

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
August 28, 2018

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
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Lamont Hampton – Open Doors, Bob Bercher, Boy Scout Troop 386, Kevin Porter, Jerry Preston, Bryce Thurgood, Shellie Ferry, Brady Jugler – Planning Commission Chair, Donovan Gilliland

Mayor Shepherd called the meeting to order at 7:02 p.m.

Mayor Shepherd informed the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Peterson led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE JULY 10, 2018 WORK SESSION; JULY 31, 2018 WORK SESSION; AUGUST 7, 2018 WORK SESSION; AUGUST 14, 2018 POLICY SESSION; AND THE AUGUST 16, 2018 NEIGHBORHOOD PARTY

**Councilmember Phipps moved to approve the July 10, 2018 work session; July 31, 2018 work session; August 7, 2018 work session; August 14, 2018 policy session; and the August 16, 2018 neighborhood party; as written, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY F STREET AND 3<sup>RD</sup> STREET IN THE FREEPORT CENTER FROM M-1 (MANUFACTURING) TO P-F (PUBLIC FACILITIES)

Brad McIlrath, Senior Planner, stated Syracuse City was in need of replacing its existing water towers located in the Freeport Center due to growth demands. He indicated Syracuse would need additional land and would be performing a lot line adjustment with a portion of property to the east of the current water tower property in order to have a larger, buildable area. He mentioned Syracuse would like to rezone the project area from M-1 (Manufacturing) to P-F (Public Facilities) Zone to better accommodate the expansion of the public facilities at that location. He explained the rezone would provide better flexibility and greater heights for the towers subject to a conditional use permit approval. He said the P-F Zone was consistent with the land use of the property. He acknowledged the Planning Commission heard and unanimously recommended approval of the item during its meeting on August 1, 2018, with four findings that included being subject to a conditional use permit and site plan review and approval.

Mayor Shepherd opened the public hearing at 7:08 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Roper moved to close the public hearing at 7:09 p.m. seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST TO REZONE PROPERTY LOCATED AT 788 SOUTH 2000 EAST FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

Brad McIlrath, Senior Planner, explained the request was to rezone the property at 788 South 2000 East from C-2 (Commercial) to D-R (Downtown Redevelopment). He indicated the property was currently zoned C-2 and the General Plan designated the property as mixed use. Mr. McIlrath acknowledged the intended development was planned for high density residential and an office building. He reviewed the City's Future Land Use Map, Zoning Map, and proposed site plan with the four residential buildings and one office building. He stated the corner parcel was not being rezoned because it was planned to be developed as a C-Store or gas station which was allowed with that current C-2 Zoning.

Mr. McIlrath mentioned the General Plan designated the area as mixed use and also encouraged zone changes to provide for the highest and best use of the community and property owners. He noted the proposed rezone was consistent with the surrounding land uses by providing a mix of residential and commercial land uses. He indicated the Planning Commission had reviewed the rezone request at its meeting on August 1, 2018, and recommended approval based on its findings.

Mayor Shepherd opened the public hearing at 7:11 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Bush moved to close the public hearing at 7:12 p.m. seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST TO AMEND TITLE 11, CHAPTER 11D OF THE CLEARFIELD CITY CODE TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE M-1 ZONE UNDER CERTAIN CONDITIONS

Brad McIlrath, Senior Planner, stated the applicant had requested a zoning text amendment to amend Title 11, Chapter 11D to allow for single family residential dwellings in the M-1 (Manufacturing) Zone under certain conditions. He indicated the request was reviewed by the Planning Commission at its meeting on August 1, 2018. He mentioned the applicant owned property along South Main Street and the property previously allowed for joint uses as a single-family residence attached to a manufacturing property which was an auto repair shop. Mr. McIlrath explained there was a sewer line break in 2007 which caused the residents living in the home to be removed and it remained vacant until June of 2009. He continued because the home was not utilized as a residence afterwards the City removed its non-conforming status to continue having both uses. He added Kevin Porter, who had purchased the property in 2009 and was its current owner, was told by the City the property could be used for residential or commercial, but not both. Mr. McIlrath acknowledged Mr. Porter wanted to change the language of the City Code by limiting and tailoring it to only be applicable for his property.

