

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
6:00 P.M. WORK SESSION

February 5, 2019

(This meeting was held prior to the regularly scheduled City Council work session.)

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Kent Bush	Chair
PRESENT:	Nike Peterson	Director
	Vern Phipps	Director
	Tim Roper	Director
	Mark Shepherd	Director
	Karece Thompson	Director
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Scott Hodge	Public Works Director
	Mark Baird	Deputy Public Works Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Rob Sant – Lewis Young Robertson & Burningham, Nate Swain – Wright Development, David Harris – HAFB, Jason Wilde – HAFB

Chair Bush called the meeting to order at 6:01 p.m.

DISCUSSION ON THE INITIATION OF THE PROCESS OF ADOPTING ONE OR MORE COMMUNITY REINVESTMENT PROJECT AREA PLANS BY DESIGNATING A SURVEY AREA KNOWN AS THE MABEY PLACE SURVEY AREA

Summer Palmer, Assistant City Manager, welcomed and turned time over to Rob Sant with Lewis Young Robertson and Burningham as the consultant for the project. Rob Sant, LYRB, mentioned the Board would be taking the first step to consider adoption of a survey area resolution during its special session later in the evening. He explained the resolution allowed staff and the consultants to survey the area, create a project area plan and budget, and conduct a

blight study for the Mabey Place project. He reviewed the boundaries for the proposed CRA project area and blight study area.

Mr. Sant provided an overview of the project area timeline, blight study process, and the need for a Taxing Entity Committee (TEC) to allow for the option of eminent domain in the project area, if necessary. Chair Bush asked what would happen if the TEC did not approve blight. Mr. Sant responded the CRA Project Area Plan and budget could still move forward through an Interlocal Agreement process rather than through the TEC because the CRA would not have power of eminent domain.

Director Peterson asked if the protest period was only for the blight study or the entire project area process. Mr. Sant responded the CDRA would hold a public hearing on blight that would allow opportunities for property owners to protest the finding of blight. Director Peterson asked if there would be another period where the public could protest the plan. Mr. Sant explained there was a protest period following the public hearing on the project area plan and budget; however, it was not to protest the plan but the procedure designated to insure proper noticing of the adoption of the plan and budget.

JJ Allen, City Manager stated there were advocacy groups that would try to stir up objection to the finding of blight and the Board should be prepared for that possibility. Chair Bush mentioned there was criteria established which identified blight so it would be difficult to argue evidence which supported it. Mr. Sant reviewed the criteria defined by State Statute 17C-5-402(2)(c)(ii) that constituted blight:

- the survey area consists predominantly of non-greenfield parcels;
- the survey area is currently zoned for urban purposes and generally served by utilities;
- at least 50 percent of the parcels within the survey area contain nonagricultural or nonaccessory buildings or improvements used or intended for residential, commercial, industrial, or other urban purposes;
- the present condition or use of the survey area substantially impairs the sound growth of the community, delays the provision of housing accommodations, constitutes an economic liability, or is detrimental to the public health, safety, or welfare, as shown by the existence within the survey area of at least four of the following factors:
 - substantial physical dilapidation, deterioration, or defective construction of buildings or infrastructure, or significant noncompliance with current building code, safety code, health code, or fire code requirements or local ordinances;
 - unsanitary or unsafe conditions in the survey area that threaten the health, safety, or welfare of the community;
 - environmental hazards, as defined in state or federal law, which require remediation as a condition for current or future use and development;
 - excessive vacancy, abandoned buildings, or vacant lots within an area zoned for urban use and served by utilities;
 - abandoned or outdated facilities that pose a threat to public health, safety, or welfare;
 - criminal activity in the survey area, higher than that of comparable nonblighted areas in the municipality or county; and
 - defective or unusual conditions of title rendering the title nonmarketable; and

- at least 50 percent of the privately owned parcels within the survey area are affected by at least one of the factors, but not necessarily the same factor, listed in Subsection (1)(a)(iv); and,
- the affected parcels comprise at least 66 percent of the privately owned acreage within the survey area.

Director Phipps wondered if it was expected there would be a blight finding for the Mabey Place area. Mr. Sant responded it was expected. He shared examples of a blight study survey and how it would be conducted and supported by photographs. Mr. Sant indicated LYRB recently conducted a blight study in Millcreek and learned valuable information from it that would be useful moving forward.

Mr. Sant explained any community reinvestment project area that anticipated using eminent domain was subject to a taxing entity committee (TEC). He reviewed the role, composition, and process of organizing the TEC. There was a discussion about the CRA project area, blight study and TEC related to the following topics:

- Approval process and length of time necessary to work with the taxing entities.
- The need to provide the taxing entities with the net positive benefits of the project.
- There would be a 20 percent affordable housing component required by the State for the project because the CRA was created through a TEC.
- The boundaries of the blight study would not include the trailer park area because it was publicly owned.

Director Peterson suggested the proposed resolution contained language with broad powers of negotiation. She requested to know before it was out of the CDRA's purview what breadth of items would be handed off to staff and others for negotiation. Mr. Sant indicated standard language was included to avoid having to approve every minor decision with the CDRA board. He provided examples of issues which could result in a need to change the project area and make adjustments. Mr. Allen pointed out the blight study boundary could be reduced but not expanded without another resolution adoption. Director Peterson wondered if the language could be interpreted to include negotiations of parcel purchase prices. Mr. Sant answered the resolution language would only apply to the blight study, plan, and budget; not the purchase of property.

Mr. Sant mentioned language was also included in the resolution to allow for a blight study, if needed. He explained if when analyzing the project area it made sense to have more than one project area, only the areas with blight would necessitate a study; therefore, to eliminate the need to begin the process again with resolution adoption for a blight study the language allowed for more than one area; however, the Mabey Place project was only anticipated to be one project area.

Mr. Allen questioned how long a blight study would be good if the project area were not created as planned. Mr. Sant stated he believed it was valid for a year from the time the resolution was passed and there would be a five year window to use eminent domain. Mr. Allen explained the properties being considered for the Mabey Place project area were already included in old RDAs which originally had the power of eminent domain, but the time period had expired. Mr. Sant explained there were other options for obtaining eminent domain on a smaller section of parcels

if necessary; however, it would be a lengthier process. There was a discussion on the selection of parcels included in the blight study area.

Director Thompson moved to adjourn the work session and reconvene as the CDRA in special session at 6:27 p.m., seconded by Director Peterson. The motion carried upon the following vote: Voting AYE – Directors Peterson, Phipps, Roper, Shepherd and Thompson. Voting NO – None.

The City Council work session minutes are in a separate location.

**APPROVED AND ADOPTED
This 14th day of May, 2019**

/s/Kent Bush, Chair

ATTEST:

/s/Nancy R. Dean, Secretary

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield Community Development and Renewal Agency meeting held Tuesday, February 5, 2019.

/s/Nancy R. Dean, City Recorder