

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
December 11, 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
	Kelly Bennett	Assistant 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
	Lee Naylor	Accountant
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Jeff Smith, Dean Cotter, Mack McDonald – Davis County, Nicola Corbin, Bob Bercher, Heather Christopherson, Cameron Winqvist, Natalie Winqvist, Jake Woodward – JW Properties, Aliza Kimabry, Craig Winder, Leslie Mascaro, Adam Hughes – Better City, Cameron Dibb – Duffin and Dibb PC, Jared Hadley, Joe Torman – Lotus

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 NOVEMBER 20, 2018 COMMUNITY NETWORKING MEETING AND THE NOVEMBER 27, 2018 POLICY SESSION

Councilmember Phipps moved to approve the minutes from the November 20, 2018 community networking meeting and the November 27, 2018 policy session; 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 A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION ON THE CITY'S FUTURE LAND USE MAP FROM RESIDENTIAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT 755 EAST 200 SOUTH (TIN: 12-002-0015)

Spencer Brimley, Community Development Director, stated the applicant was requesting an amendment to the City's General Plan and Future Land Use Map from Residential to Commercial for approximately 1.35 acres located at 755 East 200 South. He explained the request for a General Plan amendment would allow the applicant to proceed with a rezone to make the zoning more consistent with the use of the property, currently a storage facility. He noted the Planning Commission reviewed the request at its meeting on December 5, 2018 and recommended approval.

Mayor Shepherd opened the public hearing at 7:06 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Peterson moved to close the public hearing at 7:07 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST FOR THE PROPERTY LOCATED AT 755 EAST 200 SOUTH (TIN: 12-002-0015) FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO C-2 (COMMERCIAL)

Spencer Brimley, Community Development Director, indicated the applicant was requesting a rezone for the property located at 755 East 200 South. He acknowledged the request would rezone the property from R-1-8 (Single-family Residential) to C-2 (Commercial) and would make the zoning more consistent with the use of the property, which was currently commercial storage. He stated the Planning Commission reviewed the request at its meeting on December 5, 2018 and recommended approval.

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

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush 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 STREET VACATION IN THE VICINITY OF 700 SOUTH AND 1000 EAST

Brad McIlrath, Senior Planner, commented the City received a request to vacate a portion of the right-of-way in the vicinity of 700 South and 1000 East. He noted the right-of-way was previously used as an access road for residential properties but those homes had all been demolished and it was no longer needed by the new property owner. He explained the request would be contingent upon allowing for a twenty-foot public utility easement in place of the right-of-way which would allow continual access to the utility lines for water, sewer, and natural gas. Mr. McIlrath reviewed the aerial image of the property and drawings of the proposed area to vacate along with the area that would remain intact for the utility easement. He mentioned the size proposed for the easement had been verified by Public Works staff and it would be adequate for the utility lines. He stated staff recommended approval of the requested street right-of-way vacation subject to the provision of a utility easement for the existing utilities located within that right-of-way.

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

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Roper moved to close the public hearing at 7:12 p.m. seconded by Councilmember Phipps. 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 REZONE REQUEST FOR THE PROPERTY LOCATED AT 1295 WEST 300 NORTH (TIN: 12-024-0014) FROM A-1 (AGRICULTURAL) TO R-2 (MULTI-FAMILY RESIDENTIAL)

Brad McIlrath, Senior Planner, stated the property at 1295 West 300 North was one of five properties located along the south side of 300 North currently zoned A-1 (Agricultural). He noted the General Plan designation for the area was residential. He indicated most of the surrounding uses were single-family; however, there were some higher density areas nearby including a mobile home park and some duplexes. He reviewed the current zoning and General Plan's Future Land Use Map.

Mr. McIlrath commented the applicant was requesting to rezone the property from A-1 (Agricultural) to R-2 (Multi-family Residential) to develop the property with a smaller lot single-family development. He explained staff recommended the Planning Commission deny the rezone request based upon the following four findings:

- Surrounding residential uses were single-family and shared an existing single-family zoning classification.
- This rezone would increase the residential density of the area without support from public transportation or additional pedestrian infrastructure and connections.

- The General Plan supported the increased use of the R-1-8 Zone as the preferred zone for development of single-family residential neighborhoods.
- The City was focused on higher density in the downtown area and single-family development outside of the downtown corridor.

He noted the R-1-6 Zone had been discussed by the Council during work session as a possible option; however, acknowledged the General Plan currently did not allow that zoning. Mr. McIlrath stated the Planning Commission reviewed the request at its meeting on December 5, 2018, and recommended denial.

