

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
August 8, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Development Services Manager
	Summer Palmer	Administrative Services Director
	Rich Knapp	Finance Manager
	Terrence Jackson	IT Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Brady Jugler – Planning Commission Chair, Terry Avondet, Koral Vasquez, Anthony Vasquez, David Tomczak, Bob Bercher, Robert Stotts, Sunset Mayor Beverly Macfarlane

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 the Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember Roper led the opening ceremonies.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST BY SUNSET CITY TO BE ANNEXED INTO THE NORTH DAVIS FIRE DISTRICT BOUNDARIES; TO BE RESET ANEW TO SEPTEMBER 26, 2017

On May 16, 2017, the Sunset City Council petitioned the North Davis Fire District (NDFD) for annexation into the District’s service area for fire protection and emergency medical services. The NDFD subsequently passed a resolution requesting Clearfield City take all necessary and appropriate action to annex Sunset City and all real property within its corporate limits into the

NDFD. The Clearfield City Council acted as the Governing Body for the North Davis Fire District and as such needed to initiate the process on behalf of NDFD. Due to the statutorily required notice provisions as outlined in Utah State Code, the public hearing needed to be reset anew to September 26, 2017.

Mayor Shepherd declared the public hearing open at 7:03 p.m.

He asked if there were any public comments.

#### PUBLIC COMMENT

*Mayor Beverly McFarlane*, Sunset City, asked what it meant by stating the public hearing would be reset anew. Nancy Dean, City Recorder explained there had been an error in the publications required by State Law, so the public hearing was being reset for Tuesday, September 26, 2017 in order to rectify the error. Mayor McFarlane asked if that meant there would be another public hearing held. Ms. Dean reiterated there would be another public hearing on Tuesday, September 26, 2017.

*Terry Avondet*, resident, stated some of the people interested in commenting had not attended because the agenda said the public hearing would be reset. She commented there was a group of people who would be asking the Council to table consideration of the annexation until after residents of Sunset had collected signatures on petitions for a referendum on Sunset City Council's action to abolish its fire department.

**Councilmember Peterson moved to close the public hearing at 7:05 p.m., seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

#### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST FOR PROPERTY LOCATED AT OR NEAR 1200 SOUTH STATE, 1250 SOUTH STATE, AND 1400 SOUTH 1000 EAST FROM M-1 (MANUFACTURING) AND C-2 (COMMERCIAL) TO MU-SP (MIXED USE WITH A SPECIAL PURPOSE OVERLAY)

JJ Allen, Assistant City Manager, informed the Council that there were two sites along the Wasatch Front being considered by Stadler Rail (Stadler) for the location of its new operations. He reported he had spoken to a representative from Stadler earlier in the day who confirmed no decision had yet been made regarding which location would best meet the needs of Stadler. He added both sites had advantages and disadvantages and Stadler hoped to have a final decision on the location in the next few weeks. He indicated the Council could still move forward with the rezone for the remaining parcels if it so desired.

Spencer Brimley, Development Services Manager, stated the rezone request was for approximately 29 acres of property, a portion of the entire 70-acre site known as Clearfield Station, which was granted conditional approval of a rezone from M-1 (Manufacturing) and C-2 (Commercial) to M-U (Mixed-Use) in 2014. The conditions of the 2014 approval included the approval of a Master Development Plan (MDP) and Master Development Agreement (MDA).

However, the MDA was not executed causing the rezone specific to the entire site to revert to its original M-1 (Manufacturing) and C-2 (Commercial) zones. The Utah Transit Authority (UTA) Board of Trustees requested the City consider the new request to rezone the remainder parcels created due to the expected subdivision for Stadler from M-1 (Manufacturing) and C-2 (Commercial) to MU-SP (Mixed Use with a Special Purpose Overlay). He stated the parcels would be subject to TOD (Transit Oriented Development) design guidelines and subsequent to that both parties would work in cooperation to develop a Station Area Plan which would lead to the creation of an MDA and Development Agreement for the parcels. Mr. Brimley explained the Special Purpose Overlay was an important element of the rezone because the MU (Mixed Use) zone required a 40-acre minimum and the parcels on the site currently being discussed did not meet that minimum.

