

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
January 7, 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
	Braden Felix	City Engineer/Deputy PW Director
	Kenny England	Utility Superintendent
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Manager
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Ruth Jones

Mayor Shepherd called the meeting to order at 6:05 p.m.

DISCUSSION ON A REQUEST TO AMEND THE CITY'S GENERAL PLAN FUTURE  
LAND USE MAP DESIGNATING THE PROPERTIES LOCATED AT APPROXIMATELY  
175 WEST ANTELOPE DRIVE (TIN: 12-242-0009 & 12-243-0003) FROM COMMERCIAL  
TO RESIDENTIAL

Spencer Brimley, Community Development Director, stated staff desired feedback and input from the Council regarding the General Plan amendment that was requested by Sam Chelemes and MADEC Enterprises to change the designation for the properties at approximately 175 West Antelope Drive from Commercial to Residential. He explained the contiguous parcels accounted for approximately 10.21 acres along Antelope Drive. He noted in connection with the amendment the applicants were also seeking a rezone from Commercial to Agricultural for the purpose of reducing property taxes paid while the property was used for agriculture production.

Mr. Brimley reviewed the General Plan and Zoning Map and the concerns of the property owners related to the property taxes. He indicated the Planning Commission had reviewed this item on December 4, 2019 and recommended denial of this application based on the finding that the proposed General Plan amendment was inconsistent with the land use guidelines, goals, and objectives of the City's General Plan.

Mayor Shepherd wondered if the properties were in a place that would develop as commercial since it had remained undeveloped for so long. He expressed his opinion that the properties might better develop as residential. Mr. Brimley explained that if the City allowed the Future Land Use Map designation for the properties to be changed to residential it could open the door for multi-family development because there was not a distinction in the General Plan for residential type.

Mr. Brimley shared his opinion that it would be ill advised to give the properties residential designations on the Future Land Use Map until it could be determined what the highest and best use was for them. Councilmember Peterson agreed and felt it would be poor land use policy to amend the General Plan Future Land Use Map based on the current application before the Council.

Councilmember Thompson asked what policy would need to be implemented to differentiate between the residential land uses available to property owners in the General Plan. Mr. Brimley stated the City was working on updating the General Plan in the near future and it could be a policy objective to create separation for residential uses in the General Plan to better clarify the City's intent. Councilmember Thompson asked why the City used the term residential in the General Plan. Mr. Brimley said it was typical to use broad terms in the document. JJ Allen, City Manager, explained the General Plan was intentionally general and broad based.

Councilmember Phipps asked for a review of the objections that the Planning Commissions had regarding the proposed request. Mr. Brimley reviewed the findings of the Planning Commission.

Mr. Brimley stated the request would be presented to the Council for its consideration during the policy session on January 14, 2020.

DISCUSSION ON A REQUEST TO REZONE PROPERTIES LOCATED AT  
APPROXIMATELY 175 WEST ANTELOPE DRIVE (TIN: 12-242-0009 & 12-243-0003)  
FROM C-2 (COMMERCIAL) TO A-1 (AGRICULTURAL)

Spencer Brimley, Community Development Director, explained an application had been received from Sam Chelemes and MADEC Enterprises to rezone the properties located at approximately 175 West Antelope Drive in conjunction with the previously discussed General Plan amendment. He stated the applicant requested the rezone of the properties from C-2 (Commercial) to A-1 (Agricultural). He noted the property owners had not been able to accomplish the goal of commercial development on the properties and were concerned the current designation for commercial use was not the highest and best use for the properties. He indicated the request to change zoning was to accommodate the current agricultural use until it was no longer a viable option and then possibly accommodate larger lot single family development in the future.

Mr. Brimley reviewed the City's current Future Land Use and Zoning Maps which had the parcel designated as Commercial with C-2 (Commercial) zoning. He explained the applicant's request was inconsistent with the long-term goals and objectives of the General Plan and the current use of the property was allowed as a nonconforming use in the C-2 zone. He noted the property owners concerns were with the taxing of the property when it lost its green belt status and was fully assessed as commercial property.

Mr. Brimley indicated the Planning Commission reviewed the request on December 4, 2019 and recommended denial based on the following findings:

- The proposed zoning amendment request was inconsistent with the land use guidelines, goals, and objectives of the City's General Plan.
- The proposed rezone was contingent on the approval of General Plan amendment for the change in the Future Land Use Map.

He noted the applicant was desirous to make the change prior to the end of year 2019; however, due to the timing of the application the request did not meet the desired deadline, but opted to continue with the request. Mr. Brimley pointed out the item would be on the agenda for the public hearing and consideration on January 14, 2020.

There was a discussion about the tax concerns for the applicant as well as the future use options for the parcel.