He reviewed the proposed development standards which allowed an attached single-family residential dwelling unit in the M-1 zone subject to the following standards: limited to one unit; must be attached to a commercial building either horizontally or vertically; the total square footage (commercial and residential combined) should not exceed 10,000 square feet; the residential unit should not exceed 50 percent of the total square footage; and this type of building must have been in existence prior to 1999. He stated the Planning Commission reviewed it and there was much discussion which resulted in a tie vote with the chair voting to forward a recommendation of approval to the City Council. Mr. McIlrath pointed out those voting for approval reasoned the proposed amendment had a narrow focus that would likely only impact Mr. Porter's property and it would require a site plan and site improvements. He mentioned those voting against the amendment voiced concerns it was not consistent with the M-1 Zone expanding residential, and a use should not continue if it had been discontinued. He said if the City determined to allow the uses again it would be a legal non-conforming use which if it was not vacated allowed the owner rights but also provided the City assurances the uses would not continue out of the designed pattern.

Mr. McIlrath indicated he reviewed the General Plan with the request in mind but found no language that encouraged the types of uses being proposed, but also did not find any that addressed it either. He asked if there were any questions.

Mayor Shepherd asked if the property had been occupied and used as a residence. Mr. McIlrath responded it had been discussed during the work session on August 14, 2018, and staff had been asked to research whether or not the property had been used continuously. He recalled the water usage records indicated there was a vacancy from February of 2017 to March of 2018. He reviewed documents and confirmed the water usage records available dated back to August of 2015 and there were some minimal periods without use of water but from February of 2017 to March of 2018 there was no water usage on the property. He added the water usage information was also provided to Mr. Porter.

Mr. Porter said the property was being used as a residence but the dates identified by staff did not reflect that it was being used as such.

Mayor Shepherd opened the public hearing at 7:19 p.m.

Mayor Shepherd asked for public comments.

*Kevin Porter*, resident, asked for support and consideration to allow a live/work environment for his property. He stated mixed use had been allowed on the property until there was a sewer backup causing the residence to be evacuated and due to a vacancy the legal non-conforming status was forfeited. He noted there was a residence attached to the south end of a mechanic shop which had been in operation for fifty plus years. Mr. Porter indicated the property was currently used as a legal non-conforming residence only. He said he had a current residential landlord business license for the property. He expressed his opinion there would be no adverse effects to the area if the proposed amendments were made to allow use of the mechanic shop again. Mr. Porter commented there were currently five conditions listed in the text amendment for eligibility of such a use. He suggested he would be open to more including the requirement that the tenant of the residence be the same tenant who occupied the business. He explained the complications which kept him from requesting mixed uses previously and the difficulty of finding good tenants. He commented the current tenant signed a lease in April of 2018 and desired to open a mechanic shop. He requested consideration to allow a live/work environment again whether it was through a text amendment, reinstating the property by grandfathering it to allow joint uses, or whatever outside of the box thinking could allow it.

Mayor Shepherd asked Mr. Porter if he owned the property when the sewer had the backup. Mr. Porter replied no. Mayor Shepherd thanked him for his comments and asked if there were any others interested in speaking during the public hearing.

**Councilmember Thompson moved to close the public hearing at 7:24 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**

## OPEN COMMENT PERIOD

*Shellie Ferry*, resident, stated she had been informed by her husband that during a City Council meeting there had been a proposal to continue the Canal Trail beyond 300 North. She expressed her desire to speak in hopes the Council would give some consideration to those impacted by living close to the trail. She stated she had lived in Clearfield for a majority of her life, recalling several changes in her present neighborhood over the years. She asked for the Council to consider in its decision making the quality of life of those living near the trail. She indicated the trail was built after she had purchased her home and since the trail had been installed she had experienced concerns with increased traffic; less privacy; criminal and other activities which caused alarm for the safety of her family and neighbors; as well as many other stories she could share about living near the trail. She expressed her desire that the trail not be continued down the canal.

