

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
February 11, 2020

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Manager
	Wendy Page	Deputy Recorder
EXCUSED:	Nancy Dean	City Recorder

VISITORS: Ruth Jones, Kathryn Murray

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

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE FREEPORT COLD STORAGE SUBDIVISION LOCATED AT APPROXIMATELY 440 SOUTH MAIN STREET

Brad McIlrath, Senior Planner, stated the applicant Keith Russell with Ensign Engineering had applied to consolidate three parcels at 440 South Main Street, approximately 11.33 acres, into one lot. He reviewed the zoning map and preliminary and final subdivision plats. He noted it would include a road dedication of Main Street, a 10-foot public utility easement around the perimeter, a railroad easement on the north side for the rail spur, a 20-foot wide sewer easement along the west end of the property, and the identification of the floodplain line for the separate flood plain zones.

Mayor Shepherd wondered what the purpose was for the request. Mr. McIlrath responded the applicant planned to sell the property and it was conditioned on combining all the properties.

Councilmember Peterson asked if it would change ownership soon. Mr. McIlrath answered it would and as far as staff was aware it would remain Freeport Cold Storage.

Mr. McIlrath indicated the Council would consider the Final Subdivision Plat at its policy session on February 25, 2019.

### DISCUSSION ON THE GOOD LANDLORD PROGRAM

Spencer Brimley, Community Development Director, stated in August of 2008 the City began the process of implementing a Good Landlord Program (GLP) to allow for the regulation of residential units being used as rental dwellings within the City. He mentioned the original purpose for the program was to reduce the burden that was being placed on the City's Police Department. He indicated there had been statewide changes to good landlord programs, and with concerns of the potential exposure to related litigation, staff felt it was time to review the program and determine what action was desired for its future in the City.

Councilmember Thompson arrived at 6:08 p.m.

He recapped some of the discussion from 2017 about the program, which was acknowledged as a success but had the following specific challenges:

- The felon exclusion
- The time it took and the number of staff available to administer the program,
- Computer programs that did not interface well
- Software and programming issues which contributed to inefficiencies

Mr. Brimley indicated all of the issues identified in 2017 still existed and were perhaps more aggravated with new software.

Mr. Brimley reviewed those communities that still operated a Good Landlord Program.

Mr. Brimley reviewed the impacts and limitations related to the Good Landlord Program. He explained that Stacy Millgate, Customer Service Manager, currently managed the program. He requested feedback from the Council about options that might be more effective.

Councilmember Bush stated he would be in favor if the City did something similar to West Valley City (WVC) because apartment complexes can get messy but it could require more regulations of site plans and more personnel.

Councilmember Peterson expressed a desire to see what numbers came back on the study, but felt that going in another direction might be more productive.

Councilmember Roper stated he would like to review Ogden's nuisance level approach.

Councilmember Phipps stated he was for the objective oriented approach but did not want it to appear the City was singling out apartment complexes. Mr. Brimley explained how WVC had structured its policy.

Stuart Williams, City Attorney, stated that WVC had more resources than Clearfield City; therefore, it was a different set up. He said WVC is the model but it was important to acknowledge the City didn't have the same resources to devote to enforcement.

Mr. Brimley asked if the Council would be in favor of pausing the GLP while staff compiled a list of alternate options for enforcing the different aspects of the GLP.

Councilmember Thompson stated he had talked with some landlords and shared that they had voiced some concerns. He asked if there were a way to create a more escalating program instead of code itself. He explained if the government were to get involved then litigation and other fees could be problematic for landlords. Councilmember Peterson countered that the concerns brought up would be better served with getting rid of what the City had and finding something new to replace it. Councilmember Thompson felt there might be more gaps, which could result in more complaints.

There was a discussion on whether the City currently had sufficient manpower to implement any program. Staff was directed to conduct a study.

#### DISCUSSION ON THE UNDERGROUNDING OF OVERHEAD UTILITY LINES ON STATE STREET, 550 SOUTH TO 350 SOUTH

JJ Allen, City Manager, reviewed the locations of two significant redevelopment projects that were expected to be under construction later in the year, which included the Lotus project and the City Plaza Apartment project. He pointed out the development agreement with Lotus required the developer to bury the overhead utilities in conjunction with its project and the City Plaza developer had expressed some willingness to make a similar investment to make the project more attractive. He highlighted some of the benefits of tackling the entire stretch of the downtown as one project.

Mr. Allen wondered if the City Council would be interested in participating to accomplish undergrounding the overhead utilities on the west side of State Street, from 550 South to 350 South. He indicated the estimated costs of total relocation, linear foot of frontage area, and the approximate cost per linear foot were outlined in the staff report. He stated if the City was interested in participating with undergrounding the overhead utilities then the next question would be what source of funding to use for the project. He noted there were some properties that were not currently being redeveloped but perhaps the City could recoup some costs from those properties at the time each redeveloped through either a reimbursement agreement or pioneering agreement.

Councilmember Peterson asked for the definition of a pioneering agreement. Mr. Allen explained that the term pioneering was used more in the development of virgin ground rather than redevelopment and dealt with when certain aspects of the development crossed over land not being developed, the developer was pioneering across that land and would have the ability to be reimbursed over time since it was still benefiting the land not currently being developed.

Mr. Allen said the City Plaza developer was interested in participating but had not committed to the full fair share for the project. He reviewed the sources of revenue available to fund the project which included: \$1million left from the bond, CDRA fund balance, General Fund balance, and money transferred into the capital fund project.

There was a discussion on how the CDRA fund could be used to fund the project.

Councilmember Peterson was in favor of completing the project and shared her thoughts on the use of the CDRA and capital improvement funds. She wondered if the project could be used as a negotiating tool for redevelopment instead of a straight reimbursement fee.

Mayor Shepherd stated the City might not get all of the reimbursement back from the other developments and businesses unless the properties were redeveloped. He wondered if the benefit of aesthetics were worth the price the City would have to pay.

The consensus of the Council was yes the benefit was worth the expense and risk.

Mr. Allen asked which resources were the preference of the Council to use for the project. He stated the CDRA fund balance was an applicable use of the money. There was consensus from the Council to proceed in that direction.

It was stated that if the funds were recouped they would go back to the CDRA fund. Mr. Allen stated some of the agreements would need to be explored such as the pioneering agreement and reimbursement agreement.

**Councilmember Thompson moved to adjourn at 6:45 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

**APPROVED AND ADOPTED  
This 10<sup>th</sup> day of March, 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, February 11, 2020.

/s/Nancy R. Dean, City Recorder