

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
May 8, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
EXCUSED:	Nike Peterson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Lee Naylor	Accountant
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Don Gilliland, Kathryn Murray, Max Roper

Mayor Shepherd called the meeting to order at 6:01 p.m.

DISCUSSION ON THE AWARD OF BID FOR THE CLEARFIELD AQUATIC AND FITNESS CENTER POOL PLAY STRUCTURE

Eric Howes, Community Services Director, reviewed the process for the design and bid of a new pool play structure. He indicated the City contacted Water Design to design the play structure. He stated the company was reputable and had knowledge of the City's existing pumps, motors, and piping to allow for designing a system which would minimize the disruption of the pool surface or liner. Mr. Howes reported the design went out for bid and the bids received were higher than the budgeted amount; consequently, the City had a few options one of which included rejecting the bids and rebidding the project. He explained the City would likely not receive any lower bids through a second bidding process with the same design specifications; however, if the project were bid again and opened to other vendors for a new design then the initial \$5,000 spent on the design by Water Design would be wasted and the entire process would begin again from the design phase. Mr. Howes stated he did not think any option would allow for a reduction in cost because the installation fees and costs associated with cutting the pool's liner would be the same regardless of the design or equipment.

He expressed his opinion the project met the PARAT Tax goals and would create a positive impact for residents and patrons. He also explained the designed pool structure increased visibility for the lifeguards enhancing safety for patrons. Mr. Howes commented the bid award would be considered during policy session and asked if there were any additional questions.

Councilmember Thompson requested to clarify his understanding that staff's professional opinion was there would not be any additional savings should the project be rebid and potentially it could cost more to redesign and bid the project in the future. Mr. Howes responded that was an accurate assessment of the staff's position. Councilmember Thompson asked what the original budget was for the project. Mr. Howes answered the original budget was \$150,000 and the bid award being considered was for \$201,000 with the reduced scope in work and cost adjustments negotiated with the lowest responsible bidder.

Mr. Howes explained staff was partially responsible for under estimating the project's cost initially because it based the estimate on another facility's similar project without knowing the pool liners were not comparable which could account for some of the cost differences.

Councilmember Phipps confirmed staff's opinion was the City would still not save money if the City rebid the project with a vendor based design. Mr. Howes agreed and expressed his opinion there would not be any additional savings for the same quality feature. He commented if the City rebid with a vendor based design it would lose the initial money spent to design the system and cost the City additional funds to prepare a new product for bid compatible with the pool's current system and liner. JJ Allen, City Manager, added there would be an increased delay of time also if the project were rebid. Mr. Howes noted May 1, 2018 was the guaranteed deadline to order the pool structure and assure it could be installed in September of 2018. He indicated there was a twelve to fourteen week equipment construction period so if it were ordered soon there was still a chance to receive the equipment and continue as planned with installation during September when the pool would be shut down for its maintenance period.

Councilmember Bush mentioned he had spoken with a couple of vendors at the Utah League of Cities and Towns Conference that were unable to bid the project. He stated after speaking with other vendors, he felt the project might be worth another review to confirm it was a justifiable expenditure as had been done previously with other projects. There was a discussion about whether it would be beneficial and cost effective to rebid the project or award the bid and spend additional PARAT Tax funds towards the project.

Councilmember Bush asked if installation could be done by staff to help save some money. Mr. Howes answered installation would be specialized and if done inappropriately could cost the City more money; however, staff was planning to assist with the demolition of the old play structure.

Councilmember Roper wondered if the lifespan of the new equipment would be similar to the old equipment. Mr. Howes responded the current equipment had lasted 13 years and was optimistic the new equipment would endure likewise.

Councilmember Bush questioned if the equipment came with a warranty. Mr. Howes replied he was not certain how long the manufacturer's warranty lasted, but assured the Council that most equipment had a standard limited warranty. There was a discussion about equipment installation timeframes, concrete curing times necessary for the project, options available when considering awarding the bid, and if the Council was comfortable spending an additional funds from the PARAT Tax revenue towards the project.

Councilmember Phipps stated he was inclined to trust the experts and their professional opinions. He mentioned he did not fault staff for the underestimated budget amount because things change and prices fluctuate; however, agreed it appeared if the project were rebid there would not be much variance in the price. He expressed his opinion the Council likely would have been supportive of the project if it had been initially estimated at \$200,000.

Councilmember Thompson commented he thought it would be more cost effective not to rebid or design the project wasting funds already spent towards those efforts.