Mayor Shepherd opened the public hearing at 7:14 p.m.

Mayor Shepherd asked for public comments.

PUBLIC COMMENT

Opposed

Jeff Smith, resident, stated the proposed property was next to his backyard. He expressed his opposition to allowing townhomes in the area because he thought if the City changed the zoning it would increase congestion as well as decrease the value of his home.

In Favor

Dean Kotter, nonresident, mentioned he was in favor of the rezone request. He clarified the development was not planned for multi-family or high density as the agenda had suggested. He stated the potential buyers of the property were willing to commit contractually to a limited number of homes for the development. He reported a condition of approval could be for the zoning to revert back to A-1 if the contractual number of homes were not built. He indicated the planned development of patio style homes was not intended to hurt the neighborhood and suggested it could potentially raise the value of homes in the area. He added transportation concerns were brought up during the work session so he pointed out the nearest bus stop was at 1000 West and 300 North. He asked if there were any questions.

Mayor Shepherd thanked them for the comments.

Councilmember Peterson moved to close the public hearing at 7:17 p.m. 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 AN AMENDMENT TO THE FINAL SUBDIVISION PLAT LOT 2 FOR DOLLAR TREE SUBDIVISION LOCATED AT APPROXIMATELY 585 NORTH MAIN STREET

Brad McIlrath, Senior Planner, explained the applicant had asked to have the item tabled from the December 5, 2018 Planning Commission meeting and moved to its meeting in January. He

noted the Planning Commission voted to table the item until its meeting on January 9, 2019; therefore, staff recommended tabling the public hearing and consideration on the item until the City Council meeting scheduled for January 22, 2019.

Councilmember Bush moved to table the public hearing at 7:19 p.m. to January 22, 2019 at 7:00 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 AN AMENDMENT TO THE FINAL SUBDIVISION PLAT FOR WEST SQUARE SUBDIVISION LOCATED AT APPROXIMATELY 875 SOUTH DEPOT STREET

Brad McIlrath, Senior Planner, stated the West Square development was a 144 unit multi-family development which was originally approved as apartments, but had since been proposed to be developed as condominiums. He indicated the request was to amend the subdivision plat to create residential condominiums units for buildings B and C of the multi-family development, which was a continuation of what had been done previously for building A and the club house. He acknowledged the Planning Commission reviewed the request at its meeting on November 7, 2018 and recommended approval with the following four conditions:

- The final condominium plat should meet City standards and be to the satisfaction of the City Engineer.
- Construction of the units should comply with current building code standards for condominiums with sufficient separation, materials, and connections for utilities.
- Final review of the private covenants and restriction documents should be completed by the City Attorney and any comments generated be appropriately addressed, prior to recordation of the associated documents along with the condominium plat.
- The private covenants and restrictions required (pursuant to 11-13-24 of the City Land Use Ordinance), any amendment, and any instrument affecting the property or any unit therein, should be approved by the City Attorney, Planning Commission, and City Council, and should be recorded with the County Recorder.

Mayor Shepherd opened the public hearing at 7:21 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:22 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 AN AMENDMENT TO THE LARSEN COMMERCIAL SUBDIVISION, LOT 2, SECOND AMENDMENT SUBDIVISION PLAT LOCATED AT APPROXIMATELY 325 WEST ANTELOPE DRIVE

Brad McIlrath, Senior Planner, explained it was the second amendment to the previously amended subdivision, which included the creation of a new lot. He reviewed the first and proposed second amendments for the Larsen Commercial Subdivision, Lot 2 located at approximately 325 West Antelope Drive. He indicated when considering a new lots were required by ordinance to comply with all subdivision standards such as lot width, setbacks, access, landscaping, and parking. Mr. McIlrath mentioned the applicant was proposing an amendment to the existing Larsen Commercial Subdivision that would subdivide an existing lot into two (2) new lots. He commented the proposal would split the existing Lot 2A into two new lots and would not vacate or amend any existing utility easements, access points, or public rights-of way. He acknowledged both lots would continue to be served by the existing infrastructure in place and benefit from the existing twenty-five (25) foot ingress and egress easement located along the center of the common driveway and parking area.

