

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
March 11, 2014

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Scott Hess	Development Services Manager
	Rich Knapp	Administrative Services Director
	Natalee Flynn	Marketing/Public Relations
	Marliss Scott	Marketing/Public Relations
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Clearfield DeMolay, Anthony Vasquez, Jayden VanDyke – Scout Troop 342, Jaren VanDyke – Scout Troop 342, Austin Webb, Jason Bennett – Scout Troop 342, Scott Boman – Scout Troop 342, Koral Vasquez, Sean McAllister, Amber Huntsman – Thackeray Garn Company, Davis Miller – Scout Troop 513, Paul Bissell, Alexis Murray, Kathryn Murray, Mark Clawson, McKenzie Clawson, Hank Furbler, Kirk Marston, Michael Phelps, Maddy Neyts, Wes Michie

Mayor Shepherd called the meeting to order at 7:00 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember Jones conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE JANUARY 31, 2014, FEBRUARY 11, 2014, FEBRUARY 18, 2014, AND THE FEBRUARY 25, 2014 WORK SESSIONS AND THE FEBRUARY 25, 2014 POLICY SESSION

Councilmember Bush reported he had informed the Recorder’s office of date corrections for the North Davis Sewer District meetings during comments he made during the “Communications” portion of the February 25, 2014 policy session.

Councilmember Bush moved to approve the minutes from the January 31, 2014, February 11, 2014, February 18, 2014, and the February 25, 2014 work sessions and the February 25, 2014 policy session as written, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

APPROVAL OF THE DeMOLAY PROCLAMATION DECLARING THE MONTH OF MARCH 2014, DeMOLAY MONTH IN CLEARFIELD CITY

DeMolay is a character-building organization consisting of young men between the ages of 12-21 seeking to prepare them to become better leaders within the community. The organization had carried out civic services for over eighty years.

Jonathon Osborne, DeMolay Group, introduced participants of the DeMolay Group to the Council and explained the history associated with DeMolay. He explained the DeMolay participants provided community service with several different associations and participated in fundraising opportunities. He announced the chapter was currently working on a canned food drive in addition to volunteering and visiting the Veteran's home.

Mayor Shepherd read the proclamation, signed it and presented it to the DeMolay group. He expressed appreciation to DeMolay for its contribution to the City and neighboring communities.

Councilmember LeBaron moved to approve the DeMolay Proclamation declaring the month of March 2014, DeMolay month in Clearfield City and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

PUBLIC HEARING TO RECEIVE COMMENT ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE YEAR ACTION PLAN FOR PROGRAM YEAR JULY 1, 2014 TO JUNE 30, 2015.

The Council received a copy of the proposed 2014/2015 Community Development Block Grant (CDBG) One Year Action Plan. Citizens are given the opportunity to review the One Year Action Plan in the Community Development Department from March 12, 2014 until April 10, 2014. The final copy would be presented to the Council on April 22, 2014.

Scott Hess, Development Services Manager, explained the amount of funding to be received by the City had not yet been determined. He stated staff had identified projects to be completed using CDBG funds based upon anticipated grant funding. He mentioned interested individuals could review the proposed one year plan in the Community Development Department until April 22, 2014, at which time the public hearing would be closed.

Mayor Shepherd opened the public hearing at 7:13 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

CITIZEN COMMENTS

Kirk Martens, resident, informed the Council he had read the “Ask Carol” segment in the recent newsletter regarding the use of gravel for driveways. He reported he had installed gravel for a small parking parcel on his property and had been informed by the Code Enforcement Officer at the time that gravel, pavers, asphalt or concrete were all acceptable products. He expressed concern information from the newsletter indicated that all parking surfaces would need to be concrete, asphalt or pavers by January 1, 2015. He expressed concern at the costs associated with the installation of such products and inquired about any “grandfathering” clause allowing continued use of gravel.

Mayor Shepherd responded the approximately five year time period was the “grandfathered” clause for the ordinance. He stated the ordinance allowed gravel as a short term fix until the resident could afford the concrete or asphalt for the parking. Mr. Martens suggested the City consider a better way to inform residents of the concrete/asphalt requirement other than the newsletter. Mayor Shepherd commented he had received a number of calls from concerned residents in response to the “Ask Carol” section of the newsletter. He stated the intent of the ordinance was to improve the aesthetics and image of Clearfield. Mr. Martens believed the Code Enforcement Officer misled him by indicating the use of gravel would be “grandfathered” as an acceptable parking surface.