Mayor Shepherd asked if there were any additional questions. The consensus of the Council was all questions had been addressed.

DISCUSSION ON THE PARAT TAX MASTER PLAN

Eric Howes, Community Services Director, reviewed the PARAT Tax history and timeframe which began in 2014. He reported the City would receive revenue from the tax through 2024 when it would need to be placed on the ballot again in order to continue it.

Councilmember Bush asked if all the signs were installed identifying the playground equipment was funded by PARAT Tax revenue. Mr. Howes answered yes.

He reviewed the goals associated with projects proposed to be funded through PARAT Tax revenue, which included the Council's desire to improve the City visually and provide excellent quality parks, art, recreation, aquatics and trails for the residents. Mr. Howes mentioned staff hoped to shorten the length of time before a capital project could be completed with PARAT Tax revenues, but also balance between investing in new projects and updating the existing conditions of dilapidated assets. He pointed out there were advantages to making improvements to existing assets because staffing hours were already known and maintenance could be more cost effective with better conditions. He acknowledged new projects or additions would likely require additional staffing and maintenance; however, some might also have a source of revenue to offset those costs. He asked if there were any questions about the goals or what the City would like to accomplish with the use of PARAT Tax revenues.

Councilmember Phipps expressed his opinion PARAT Tax revenue was an opportunity to do things that would normally have taken a long period of time to fund and or may not have been done based on limited funding. He mentioned he viewed maintenance items like refurbishing restrooms as those which should be funded through the General Fund rather than PARAT Tax revenue. Councilmember Bush agreed the PARAT Tax revenues should be spent on things which the City could not normally fund and those things which would be a draw for people to

come to the City. Councilmember Roper noted he wanted to see great things be accomplished, but did not want the existing or depilated things to be forgotten.

JJ Allen, City Manager, suggested the Council should consider prioritization of the projects and realize those using General Fund revenues were competing with other needs of the City which had no other source of funding such as public safety, streets, and general government operations. There was a discussion about spending PARAT Tax revenues that included the philosophy of providing the best product at the greatest value, using the money to augment what the City would already be spending, projects not needing to be brick and motor in nature but also funding programming, spreading the funds to all the various aspects of PARAT, and projects not currently included on the rating list that could benefit from funding to help beautify the community.

Mr. Howes indicated many items from the capital projects list were added to the score rating sheets because it would visibly demonstrate the improvements the City was making with PARAT Tax revenue. He commented using only the \$300,000 allocated towards capital improvements each year with General Fund revenue would take a longer period of time to create an impact. He noted other projects rated were new and could only be accomplished because the City had PARAT Tax revenues. There was a discussion about creating the PARAT Tax Master Plan including its prioritization, timeframes for implementation, and the possibility of having issues or roadblocks with some projects which may require additional direction to staff.

Mr. Howes reviewed the rating sheets which were comprised of scores from maintenance staff in the Parks department, Parks and Recreation Commission members, Youth Commission members, and the Council. He explained the scoring sheet tabulations for each group noting that projects were ranked according to the cumulative totals of each group in priority order. He indicated the overall totals sheet provided in the agenda packet for review was biased in its ranking because each voting group varied in size; therefore, he prepared a tabulation sheet which was not included in the packet for review based on the overall average rank of each project. Mr. Howes identified the new rating sheet that included a column to count the recommendations received from the Council for projects to be funded through the General Fund rather than PARAT Tax revenues.

Councilmember Phipps wondered why the red highlighting was used in the General Fund column on the average ranking sheet. Mr. Howes explained it was highlighted in red if a majority of the Council had requested a project be funded with General Fund revenue so it was easily identifiable and the number indicated the number of Council votes. He noted the parking lot and new restroom projects at Cornerstone Park were on the ratings sheet, but both had been budgeted for Fiscal Year 2019 (FY19) and should not be considered for PARAT Tax funding.

There was a discussion about the projects which were prioritized according to the average rank. Mayor Shepherd indicated the top project ranked for PARAT Tax revenue was the indoor soccer events facility; however, the estimated project cost was not yet known. He commented that project could potentially use all of the PARAT Tax revenue. He suggested finding other sources of revenue to fund that project as opposed to using PARAT Tax revenue. Mr. Howes pointed out the indoor soccer facility, challenge ropes course, and bike track were projects only voted on by

the Council because those projects were suggested later in the voting process. Mr. Allen agreed it would be wise to seek other funding to develop the recreational events facilities in order to not stall other worthwhile projects that could be funded through PARAT Tax revenue. Mayor Shepherd added those projects could be discussed in the future with UTA once the Station Area Plan was completed and additional funding could be sought through grants.