Mr. McIlrath continued the proposal complied with setback and parking standards; however, it would not meet the landscaping requirement for the C-2 (Commercial) Zone. He reported the C-2 Zone currently required a minimum of 10 percent landscaping. He reviewed the existing landscaping areas and noted the difficulty to achieve the minimal 10 percent required without eliminating parking which was required by other businesses currently in operation. He explained he had discussed the landscaping issues with the applicant as well as the Planning Commission at its meeting on November 7, 2018. Mr. McIlrath acknowledged the Planning Commission forwarded a recommendation of approval subject to the following conditions:

- The applicant should work with the Clearfield City Engineer to address the items outlined in the engineering review letter dated October 15, 2018.
- Items noted by the City Engineer should be addressed prior to the recording of the mylar for the amended subdivision.
- If the storm water detention basin located in the southwest corner of Lot 2C was to be used for both lots, language should be added to the subdivision plat to indicate the maintenance and use of the detention for both lots.
- The amended plat should maintain existing utility and access easements as required by the City Engineer.
- The proposed lots should comply with lot frontage, width, setback, and development standards required by Title 11 of the Clearfield City Code.
- The applicant should execute a development agreement with the Clearfield City Council to allow the site landscaping to be under the required ten percent as mandated by the C-2 Zone, and to preserve and maintain the existing site landscaping.
- The monument sign located on Lot 2D should not be used for signage of businesses located on Lot 2C.

He added the property was not initially designed to accommodate that much landscaping and it was originally developed under old standards so the Planning Commission felt the existing landscaping should be preserved and maintained; however, if there were a deviation from the standard, a development agreement would be an appropriate way to allow for any modifications.

Councilmember Phipps asked if it did not meet the ten percent landscaping standard what percentage could be reached. Mr. McIlrath responded his calculations had been between six to seven percent landscaping which was keeping the current landscaping around the building and in the corner area.

Mayor Shepherd opened the public hearing at 7:29 p.m.

Mayor Shepherd asked for public comments.

Cameron Dibb, non-resident, stated he was an attorney representing those involved with the property ownership. He commented the plan was to split the properties but continue with the detention basin and leave it as open space. He noted the applicants were requesting the City Council allow the six to seven percent landscaping on the new lot so the properties could be split.

Councilmember Roper moved to close the public hearing at 7:30 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.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2018

Heather Christopherson of Ulrich and Associates, P.C. reviewed Clearfield City's Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2018, and pointed out the following:

- Page 15 through 17 – Independent Auditors' Report provided a clean audit opinion of the City's financial statements and activities. She announced there was one State finding documented later in the report.
- Pages 18 through 30 – Management's Discussion and Analysis which included a narrative overview of the financial activities of the City through the year.
- Pages 32 and 33 – Statement of Net Position identifying all funds, similar to what would be reported if the City were a business including items such as capital assets, net pension liabilities, and other long term liabilities.

Councilmember Peterson requested a summary of the cash and cash equivalents called out in the report of about nine million dollars and how it was reflected throughout the information. Ms. Christopherson answered the biggest portion of cash was from the issuance of new debt during the year. She explained the City issued debt to acquire land and there was cash left over which accounted for about seven million dollars.

Ms. Christopherson continued with the review of the CAFR.

- Page 34 – Statement of Activities listed each governmental function and accounted for its expenditures, charges for services, operating grants and contributions to measure its ability to cover the cost of its services. She explained if there was a shortfall the City was required to support its service through its general revenues collected from property and sales taxes. She pointed out about \$10.3 million of

governmental activities were supported by other revenues not charged for services or through other grants and contributions.

- Pages 36 through 37 – Governmental Fund Balance Sheets mentioned the unreserved fund balance was approximately 41 percent of the current year’s revenues. She informed the Council that State compliance required the City to be under 25 percent; consequently, the City had received a finding associated with that number on page 152. Ms. Christopherson explained it essentially meant the City had excess funds which could be used towards infrastructure projects.
- Page 41 – The line identified as Net Change in Fund Balances showed the General Fund was up \$2,906,460 and Community Development and Renewal Agency (CDRA) was down \$526,616, but overall the total governmental funds were up \$1,354,675.
- Pages 50 through 51 - Balance Sheets for business type activities. She pointed out unrestricted funds balance totaled \$10,361,768 for all utility funds.
- Pages 52 through 53 – Income statement for Enterprise Funds.
- Pages 122 through 144 – Ten year comparison schedules which would provide information specific to fund balances. She commented that particular section was a good review of the City’s financial history to see where the City had been and where it was now.

