

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:30 P.M. SPECIAL SESSION
OCTOBER 29, 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
	Brody Warren	Police Lieutenant
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Devin Prouty, Chris Uccardi, Ruth Jones, Kristi Bush

Mayor Shepherd called the meeting to order at 7:46 p.m.

APPROVAL OF THE DEVELOPMENT AGREEMENT AND FIRST ADDENDUM TO THE PUT/CALL AGREEMENT WITH LOTUS ACQUISITIONS, LLC, AND MEMORANDUM OF UNDERSTANDING (MOU) – 2 WITH THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) AND LOTUS COMPANY FOR REDEVELOPMENT OF PROPERTIES LOCATED AT APPROXIMATELY 442 AND 448 SOUTH STATE STREET (MABEY PLACE)

Mayor Shepherd explained the City had been planning redevelopment of the properties at 442 and 448 South State Street for about a year and a half. He reported there had been multiple meetings and discussions with staff, the Council, and the Developer and the development agreement would be a major piece in moving forward with redevelopment plans for Mabey Place.

Councilmember Peterson moved to approve the Development Agreement and First Addendum to the Put/Call Agreement with Lotus Acquisitions, LLC, and Memorandum of

Understanding (MOU) – 2 with the Community Development and Renewal Agency (CDRA) and Lotus Company with the following noted changes:

- 1) the development agreement be approved with the 100 percent Low Income Housing Tax Credit (LIHTC) component for Phase 1 only with increased unit costs proposed from \$8,800 per unit to \$12,000 per flat and from \$14,000 to \$15,000 per townhome for an increased purchase price of \$708,200 and an estimated overall purchase price of \$3,681,625 for the purchase of the Clearfield Mobile Home Park property;**
- 2) the development agreement amend Table 5; specifically, the unit balconies must have a minimum depth of 5 feet and a total square footage of no less than 60 square feet; balconies visible from public rights-of-way must be screened with at least 70 percent opacity to a height consistent with a standard balcony rail of 42 inches; and also that in lieu of covered parking for the apartment flats, the developer will invest at least an equal sum of approximately \$62,000 into the aesthetic and exterior enhancement of the project, above and beyond the requirements of the Form Based Code which may include, but is not limited to, larger trees for a canopy to shade parking and/or the cost of screening balconies; this cost offset will be verified prior to building permit issuance with an exhibit or form provided by the developer; and**
- 3) Attachment 2 of the development agreement will be amended to indicate the public half acre park public improvement costs would be borne by the developer at a minimum cost of \$240,000 worth of investment and any additional costs above and beyond that would be borne by the City; for the First Addendum to the Put/Call Agreement to accept it as currently drafted;**
- 4) the Memorandum of Understanding (MOU) – 2 be amended with the language necessary to reflect the position provided by the City Council in its closed door meeting and in a manner to avoid financial injury or interference with a planned transaction;**

and, authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. Mayor Shepherd reported those were significant changes to what was proposed originally. He noted the changes would benefit the City, specifically, the development costs towards the public park. Councilmember Phipps commented he entered into the project with trepidation but his goal and vision was always looking for a way to improve the area around Mabey Pond. He voiced his concerns with what was happening but could see no other way to proceed with the Mabey Pond vision without the current steps, so with some hesitancy he was willing to accept it with the understanding that if it was not approved it could put improvements to the Mabey Pond area in significant jeopardy. Mayor Shepherd acknowledged the City had a developer that was committed to the goals for the entire area. He noted the developer shared the City's vision for the project in its entirety. Councilmember Roper indicated he was ecstatic about the project. He thanked City staff for the countless hours of work that went into preparing the development agreement. He remarked it made sense and he felt excited about what would happen for the City. Mayor Shepherd pointed out the project had not been rushed and had been 18 months of work that was well planned out after much effort. Councilmember Thompson spoke about his enthusiasm for the project. He reported after all the vetting of the project, he felt enamored and excited about the possibilities. Councilmember Bush stated overall the entire concept was a good plan. He mentioned he had expressed his opinion the City should have its Moderate Income Housing Plan (MIHP) approved first before it approved projects that addressed housing affordability. Mayor Shepherd acknowledged the prior

discussion and said both go hand in hand. He noted the Moderate Income Housing Plan (MIHP) would be completed as a requirement of the State, and the reason for not waiting any longer on the development agreement would be to assist the developer with its timeline. He reported the developer's plan, if approved, would be to break ground in the spring or early summer of 2020 and postponing action on it would put the project off much longer. **The motion carried upon the following vote: Voting AYE – Councilmembers Peterson, Phipps, Roper, and Thompson. Voting NO – Councilmember Bush.**

Councilmember Roper moved to adjourn as the City Council and reconvene as the CDRA in special session at 7:56 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 12th day of November, 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, October 29, 2019.

/s/Nancy R. Dean, City Recorder