

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
July 16, 2019

City Building  
55 South State Street  
Clearfield City, Utah

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

VISITORS: Michael Rolow, Devin Prouty, Ruth Jones, Andrea Bush, Kristi Bush

Mayor Shepherd called the meeting to order at 7:04 p.m.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE MODA CLEARFIELD TOWNHOMES LOCATED AT APPROXIMATELY 180 SOUTH STATE STREET

Brad McIlrath, Senior Planner, stated the Planning Commission reviewed the Final Subdivision Plat for the MODA Clearfield Townhomes at its meeting on July 10, 2019. He mentioned the applicant was proposing at 41-unit townhome subdivision for the property located at approximately 180 South State Street which was previously known as the site of a Wells Fargo bank. He indicated the Planning Commission recommended its approval subject to the seven conditions included in the staff report.

Mr. McIlrath pointed out the conditions which were not standard included park strip improvements as part of the public rights-of-way for 200 South and State Street to meet the Form

Based Code (FBC) requirements. He noted there was enough room for the sidewalk and furnishing zone but the dedication would need to be identified on the plat. Mayor Shepherd stated the sidewalk and furnishing zones allowed for a 14-foot area which was designed to create a walkable downtown. He wondered if it would be preferred to increase the sidewalk area and decrease the furnishing zone sizes so it was more functional on the project. Mr. McIlrath responded grass was showing on the plan, but the developer would still need to meet the same cross section along State Street when it put in the furnishing zone so there should not be much of a change between the residential and commercial projects. He added 200 South would have a smaller sized sidewalk and furnishing zone because it was a residential street.

Councilmember Thompson expressed his concern that the project could negatively impact Talia's Event Center if approved. He also mentioned negatively affecting the quality of life for the residents in the townhomes due to the characteristic decibel levels experienced by neighboring an event center. He felt the property was not appropriately zoned and should be commercial. He commented his worry was there should be continuity for the area; however, with its current zoning designation there was not much that could be done to prevent the development. Mr. McIlrath expressed appreciation for the comments. He indicated staff had been working with the consultants on the updates to FBC and there could be a review of the zones to determine if there were some changes needed along the corridor.

Councilmember Peterson stated she was sympathetic to the concerns of not wanting either project to fail, but the factors related to its location and neighboring residential uses have been in place since its inception. She expressed her view the project was a win. She stated it allowed FBC to do what it was designed to do and take properties past their prime and livability to become projects that infused the downtown not only with construction but with a type of housing that addressed the need for entry level homes. Councilmember Peterson pointed out the development would be owner occupied; so for those that were concerned about the turnover, it was a project that was more likely to allow people to put down roots in the City. She acknowledged the entitlements and zoning were in place for the project and other than making small adjustments through the land use entitlement process there was not much else that could be done. She agreed with Mayor Shepherd's point that functionality of the sidewalk and furnishing zone would be important. Mayor Shepherd indicated he would prefer to see a larger sidewalk and have any grass space reduced in size and next to the building.

There was a discussion about the challenges associated with the development of the property because of its former use as a bank, economic development and franchise opportunities within the City, zoning, market changes, and redevelopment opportunities. Mayor Shepherd redirected the attention to the agenda item. Councilmember Bush suggested there be a work session discussion in the future to discuss the FBC area and its zoning to assist in identifying properties that should be rezoned. Mayor Shepherd responded there would be an opportunity for future discussions because updates to the FBC would be reviewed by the Council in the coming months.

Councilmember Thompson asked if the Council was comfortable with a certain decibel level for the neighboring event center to meet. Mayor Shepherd responded it was much less than in prior years but the City did not have a noise ordinance that specified allowed decibel levels. There was

a discussion about the positive and negative side effects of having an event center and townhomes neighboring one another.

Councilmember Phipps asked about the open space requirement of the development because it seemed to be small. Mr. McIlrath explained there would be a central pocket park and some open space on the corner which totaled .14 of an acre and met the requirements based on his measurements.

Ruth Jones, Planning Commissioner, reported during the Planning Commission meeting when this subdivision plat was discussed, it was learned the developer intended to rent rather than sell the townhomes. There was a discussion about the preparation and cost for the developer to set each unit up individually so it could be sold in the future, costs associated with the project due to demolition, the advantages of having a management company responsible for its upkeep along a main thoroughfare, and the City's lack of authority to legally control ownership versus rentals. Ms. Jones thanked Mayor Shepherd for allowing her comments. She expressed her desire to inform the Council because she had not felt the developer was upfront with its intentions.

#### DISCUSSION ON PROPOSED AMENDMENTS TO THE BUSINESS LICENSE REQUIREMENTS FOR MASSAGE PARLORS

Stuart Williams, City Attorney, stated the Council approved a land use moratorium on the establishment and/or relations of massage parlors on March 12, 2019, which was set to expire on September 12, 2019. He reported staff had conducted an in depth review of other municipalities' codes, both local and national. He indicated staff proposed a specific licensing section within Title 4 of the City Code that would provide future massage parlor business license applicants with a more clear understanding of expectations, procedure, and punishments specific to the industry. He mentioned staff was planned to have a new ordinance ready for the Council's consideration on August 27, 2019.

Mr. Williams commented the proposed ordinance included in the agenda packet should cover due process for the applicant as well as the City. He noted the future commercial massage parlor business license application fees had not yet been proposed; however, staff recommended the fee cover the associated costs of those multiple individuals tasked with reviewing each commercial massage parlor business license application.

Councilmember Thompson asked if there was something that could be required by massage parlors similar to the bonding of sexually oriented businesses to help ensure legitimacy. Mr. Williams responded it could be researched; however, it might be an overly cumbersome process for businesses that were operating legitimately. There was a discussion about finding balance to ensure the City remained business friendly but also had the ability to stop and prevent further illegal activity if it continued to be an issue.

Mr. Williams indicated one of the biggest differences with the proposed ordinance was its impact to the property and the individual found operating illegally. He pointed out the drafted ordinance proposed if there was a violation on a given property there could not be another massage parlor

allowed at the same location for three years. There was a discussion about public perception and the City's efforts in dealing with a national issue.

Councilmember Peterson wondered when the estimated fees would be available for the Council's review. Mr. Williams responded it would be ready prior to the Council's consideration of the ordinance on August 27, 2019; but if necessary fees could be discussed in a work session prior to the policy session.

**Councilmember Peterson moved to adjourn at 7:46 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, and Thompson. Voting NO – None.** Councilmember Roper was not present for the vote.

**APPROVED AND ADOPTED  
This 28<sup>th</sup> day of August, 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, July 16, 2019.