

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
May 21, 2019

City Building
55 South State Street
Clearfield City, Utah

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	Police Chief
	Scott Hodge	Public Works Director
	Mark Baird	Public Works Deputy Director
	Adam Favero	Utility Superintendent
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Nick Porter	Management Intern
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Ruth Jones, Miriam Jones, Judy Simmons, Joseph Simmons, Chris Uccardi, Jerry Preston – University Enterprises LLC.

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON A ZONING TEXT AMENDMENT TO AMEND CITY CODE § 11-15-8F
BILLBOARD REGULATIONS

Nick Porter, Management Intern, commented a billboard was recently relocated to a commercially zoned property located at I-15 and 200 South adjacent to a single family residential neighborhood. He explained concerns were raised by residents that prompted the Council to direct staff to research standards that might protect residential areas from the impacts of billboards. Mr. Porter indicated staff had been working with nonprofit Scenic Utah and residents to improve the standards as well as research other municipal codes for applicable standards. He mentioned the proposed ordinance changes were for the following purposes: 1)

clarify the size of a relocated billboard; 2) add 500-foot spacing between relocated billboards and residential zones; 3) specify that billboards must be lit from below; and 4) prohibit digital and/or electronic message billboards.

He explained the drafted language was designed to provide an incentive for the seven non-interstate billboards in the City to relocate to a permitted area. Mr. Porter reviewed the map showing where existing billboards were in the City and said staff was generous when counting billboards and included signs which were also larger in size. He pointed out the residents had requested 1000-foot buffering between billboards; however, the Utah Department of Transportation's (UDOT's) requirement was 500 feet, so staff recommended a 500-foot buffer between residential zones in order to make relocation to the interstate corridor possible.

Mayor Shepherd asked if the billboard that was relocated would have met the 500-foot buffer requirement. Mr. Porter responded no. Brad McIlrath, Senior Planner, indicated the residents were worried because the UDOT spacing between billboards was 500 feet so another billboard could be placed on the same property because of its length. He said if language was adopted to include the 500-foot buffer between billboards and residential properties then no new billboards would be allowed at the current location because it would not meet the buffering requirement.

Mr. Porter informed the Council that the Planning Commission discussed in detail the lighting of billboards and how best to reduce the light pollution. He noted the Planning Commission recommended the language be amended to require billboards to be lit from below rather than above. Mr. McIlrath explained staff had recommended it be lit from above based on the recommendations that had been provided by Scenic Utah and other city planners.

Councilmember Peterson asked if the Planning Commission had been provided any information that gave a dispersion rate of light to the ground. There was a discussion about light pollution whether or not there was a measurable impact to residents or if it was a perceived affect that lighting from above would cause greater distractions to neighborhoods. Mayor Shepherd directed staff to research the dispersion rate of light and lighting impacts from billboards. There was a discussion about the options the Council could consider when taking action on the ordinance changes. Nancy Dean, City Recorder, indicated if the desired information was not ready for the Council by the policy session on May 28, 2019 they could table consideration of the ordinance changes to a future date to allow time for staff to obtain the desired clarification on lighting concerns.

Mr. Porter reviewed some of the digital billboard information provided by Scenic Utah related to brightness, landscape character, and impacts related to traffic accidents. Councilmember Thompson expressed his concern the information was coming from a special interest group. He reviewed some articles and court cases that provided evidence that digital billboards were not a distraction. He voiced his view in support of digital billboards. There was a discussion about the contrasting views of special interest groups and the billboard industry. Mayor Shepherd pointed out in the City there were many residential areas abutting the interstate and it would be important to set policies that protected the residents and provided the least amount of negative impacts for their property value and enjoyment of life. He stated if language was not added to the City's ordinance prohibiting digital billboards there could be several negative impacts for residents if

the billboard companies switched to digital signage. Mayor Shepherd expressed his concern that many of the current billboards along the interstate were near residential areas. He said he felt digital signs were more attractive; however, he did not wish to impose them on the resident's quality of life. He indicated the two things that could be regulated were the distance between billboards and whether or not it could be digital. Mr. McIlrath reviewed the map of the billboard locations in the City and pointed out the few signs that would be eligible for any upgrades. He commented the ordinance had been drafted to protect all residential areas whether zoned as such or not. He explained there would be less than five billboards that would be allowed an upgrade if the Council chose to allow digital billboards. There was a discussion about digital signage and impacts related to billboards and electronic message boards.