Mayor Shepherd asked if the rezone was contingent upon other factors to be effective. Mr. Brimley responded the ordinance was prepared with conditions, one of which was that the rezone was only effective if Stadler purchased the other approximate 24 acres of the property. He explained the City was working toward having all the pieces in place so when Stadler made its decision about the site location Clearfield would be ready to move the project forward quickly.

Mayor Shepherd declared the public hearing open at 7:10 p.m.

Mayor Shepherd asked if there were any public comments.

There were no public comments.

**Councilmember Young moved to close the public hearing at 7:11 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

#### CITIZEN COMMENTS

There were no citizen comments.

#### APPROVAL OF RESOLUTION 2017R-10 ANNOUNCING THE INTENT TO ANNEX THE BOUNDARIES OF SUNSET CITY INTO THE NORTH DAVIS FIRE DISTRICT (NDFD)

On May 16, 2017, the Sunset City Council petitioned the North Davis Fire District (NDFD) for annexation into the District's service area for fire protection and emergency medical services. The NDFD subsequently passed a resolution requesting Clearfield City take all necessary and appropriate action to annex Sunset City and all real property within its corporate limits into the NDFD. The Clearfield City Council acted as the Governing Body for the North Davis Fire District, and as such initiated the process on behalf of NDFD.

On June 27, 2017, the Clearfield City Council adopted Resolution 2017R-08, which was a near identical resolution to Resolution 2017R-10, with the primary changes being the proposed dates necessary to allow for the required additional notification. Resolution 2017R-10 became necessary when the City Recorder was made aware of a potential shortcoming related to the prior notices as

outlined in Resolution 2017R-08. Therefore, to ensure that all notice requirements were met in compliance with Utah State Code and to provide ultimate transparency in the annexation process, Resolution 2017R-10 would take the place of Resolution 2017R-08 for the process.

**Councilmember Roper moved to approve Resolution 2017R-10 announcing the intent to annex the boundaries of Sunset City into the North Davis Fire District (NDFD) 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 Young. Voting NO – None.**

APPROVAL OF RESOLUTION 2017R-11 ADOPTING AND CERTIFYING A TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT'S 2017 TAX YEAR

North Davis Fire District's Administrative Control Board advertised and was scheduled to hold a public hearing for "Budgeting Property Tax" (truth in taxation) on Monday, August 7, 2017 at 7:00 p.m. regarding its tax rate. As the Governing Body for the North Davis Fire District, the City Council needed to consider adopting and certifying a tax rate of .001182 for the District's 2017 tax year.

Mayor Shepherd explained that the North Davis Fire District expressed a need to maintain its current property tax rate primarily due to inflation. He noted the District had not asked to maintain its rate since its creation in 2004.

Councilmember Phipps expressed his concerns about tax increases. He asked how much additional revenue would be provided to the District through the tax increase. Councilmember Peterson commented the District would increase its revenue in the approximate amount of \$137,000 by maintaining its rate. Councilmember Phipps asked if the increases to insurance premiums and labor were anticipated expenses. Mayor Shepherd responded the District operated frugally but operational costs were increasing annually. He also noted the District had not increased taxes for ten years. Councilmember Phipps commented he had previously served four years on the District's Administrative Board and at that time no tax increase had been necessary.

Councilmember Roper added inflation was a key component in the decision to maintain the tax rate. Councilmember Young pointed out it was a tax increase in actual property tax dollars and not like an increase to income tax which was a set percentage of what an individual earned. He commended the District's history in maintaining its operation for the same revenue dollars. Councilmember Phipps agreed. He asked if the tax rate would apply to the residents of Sunset City if it were annexed into the District's boundaries. Mayor Shepherd stated it would.

Councilmember Peterson reported she and Councilmember Roper recently spent several hours with Fire Chief Mark Becraft going over the District's budget in detail. She noted the liability insurance premium for the District tripled over the last five years while health insurance premiums had doubled. She explained the need for two additional firefighters even if the Sunset City annexation were not approved, as well as the need for reconfiguration within the District to have three acting battalion chiefs. Councilmember Roper added the fire station in Clearfield City was the busiest fire station in Davis County.

Councilmember Phipps expressed appreciation for the additional information. He expressed his concern for those on fixed incomes trying to meet their needs as taxes continued to increase. He stated he wanted to confirm there was an absolute need for the increase.