APPROVAL OF RESOLUTION 2014R-05 APPROVING THE CLEARFIELD STATION MASTER DEVELOPMENT AGREEMENT

Clearfield Station was a proposed mixed-use development on the 70 acres adjacent to the FrontRunner station located at approximately 1250 South State Street. The project was a combination of flex business space (at least 400,000 sf), office space (at least 450,000 sf), retail space (at least 10,500 sf), and multi-family residential (550 units max). This Master Development Agreement with the Thackeray Garn Company (Developer) and UTA (property owner) sets forth the terms under which the development may proceed.

JJ Allen, Assistant City Manager, shared an illustration of the proposed Clearfield Station Development and explained the proposed development and oriented the illustration with the audience. He stated UTA and Thackeray-Garn had partnered together to complete the development of the property and reviewed how the flex-business space would be accommodated in relation to the residential component. He pointed out where the professional office space, school, and retail would be located within the development. He stated the Master Development Agreement (MDA) specified the parameters under which the development could proceed. He emphasized the development would have a significant impact to the City and indicated staff and elected officials were very excited about it.

Mr. Allen stated there had been some revisions to the agreement since the packet went out on Friday, March 7, 2014, and referred to handouts which had been distributed on the dais. He directed the Council to Exhibit D-4, specific to the detention basins and identified those which were public and those which were private. He stated the other four handouts related to impact

fees reporting corrections had been made to the water sheet specific to impact fee credits which were no longer reflected on the corrected sheet. He directed the Council to the Storm Drain sheet and reported the Area Ratio figures were not reflected in the table. He referred to the Park Impact Fee handout and reported “bike lanes” had been removed from the list in the bottom table. He concluded the last handout reflected all current final figures related to the Development Impact Fee. He stated there had been some corrections to the text of the agreement and announced Brian Brower, City Attorney, would explain those changes.

Brian Brower, City Attorney, explained the following changes to the text of the Master Development Agreement:

- The Recorded Master Development Agreement would need to be returned to the City Recorder as opposed to the developer.
- Page 37 when addressing the Community Park #1, known as the “Community Plaza” verbiage had been included “unless agreed to earlier by the parties in writing” which would allow the City to begin development of the Plaza earlier if it so desired.
- He referred to the comparison sheet specific to phasing and vertical development. JJ Allen, Assistant City Manager, stated it had been a concern of the City from the very beginning that construction within the development happened proportionally relative to the multi-housing and commercial development. He pointed out on the illustration which buildings comprised of Phase 1A and Phase 1B and explained verbiage reflected a building permit wouldn’t be issued for the first few residential structures until a building permit was obtained for the first flex building and construction had begun. He continued the developer wouldn’t be allowed to go vertical on the first few residential buildings until the first flex building was also built vertical simultaneously. He added building permits would not be issued on the second set of residential buildings until certificate of occupancy was achieved with the first flex building and the second flex building had obtained a building permit. He emphasized the revised language would accomplish the same intent on behalf of the City in that structures within the development would be completed parallel with each other.

Councilmember Bush requested clarification on whether the language regarding the certificate of occupancy had been eliminated altogether. Mr. Brower explained that change was needed for financing of the project. Mike Christensen, Thackery Garn, clarified the reason for requesting that change was to allow the developer to obtain financing from a bank for the first building and application to the County to obtain financing for the second building which would allow both buildings to go vertical at the same time. He believed this would also allow construction on the two residential buildings simultaneously and the previous language wouldn’t allow that because of the “certificate of occupancy” verbiage. Councilmember Bush expressed his concern the residential component could essentially be completed prior to the commercial component.

Mr. Christensen pointed out the time frames associated with constructing residential units compared to commercial buildings and believed they would be completed simultaneously. Councilmember LeBaron expressed agreement with Mr. Christensen. Councilmember Benson inquired if the landscaping would be completed in conjunction

with completion of the buildings. Mr. Christensen responded each phase would be landscaped as it was completed.