There was a discussion about the splash pad project including its ranking, possible location, availability in surrounding cities, and its priority since the City already had one at the Aquatic and Fitness Center. Mr. Allen commented Mabey Pond and the planned well water filling station could be a daylight water feature accessible to the public and provide a non-traditional splash pad option for child water play.

Mr. Howes indicated staff could move forward with the implementation process if the Council determined five to seven top projects. Mayor Shepherd suggested projects could be prioritized after a break for policy session.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:54 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Phipps, Roper and Thompson. Voting NO – None. Councilmember Peterson was not present for the vote.

The meeting reconvened at 7:48 p.m.

Mr. Howes acknowledged the ranking sheet was an outline of projects as voted upon by various groups. There was a discussion about the projects, rankings, voting groups, and each projects impact to the City. Councilmember Bush expressed his desire to not use PARAT Tax revenues to fund park signage replacement. He felt those types of expenditures should come from the General Fund.

Councilmember Phipps expressed his opinion the veterans' monument project needed to get started regardless of its funding source since it had been discussed as a desired project for years. Mr. Howes noted the design for the veterans' monument would begin in the next few weeks and once it was completed the project could progress. Mayor Shepherd expressed his opinion that fundraising should be done for that project to create a sense of community ownership. There was a discussion about the veterans' monument and its design, fundraising goals, as well as providing opportunities to receive donations during the City's Fourth of July celebration.

Mayor Shepherd encouraged using the rating sheet as a guide; however, cautioned against disregarding projects which were ranked by the various committees, acknowledging residents and staff had spent time and effort to weigh in on the proposed projects. Councilmember Roper added if too many projects were overlooked or eliminated it could send a message that the opinions were not valued. There was a continued discussion about the ranking and priority of projects which should use PARAT Tax revenue.

Mr. Howes recapped the Council desired the indoor soccer events facility, challenge ropes course and BMX pump track as priority projects; however, requested to see if there were

additional sources of funding available rather than using PARAT Tax revenues towards those efforts. He stated the splash pad generated discussion but he was uncertain the consensus of the Council for that project. Mayor Shepherd suggested waiting until the east side of Mabey Place developed to determine if a water feature materialized in that area that could satisfy the demands for a free public accessible water activity.

Mr. Howes asked for direction from the Council regarding park signage replacement because there had been previous discussion about whether or not it should be funded through the General Fund. The ratings sheet was reviewed revealing the two votes from the Council for funding sign replacement through the General Fund were from Councilmember Roper and Councilmember Peterson; however, both Councilmember Phipps and Councilmember Bush expressed their desire to use General Fund revenue not PARAT Tax revenue for park signage replacement and apologized for not reflecting that desire in the voting. Councilmember Thompson asked when a project was voted to be funded through the General Fund by a majority of the Council if it was then removed from the PARAT Tax projects list. Mr. Howes answered those projects noted by a majority of the Council to be funded through the General Fund would not be considered for PARAT Tax funding; however, it would likely be another eight years before the park signage could be replaced under that scenario because it was a lower priority project on the capital projects list. Councilmember Thompson responded eight years would be a long time and he felt updating the branding of the City's parks was important. Mayor Shepherd agreed the City's image was important but acknowledged a majority of the Council desired items such as signage, tables, benches, trash receptacle replacements and renovations or installation of restrooms at the parks to be funded through the General Fund.

There was a discussion about project prioritizing using the rating sheet as a guide after eliminating those designated by the Council to be General Fund projects or identified previously to seek other funding. The consensus of the Council was to refurbish tennis and pickleball courts at Steed Park as its next project using PARAT Tax revenues. There was a discussion about projects planned for design which included remodeling the amphitheater at Bicentennial Park and Steed Pond trails and landscaping. Councilmember Phipps recommended waiting until the design phase was completed before implementing those projects.

There was a discussion about the Disc Golf Course project at Island View Park and its ranking. Councilmember Bush expressed his opinion the lights in the park which were deteriorating should be completed before the course. Mr. Howes responded the light pole replacements at Island View Park were currently the highest priority project for the Parks Department and would be completed first. Mr. Howes stated the amphitheater at Bicentennial Park and the trails and landscaping areas around Steed Pond were planned for design in the coming year. The consensus of the Council was to implement the designs for both parks once the plans were completed which would likely spend a majority of the available PARAT Tax revenue especially if the fish cleaning station was included in the design for Steed Pond.