## APPROVAL OF ORDINANCE 2018-12 REZONING PROPERTY LOCATED AT APPROXIMATELY F STREET AND 3<sup>RD</sup> STREET IN THE FREEPORT CENTER FROM M-1 (MANUFACTURING) TO P-F (PUBLIC FACILITIES)

**Councilmember Peterson moved to approve Ordinance 2018-12 rezoning property located at approximately F Street and 3<sup>rd</sup> Street in the Freeport Center from M-1 (Manufacturing) to P-F (Public Facilities) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

## APPROVAL OF THE FINAL SUBDIVISION PLAT FOR WATER TOWER SUBDIVISION LOCATED AT APPROXIMATELY F STREET AND 3<sup>RD</sup> STREET IN THE FREEPORT CENTER

Brad McIlrath, Senior Planner, mentioned in conjunction with the rezone request, Syracuse City was requesting a subdivision plat be approved for the proposed lot line adjustment to facilitate the combination of additional property acquired from the Davis School District to its existing parcel. He indicated the land was purchased to expand the water tower site and construct two new water towers to service Syracuse City. He reviewed the proposed plans.

Mr. McIlrath mentioned the Planning Commission reviewed the request at its meeting on August 1, 2018, and recommended approval with the following condition the plans be revised to address the City engineer's requirements prior to the submittal and recording of the final subdivision plat.

**Councilmember Roper moved to approve the Final Subdivision Plat for Water Tower Subdivision located at approximately F Street and 3<sup>rd</sup> Street in the Freeport Center with the conditions as recommended by the Planning Commission on August 1, 2018; 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 Thompson, Voting NO – None.**

APPROVAL OF ORDINANCE 2018-13 REZONING PROPERTY LOCATED AT 788 SOUTH 2000 EAST FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

Councilmember Phipps expressed his opinion the rezone fit with what had been planned for the property over a decade ago; although, it was a different configuration.

**Councilmember Thompson moved to approve Ordinance 2018-13 rezoning property located at 788 South 2000 East from C-2 (Commercial) to D-R (Downtown Redevelopment) 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 Thompson. Voting NO – None.**

DENIAL OF 2018-14 AMENDING TITLE 11, CHAPTER 11D OF THE CLEARFIELD CITY CODE TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE M-1 ZONE UNDER CERTAIN CONDITIONS

Mayor Shepherd noted the applicant had shared comments during the public hearing and asked if there were any concerns or thoughts from the Council.

Councilmember Phipps expressed his concern that the amendment targeted a specific use and worried it would open itself up to others wanting similar considerations from the Council. Councilmember Bush agreed that was also his concern. He expressed his opinion allowing residential use in a manufacturing zone did not seem right; however, he was not opposed to the use for this specific property. He recognized as the City began the small neighborhood planning process the property and other areas of the City could perhaps be addressed so changes could be made to allow alternate uses for the current situation. Councilmember Bush expressed his desire to begin the small neighborhood plans in the near future.

Councilmember Peterson stated there were two things which made her hesitant to adopt the drafted ordinance. She indicated the amendment was not consistent with the General Plan which was the guiding land use document for the City. She noted the narrowly defined language was also worrisome because it was spot zoning and could set precedence for other property owners to request very specific parcel zoning rather than letting the General Plan govern land uses. She expressed her opinion the request was not the best way to resolve a land use issue for a specific parcel.

Councilmember Roper expressed his desire to quickly have a discussion about small neighborhood plans to help with future planning. He indicated he was not opposed to the use for the area; however, thought it would be prudent to look at the bigger picture in relation to the City to plan for housing and the various types which might become popular.

Councilmember Phipps reported he also did not have a problem with the use for the area, but did not feel it was the right way to go about allowing for the use.

Councilmember Thompson stated he was favorable to the type of use proposed by the amendment because he was an advocate for the live/work concept. He recognized the amendment might not be the best way to allow for the residential use. He expressed his interest in learning more about the historical aspect of the property and hoped the small area planning process could address it. He said he was open to finding an answer which would allow for the use.

**Councilmember Bush moved to Deny Ordinance 2018-14 amending Title 11, Chapter 11D of the Clearfield City Code to allow for single family residential dwellings in the M-1 zone under certain conditions, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, and Phipps. Voting NO – Councilmembers Thompson and Roper.**

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR CLEARFIELD JUNCTION LOCATED AT APPROXIMATELY 52 SOUTH MAIN, 17 NORTH MAIN, 75 NORTH MAIN, AND 101 NORTH MAIN

Brad McIlrath, Senior Planner, identified the property was located on the northwest corner of Center Street and Main Street. He mentioned the property was zoned T-R (Town Residential) as part of the Form Based Code. He stated the proposed subdivision would rearrange the existing properties at that location and rededicate property lines and utility easements for future phased development. He reviewed an aerial image of the property, the proposed subdivision plat and site plan.