**Councilmember Peterson moved to approve Resolution 2017R-11 adopting and certifying a tax rate of .001182 for the North Davis Fire District’s 2017 tax year and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

APPROVAL OF ORDINANCE 2017-15 AUTHORIZING THE REZONE OF PROPERTY LOCATED AT OR NEAR 1200 SOUTH STATE, 1250 SOUTH STATE, AND 1400 SOUTH 1000 EAST FROM M-1 (MANUFACTURING) AND C-2 (COMMERCIAL) TO MU-SP (MIXED USE WITH A SPECIAL PURPOSE OVERLAY)

Councilmember Peterson referred to the staff report about the rezone request and asked that condition of approval number four on page seven be amended to say, “No building permit will be issued under this zoning designation without the approval of an MDP and a development agreement for the remainder parcels.”

Councilmember Phipps expressed a desire to review the details associated with the development of the property commonly referred to as “Clearfield Station.” He stated a portion of the property was proposed to be owned by Stadler Rail (Stadler) who would then construct a 65-foot building where rail cars would be constructed for Caltrans (California Department of Transportation). He continued two or three rail tracks were being proposed for the property that would come in from the north with the assumption that one of those tracks would need to connect to the Union Pacific tracks. He also stated there would be a lengthy electrified test track on the north side of the property parallel to the road (Depot Street) and that a road would be constructed on the east of the Stadler property that would be wider than normal. He asked if the City would be building the road. Spencer Brimley, Development Services Manager, said the road was not planned to be wider than normal and tax increment revenue was the funding source for its construction.

Councilmember Phipps expressed his understanding that parts for the Stadler product would come from all over the Country and then be assembled at the facility with the largest component being the frame for the rail cars themselves. He asked if the supplies would be coming to the site from the freeway to 700 South (SR 193). Mr. Brimley responded that was the likely route.

Councilmember Phipps added the Memorandum of Understanding (MOU) between the City, Utah Transit Authority (UTA), and Community Development and Renewal Agency (CDRA) committed the City to the construction of a parking garage on the remaining UTA property. Mr. Brimley explained the rezone of the property was one component necessary for the City to facilitate the development opportunities for the property and would lay the ground work for the other items still needing to be addressed. He continued the parking garage was also a component to the plan, but the specifics about the parking garage had not yet been worked out. Councilmember Phipps commented he was looking at the MOU and its connection to the rezone

because it stated the City would build the parking structure at an estimated cost of 13.8 million dollars.

JJ Allen, Assistant City Manager, clarified that tax increment revenue was one of a few funding sources available for the construction of Depot Street. He stated State and County resources could potentially factor into the funding of the roads associated with the Stadler project. He continued the funding source for the parking structure addressed in the MOU was tax increment revenue generated by the Clearfield Station Community Development Area (CDA) already established by the CDRA and the City would need to coordinate the collection of those funds from the other taxing entities. He explained the City would likely not construct the parking structure, rather UTA or its developer would be responsible for that but the City through the CDRA would provide the funding. He stated there were several options available for how that funding would take place but the MOU called out that the facility would be funded by the tax increment revenue generated by the site. He added the SP Overlay for the rezone required a contract and the MOU served that purpose for the zone change.

Councilmember Phipps pointed out that the MOU made clear UTA's goal for the site was to increase ridership of its Frontrunner service by increasing residential development through high density housing on the property. Mr. Allen stated there was still a lot to be determined regarding development of the site. He stated the City was committing to a station area planning effort for the site which included public input as a part of the process, but the City should anticipate the development would be mixed use. He explained UTA owned the property but the City had a lot of leverage available to its development as the land use authority. Councilmember Phipps expressed concern that the nuance from the language in the MOU was the City had an understanding that one of UTA's objectives was to increase ridership by increasing residential development next to its rail stop. Mr. Allen stated one of the factors that should be considered as part of UTA's expectation was the 216 residential units already under construction on the site.

Councilmember Phipps expressed his opinion that it was going to be difficult to create a high quality development for the site since a significant portion of the property included a strong manufacturing use at the back door. He envisioned the Stadler facility looking similar to the Warm Springs facility in Salt Lake City. He expressed concern about attracting quality residential or commercial development next to such a facility and emphasized challenges created by the congestion of the site with so many different uses being proposed.