DISCUSSION ON THE FORM BASED CODE

Spencer Brimley, Community Development Director, indicated the Form Based Code (FBC) development process began in August of 2017 and a draft was presented to the Planning

Commission on May 2, 2018 for its consideration. He stated the consultants had been making minor editing corrections to the document and would continue to update it as needed. He noted Councilmember Peterson had mentioned concerns to staff relative to density of the urban commerce and urban residential zones. Mr. Brimley explained her concern was whether or not two story buildings were enough to create the look and feel desired or if it should be increased to a three story minimum. Mr. Brimley acknowledged the FBC commercial corridors required a two story minimum or 18-foot height requirement but indicated if the Council desired more to create the desired look and feel it could be discussed. Councilmember Phipps expressed concern that density did not seem to be defined or limited in a given area. Mr. Brimley acknowledged there were no density limits specified. He explained density was a function of height and a developer's ability to meet design standards in the FBC. Councilmember Phipps also expressed his concern that the City would end up with small, high density, 1000 square foot apartments because FBC allowed the developer to do whatever he/she desired. He expressed his concern residential areas would be developed which were not desirable to the City without density limitations. He stated his fear was residential development along the corridor would become high rise exteriors with small, unattractive interior units.

Brad McIlrath, Senior Planner, expressed his opinion that FBC would be applied to the downtown corridor with the densest areas realizing up to six story buildings based on his prior development experience elsewhere in the State. He noted the market would dictate what was developed allowing for a profitable product which met the design standards. He emphasized transportation needed to be available to support the density of a given area. He suggested if FBC were adopted the City could be firm on allowing higher density along the corridor and reserving properties along the periphery of the City for single family residential development. Mr. McIlrath explained the corridor would provide a developer with access to transportation, living and working areas that were walkable, open spaces, and the ability to capitalize on those amenities.

Councilmember Bush asked if there were limits to the square footage of the residential units along the corridor. Mr. Brimley answered it was not included in FBC and reasoned that type of detail was not included because the intent of FBC was to create a place. He mentioned creation of place was a different way of thinking than traditional zoning because it allowed developers flexibility with emphasis on place creation rather than uses. He also explained FBC had specific design standards to prevent a development from looking like an assortment of apartment buildings. Councilmember Bush expressed his concern that development could focus on small, studio like apartments without minimums set for square footage. Councilmember Phipps agreed. Mr. Allen responded the development market would not significantly out build itself and there would likely be a variety of sizes and styles rather than all units designed as studio apartments. Mr. Brimley commented density had always driven by market conditions. He acknowledged the City lacked a high level of design requirements in the past. He stated FBC provided the City the ability to hold a high standard to development along the downtown corridor. He reminded the Council that the Downtown Small Area Plan identified the desire to create something unique in the City's downtown corridor. He commented Clearfield City was land locked; consequently, developing the corridor was an opportunity to bring people to the corridor where they could live, work, and play.

He highlighted the nodes or districts along the corridor which included Civic Center, Mabey Place, and Access Point. He explained Mabey Place would likely be the most urbanized area. Mr. Brimley acknowledged FBC would create new economic opportunities for development in the downtown area that could revitalize the City.

There was a philosophical discussion about whether or not to implement Form Based Code which included the following topics: the building market, urbanization along the corridor, Murray City's redevelopment efforts as a suburb city, FBC as a tool for resurging the downtown area of the City, developers taking interest in the City because of the recent FBC publicity, creating a place where Clearfield was the community of choice as the population increased. Mayor Shepherd, the Council, and staff vetted concerns and potential impacts of implementing Form Based Code prior to reviewing the document itself.

- There was unease expressed about FBC not specifying residential units size limits and worry development would result in many small units which were not desirable.
- Impacts of high density housing were discussed at length concerning the likelihood of being a transient natured community; the housing market; shifts in society values where ownership was becoming less popular; longevity in an area and with employment were no longer trending; effects on infrastructure, traffic, schools, and water usage; and the possibility of oversaturation with residential development along the corridor.
- FBC would be a streamlined process for development and could help efforts for downtown revitalization.
- Improved design standards would benefit the community's ability to attract valuable retail and residential tenants along with the potential for side effects such as lower crime rates and improved tenant occupancy.
- Development would generate impact fee revenue to help with park and infrastructure improvements.
- Murray City was identified as an example of beautiful buildings with mixed uses along its corridor; however, it had not utilized form based code to implement its revitalization which made the process cumbersome for the developer, Planning Commission, and Council.
- Owner occupied development could be encouraged but not mandated and ultimately a key factor for any development would be the look and feel of the area in order to attract investment.