Councilmember Bush asked if the City had a lumens regulation. Mr. McIlrath responded the City did not, but other cities did and it was something the City could regulate if desired. Spencer Brimley, added, lumens had been addressed in certain areas of the City Code but the standard did not apply to all of the signs, only freeway oriented signs. Mr. McIlrath explained if lumens were to be regulated; the City would need the means to enforce the ordinance. There was a discussion about regulating electronic messaging signs and lumens. The consensus of the Council was to review all sign regulations in the future.

Mr. Porter stated staff recommended the Council approve the proposed zoning text amendment based on the four findings included with the staff report. He noted the Planning Commission recommended approval with an amendment requiring the lighting of billboards from below rather than above. He reported the public hearing and consideration on the zoning text amendment was planned for the meeting on May 28, 2019. Councilmember Phipps expressed his appreciation to staff for the in-depth information provided in the packet for review.

DISCUSSION ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 90 WEST 200 SOUTH (TIN: 12-020-0062) FROM R-1-8 (RESIDENTIAL) TO R-1-6 (RESIDENTIAL)

Brad McIlrath, Senior Planner, indicated the City received a request to rezone the property located at 90 West 200 South from R-1-8 (Residential) to R-1-6 (Residential). He noted the property was currently designated as Residential in the City's General Plan. He mentioned there was a request to rezone this area to the R-3 (Multi-family Residential) zone last year; however, it was denied since the City's proposed area for high density development was along the downtown corridor. Mr. McIlrath stated the City recently changed the General Plan to allow for continued use of the R-1-6 zone and if the property were to be rezoned as requested the property sizes would closely match the adjacent Wedgewood Estates No. 2 Subdivision lot sizes which averaged 5,268 square feet.

He reviewed the subdivision concept plan which included a 9-lot subdivision. Mr. McIlrath pointed out the property would need to have work done to facilitate proper water drainage and ensure the existing surface water issues were addressed. Councilmember Peterson questioned if the property was developed R-1-6 would there still be space to plan for on-site water detention. Mr. McIlrath answered the developer would need to incorporate detention into the area to comply with the standards. He pointed out storm water lines ended down the road, so those lines

would need to be extended to the development for connection and many other items would need to be completed by the developer in preparation for the site plan process and necessary approvals.

Mr. McIlrath reported staff recommended the Planning Commission approve the request based on the four findings included with the staff report. He stated the request was reviewed by the Planning Commission at its meeting on May 8, 2019 and it was recommending approval of the rezone.

Councilmember Phipps asked if there were any constraints on the properties due to the proximity of the railroad crossing. Mr. McIlrath answered the City did not have any standards relating to proximity of one street to another, so it did not anticipate any constraints. He mentioned providing a buffer along the property lines and railroad tracks had been discussed with the developer to mitigate future concerns of residents. JJ Allen, City Manager, pointed out the sidewalk, curb, and gutter would also be an improvement for the area.

Councilmember Peterson wondered if 200 South was scheduled for road improvements in the next five years given the new development in the area. Scott Hodge, Public Works Director, responded the City was currently in the design process for South Main Street. He continued some of the area could be added into that project area if the budget allowed for it.

DISCUSSION ON THE DEVELOPMENT AGREEMENT WITH BRAVADA 193, LLC FOR THE DEVELOPMENT OF THE PROPERTY LOCATED IN THE VICINITY OF 788 SOUTH 2000 EAST (TIN: 09-419-0102)

Spencer Brimley, Community Development Director, stated Jerry Preston was in attendance representing Bravada 193 LLC. He said in August 2018 the property was rezoned from C-2 (Commercial) to D-R (Downtown Redevelopment). He mentioned the D-R zone required a development agreement for any standard deviations. Mr. Brimley indicated the developer had been working with staff over the years on the property's development. He reported the proposal was for an apartment building with an additional 30,000 square foot commercial building and the corner parcel was proposed for a convenience store but could be any type of commercial development.

He pointed out the development agreement would address parking issues and residential and commercial development phases. Mr. Brimley reported underground parking would not be required for either Phase 1 or Phase 2 of the development and parking could be in front of the buildings, but it also addressed the tandem parking stall issues identified by staff. He explained the D-R zone required commercial development begin prior to or in conjunction with residential development going vertical. Mr. Brimley indicated the wording in the development agreement was constructed to require either of the two commercial sites be started before the residential development could go vertical and final occupancy on building D would not be granted until the other commercial component was started. JJ Allen, City Manager, clarified the development agreement outlined the phasing of the project so as a whole it should be developed about the same time.

