

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
May 15, 2018

|                |                 |                                |
|----------------|-----------------|--------------------------------|
| PRESIDING:     | Nike Peterson   | Mayor Pro Tem                  |
| EXCUSED:       | Mark Shepherd   | Mayor                          |
| PRESENT:       | Kent Bush       | 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          |
|                | Spencer Brimley | Community Development Director |
|                | Rich Knapp      | Finance Manager                |
|                | Trevor Cahoon   | Communications Coordinator     |
|                | Nancy Dean      | City Recorder                  |
|                | Wendy Page      | Deputy Recorder                |

VISITORS: Kathryn Murray, Don Gilliland – DG Construction, Doug Bourgan – Ironwood Development

Mayor Pro Tem Peterson called the meeting to order at 6:00 p.m.

DISCUSSION ON THE DRAFT DEVELOPMENT AGREEMENT WITH DG CONSTRUCTION FOR CLEARFIELD JUNCTION LOCATED AT APPROXIMATELY 17, 51, AND 101 NORTH MAIN STREET

Summer Palmer, Assistant City Manager, stated during the April 10, 2018 City Council work session, a development proposal for property located at approximately 17, 51, and 101 North Main Street (Clearfield Junction) from DG Construction was reviewed. She indicated the City and CDRA currently owned the properties located at approximately 17 and 51 North Main Street while the property located at 101 North Main was the former Albion property. She reported staff had moved forward on negotiations with the developer for property acquisition and the drafting of a development agreement that would govern the project. Ms. Palmer explained staff was currently working with a third party attorney, Jody Burnett, to prepare the drafted Development Agreement (DA). She indicated once the additional review was complete, the DA would be sent to the Council for review and discussion during the work session scheduled for May 22, 2018, prior to its consideration during the May 22, 2018 policy session. She reviewed the key points of the proposed development agreement:

- The CDRA would sell the developer approximately 4.65 acres of property that was not identified for a future Davis County Library for a total of \$200,000. (The acreage did not include the 1.5 acres needed for the library.)
- The developer agreed, in exchange for the incentive, the CDRA would be the primary lien holder against the CDRA incentivized property in the amount of \$1,000,000 until the proposed 20,000 square feet of commercial space was completed. The lien would then be released if an amount of \$1,000,000 was placed in escrow to be released upon completion of the project.
- The project would be developed in accordance with the TR Zone as designated in the proposed Form Based Code to include specific development standards, the design guidelines, and concept plans provided.
- The project would include four buildings, each four stories high, with approximately 244 residential units plus or minus 10 percent.
- The project would include a minimum of 20,000 square feet of retail space located on the ground floor of the buildings with a frontage along Main Street.
- The developer would bury the power lines along the frontage of the property and relocate the billboard at the Master Developer's cost.

Councilmember Bush asked if the property was zoned appropriately for the proposed library parcel. Spencer Brimley, Community Development Director, indicated the draft Form Based Code identified the parcel for a civic use which would allow the library. Councilmember Bush asked if the County would have to meet the City's standard for building materials. Mr. Brimley indicated the County would need to meet those specifications.

Councilmember Bush asked what agreement had been made between Davis County and the City regarding the relocation of the library. Ms. Palmer indicated the City was working with the County on an exchange of properties which would be laid out in a separate agreement.

Ms. Palmer explained the selling price for the property was significantly reduced to incentivize the developer for the installation of public infrastructure on the property including improvements to the library parcel.

Councilmember Phipps commented the Council intended the property on the corner to be used for relocating the library. He expressed his concern that the 1.5 acres for the library might not be suitable for the County's needs if the developer were allowed to begin construction prior to working out the details for the library parcel. Ms. Palmer explained the Development Agreement stipulated the site plan would include input from Davis County. JJ Allen, City Manager, suggested the sale of the property to the developer would not take place until Davis County identified its needs for the library parcel.

Councilmember Peterson questioned the timing for all the pieces. She expressed concern regarding all the contingencies that would need to fall into place before the Council would have a comfort level for disposing of its property at a significantly reduced price. She asked what the timeline was for having an agreement negotiated with Davis County. Ms. Palmer said the approval of the Development Agreement was a key piece for DG Construction to be able to secure its funding for the project. She indicated once the financing was secured there would be

additional time to work out the details regarding the library. Donovan Gilliland, DG Construction, expressed his intention of working with the County to facilitate whatever it needed to accommodate the construction of a new library. There was a discussion about the development plans.

Councilmember Phipps asked about the \$1,000,000 incentive. Ms. Palmer explained the City was currently invested in the property \$1,500,000. She continued the \$1,000,000 figure was derived after removing the 1.5 acres intended for the library. She added the City was not paying the money to the developer rather discounting the sale price of the property. Mr. Gilliland explained the City would have a \$1,000,000 lien on the property to protect its investment until the project was completed.