Ms. Christopherson thanked Rich Knapp, Finance Manager, and his staff for their assistance in allowing for a timely preparation of the audit. Mayor Shepherd thanked Ms. Christopherson for the report and expressed appreciation to Mr. Knapp for his efforts.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF AND CONSENT TO THE MAYOR’S PROPOSED APPOINTMENT OF AN INDIVIDUAL TO THE PLANNING COMMISSION

Mayor Shepherd indicated there was currently a vacancy on the Planning Commission because Michael Britton had resigned. He noted two alternates had been participating with the Planning Commission and recommended appointing Ruth Jones as a regular member of the Planning Commission with a term expiring February 2021.

Councilmember Peterson moved to approve and consent to the Mayor’s appointment of Ruth Jones as a regular member of the Planning Commission with a term expiring February 2021, 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 Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2018-31 AMENDING THE CITY'S GENERAL PLAN BY CHANGING THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL FOR PROPERTY LOCATED AT 755 EAST 200 SOUTH (TIN: 12-00-0015)

Councilmember Phipps moved to approve Ordinance 2018-31 amending the City's General Plan Future Land Use Map by changing the land use classification from Residential to Commercial for property located at 755 East 200 South 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 ORDINANCE 2018-28 REZONING PROPERTY LOCATED AT 755 EAST 200 SOUTH (TIN: 12-002-0015) FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO C-2 (COMMERCIAL)

Councilmember Bush moved to approve Ordinance 2018-28 rezoning property located at 755 East 200 South from R-1-8 (Single-family Residential) to C-2 (Commercial) 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.

APPROVAL OF ORDINANCE 2018-29 VACATING A STREET IN THE VICINITY OF 700 SOUTH 1000 EAST

Councilmember Roper moved to approve Ordinance 2018-29 vacating a street in the vicinity of 700 South 1000 East 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 ORDINANCE 2018-30 REZONING PROPERTY LOCATED AT 1295 WEST 300 NORTH FROM A-1 (AGRICULTURAL) TO R-2 (MULTI-FAMILY RESIDENTIAL)

Councilmember Bush moved to table consideration of rezoning the property located at 1295 West 300 North from A-1 (Agricultural) to R-2 (Multi-family Residential) until January 22, 2019 at 7:00 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.

Councilmember Peterson stated she had a concern which was also reflected in the staff report about the recommendation that came from the Planning Commission. She explained the current rezone request had some inherent conflicts with the City's General Plan. She identified the R-2 Zone allowed for a higher density and even though, as mentioned during the public hearing, duplexes were not the developer's intention, they would be allowed by that type of zoning classification. She commented that the City's General Plan encouraged higher density along its corridors; and single-family development in surrounding neighborhoods. She continued the General Plan also called out the R-1-8 Zone as the preferred and the policy pursued for future development of residential properties. Councilmember Peterson added the discussion held in

work session prior to the policy session highlighted concerns with approval of the request as presented. She noted there was also a discussion about working with the applicant to see if an alternative proposal might help develop the land in a manner consistent with the City's established land use policy.

Councilmember Bush mentioned the City Council planned to consider amending the General Plan to allow for the R-1-6 (Residential) Zone which allowed for smaller lot size developments and could help accomplish the desired development. He explained staff would work with the developer and propose the necessary ordinance changes which could be considered at a later date. He indicated he requested to table the consideration so it would allow additional time for any amendments.

APPROVAL OF AMENDMENTS TO THE WEST SQUARE SUBDIVISION PLAT
LOCATED AT APPROXIMATELY 875 SOUTH DEPOT STREET (TIN: 12-850-0001)

Councilmember Bush moved to approve amendments to the West Square Subdivision Plat located at approximately 875 South Depot (TIN: 12-850-0001) with the conditions recommended by the Planning Commission 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.

APPROVAL OF AMENDMENTS TO THE LARSEN COMMERCIAL SUBDIVISION PLAT
LOT 2 LOCATED AT APPROXIMATELY 325 WEST ANTELOPE DRIVE (TIN: 12-809-0001)

Councilmember Peterson mentioned she had been contacted by two local business owners currently operating in the area proposed as Lot 2D identified as Richard from Hellmonkey Cycles and Scott from DIY Photography. She commented both were unable to attend the meeting but wanted to express concerns about anything that would limit parking and accesses to already established business.

