection plan was recently emailed to the Council. She pointed out on July 16, 2020, the document was discussed in a meeting with the Clearfield Station development team, Mayor Shepherd, and Councilmembers Bush and Peterson. She mentioned the alternate arrangement had been reviewed and constraints were listed that would need to be overcome to accomplish the alternative plan. Ms. Palmer indicated the developers and some representatives from UTA would be available on the Zoom meeting to help answer any questions if needed. She asked if the Council wanted to choose the alternate intersection plan and overcome the constraints to avoid the originally presented arrangement.

Mayor Shepherd pointed out the following things would be challenging and expensive:

- Billboard would require relocation.
- Acquisition of property at the intersection which would result in landlocked/unusable property.
- Acquisition of right-of-way along 1150 South, east of State Street to and perhaps beyond 1000 East.

He voiced having difficulty in choosing to use eminent domain to acquire property for the project as opposed to the original right-in, right-out configuration. He pointed out there would be challenges for traffic no matter what configuration was used. Mayor Shepherd expressed his concern for Manuel's El Burrito restaurant that could be impacted from adjustments to traffic patterns, but expressed optimism the future development of Clearfield Station should benefit the business. He acknowledged the property acquisition alone would cost the City \$1 million to \$1.5 million.

Mr. Allen shared the original layout with the Council and pointed out the east side of 1150 South would be right-in, right-out. Councilmember Bush asked if the intersection would be signalized. Mr. Allen answered it would. He pointed out crosswalks were still an ongoing discussion with Utah's Department of Transportation (UDOT) and there was a possibility UDOT might not allow a crosswalk on the north side but staff was working through those options. Mayor Shepherd confirmed if the north side were not an option the south side would still be allowed to have a crosswalk. There was a discussion about how traffic patterns around 650 North businesses were similar to what was being proposed.

Mr. Allen stated the group discussion was planned for staff to obtain clear direction on which intersection plan to use.

Councilmember Roper expressed his opinion the first plan worked best and even though it was not ideal, it was better than the alternative option.

Councilmember Bush commented one of his reasons for not wanting the alternative option was the developer had mentioned there might be adjustments to the townhomes that would be necessary. He expressed his opinion a reduction in the townhomes and adding more apartments for the density displacement was not appealing. Ms. Palmer agreed the displaced density created by the alternative plan would not allow for a step down approach on the south end of the project.

Councilmember Phipps recognized there was no good alternative, but he appreciated the efforts of preparing another option for review.

Councilmember Thompson indicated his concern with the plans was over the impacts for children needing access to the schools along 1000 East. There was a discussion about new traffic patterns and how students would get to school safely. Mr. Allen pointed out it was important to understand as the site developed all the answers to questions might not be known; however, there would be time to study things, make adjustments, or call in experts when necessary. He noted questions surrounding safe school routes should not delay consideration of the MDP. Councilmember Thompson agreed but wanted to voice his concern. Ms. Palmer pointed out there could be alternatives or natural paths for routes to school through the development or along trails which would not be identified until the development began.

The consensus of the Council was to move forward with the original plans for the intersection at 1150 South and State Street.

Ms. Palmer commented the other issue to vet as a group was related to the phasing of residential versus commercial uses for the overall project. She mentioned staff had been working to fix the language in the agreement on page 70 to better articulate the balance desired by the Council between residential and other uses in the project and hold the developers accountable to it. She pointed out the development would be a long-term market driven project. Ms. Palmer indicated the sediment behind the language updates was meant to provide the developer flexibility recognizing the marketability component and also include the desire of the Council to have the development be balanced between residential and other uses.

Ms. Palmer acknowledged some language was proposed in the staff report and wondered if it hit the mark or needed additional adjustments.

Councilmember Phipps liked the sediment expressed but as he read the language he had not entirely understood what it said so he appreciated the explanation behind it.

Councilmember Peterson commented the phasing was her big sticking point so she appreciated the work that went into the language changes. She felt the overall sediment was going in the right direction. She proposed striking the sentence beginning with the word “alternatively.” She voiced her concern with having ambiguous language in the agreement and holding a developer to return annually to the Council and provide a report on the progress of the development. She expressed her worry about the Planning Commission if the MDP were vague, it would be challenging to interpret it and make it work. Councilmember Peterson suggested as each project within the development was brought to the City it should be reviewed and identified as either residential or some other use, but it should not be allowed until the proper balance for the development was in place, as opposed to hoping the commercial uses would be provided in the future. She continued the flexibility for the developer was in the land use process, which was purposely difficult but allowed for a vetting process if amendments to the development plan were needed. She hoped the development team would recognize the flexibility in the land use process balanced the risk and burden of the City for its completing the project’s infrastructure, which was something no other developer had asked of the City. There was a discussion about the balanced and strategic approach to the development, keeping the development in line with the square footages included in the Master Develop Agreement (MDA), using the MDP to lay out the process as it should be followed, phasing of the project for parity between residential and

commercial or other uses, and the length of the project made the balancing aspect of the MDP important.