Councilmember Peterson asked if there was a plan to subdivide the property. Mr. Gilliland reported his intention was to subdivide the property into five parcels, one of which would be for the library. There was also a discussion about ideas for owner-occupied residential spaces and the possibility of including a senior component to the development.

Ms. Palmer indicated the Development Agreement would be placed on the policy session agenda for May 22, 2018 for the Council's consideration. She added there would also be time provided during the work session prior to the meeting for any further discussion.

Mr. Allen asked if there was a desire to include language in the Development Agreement regarding the development of a portion of the site as for sale product. The Council suggested some language be included that encouraged a portion of the development be a for sale product. Councilmember Peterson suggested incentivizing it rather than forcing it. Mr. Gilliland was open to considering it but suggested his decision would be market driven.

#### DISCUSSION ON AN AMENDMENT TO THE FINAL SUBDIVISION PLAT FOR THE PROPERTY LOCATED AT APPROXIMATELY 572 WEST 300 NORTH

Spencer Brimley, Community Development Director, indicated the packet included the staff report on the item. He asked the Council to let staff know if there were any concerns or questions relating to the item.

#### DISCUSSION ON AN AMENDMENT TO THE FINAL SUBDIVISION PLAT FOR WEST SQUARE SUBDIVISION LOCATED AT APPROXIMATELY 875 SOUTH DEPOT STREET

Spencer Brimley, Community Development Director, stated the developers of West Square indicated an intent to move the development from apartments to for sale condominiums. He indicated the Final Subdivision Plat was one of the steps necessary to address the change. Doug Bourgan, Ironwood Development, indicated a new building was under construction and would be the first to acknowledge the development's change in use. He stated other existing buildings would be converted at a later date.

Councilmember Bush asked if the City addressed the building code requirements when creating separate living spaces such as condominiums. Mr. Brimley responded the developers met with City staff and presented construction drawings that met building code requirements.

DISCUSSION ON THE AMENDMENTS TO THE DEVELOPMENT AGREEMENT WITH IRONWOOD DEVELOPMENT GROUP FOR WEST SQUARE SUBDIVISION LOCATED AT APPROXIMATELY 875 SOUTH DEPOT STREET

Spencer Brimley, Community Development Director, indicated Ironwood Development was converting apartments to condominiums and was asking for changes to the established Development Agreement. He explained the proposed amendments included a request to change the exterior finish and overall height requirements.

Mr. Brimley reviewed the comparison of exterior designs by percentage. Councilmember Peterson expressed her concern that the proposal appeared to be a step back in design. She appreciated the shift of the development from apartment to owner/occupied living. She noted the proposed higher percentage of stucco appeared to deviate from other developments in the City. She expressed concern regarding the quality and durability of the exterior finish. There was a discussion about the design standards and capping the percentage of stucco allowed on the exterior. There was also a discussion on how the project compared to other newer projects in the area as well as affordability. Mr. Bourgan reviewed the specifics of the proposed building materials with the Council. Councilmember Phipps stated the design seemed to have excessive use of stucco but deferred to the desire of the Council as a whole. He stated he was more concerned with durability over the long term. JJ Allen, City Manager, asked if the Council would be more comfortable having the Development Agreement refer to the exterior being in substantial conformance with the elevations as presented on a specific date. The Council was comfortable with the proposed language specific to materials and color.

Councilmember Bush asked if the development was outside of the area identified to be developed in compliance with Form Based Code. Mr. Brimley indicated it was outside of the downtown corridor.

DISCUSSION ON THE AMENDMENTS TO TITLE 5, CHAPTER 1, NUISANCE

Spencer Brimley, Community Development Director, explained the nuisance ordinance needed to be amended in an effort to make enforcement of the ordinance less difficult. He provided examples from the Code that were currently not addressed clearly enough to help code compliance officers enforce the standards.

Councilmember Bush pointed out the ordinance stipulated the enforcement authority could be either criminal or civil. He asked how the City determined which course to take. Stuart Williams, City Attorney, explained the City's intent was to seek for a civil solution first but needed to have the option to enforce the ordinance criminally when necessary. Councilmember Bush observed the drafted amendments would actually replace what currently existed in the City Code. Mr. Williams explained staff reviewed the Code and tried to rewrite it to more clearly define a nuisance and its enforcement.

Councilmember Phipps commented he noticed there were items in the current ordinance that were not addressed in the proposed amendments. Mr. Williams explained the amendments simplified a lot of definitions to enhance enforcement efforts. Councilmember Phipps acknowledged the definitions were more reflective of the nuisance and the enforcement was more actionable in the proposed amendments.