Mr. Brimley clarified the land use entitlement process was still being vetted; consequently, an approval of the development agreement would not grant the developer land use approval for construction but rather provide the regulation of how the phasing of the project would move forward once land use approvals were finalized.

Councilmember Peterson questioned if the parking, as proposed in the development agreement, required the tandem spots not be sold to single units. Mayor Shepherd responded the tandem spots were counted to meet the minimum parking requirement; however, the City addressed the issue through the development agreement to help prevent potential conflicts between the tenants and landlords if there was not adequate access to the stalls behind the garages. Brad McIlrath, Senior Planner pointed out there were about 20 tandem stalls that would not be allowed to be sold to single units.

Mr. Brimley stated the development agreement was planned for the Council's consideration during the May 28, 2019 policy meeting. He indicated development agreements were not items the Planning Commission reviewed or provided a recommendation on prior to the Council's consideration. Mr. Allen questioned if the development agreement approval would be contingent upon the successful land use approvals. Mr. Brimley answered yes.

Councilmember Phipps stated his concerns for multi-family residential use should be anticipated. Mayor Shepherd expressed his opinion the development might be one of the nicest high quality developments in the area. Councilmember Bush expressed his only reason for supporting the residential portion was that it included a large commercial component. There was a discussion about the original vision of Midtown Village and the results in Orem where a similar project was planned.

DISCUSSION ON THE AMENDED DEVELOPMENT AGREEMENT WITH HAMBLIN INVESTMENT GROUP, LLC FOR THE DEVELOPMENT OF KENSINGTON PLACE TOWNHOMES SUBDIVISION LOCATED AT 852 AND 880 SOUTH 550 EAST (TIN: 12-815-0001 AND 12-815-0002)

Brad McIlrath, Senior Planner, noted the Kensington Place Phase II development agreement was originally executed between the City and developer then recorded with the property in 2015. He stated the subdivision plat was recently amended for the expansion of the development which necessitated an amendment to the development agreement including the additional area. He pointed out the conditions outlined in the staff report and included in the amended development agreement were the same as those in the original development agreement.

REVIEW OF "THE FIVE DYSFUNCTIONS OF A TEAM"

Summer Palmer, Assistant City Manager, reviewed "*The Five Dysfunctions Of A Team*" as last discussed with the Council during its work session on February, 19, 2019. She indicated the current discussion would review the dysfunction of absence of trust and allow an opportunity to vet and train on the next dysfunction which was fear of conflict. Ms. Palmer noted the data from the team assessment taken during the previous meeting would be reviewed.

There was a discussion about the challenges when a team had an absence of trust; take-aways from the lack of trust training; and a review of team assessment scores. Ms. Palmer stated the results from the team assessment scores had not identified the City's team was broken; however, it revealed there was always room for improvement.

She commented the absence of trust led to fear of conflict which was the next dysfunction identified in the book. There was a discussion about conflict and the following questions were discussed:

- Why is conflict important?
- Why is it considered taboo?
- Is all conflict negative and what is the difference?

Ms. Palmer shared a video presentation with the Council entitled "How to Disagree Productively and Find Common Ground" by Julia Dhar. She highlighted some of the characteristics of positive conflict and negative or unproductive conflict. She reviewed phases for overcoming the fear of conflict which included conflict profiling, creating a conflict constitution, mining for conflict, and not stopping healthy debate because of personal discomfort, and modeling good behaviors from the top down. There was a discussion about conflict and what efforts moving forward would be necessary to ensure healthy conflict was happening with the team.

Ms. Palmer pointed out practicing and having healthy conflict was important. She reported staff supervisors were trained in healthy conflict recently and challenged to hold similar practice opportunities within each division with topic debating. There was a discussion about the Council's political role and the responsibility to the "team" and the City's residents.

Mayor Shepherd expressed his desire not to undermine what was working by creating conflict for the sake of conflict. He stated he counted it a privilege to work with each member of the City Council. He pointed out over the next several years the City would drastically change. He acknowledged there were risks, but he felt excitement as he looked forward with anticipation of the City's future.

Ms. Palmer commented the next tier of the dysfunction pyramid was commitment and it would be discussed in further detail during a future work session. She noted Jeff Bezos, Amazon, said in his shareholders letter that he was committed to three words "disagree and commit." She pointed out a result driven team understood the importance of the times there was disagreement and how important it was for the team to commit for the betterment of the team and overall good of the organization. She expressed her opinion when a person went all in with a team that was trusted, good things tended to happen.

Councilmember Bush moved to adjourn at 8:48 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 11th day of June, 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, May 21, 2019.

/s/Nancy R. Dean, City Recorder