Mr. Allen pointed out the focus of the discussion should be narrowed to best understand how to handle mixed uses. He stated the difficulty with the paragraph in the MDP on page 70 was with crafting language that explained how to find balance for the development when it pertained to mixed uses. He mentioned staff had been struggling with creating language. He shared the following draft of the language with the Council:

*The complexes labeled as MU Residential A, B, C, and D have the potential to be balanced within themselves, but only if the commercial aspect of the building is constructed, marketed, and used as such from the beginning, and is a use that is other than dedicated residential support. If initially no viable commercial retail is identified from a marketability standpoint, then a flexible residential alternative may be substituted provided that it is designed for conversion to commercial use in the future. These may include live/work units or storefront residential units. To ensure that the phasing is balanced throughout the development of Clearfield Station, a MU Residential A, B, C, or D building that utilizes the designated commercial space as residential shall be considered a solely residential complex that must be balanced by a separate office/commercial building.*

*Any variation from this balanced approach (seeking additional residential development before the requisite commercial is in place) will require the explicit approval of the Clearfield City Council.*

Mayor Shepherd said he liked the last sentence and felt it would work. Councilmember Peterson agreed the last sentence worked. Councilmember Bush voiced his concern the development phasing should also be tied to the square footages. Councilmember Peterson expressed her worry if phasing was tied to a square footage it could put future staff and Council in a difficult position at the end of the project. She felt there should be a way for staff to govern the land use when an application came in. Mayor Shepherd agreed and reported it was difficult to spot fill commercial as seen with the Clearfield Junction project. He noted the development partners would not want to build something without knowing it was ready for the intended uses. Mayor Shepherd expressed his opinion the last sentence in the drafted language that said any variation from the balanced approach would require the explicit approval of the City Council would help ensure the desired development phasing. Councilmember Peterson wondered if rather than the wording “will require the explicit approval of the Clearfield City Council” the language should be more specific and point to the process of an amendment so it was clear what step would be necessary.

Mr. Allen reminded the Council the intent for the development was to begin with its first building as the gym and then next would be the development of a portion of residential use and then alternating between commercial and residential development. Councilmember Peterson appreciated the potential for the development and simply wanted to make sure the intentions were represented well in the MDP.

Councilmember Phipps voiced his concern about the language in the first sentence and wondered why if there was a deviation from what was planned as stated “from the beginning,” the City was

not requiring an amendment to the MDP for that change but instead the language appeared to be giving pre-approval for changes to occur. There was a discussion about the drafted language and its flexibility with alternative options for the developer because of the long term nature of the project and how the administrative process would work if things changed during construction so the development could remain true to its balanced phasing.

Councilmember Phipps voiced his concern based on the discussion there were differing interpretations of what the phrase “from the beginning” meant in the drafted language of the MDP. He pointed out if that phrase were removed it would allow for changes at any time throughout the development process, which seemed from the discussion to be an acceptable solution; as long as it was done properly through the amendment process. The consensus of the Council was to remove the phrase “from the beginning” from the first sentence of the drafted language.

Mr. Allen thanked the Council for its help in making the adjustments to the drafted language. He noted it would need to be reviewed and agreed upon by the developer. He expressed his opinion the language now expressed the intent discussed with the development team during the meeting on July 16, 2020.

Councilmember Bush wondered if there needed to be any changes to the language which required the explicit approval of the City Council. Ms. Palmer noted Stuart Williams, City Attorney, had already considered updating the language to similar wording included in other areas of the MDP as well as the drafted MDA. Mr. Allen indicated both documents could be worked so the language was properly replicated for both.

The Council took a break at 7:56 p.m.

The meeting resumed at 8:06 p.m.

#### DISCUSSION ON THE FISCAL YEAR 2021 BUDGET

Rich Knapp, Finance Manager, stated the budget was scheduled for consideration on August 11, 2020, and would need to be adopted by September 1, 2020. He indicated it approval could be tabled at next week’s meeting if necessary to a future date. Councilmember Bush wondered if there had been any online comment forms received. Mr. Knapp responded he had not heard of any that had come in. There was a discussion about the social media messaging done regarding the budget.

Mr. Knapp reviewed the changes in the FY21 budget since the tentative budget was adopted. He asked if there were any questions.

Councilmember Bush wondered if the budget required projects to be specified that would be using the Parks, Arts, Recreation, Aquatics, and Trails (PARAT) tax revenue. Mr. Knapp responded it was not required to itemize individual projects in the budget. He added the contingency for Coronavirus Aid, Relief, and Economic Security (CARES) Act funds did not need to be itemized either. He continued CARES Act funds were divided into thirds but when



the second tranche came in there would need to be another discussion about how those funds would be allocated.

Councilmember Peterson recalled the discussion about moving the Arts Supervisor position from part time to full time; however, she had not remembered agreeing to fund it through PARAT tax revenue. Mayor Shepherd believed the Council had agreed to fund it through PARAT tax revenue. Councilmember Phipps recalled the discussion was for the position to be funded by PARAT tax revenue as well, because he was against it. Councilmember Bush commented he was against it as well. Councilmember Peterson stated she was not against the position changing from part time to full time but rather against using PARAT tax revenue as the funding source. Councilmember Bush agreed expressing his feeling that PARAT tax revenue should not be used to fund employee wages.