Mr. McIlrath noted in previous discussions with the City Council and Planning Commission there were some concerns about the access especially for those rear properties. He explained in order to address that issue and facilitate shared parking the subdivision provided shared parking, access and utility easements that would be a separate document and run with the properties when recorded.

He stated the Planning Commission reviewed the item during its meeting on August 1, 2018, and recommended approval with four conditions. Mr. McIlrath commented on August 14, 2018, the City Council discussed during its work session cleaning up those property lines in the right-of-way along Main Street which were City-owned and adjacent to the project. He continued the Planning Commission, having met prior to the Council's work session discussion, had not incorporated the dedication of the City-owned properties with the subdivision plat as part of its conditions; however, it was listed in the staff report as a condition with the other four conditions from the Planning Commission should the Council desire to add it during its consideration. He acknowledged staff discussed and felt it would be an appropriate time to make the adjustments to the City owned properties even though it was not pertinent to this particular project or it could be addressed at another time with the County if the Council did not feel it was appropriate.

Councilmember Bush asked if the County was comfortable with the measurements and size for the lot reserved for the library. Mr. McIlrath indicated the County had seen the plan and to his knowledge was comfortable with it. JJ Allen, City Manager, stated the County had seen the site

plan which included lot line measurements and there were no concerns expressed about it other than having 1.5 acres set aside for it.

Councilmember Phipps asked if the lot line ran through the parking lot as shown on the site plan. Mr. McIlrath answered it did. He added there was not much parking on the site planned for the library but as part of the overall development with shared access and utility easements most additional parking was provided on the adjacent property. He added the developer had plans to have signs designating parking for library use only during its operational hours.

Councilmember Phipps expressed he had concerns with the site plan but understood it was not the item being considered currently.

**Councilmember Thompson moved to approve the Final Subdivision Plat for Clearfield Junction located at approximately 52 South Main, 17 North Main, 75 North Main, and 101 North Main with the conditions as recommended by the Planning Commission on August 1, 2018; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper.** Councilmember Peterson asked if the motion should have included language for the condition to clean up the right-of-way for the properties by recommending the additional fifth condition. **Councilmember Thompson amended the motion to include a fifth condition directing staff to clean up the City-owned property lines to include the dedication of the rights-of-way, Councilmember Roper concurred with the amendment. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

Councilmember Bush asked if the address listed as 52 South Main was correct. Mr. McIlrath answered it was the parcel address recognized by the County; however, it was not a correct address. Councilmember Bush questioned if that address would also be corrected. Donovan Gilliland, developer of Clearfield Junction, stated the addresses had not yet been solidified and it should be worked out with the City's engineer. He reported he was not aware of the additional condition regarding the rights-of-way discussed and worried it would alter his plat which had been prepared and provided to UDOT to obtain the necessary access approvals so he was not certain how that would affect the project. Mayor Shepherd commented it should not affect what the developer was trying to do. Mr. Gilliland questioned if it would require him to prepare another drawing for the subdivision plat. There was a discussion about the notations, shading or paragraph which would be required on the plat drawings to designate the rights-of-way. Mr. Gilliland stated if all he needed to do was add a paragraph noting the rights-of-way with language, it should be fine; however, he did not want to make adjustments to the drawings which would be more costly.

APPROVAL OF RESOLUTION 2018R-11 APPROVING AMENDMENT #2 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN CLEARFIELD CITY AND UCA (UTAH COMMUNICATIONS AUTHORITY) ALLOWING T-MOBILE TO CO-LOCATE ON THE UCA TOWER EAST OF THE CLEARFIELD COMMUNITY ARTS CENTER

JJ Allen, City Manager, indicated the name of the agency was formerly Utah Communications Agency Network (UCAN); however, it had changed to Utah Communications Authority (UCA). He acknowledged the corrected Amendment 2 was provided to the Council earlier in the day for review which included some minor edits. He stated the amendment would allow for co-location of T-Mobile's equipment on a tower which was owned by UCA but on City land. He mentioned the City would receive \$300 per month as a portion of the rent revenue that UCA collected with an annual escalation of two percent. He acknowledged the agreement was discussed during work session on August 7, 2018 and asked if there were any additional questions.