Brad McIlrath, Senior Planner, stated the applicant had requested to address the Council and speak to any concerns. Mayor Shepherd invited him to speak. Cameron Winquist identified himself as one of the property owners of 325 West Antelope Drive. He indicated he had also spoken with some of the tenants and many were concerned about adding the necessary landscaping which could be done only if parking were eliminated along Antelope Drive. He shared alternative ideas for landscape improvements which included adding plants and trees in the park strip along Antelope Drive.

Councilmember Phipps stated the landscaping had been in place for some time and it seemed unfair to impose landscaping requirements with the lot configuration changes. He said he did not have an issue with retaining what was there, especially if adding landscaping would impact businesses currently in operation.

Councilmember Bush noted the suggested tree additions could be problematic and unnecessary. He mentioned from the business perspective the only thing changing would be a line on the

paper so it did not seem appropriate to require additional landscaping with the subdivision amendment.

Councilmember Peterson acknowledged the request to limit landscaping was a deviation from the standards set for subdivisions. She expressed concern with setting precedence by altering the development standards for one property along Antelope Drive. She stated she was sympathetic to the business transaction; however, the recommendation to approve was not meeting the C-2 Zone requirements. She explained typically a development agreement was executed as an option for a deviation because it was mutually beneficial to the City and developer to make concessions; however, the proposal to amend the existing plat did not offer any benefit to the City. There was a discussion about the proposal not meeting all of the requirements and the associated impacts.

Mr. Winquist asked if a development agreement could address how the landscaping requirements could be shared by both lots similar to the sharing of the retention pond and open space. Councilmember Peterson answered the development agreement process had flexibility for a mutually agreed standard deviation that would be voted upon by the Council. There was a discussion about options for landscaping, parking standards being at minimum currently, and difficulty with meeting the standards for the parcel with the proposed amendment.

Councilmember Thompson left the meeting at 7:57 p.m.

Spencer Brimley, Community Development Director, reviewed the parking standards and how quantity of parking stalls was based on the uses of the property. He commented there could be additional impacts if more intense uses came to the area which would make it further out of compliance if parking were reduced. He indicated there were ways to address additional parking on the site; however, there were many issues for the site and the impacts of it which made it difficult to resolve some of the outstanding issues if the amendment to the subdivision were approved.

Councilmember Peterson moved to deny amendments to the Larsen Commercial Subdivision Plat Lot 2 located at approximately 325 West Antelope Drive (TIN: 12-809-0001), seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Roper and Mayor Shepherd. Voting NO – Councilmembers Bush and Phipps. Councilmember Thompson was not present for the vote.

Councilmember Thompson returned at 8:11 p.m.

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE 700 SOUTH MAVERIK SUBDIVISION LOCATED AT APPROXIMATELY 700 SOUTH 1000 EAST (TINs: 09-017-0001, 09-017-0002, 09-017-0007, 09-017-0008, 09-017-0009, 09-017-0010, AND 09-017-0011)

Brad McIlrath, Senior Planner, explained the request proposed combining the seven existing properties in the vicinity of 700 South 1000 East and creating a two (2) lot commercial subdivision. He explained Lot 1 would be the future location of a new Maverik convenience store and Lot 2 would be providing space for Dominion Energy to construct a new regulation facility. He mentioned the intention of Maverik would be to provide fuel for regular vehicular

traffic as well as high flow pumps to fuel trucks accessing the Freeport Center. Mr. McIlrath indicated the proposed plat included the vacation of a previous street right-of-way and provided a twenty (20) foot utility easement for access and maintenance of existing utilities. The Planning Commission reviewed the request at its meeting on December 5, 2018 and forwarded a recommendation of approval subject to the following conditions:

- The proposed plat shall be simplified to include only new property lines, easements, and areas of dedication. Utilities are to be shown on a Utility Plan and the final plat shall not include topographic lines.
- Sufficient right-of-way shall be dedicated along 1000 East for northbound travel as determined by the traffic study and Clearfield City staff. The final plat shall be revised to reflect that right-of-way dedication.
- The proposed plat shall comply with the City Engineer requirements prior to printing a mylar for signatures and recording.
- The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surrounding the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.
- Future development of these properties shall comply with the development standards outlined for the C-2 Zone and also found in Chapter 11-18 Design Standards of the Clearfield City Land Use ordinance.
- An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outline in Clearfield City Cod 12-4-6.

Mr. McIlrath pointed out several of the conditions had already been met and he was continuing to work with Maverik representatives and there had been several things Maverik had been willing to do to meet the City standards.