- Mr. Brower directed the Council to page 44, section 16.4 which was specific to legal remedies. He reported the proposed change specifically spelled out the money judgment. He continued additional language was added which more clearly stated the “risk”, as well as addressing a cap pertaining to legal fees. He explained the negotiation process with the Council summarizing how it resulted in the language change. He emphasized the City would only be reimbursing actual out of pocket costs associated with the development if the City were found to be in breach of contract. Adam Lenhard, City Manager, stated breach of contract would be a poor business practice on behalf of the City.
- Mr. Allen directed the Council to Section 10, pages 33 and 34, specific to the main intersection. He referred to the illustration and pointed out where the proposed main intersection would be located in the proposed development. He explained 1000 East would need to be realigned and a new traffic signal would be needed. He reviewed the language required by UDOT which indicated “as warranted” and identified when it would be completed in conjunction with the phasing. He further explained that language was needed because of the process by which UDOT would determine it should take place. He emphasized the City nor the developer would have any control of UDOT’s requirements or timing for that to happen.

Mr. Allen shared some highlights associated with the agreement pointing out the rezone would need to take place in addition with approval of the participation agreement with the taxing entities. He stated State Statute allowed the developer to propose an alternative method specific to the impact fees associated with water. Councilmember Benson asked if the residential component would be required to be sold at “market value”. Mr. Allen read from the agreement which stated the units would be sold or leased at market rates without any subsidies.

Mr. Allen pointed out the agreement identified the amenities and infrastructure which would be private and public. He explained in conjunction with Phase 4 the Developer would be giving the City the park parcel and funds which the City could use to complete the plaza with the understanding they would need to be completed in eighteen months or the remaining funds and property would revert back to the developer for completion. He pointed out the parcel of open space would be a detention basin in addition to a usable park like amenity and if the end result didn’t meet the City’s requirements of a park then the City wouldn’t accept it as public property. He explained how UTA would be accommodated for temporary space for FrontRunner ridership.

Mayor Shepherd complimented Mr. Allen, Mr. Brower, and Mr. Christensen for their efforts in bringing forth the negotiated agreement to the Council at this time. Councilmember LeBaron expressed appreciation to the Planning Commission for their efforts as well.

Councilmember LeBaron moved to approve Resolution 2014R-05 approving the Master Development Agreement with the Thackeray Garn Company and UTA for the Clearfield Station project, and authorize the Mayor’s signatures to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2014-05 AUTHORIZING THE REZONE OF PROPERTY LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET FROM (M-1) MANUFACTURING AND (C-2) COMMERCIAL TO (MU) MIXED USE AND APPROVING THE ASSOCIATED MASTER DEVELOPMENT PLAN TO FACILITATE DEVELOPMENT OF THE CLEARFIELD STATION PROJECT

This application from Thackeray Garn Company requested rezoning of 70 acres of UTA property from (M-1) Manufacturing and (C-2) Commercial to (MU) Mixed Use (the rezoning would not become effective until the Master Development Agreement had been fully executed by all parties). The MU zone required that a Master Development Plan (MDP) be prepared by the applicant. The MDP for this project, known as Clearfield Station, detailed a mixed use project which included flex business, office, retail and residential development. After several months of review and revisions, the Planning Commission recommended approval of the rezone and MDP during its meeting on November 6, 2013.

Scott Hess, Development Services Manager, explained the rezone would allow for the Mixed Use (MU) Zone and the Master Development Plan was required as part of the MU Zone. He indicated development agreements were commonly associated with residential properties and this agreement was on a larger scale. He pointed out the recently approved Master Development Agreement (MDA) was necessary to allow for approval of the proposed rezone as well as the Master Development Plan. Mr. Hess reviewed the history in getting the MDA approved by the Council.

Mr. Hess reviewed the November 6, 2013 Planning Commission Meeting regarding its approval of the Master Development Plan (MDP). He stated the developer had provided a response in the MDP to a number of questions from staff and the City Council and subsequently the Planning Commission recommended approval of the rezone with the MDP. He continued specifically within the motion there were some callouts to sections 52 and 54 within the MDP regarding prohibited and conditional uses, temporary signage to be handled administratively and clarifying public space as designated building by building as opposed to project wide. He expressed his opinion the list was rather short given the MDP was a 200 page document which was a whole zoning code for the 72 acres within the MU Zone.