Mr. Allen acknowledged the Planning Commission had recommended approval of the Ordinance to adopt Form Based Code. Mr. Brimley reviewed the principles and elements included in the drafted FBC which encompassed its chapters, places/districts, updated changes to the corridor map with zoning designations, uses, street standards, building types by district, open space types, landscaping, and sign regulations.

Councilmember Bush asked if the developer interested in Mabey Place was familiar with the drafted Form Based Code. Mr. Brimley acknowledged the developer had been part of the steering committee and was planning its development in harmony to the standards. He mentioned the developer of Clearfield Junction had reviewed FBC and offered feedback to staff as well.

Mr. Brimley stated FBC could be adapted over time; however, currently the draft was in its best form created by using input and feedback from a variety of interests to allow for developing and

resurgence of the downtown areas. He noted the item currently for consideration was a zoning text amendment to adopt FBC into the City's land use regulations. He indicated the zoning of the properties would take place following its approval for adoption to allow for proper noticing and property owner responses.

Mr. Brimley acknowledged the intent was to rezone all of the properties listed on the FBC corridor map from its current designation to those identified in the proposed ordinance. Councilmember Bush asked if all the property owners would be notified about the rezone process. Mr. Brimley confirmed it would be an extensive list but each property owner would receive notification of the public hearing which was tentatively scheduled for June 12, 2018. There was a discussion about the process of property owner notifications and how properties with boundaries in multiple zoning designations would be informed. Mr. McIlrath suggested language could be added to FBC to address those properties with multiple zoning designations if it was desired, but it was not included in the proposed document.

Mr. Brimley stated the FBC identified categories of use and specific use prohibitions such as pawn, massage, tattoo, smoke shop, check cashing, self-storage, impound yards, second hand stores, and outdoor storage. He explained any of the proposed use prohibitions that currently existed in the downtown area would be legal nonconforming until the property owner no longer owned the property, if the rezone were approved.

He mentioned FBC open space regulations reduced individual lawns yet provided more usable open space. Mr. Brimley stated open space would be privately owned and maintained but 50 percent of it was required to be publicly accessible. He reviewed landscaping standards which were planned to increase greenery. Councilmember Phipps asked whether or not the standards were based on national standards or more from experience. Mr. Brimley responded the Wasatch Front Regional Council had created a template that included suggestions; additionally, evaluation of the City's current code and other community codes were instrumental in creating the design standards included in the drafted FBC. Councilmember Bush noted the city of Charlotte, North Carolina had ordinances that mandated the replacement of dead trees and shrubs. He requested it be included in the City's code that developers be required to maintain the landscaping and replace dead trees and shrubs.

Mr. Brimley continued to review the signs and administration section of the code. He explained the code was created so it could be implemented without the need for a development agreement; however, that resource would still be an option that required approval from the Council following a recommendation from the Planning Commission. He expressed his opinion FBC would make the City an attractive community as it partnered with developers.

Councilmember Phipps stated he had thoroughly reviewed the document and prepared a list of questions which he would email to staff in a forum to be answered. Mr. Brimley indicated staff and the consultants would try to address his questions once they were received.

Councilmember Bush wondered if there was the ability to apply FBC standards to new development areas further south along the corridor. Mr. Brimley acknowledged FBC identified a

specific project area; however, it could be reviewed in the future, amended, expanded, or implemented in other areas if the Council desired to do so.

Mr. Brimley acknowledged the Form Based Code document was scheduled to be considered on May 22, 2018. He explained any additions or final updates would be made to the document after reviewing Councilmember Phipps' prepared questions. He noted the updated version would be sent to the Council as soon as possible but apologized that it might not be ready for inclusion with the agenda packet. Councilmember Bush asked if the rezone of properties would happen separately from the zoning text amendment to adopt Form Based Code. Mr. Brimley confirmed the planned zone changes would be considered at a later date to allow sufficient time to notice property owners and allow sufficient time for their responses. He indicated consideration of the rezones would likely take place in June, if FBC were approved.

Councilmember Thompson moved to adjourn at 9:15 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, Roper, and Thompson. Voting NO – None. Councilmember Peterson was not present for the vote.

**APPROVED AND ADOPTED
This 31st 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 8, 2018.

/s/Nancy R. Dean, City Recorder