JJ Allen, City Manager, indicated the minutes from that discussion could be reviewed if needed; however, every member of staff came away with an understanding that the nexus from part time to full time would be funded by PARAT tax revenue. He pointed out it was implemented July 1, 2020 and apologized if there was a misunderstanding of the Council's direction.

Councilmember Roper said that interpretation was correct and it was what had been decided. Mayor Shepherd agreed but indicated it was not planned for continued funding from PARAT tax revenue. Mr. Allen explained the nature of the discussion was for the funding to come from PARAT tax revenue for FY21 but it was not a commitment to any year beyond. Summer Palmer, Assistant City Manager, reported the offer letter for the position was written as such; meaning the position would remain only if grant funding became available.

Councilmember Peterson stated the Art Supervisor position should be something to revisit during the next year's budget discussions.

Councilmember Peterson noticed major changes in the out of state travel expenses for police, which appeared to have quadrupled since the last version of the budget she reviewed. Kelly Bennett, Police Chief, stated the increase was because of the training needed for the new Community Resource Officer position which was partially funded by the Violence Against Women Act (VAWA) grant program and other trainings offered by the Federal Bureau of Investigation (FBI) to aid with sexual assault cases. He mentioned all these trainings would be reimbursed from grant funds but the expenditures had to be reflected in the budget. He reported already several of the trainings had been cancelled because of the COVID-19 pandemic. Councilmember Peterson expressed appreciation for the clarification.

Mr. Knapp asked if there were any other concerns about the changes noted since the tentative budget was approved. Councilmember Bush wondered if the capital project for restrooms at Central Park should have been on the list. Mr. Knapp answered it was included in the FY21 tentative budget and the list only reflected the changes since the tentative budget.

Councilmember Phipps questioned which account in the budget would show the reduction in property revenue since it came in lower than predicted. Mr. Knapp answered the General Fund balance was reflective of the change. He pointed out the net ongoing surplus was originally a

positive number, but since the property tax revenue came in lower the operating revenues were had been reduced. He mentioned if everything went according to budget the net ongoing surplus for the City would be in the negative \$9,637.

Mayor Shepherd reported requesting and reviewing some of the actual revenues and expenditures to date. He mentioned based on the information he received from Mr. Knapp, the City was doing better than predicted at the beginning of the COVID-19 pandemic because of the increase in sales tax revenue. He shared some of the actuals in comparison to numbers budgeted with the Council and described how the net surplus to date was much better than expected. Mayor Shepherd pointed out the CARES Act funding reimbursement for the payroll of the police department also benefited the budget and if the second tranche arrived as expected it would be even more helpful.

Councilmember Bush wondered if the FY21 budget reflected revenues based on maintaining the City's current tax rate. Mr. Knapp answered yes.

There was a discussion about whether or not Congress would make any changes that would impact the City's CARES Act funds for tranche two. Mayor Shepherd indicated it was still uncertain whether the City would receive tranche two as expected; however, if it did the budget would be in an even better position. He commented if other revenues continued to remain positive the City could fund the employee wage increases that were included in the FY21 budget.

Councilmember Bush recalled even though wage increases were budgeted it was not to be implemented until January. Mr. Allen clarified no employee wage increases would be implemented until the Council provided direction on the matter. He mentioned staff was planning to hold quarterly reviews of the budget, but the Council had providence to direct staff at any time to move forward with the increases. Mr. Knapp noted the budget included employee wage increases for the full year; therefore, the expenditures for payroll would continue to be less than budgeted because the increases were reflected in the payroll expense beginning July 1, 2020. Councilmember Peterson stated she was encouraged by the numbers, but felt it would be presumptive to pull the trigger on the wage increases at this time. The consensus of the Council was to review the budget quarterly to determine the timing for implementing wages increases.

Mr. Knapp stated the list with items to be cut now and possibly restored later was included with the agenda packet for the Council to review and determine if there were any items that should be added to the FY21 budget before it was formally adopted. Councilmember Peterson wondered if ranking had been done on any of the items that were cut. Mr. Allen responded there had not been a discussion with the Council or internally about ranking the items on the list. Councilmember Bush recommended the Council finish the truth in taxation hearing before determining any of the ranking and then it could allow staff to make recommendations based on priorities.

There was a discussion about how painting of the City building had been cut from the budget, but there was the potential of using CARES Act funding to accomplish that project by having the building painted with antimicrobial paint. Eric Howes, Community Services Director, commented staff was looking into the options, but had not yet received any quotes on the cost.

Ms. Palmer reported there was one comment submitted online in regards to the budget, so the process was working. She explained the comment would be shared during the public hearing on Tuesday, August 11, 2020 along with any others received.

**Councilmember Thompson moved to adjourn at 8:30 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmember 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 4, 2020.

/s/Nancy R. Dean, City Recorder