**Councilmember Roper moved to approve Resolution 2018R-11 authorizing Amendment #2 to the Interlocal Cooperation Agreement between Clearfield City and UCA allowing T-Mobile to co-locate on the UCA tower east of the Clearfield Community Arts Center and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

COMMUNICATION ITEMS

***Mayor Shepherd***

1. Recognized the scouts in attendance at the meeting.
2. Attended a committee meeting about housing affordability with Councilmember Peterson. He indicated the committee was made up of developers, state agencies, and municipal representation to discuss the why, how, and try to find solutions related to affordable housing. He stated the City received accolades and several cities were being proactive. He noted there was a lot of work to be done.
3. Reported he would be out of town September 18, 2018.

***Councilmember Bush***

1. Attended the neighborhood parties at Train Watch and Steed parks and thought each went well.
2. Appreciated the ideas shared at the Community Leaders Lunch on August 21, 2018.
3. Attended the ribbon cutting ceremony for the Maintenance and Operations Center on August 16, 2018.
4. Expressed his opinion the Mid-year Retreat meeting on August 23, 2018 was good.
5. Planned to attend the upcoming Circle's Family Fun Night event but asked if anyone knew where it would be held. Mr. Allen reported it would be held on Thursday, August 30, 2018 at Kiwanis Park from 5:30 p.m. to 7:00 p.m.
6. Announced his appointment by Governor Herbert to the Uniform Building Code Commission. Mayor Shepherd congratulated him.

***Councilmember Peterson*** – expressed appreciation to staff for the work involved with the retreat and pop up parties. She expressed her desire to pass along appreciation she had received from residents on the south end of town for the mayor and police that attended an event which celebrated going back to school.

***Councilmember Phipps***

1. Expressed appreciation to staff for the work involved with planning and preparing the Mid-year Retreat.
2. Attended the Wasatch Integrated board meeting earlier in the day. He reported the transfer station was under construction and should be completed during the first quarter of 2019. He stated the materials recovery facility was undergoing preliminary design and cost estimates which should be completed by the end of the year. He stated Wasatch Integrated anticipated it would be two years before the funding would be allocated and contracts would be completed for its facility.

***Councilmember Roper*** – thanked the community for attending and making comments during the meetings. He assured all comments were heard and considered when the Council made decisions.

***Councilmember Thompson***

1. Thanked staff for the Mid-year Retreat and expressed his opinion it was informative and the forum helped build bonds between the staff and Council.
2. Announced he would be assisting the Utah African American Chamber of Commerce with recruitment for the Davis and Weber County branches. He planned to network at the Community Leader Luncheon to find someone from the City that could be a leader for the Davis County branch.
3. Reported receiving a lead on a grant opportunity which could assist funding for a boxing program or the arts which could help the City. He stated the grant was accessible on an invitation basis and the City had been invited to apply because of his connection.

**STAFF REPORTS**

***JJ Allen, City Manager***

1. Expressed appreciation for the work of the staff in preparing and presenting the work session design charrette on August 21, 2018, the pop-up-party on August 22, 2018, and the Mid-year Retreat on August 23, 2018 as well as the Council's participation.
2. Reported the City offices would be closed for the holiday on Monday, September 3, 2018.

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

- **Work Session September 4, 2018**
- **Policy Session on September 11, 2018**
- **No meeting on September 18, 2018**
- **Policy Session on September 25, 2018 would be cancelled unless there were imperative items to discuss.**
- **Work Session on October 2, 2018**
- **Policy Session on October 9, 2018**

**Councilmember Peterson moved to adjourn as the City Council and reconvene as the CDRA in policy session at 8:08 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

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

**APPROVED AND ADOPTED  
This 9<sup>th</sup> day of October, 2018**

**/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 28, 2018.

/s/Nancy R. Dean, City Recorder