Mr. Hess further clarified the Planning Commission's recommendation:

- Language within the residential areas of the Plan wasn't consistent with one another. The Commission desired the document read consistently through all zones.
- Specific language to prohibited and conditional uses. The original MDP had reflected prohibited uses and stated nowhere else in the City's zoning code was prohibited uses identified. He clarified if it was not listed as a permitted or conditional use then the use would not be allowed according to Utah land use law. He mentioned the conditional uses had been eliminated which would allow possible future amending of the MDP if the City desired.
- Language corrections specific to signage in the development was amended to eliminate the need for all signage to come before the Planning Commission for approval. He stated all signage would be administered as was currently being done within the City.
- Assignment of private and public spaces per building.

Mr. Hess reported the two buildings on the northwest corner were originally oriented east/west and had been changed to north/south based upon the topography of the property. He mentioned another notable change was to remove the term “Nature Park” specific to the detention basin in the southwest corner of the property. He continued the Nature Park would have left it in its natural state and the City desired it to be more monumental in nature as it was an entry point to the development and adjacent to the commuter rail. He added the Developer was asked to develop the parcel as an entry point to the development.

Mr. Hess reported staff believed the document to be substantively complete and expressed appreciation to the developer for his willingness to work with the City during the process. He pointed out the Zoning Map Amendment had been approved, the Zoning Code had been approved to include the MU Zone, therefore from the General Plan perspective the rezone would be acceptable.

Mr. Hess explained there were review considerations and findings associated with the Mixed Use and Master Development Plan (MDP) which were the following:

- The MDP was consistent with the stated objectives of the MU zone and announced all objectives had been met.
- He stated to any extent the MDP departed from zoning and subdivision regulations otherwise applicable to the property; it was still consistent with the adopted master plan. He stated staff was comfortable with guidelines from an architectural standpoint in what the City could expect to see in the development.
- The ratio of residential to nonresidential uses in the development was consistent with the Master Plan; approximately thirty percent of the entire seventy-two acres was proposed residential development which would be a maximum 550 units.
- The proposed development could adequately be served by public facilities and complied with minimum design criteria. He referred to the recently adopted MDA which identified specific public and private infrastructure in the development.
- Any development related adverse impact such as traffic, noise or other nuisances would be considered in the MDP and modifications could be made. He explained the development included landscape buffers along State Street and 1000 East as well as neighboring properties to the north and south. He commented about the traffic study to be completed by UDOT and about the exact make-up of the new intersection and traffic light and believed that was beyond the scope of the MDP.
- The common open space exceeded the required area and added it would be roughly twenty two acres of open space area and the City’s minimum requirement was a little more than ten acres.
- The MDP proposed development in phases which would result in proportional build out which had also been adopted within the MDA.
- Each individual unit or phase of the development could exist independently. He explained Clearfield Station would be a horizontal mixed use project and each phase would and could be considered a stand-alone project.
- The project would not result in material prejudice of surrounding properties and would not endanger the health, safety and welfare of the community. He believed this would enhance Clearfield’s image and lend itself to enticing quality development to Clearfield.

- The MDP had a beneficial relationship to the neighborhood and the general area. This also included providing a thorough analysis and documentation of the impact the zoning might have on the City's public schools. He emphasized the development would bring market rate housing and high quality commercial development to the area.

Mr. Hess stated the Planning Commission had recommended approval and staff was recommending approval of the Mixed Use Rezone and adoption of the Master Development Plan.

Brian Brower, City Attorney, requested language be included in the motion to reflect approval of Ordinance 2014-05 authorizing the "conditional" rezone of property because the rezone would take place upon certain conditions which Mr. Hess had previously mentioned; additionally, upon execution of the Master Development Agreement and its recording with Davis County.

Mr. Allen commented Mr. Hess had clearly identified some of the points which had been identified during the process since November and indicated the staff report had included an addendum to the draft Clearfield Station MDP. He stated all revisions would be identified and provided in a complete MDP book.

Councilmember Jones moved to approve Ordinance 2014-05 authorizing the conditional rezone of property located at approximately 1250 South State Street from (M-1) Manufacturing and (C-2) Commercial to (MU) Mixed Use and adopting the associated Master Development Plan to facilitate development of the Clearfield Station project and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

APPROVAL OF THE FRANCHISE/RIGHTS- OF- WAY AGREEMENT WITH SYRINGA NETWORKS, LLC TO OPERATE A TELECOMMUNICATIONS NETWORK

Syringa Networks LLC desired to construct, maintain and operate a telecommunications network within the City. City Code governed the application and review process for telecommunications franchises in the City. The proposed agreement would allow Syringa to construct, maintain and operate such a system in Clearfield.