Councilmember Peterson wondered if the request from the Fire Marshall for an additional fire hydrant had been resolved yet. Mr. McIlrath responded he was not certain if it had been resolved yet, but it would be addressed during the site plan review process and staff would insure a second hydrant was there.

Councilmember Thompson requested having the details reviewed again regarding the traffic and lane changes. Mr. McIlrath indicated the dedication on the plat along 1000 East would allow for the expansion of the left hand turn lane which was proposed to extend its length to the north property line. He reviewed the findings of the traffic study and its peak times were between 6 a.m. and 8 a.m. Councilmember Thompson expressed his concern with high school traffic and students using the crossing at the intersection. Mr. McIlrath acknowledged staff would take widening the traffic lanes and pedestrian traffic into consideration so there were limited impacts.

Councilmember Peterson asked when construction was planned to begin so residents could better anticipate any traffic impacts in the area. Leslie Mascaro, Maverik representative, responded demolition and site cleanup began in the summer of 2018 which was anticipated to be completed

by February 2019 followed shortly thereafter by construction. She continued there were items which still needed to be resolved and Maverik was working with Dominion Energy and Utah's Department of Transportation (UDOT) to finalize things before construction could begin. She added she was hopeful construction could begin by the summer of 2019 and hoped to be open the same year.

Councilmember Roper moved to approve the final subdivision plat for the 700 South Maverik Subdivision located at approximately 700 South 1000 East (TINs: 09-017-0001, 09-017-0002, 09-017-0007, 09-017-0008, 09-017-0009, 09-017-0010, 09-017-0011) with the conditions recommended by the Planning Commission 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.

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE WOODWARD
SUBDIVISION LOCATED AT 1350 EAST 700 SOUTH (TINs: 09-020-0015 and 09-020-0036)

Brad McIlrath, Senior Planner, stated the request was to amend the property lines of the Final Subdivision Plat for the Woodward Subdivision located at 1350 East 700 South. He explained it included two (2) existing commercial properties at the location of the existing Chevron gas station and JP's Auto Repair site. He indicated the proposed subdivision would realign the shared property line to be located at the rear of the convenience store to provide a clear separation between the two uses. Mr. McIlrath noted each lot included the required perimeter easements to accommodate the existing utilities in the area. He continued the proposal included the elimination of the current car wash with the possibility of including another row of fuel pumps. He mentioned the Planning Commission reviewed the request at its meeting on December 5, 2018, and recommended approval subject to five conditions.

Councilmember Bush asked if the two lots would meet the City's landscaping requirements. Mr. McIlrath answered currently they did not, but the applicant was informed of the requirements and the need to resolve the deficiency during the site plan review. He stated additional landscaping could be added and staff would work with the applicant to comply with the development standards for the C-2 (Commercial) Zone. He pointed out one of the conditions from the Planning Commission's was that any future development would be required to meet the City's design standards.

Councilmember Peterson wondered if the concerns of the Davis and Weber Counties Canal Company ensuring the canal right-of-way had been resolved. Mr. McIlrath responded there would be access provided and the proposed subdivision changes and future landscaping additions would not have an impact to its access.

Councilmember Peterson moved to approve the final subdivision plat for the Woodward Subdivision located at 1350 East 700 South (TINs: 09-020-0015 and 09-020-0036) with the conditions recommended by the Planning Commission 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 ADDENDUM 1 TO THE MEMORANDUM OF UNDERSTANDING (MOU) WITH LOTUS COMPANY FOR THE REDEVELOPMENT OF MABEY PLACE

Summer Palmer, Assistant City Manager, said the Council reviewed the proposed addendum to the Memorandum of Understanding with Lotus Company item during its work session on December 4, 2018. She acknowledged Joe Tolman, Lotus, and Adam Hughes, Better City, were in the audience and available to answer questions if needed. She reviewed the history of the Memorandum of Understanding (MOU) that the City and Community Development and Renewal Agency (CDRA) entered into with Lotus Company for the redevelopment of Mabey Place. Ms. Palmer explained Addendum 1 to the MOU obligated the parties to continue the work outlined in the original MOU as well as take the next steps toward the creation of Mabey Place. She noted working towards a development agreement with Lotus Company would be another step in the process. She reviewed the development components addressed in the addendum.