Councilmember Bush asked how the nuisance ordinance might address nuisance buildings. Mr. Brimley responded an accessory building would be addressed through permitting and the building code. Councilmember Bush expressed his concern that some accessory buildings did not require a building permit because they were built under 200 square feet but still appeared to be a nuisance given their current conditions. Mr. Brimley explained when a problem was identified with an accessory structure, the City would send a code compliance officer and the building official to the property to make an evaluation of the structure to determine the best course of action. There was a discussion about how to define a structure and insure its compliance with City Code. Mr. Brimley commented a code compliance officer's job would be to educate property owners regarding violations of City Code and then work with offenders to bring the violations into compliance.

JJ Allen, City Manager, commented the drafted amendments did not address landscaping issues. Mr. Brimley explained staff hoped to address landscaping issues on established properties through proposed amendments to Title 5, Chapter 1, Section 3, Paragraph 13 and future amendments to the land use ordinance. Councilmember Bush asked why the proposed amendment didn't specifically call out rear yards. Mr. Williams explained the proposed amendments defined the nuisance as when someone's yard was causing a problem for a neighboring property. He suggested the rear yard could be added to the paragraph as well.

Councilmember Bush asked if code enforcement would only be reviewed on a complaint basis. Mr. Brimley explained the intent was for the code compliance officers to be proactive in their approach to enforcement. He stated there would need to be a future discussion with the Council on how to prioritize code enforcement complaints. Mr. Williams added it would be important for the City's efforts to be consistent. Mr. Brimley explained the City was acquiring software that would track enforcement efforts and help officers identify where to spend the most time based on the priorities set by the City Council. There was a discussion on the best way to educate property owners about code violations and the procedures for resolving issues. It was determined a sentence would be added to the proposed amendments directing individuals to the part of the City Code that addressed civil enforcement procedures.

Councilmember Phipps asked about the section on the maintenance of signage. Mr. Brimley explained the sign ordinance did not currently address the maintenance of signage so some language was included in the proposed amendments. Mr. Williams commented the proposed nuisance ordinance only addressed if a sign was improperly maintained so officers were going to have to be prepared to show how the sign was improperly maintained. Councilmember Phipps asked how enforcement of the two different ordinances would be addressed with the violators. Mr. Brimley responded violations of the sign ordinance would be for illegal signs while violations of the nuisance ordinance would be for improper maintenance of signs.

Councilmember Peterson asked that the sign ordinance be amended to direct individuals to Title 5 to understand the proper maintenance of signs.

Mr. Allen asked Mr. Brimley to explain the difficulty with compelling compliance with the land use ordinance regarding the installation of landscaping. Mr. Brimley explained the City's land use ordinance required the installation of landscaping within 12 months of a property being occupied but did not address its future maintenance. He continued properties regularly changed ownership creating difficulty establishing who the responsible party was for the installation of the landscaping. Mr. Williams added it was also difficult to define landscaping. There was a discussion on the varieties of landscaping, how best to define what it should look like, how best to enforce its long term maintenance, and how lack of a secondary system affected maintenance. Councilmember Roper expressed his opinion that the City's demographic might affect landscape maintenance. He commented the focus of the ordinance should be keeping properties clean and free from debris. Councilmember Peterson suggested the focus be on the nuisance component of landscape maintenance and how it affected surrounding properties. Councilmember Phipps agreed and suggested enforcement of generic items such as the height of the weeds, replacing bushes and shrubs that died. Mr. Allen suggested looking at incentivizing xeriscaping yards. Mr. Brimley suggested CDBG housing rehabilitation funding might help support that suggestion. Councilmember Peterson suggested educating violators about what resources were available to them to correct problems. Mr. Brimley explained the new approach for code enforcement included an education piece regarding available resources in order to gain a better compliance ratio. Councilmember Peterson asked that the landscape issue be addressed more fully in a future work session.

#### DISCUSSION ON THE AWARD OF BID FOR THE SANITARY SEWER IMPROVEMENT PROJECT ON G STREET SEWER IN THE FREEPORT CENTER

Scott Hodge, Public Works Director, informed the Council that the City recently solicited bids to replace the G Street sewer line in the Freeport Center. He indicated six bids were received and staff was recommending the award of bid be given to Brinkerhoff Excavating, the apparent low bidder, with a bid amount of \$297,210. Councilmember Bush asked if the bid amount was within budget. Mr. Hodge responded it was.

#### FINANCIAL UPDATE ON THE 2017/2018 FISCAL YEAR BUDGET

Rich Knapp, Finance Manager, commented the budget was on target as projected. He reviewed the current status of revenue and expenditures. He pointed out the municipal telecom tax continued to drop. All expenditures were under 75 percent of the projected budget as expected. He noted water consumption was slightly higher than last year and impact fees were down significantly due to the decrease in the required fee as well as less building activity. He also reviewed the CDRA revenues and expenditures.

Mr. Knapp further reviewed key components in the national economy as well as the state and local economies.

There being no further business to come before the Council, **Councilmember Bush moved to adjourn at 8:21 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

**APPROVED AND ADOPTED  
This 31<sup>st</sup> day of July, 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, May 15, 2018.

/s/Nancy R. Dean, City Recorder