Councilmember Phipps stated Stadler had expressed a desire to have a rail line on the site that would shuttle supplies to its facility from a piece of property on the southernmost side of the UTA property. He referred to the MOU and asked if the agreement prohibited the construction of such a rail line. Mr. Allen directed the Council to section 4, paragraph f of the MOU which read in part, "...no rail service or rail facilities will be allowed or permitted on that portion of the UTA Property lying between or otherwise connecting in any way, the City-Requested Property and the Option Property." He reported he spoke with UTA about the language and UTA agreed that "...or otherwise connecting in any way..." could be stricken from the agreement. He stated UTA and Stadler most recently agreed to a light gauge rail line within the right-of-way connecting the southern facility to the northern facility as long as it was not on UTA property but

rather in the street right-of-way. He continued the City would have its engineers review that proposal and make sure all public safety issues were addressed.

Councilmember Phipps expressed his opinion the additional rail line degraded the usability of development. He expressed concern people might not find it optimal to live in an area with rail lines, a parking garage, and a manufacturing facility. Mr. Allen assured the Council the facilities would be attractive and the rail connection between the properties would be used infrequently and would be constructed in such a way as to generate smooth travel lanes.

Mr. Allen further reviewed the specifics of the MOU with the Council. He explained there were fiscal impacts for the City. He stated the CDRA would purchase the property for the Stadler project from UTA for four million dollars and Stadler would in turn buy the property from the CDRA for two million dollars. He explained there were a couple of options available for the City to fund the gap and that tax increment revenue would be used to make any payment obligations. He expressed his opinion that the development of the site was a huge economic development opportunity because of its job creation and the catalyst that it would be for other development along the State Street corridor and entrance to the City. He acknowledged there were questions about what the remaining development would look like and those questions would be answered through the station area planning process. He stated the development community was interested in the process and the possibility of helping to shape the property.

Councilmember Phipps expressed his opinion that the Clearfield Station development would have a significant impact on the community and was changing Clearfield for at least a generation. He suggested the development would be a manufacturing facility surrounded by rail cars and would have the largest manufacturing building imaginable on its north end. He expressed his opinion the development might add economic value for the State and the County but not necessarily the City. He expressed his concern that there would not be one thousand residents from Clearfield looking for a manufacturing job and the need for those types of jobs was already being met by the other manufacturing facilities located in the City. He expressed his opinion it would not be a quality development that would attract viable businesses and residents. He suggested residents would question the City's decision to develop the site as planned. He agreed Stadler was a great opportunity for Utah as a whole but not for the Clearfield Station property because the impacts to the City were more likely to be negative.

Councilmember Young expressed his opinion that one thousand jobs was a good thing for the community because it increased the demand for labor across the board and provided a healthy economy for all. He commented the location was appropriate given its proximity to the Freeport Center. He agreed there were concerns with the MOU and whether the development would provide quality living. He expressed confidence in the process previously used by the City to develop the Downtown Clearfield Small Area Plan and believed the process would benefit the creation of a station area plan for the site because it would seek input from residents in defining the shape of the development for the remaining parcels. He acknowledged that UTA preferred residential development but the MOU stipulated the planning process would be applied to the site.

Councilmember Peterson stated as a new Planning Commission member in 2009, she remembered being part of the planning process for the site when UTA came forward with a plan to build over 3,000 apartment units on the site which was unacceptable to the City. She continued as the project evolved those plans were tempered. She expressed her opinion the current plan for development of the site lent itself to Clearfield's strength which was a manufacturing community. She suggested the development of the parcel would give the City the opportunity to shape development all along State Street. She believed there were also positive opportunities with the remaining parcels that would blend a mix of uses from State Street to the tracks on the Clearfield Station property.

Councilmember Bush expressed his opinion that the current request to rezone the property to MU-SP more closely resembled a true Transit Oriented Development (TOD) than any other plans from the past. He believed it created more opportunities for the City.

Mayor Shepherd commented the property was zoned manufacturing (M-1) for many years which made sense because of its proximity to Freeport Center.