DISCUSSION ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 741 WEST 300 NORTH (TIN: 12-019-0121) FROM A-1 (AGRICULTURAL) TO R-1-8 (SINGLE-FAMILY RESIDENTIAL)

Spencer Brimley, Community Development Director, stated a request had been received from Jason Hamblin to rezone 12.41 acres of the property located at approximately 741 West 300 North from A-1 (agricultural) to R-1-8 (Residential). He reviewed the General Plan and zoning map pointing out the portion of the parcel being considered for the rezone would be a long portion of the property that extended north from the larger property to the south. He explained the purpose of the rezone would be to incorporate the designated land into the Hamblin Estates single-family subdivision to the east. Mr. Brimley noted with the inclusion of the property the applicant would be able to develop single-family lots along the west end of the project in conformance to the development standards of the R-1-8 zone.

He continued the Planning Commission reviewed the request at its meeting on December 4, 2019 and recommended approval.

Mr. Brimley said a portion of the land was rezoned to R-1-8 back in July 2018. He explained the property had since been sold to the Hamblin Family. The preliminary subdivision plat was reviewed and approved. He pointed out the final subdivision plat was still undergoing the process of being approved by the Planning Commission.

## DISCUSSION ON THE AMENDMENTS TO THE FISCAL YEAR 2020 (FY20) BUDGET

Rich Knapp, Finance Manager, stated staff had identified some expenditures that exceeded the Fiscal Year 2020 (FY20) budget and would require a budget amendment. He reviewed the following proposed amendments for the General Fund:

- Two way radios rollover from Fiscal Year 2019 (FY19)- \$9,000 between five funds
- Arts Center Electrical - \$40,000 added to \$85,000 already budgeted
- Recognize Capitalized Interest 2018 Bond - \$317,000
- Move excess of 25 percent fund balance after budgeted spend down - \$632,000

Mr. Knapp noted the amendment of \$317,000 for the capitalized interest 2018 Bond would not impact the fund balance; however, it was necessary to recognize the expenditure. He explained the proposed transfer to move funds from the General Fund to the Capital Projects Funds was a response to the State audit finding the City received for carrying unrestricted cash in the General Fund above 25 percent of revenue. He noted the FY20 budget planned to spend down to 19.2 percent; however, FY19 resulted in a greater ending balance than planned. Mr. Knapp added even with the planned FY20 spend down and the proposed amendments, the City would be in excess of \$632,000 in the General Fund. He mentioned it would be possible to move it back to the General Fund in the future if necessary. He explained how the calculated amount of funds to move was determined and that is was an estimation.

Mr. Knapp reviewed the following proposed amendments from Capital Project Funds:

- Mabey Pond Park upgrade FY19 rollover - \$250,000
- Island View Park electrical for security lights FY19 rollover - \$6,500
- Island View Park lighting FY19 rollover - \$4,268
- City Hall roof repair FY19 rollover - \$6,000

Mr. Knapp also noted an amendment to the Water Fund for the Towers at Legend Hills for approximately \$352,400. He also showed some of the potential future amendments to the budget which included 4<sup>th</sup> of July, Cornerstone and Recreation overtime.

Councilmember Peterson shared her surprise that the 4<sup>th</sup> of July budget was potentially over budget and would like to have staff look into those numbers. Trevor Cahoon, Communication Manager, and Eric Howes, Community Services Director, both felt that the 4<sup>th</sup> of July budget had come in under budget so would like to see the projected numbers investigated further as well.

Mr. Howes explained the overage for the Cornerstone Park project was spent in engineering costs because engineers were relied on more than normal. He explained some other issues with the project that led to a change in the budget.

Mr. Howes also discussed the recreation overtime budget amendment and highlighted key factors relating to being understaffed at the lifeguard position at the Clearfield Aquatic Center. He also stated that the parks department had eagle scout projects several weekends over the summer that added to the overtime budget amendment.

DISCUSSION ON THE AWARD OF BID FOR THE COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) ANALYSIS OF IMPEDIMENTS AND FIVE-YEAR  
CONSOLIDATED PLAN PROJECT

Spencer Brimley, Community Development Director, stated the City used funding from the Community Development Block Grant (CDBG) program for the community. He explained the United States Department of Housing and Urban Development (HUD) required participants of the program to perform an analysis to impediments of fair housing as well as develop a Five-Year Consolidated Plan for the next five-year period of the CDBG program. He explained the Analysis to Impediments (AI) report was used to provide information regarding the housing choices within the City and to provide context in the establishment of housing related goals and policies for the CDBG program. Mr. Brimley indicated the Five-Year Consolidated Plan provided the framework for community outreach and programs that the CDBG program would participate in or create over the next five years. He noted goals and success indicators were identified in the Five-Year Consolidated Plan and the Plan was the baseline for each One-Year Action Plan that was required during that time period.

Mr. Brimley reported the City solicited a request for proposal to have an outside consulting firm create the required reports. He explained the City received four proposals and two of the three responded to both requests. Mr. Brimley stated staff was recommending that the contract be awarded to Resource Consultants for preparation of both the AI report and Consolidated Plan. He continued as part of the CDBG 2019-2020 program year a total of \$38,500 grant funding was allocated towards administrative services. He pointed out the funding would include City staff hours as well as the consultant's time. He mentioned based on the remaining funds, the consultant had agreed to perform the work for \$30,000.