Brian Brower, City Attorney, stated the agreement had been reviewed during the work session held prior to the policy session. He explained pursuant to the City's ordinance Syringa was required to obtain a franchise/rights-of-way agreement which it provided to the City. He indicated the agreement was the conclusion of a number of revisions which would allow and govern Syringa's installation of facilities in Clearfield. He mentioned a representative from Syringa was in attendance as well as in the work session.

Councilmember LeBaron moved to approve the Franchise/Rights-of-Way Agreement with Syringa Networks, LLC to construct, maintain and operate a telecommunications system in Clearfield City and authorize the Mayor's signature to any necessary documents, seconded

by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd

1. Announced he would be out of town Wednesday, March 12, 2014 and Thursday, March 13, 2014. He stated Councilmember LeBaron, Mayor Pro-tem, would be available in his stead.
2. Received a notice from ATK announcing it had produced its 20,000 composite part for the Airbus System and there would be a celebration sometime next week.
3. Announced one of the Council's goals was to better communicate with the residents by having informational neighborhood meetings beginning within the next few months.
4. Informed the Council and audience that political caucuses would take place next week. The Democratic Caucus would meet on Tuesday, March 18, 2014 and the Republican Caucus would meet on Thursday, March 20, 2014. He encouraged participation.

Councilmember Benson

1. Expressed appreciation to staff members for their willingness to answer her questions and bringing her up to speed on issues associated with the Clearfield Station development. She stated she looked forward to working with the developer.
2. Announced the first meeting for Clearfield's Got Talent was scheduled for Thursday, March 13, 2014, 5:30-6:30 at the Arts Center.

Councilmember Bush

1. Expressed appreciation to Staff, Planning Commission and Thackeray Garn for their efforts on the agreements for Clearfield Station.
2. Reported he had met with the Take Pride in Clearfield Committee and announced it was scheduled for Saturday, May 17, 2014. He stated he also met with the principals of Syracuse and Clearfield High Schools to solicit their participation in the event.
3. Reminded the Council the North Davis Sewer District meeting would be held Thursday, March 13, 2014, at 6:00 p.m. during which the continuation of the public hearing would take place to approve the proposed bonding for improvements at the facility.

Councilmember Jones

1. Expressed appreciation for everyone's efforts relative to the Clearfield Station Development.
2. Stated he was glad to see so many residents in attendance at the meeting.

Councilmember LeBaron

1. Grateful for the opportunity to participate in the Lunch with the Mayor last week.
2. Expressed appreciation to JJ Allen, Assistant City Manager, Adam Lenhard, City Manager and Brian Brower, City Attorney, for their efforts associated with the agreements specific to Clearfield Station.
3. Announced there were important issues associated with the North Davis Sewer District and encouraged the resident's participation at those meetings.

Councilmember Young – complimented Thackeray Garn, City staff and members of the Planning Commission for their work culminating with the adoption of the Master Development Agreement and Master Development Plan allowing the Clearfield Station development to proceed.

Adam Lenhard, City Manager – requested the Council review his monthly update which he emailed previously, paying close attention to the North Davis Sewer District proposed rate increase. He expressed concern regarding the impact to the City’s commercial users and residents. He encouraged the Council to become educated about the issue.

STAFFS’ REPORTS

JJ Allen, Assistant City Manager – Announced an Open House was scheduled to take place on Wednesday, March 12, 2014, from 5:30 – 8:00 p.m. in the Community Arts Center for residents regarding the Depot Street extension/alignment associated with the Clearfield Station.

Nancy Dean, City Recorder – Informed the Council of the meeting schedule:

- Tuesday, March 18, 2014 – no City Council meeting was scheduled to allow participation in the Caucus.
- Tuesday, March 25, 2014 – work session beginning at 6:00 p.m. followed by the Policy Session. She stated a budget work session would take place following the Policy Session.
- Tuesday, April 1, 2014 – budget work session
- Tuesday, April 8, 2014 – Policy Session.

There being no further business to come before the City Council **Councilmember LeBaron moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:18 p.m., seconded by Councilmember Bush. All voting AYE.**

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 8th day of April, 2014**

/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, March 11, 2014.

/s/Nancy R. Dean, City Recorder