**Councilmember Peterson moved to approve Ordinance 2017-15 authorizing the rezone of property located at or near 1200 South State, 1250 South State, and 1400 South 1000 East from M-1 (Manufacturing) and C-2 (Commercial) to MU-SP (Mixed Use with a Special Purpose Overlay); and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Roper, and Young. Voting NO – Councilmember Phipps.**

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING WITH UTAH TRANSIT AUTHORITY (UTA) REGARDING THE DEVELOPMENT OF PROPERTY AT OR NEAR 1200 SOUTH STATE, 1250 SOUTH STATE, AND 1400 SOUTH 1000 EAST

**Councilmember Roper moved to approve the Memorandum of Understanding with Utah Transit Authority (UTA) regarding the development of property at or near 1200 South State, 1250 South State, and 1400 South 1000 East; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Roper, and Young. Voting NO – Councilmember Phipps.**

APPROVAL OF THE AWARD OF BID FOR THE 2017 ROAD MAINTENANCE PROJECT TO STAKER PARSON COMPANIES

Scott Hodge, Public Works Director, stated staff solicited bids to make improvements to various roads throughout the City. He indicated two bids were received and the lowest responsible bidder was Staker Parson Companies with the bid of \$627,068.80. He described the areas that would see improvement through the project. He reported a change order would be issued following the award of the bid that would reduce the pricing for the surfacing of a portion of the Rail Trail.

Councilmember Phipps asked how the roads were selected for the project. Mr. Hodge explained the City conducted a pavement assessment of all the roads in the City ever four to five years and each road and intersection received a rating based on those assessments. He stated the program was set up in such a way as to make improvements to every road in the City within a ten year period. He added sometimes roads were moved to a higher priority if the City began to see an unexpected decline in their conditions.

Councilmember Peterson asked how Holt Elementary would be impacted by the timing of the road project and the beginning of the new school year. Mr. Hodge responded the timeline was not firmly set until after the bid was awarded and a preconstruction meeting was held. He stated the City would look at doing the work on the weekend or at night to mitigate any impact to the school.

**Councilmember Young moved to approve the award of bid for the 2017 Road Maintenance Project to Staker Parson Companies with the bid amount of \$627,068.80 for the standard weight chip option with contingency and engineering of \$27,931.20 for a total project cost of \$655,000; and authorize 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 Young. Voting NO – None.**

#### COMMUNICATION ITEMS

##### *Mayor Shepherd*

1. Thanked police, staff and the North Davis Fire District for their efforts toward the event held at the Aquatic Center for the Night Out Against Crime.
2. Reported the Tour of Utah had passed through Layton City earlier in the month. He hoped to work with the County and encourage a change to the route so it moved through Clearfield sometime in the future.
3. Reported officials from Hill Air Force Base (HAFB) recently met with the Idaho National Guard to offer advice and help as it looked to begin an F35 program in Boise. He explained the facility was moving its operation from A10s to F35s which was a much louder platform. He commented it was good to meet with mayors from other states.
4. Reported he participated in the wrap-up meeting with the Fourth of July planning committee and a report would be made to the Council in the future.

##### *Councilmember Bush*

1. Expressed his appreciation for the Night Out Against Crime event.
2. Reported he attended the CIRCLES graduation on July 27, 2017.

##### *Councilmember Peterson*

1. Expressed her appreciation for the Night Out Against Crime event.
2. Reminded the Council about the New Hope Fellowship Block Party Backpack Event on August 12, 2017 right next to Star Café. She commended its efforts in aiding the community.

*Councilmember Phipps* – nothing to report.

##### *Councilmember Roper*

1. Thanked the police department and others for their efforts with the Night Out Against Crime event. He stated other communities were impressed with Clearfield's event.

2. Expressed appreciation for Fire Chief Mark Becraft spending time reviewing the North Davis Fire District's budget with him. He appreciated Chief Becraft's efforts in keeping the community safe. Mayor Shepherd agreed.

*Councilmember Young* – expressed his appreciation for the Night Out Against Crime event.

## STAFF REPORTS

### *Adam Lenhard, City Manager*

1. Directed the Council to the monthly report that was emailed earlier in the day.
2. Reported there had been a lot of progress on the installation of new playgrounds throughout the City. He stated a barrier had been placed around the playground at Cornerstone Park to keep children off of it due to safety concerns until the fill material was installed.
3. Reported the new sign was installed at the cemetery and encouraged the Council to stop and see it. He stated the sign was similar to the style planned for City parks in the future.

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

- No meeting on August 15, 2017
- Work and Policy Session on August 22, 2017

**Councilmember Bush moved to adjourn as the City Council and reconvene as the CDRA at 8:07 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

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

**APPROVED AND ADOPTED  
This 22<sup>nd</sup> day of August, 2017**

**/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 8, 2017.

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