Councilmember Peterson wondered about the score sheet and the point and proposed budget differences between the four proposals. She stated the recommended contractor did not score as high as some of the other proposals and was a higher cost; she wondered if the contractor would be willing to negotiate on the price. Mr. Brimley explained that Brad McIlrath, Senior Planner, had interfaced the proposals and felt the selected contractor would be the best choice given its experience and they were firm on the price.

Mr. Brimley stated a big selling point was getting one contractor to do both projects. He noted the other proposals were to perform one project or the other. Councilmember Phipps expressed his opinion regarding getting what you paid for and wanted to make sure the City received the best product even if it meant an increase in price. Mr. Brimley stated staff could reach out to the consultant and see if they would be flexible at all on the pricing. He explained that the last time the City did a similar analysis the experience level was lower than that of what Resource Consultants would provide for the City. Mr. Brimley stated he felt that Mr. McIlrath felt comfortable with the consultant that was being presented to the Council.

Councilmember Thompson stated he had reached out to the University of Utah on the aspect of housing to see what the perspective was on fair housing with machine learning. Mr. Brimley reviewed the time frame for the completion of the reports and stated other data might help in

formulating the City's plans if the data could be obtained within the time frame allotted to the City to get the analysis completed.

### DISCUSSION ON THE AWARD OF BID FOR THE FREEPORT SOUTH WELL BUILDING IMPROVEMENT PROJECT

Braden Felix, City Engineer, and Kenny England, Utilities Superintendent, explained they were just getting familiar with the plans for the Freeport South Well Building Improvement Project because they had not been with the City for very long. Mr. Felix explained that the consultant had already completed the bidding process and JR Burton had been selected as the lowest responsible bidder with a bid price of \$287,000. He stated staff would like to keep the contingency fund at \$62,00 so the total price stayed under the allocated budget amount for the project.

Mr. Felix discussed the issues that had occurred with the south well. He said the well was installed in the 1940s and staff was eager to get a new structure around it and find out what other work might be necessary.

Councilmember Bush asked if the project only involved the building around the well. Mr. England stated that staff would also inspect the well and pump and assess if anything needed to be updated or fixed.

Councilmember Bush pointed out that the selected contractors bid was less than others and wondered about the quality of the contractor. Mr. Felix stated that Centerville City had worked with the contractor in the past and was very complimentary about the quality of work. He also noted the contractor had done work for the Church of Jesus Christ of Latter Day Saints with camps and other areas.

### DISCUSSION ON AMENDMENTS TO THE CITY'S FORM BASED CODE

Spencer Brimley, Community Development Director, said there had been several meetings to discuss the amendments to the Form-Based Code (FBC). He reviewed that the last meeting was to review the big impact items. He reviewed the background to date including creating the Downtown Clearfield small area plan.

Mr. Brimley stated the amendments to the FBC had been advertised for a public hearing for January 14, 2020, however it could be pushed back if the Council would like to do so. He reviewed the chapters and the zoning districts. He pointed out the FBC had been reviewed by the Planning Commission and staff was still working on some of the items discussed at the work session on December 17, 2019.

Councilmember Peterson asked for clarification on the staff report packet regarding issues on zoning and the actual language that would be found in the FBC. Mr. Brimley stated he would make notes and review them with Mr. McIlrath to make sure nothing had been missed from the previous meetings.

Nancy Dean, City Recorder, explained that the public hearing could be tabled but she recommended those in attendance be allowed to speak on January 14, 2020. She pointed out there was a gentleman from Nations For Christ Church that had questions about the FBC.

There was a discussion about the fee in lieu. Mr. Brimley stated the important thing about the fee-in lieu was the ability to collect additional fees to improve and create open space in the City. Councilmember Thompson asked for clarification about the fee-in lieu and its flexibility. Mr. Brimley stated the idea was not to create smaller parks all along the downtown corridor but acting more deliberately in identifying opportunities that improved future facilities. There was a discussion about the opportunity to use the fee-in-lieu revenue to enhance existing parks or allow for connectivity between existing parks and trails. Equitable opportunities regarding City amenities were also discussed.

Councilmember Thompson wanted to make sure his understanding of the fees was correct in that the fees would be used towards areas where it was needed. Councilmember Roper stated the Council had tried to proportionately distribute the focus with other funds in the past and felt that same approach should be taken with the fee in lieu.

Mr. Brimley asked for feedback from the Council on the use of garden court residential buildings in the Town Residential (TR) zone. Councilmember Peterson expressed a desire to see the use clearly defined so it wasn't confused with three story walkup apartments. Mr. Brimley explained the garden court residential buildings could be used for single family, duplexes, or four-plexes and asked how the Council would like to see it used. The consensus of the Council was that garden court residential buildings could be developed as four-plexes.

It was decided that there would be more discussion on the FBC scheduled for the January 14, 2020 work session.

**Councilmember Peterson moved to adjourn as the City Council and reconvene as the CDRA in work session at 7:24 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, Roper, Shepherd and Thompson. Voting NO – None.**

*\*\*The minutes for the CDRA are in a separate location\*\**

**APPROVED AND ADOPTED  
This 11<sup>th</sup> day of February, 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, January 7, 2020.

/s/Nancy R. Dean, City Recorder