- Land uses at the Clearfield Mobile Home Park site and recommendation for its composition to include: public park space, limited commercial use at or near State Street, with an emphasis on residential uses.
- The preliminary site plan layout for the west side and acknowledgement that the residential components would be comprised of various professionally-managed, high-quality, for-rent products.
- The construction of a pedestrian bridge should be incorporated in the project for connectivity across State Street.
- The east side of the project would have multi-family, live-work units, a movie theater, hotel, mixed-uses, restaurants, retail, and recreational attractions.
- There was a preliminary site plan included.

Ms. Palmer highlighted the obligations included in the MOU of the City and CDRA.

- The City/CDRA to pursue the creation of a Community Reinvestment Area (CRA) with eminent domain powers for the purpose of acquiring ancillary blighted properties if necessary for redevelopment.
- City planning staff would work with the developer to create a site plan that conformed to the Form Based Code zoning restrictions and or rectified the differences with a development agreement.
- Both parties would begin negotiating a comprehensive development agreement.

She commented staff recommended approval of Addendum 1 to the MOU. She mentioned there had been some concerns expressed since the work session discussion about the use of Low Income Housing Tax Credit (LIHTC) products in the development which could be addressed at a later date through language in the development agreement. She noted the addendum did not specifically call out any type of LIHTC product and discussions could continue as the City and partners worked towards a development agreement.

Councilmember Phipps expressed a concern he had mentioned during the work session about the concept of rental units. He commented based on the arguments and discussions presented for

rentals he had not seen any evidence that would change his opinion and did not see a reason to agree to a for-rent product at the location.

Councilmember Thompson addressed his concerns about parking in the downtown area. He suggested options be explored for parking garages within the development for those not interested in alternative modes of transportation. Ms. Palmer indicated a development agreement would be a way to address any variances from the standards set by the FBC. She mentioned the scooters and connectivity to the transit station could be appropriate in discussions on the Clearfield Station Area project as well. JJ Allen, City Manager, clarified the plan included with the addendum was a concept plan and conceptual in nature. He reviewed some of the parking details that had been included with the concept plan which allowed for a wrapped parking structure, residential garages, and surface parking. He noted discussions with all involved parties were continuing and any contractual obligations would be negotiated through a development agreement.

Councilmember Peterson commented the arguments for or against rental units were not enough to sway her from moving forward with a non-binding MOU to allow more time for additional information to come forward to prepare the way for making a more informed decision on whether rentals might work or were not supported on the properties, and what impact that would have on the City's future relationship with Lotus Company.

Ms. Palmer agreed the two main concerns expressed were the use of LIHTC products and for-rent products. She indicated that Mr. Tolman had offered to take the Council on a field trip to see how the products were managed in its other developments. She indicated staff and Mayor Shepherd had already been to the site and assured the Council they would not be disappointed. She added the other developments and their management were impressive and, if built in Clearfield, something that might be considered a crowning jewel.

Councilmember Roper stated he was not opposed to renting and he wanted to find a place for those wanting rental units in the community. He expressed his opinion it would bring a clean component to the area if it were well managed. Mayor Shepherd added it would create a vibrant downtown.

Councilmember Phipps mentioned there was a connection between LIHTC and rentals because you could not have one without the other. Ms. Palmer indicated there could be a for-rent product without LIHTC.

Councilmember Peterson moved to approve Addendum 1 to the Memorandum of Understanding (MOU) with Lotus Company for the redevelopment of Mabey Place 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, Roper, and Thompson. Voting NO – Councilmember Phipps.

COMMUNICATION ITEMS

Mayor Shepherd

1. Noted Davis County's Council of Governments (COG) would be awarding two businesses locating in Clearfield with funding from the Davis Fund for economic development.
2. Served on the Intergenerational Poverty Committee and asked the County to look into ways to combine funding resources for housing, food, and assistance into an organized data base to allow for better management of available funding sources.
3. Reported the Hill Air Force Base Spouses' Expo was held at the Clearfield Aquatic and Fitness Center which was very successful for an offsite event. He noted the group planned to use the entire gym next year.
4. Attended a seminar with the National League of Cities promoting a gig economy. He applied for the City to receive free training on how to get that type of program started.
5. Reported former Mayor Neldon Hamblin's funeral and escort to the cemetery provided by the Police Department was wonderful which was held on December 6, 2018.
6. Announced the City planned to name the City Park on 200 South after Neldon Hamblin.
7. Recognized resident Mark Livingston who served the City in various capacities also passed away and a funeral service was held on December 8, 2018.
8. Commended the Community Choir performance on December 12, 2018. He noted the Community Band held its holiday concert on December 11, 2018.
9. Announced "Falcons are Fabulous" was working to raise money for a food pantry inside Clearfield High School and residents could support those efforts by servicing the establishments that would be donating a portion to Clearfield High School.
10. Reported he had been working with Urban Air and it would be officially changing its name to Urban Air Clearfield. He announced the details planned for the pre-opening and grand opening events. He invited the Council and staff to attend a pre-opening event on December 21, 2018 and indicated details would be sent out by email.

Councilmember Bush

1. Recognized both Nellie Hamblin and Mark Livingston for their contributions to the City.
2. Announced the North Davis Sewer Board was holding a public hearing at 6:00 p.m. on Thursday, December 13, 2018 for 2018 budget amendments and also would be considering its 2019 budget.

Councilmember Peterson

1. Commended the efforts of Pastor Ron Brown with the New Hope Fellowship Church and Hope Center along with many community members and several interfaith groups that provided gifts to families for Christmas as part of the Children of Hope program.
2. Recognized an additional 850 jobs would be provided by G4CE coming to the City.
3. Expressed appreciation to Greg Krusi, Police Chief, and recognized he was retiring but had provided over 30 years of service to the City and would leave a remarkable legacy.
4. Thanked Mayor Shepherd for his representation at several events of the City.
5. Commented the evening's agenda included two considerations for amendments to final subdivision plats. She pointed out one was legal and the other presented was not. She noted there was often difficulty in making discretionary decisions about whether or not to deviate from the standards. She encouraged the Council to hold to the standards, especially as Clearfield worked towards the development of the corridors.

Councilmember Phipps

1. Paid tribute to Nellie Hamblin who he knew had a great love for the City. He mentioned his grandson, Ryan Hamblin, was a City employee and honored to dig his grandfather's grave. He discussed the care and respect the employees provided in maintaining the cemetery. He expressed being touched by

the commitment of City employees and especially as they interacted with residents of the City during difficult times.

2. Reported he would be out of town December 18 through December 30, 2018.
3. Announced he would not be able to attend the City Council meeting on January 8, 2019.

Councilmember Roper

1. Expressed appreciation for those who donated to help the Youth Commission with its sub for Santa efforts. He noted the goods donated by the North Davis Fire District and significant amount of money from the Police Department made it possible to help two families this year.
2. Thanked everyone for a great year and reflected there had been debates but felt a good consensus was attained and everyone remained friends throughout the process. He wished everyone a Merry Christmas and Happy New Year.

Councilmember Thompson – attended a meeting with Davis County Office of Economic Development and Davis Area Chamber of Commerce where minority engagement was discussed. He reviewed the statistics for the County and mentioned the City can get ahead by creating ways for inclusion with its economic development. He thanked Mayor Shepherd for his continued efforts towards minority inclusion and with economic development.

STAFF REPORTS

JJ Allen, City Manager

1. Conveyed it was a privilege to attend the funeral services for Neldon Hamblin and learn more about him.
2. Reported Senator Mike Lee's staff would be at the City Building for a mobile office on December 12, 2018.
3. Announced there were meetings scheduled with local legislators on Monday, December 17, 2018, and Wednesday, January 2, 2019, to discuss the City's accomplishments, goals and legislative priorities. He requested members of the Council interested in attending either meeting to let him know as soon as possible so proper noticing could be done if necessary.
4. Reported the Davis and Weber Counties Canal Company (DWCCC) would be doing some piping in the City toward Layton beginning very soon. He explained the City had an opportunity to add a 30-inch steel casing under the canal for the City's future waterline project and had already bid the project. He commented if the City could add the casing while the DWCCC had contractors already in the area there would be significant cost savings for the City. He noted details would be provided in a memo to the Council. He added due to time constraints there would not be time to receive formal approval at this time, but planned to move forward unless he was contacted once the details had been reviewed.
5. Emailed the monthly updates to the Council.
6. Expressed seasonal greetings and reminded everyone the City Office Building would be closed December 24, 2018, December 25, 2018 and January 1, 2019 for the holidays.

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

- Employee Holiday Party on January 4, 2019
- Policy Session on Tuesday, January 8, 2019
- Council retreat on Thursday, January 17, 2019
- Work and Policy Sessions on Tuesday, January 22, 2019

Councilmember Thompson moved to adjourn as the City Council and reconvene as the CDRA in policy session at 9:05 p.m., seconded by Councilmember Peterson. 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 8th day of January, 2019**

/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, December 11, 2018.

/s/Nancy R. Dean, City Recorder