

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
September 17, 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
	Devin Rogers	Police Assistant Chief
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Kelli Bybee	Communications Assistant
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Matthew Godfrey – Better City, Matthew Blocker – Lotus, Joe Torman – Lotus, Devin Prouty, Ruth Jones, Chris Uccardi, Susie Petheram – FFKR Architects

Mayor Pro Tem Peterson called the meeting to order at 6:03 p.m.

DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
2018/2019 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT  
(CAPER)

Brad McIlrath, Senior Planner, stated the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) was an overview of all the accomplishments that were met during the 2018/2019 program year. He explained it was available for public comment until September 24, 2019.

Councilmember Thompson expressed his desire to see more information and opportunities for minority groups included in the CAPER. He discussed information he gathered regarding

computer learning algorithms being used in the application process for mortgage loans and its impediment to fair housing and stated he would forward the information onto staff. Mr. McIlrath stated the purpose of the CAPER was to report on the accomplishments of the previous program year funding. He suggested the information presented by Councilmember Thompson was best suited to be identified as part of the Analysis of Impediments, which was scheduled to be updated during the current budget year.

Mayor Shepherd arrived at 6:12 p.m.

#### DISCUSSION ON THE MABEY PLACE REDEVELOPMENT LOCATED IN THE VICINITY OF 442 SOUTH STATE STREET

JJ Allen, City Manager, stated based on the concerns that arose from the conversation at the retreat on August 23, 2019, staff followed up with Lotus. He introduced Matthew Godfrey, Better City, Matthew Blocker, Lotus, and Joe Torman, Lotus, who came to discuss the proposed redevelopment and address the Council's concerns.

Mr. Godfrey congratulated the Council for its downtown vision. He discussed more housing was needed on the west side prior to the east side being developed to help ensure better success for the project. He stated financing and the right developer for the east side were crucial. He expressed his opinion that Lotus had the finances and experience with other successful redevelopments to be the best candidate to accomplish the City's vision. He gave a brief background regarding how Lotus decided to partner with the City to redevelop its downtown. Mr. Godfrey reminded the Council that with a downtown redevelopment there would always be a financial gap because the market did not support it on its own, the communities would have to participate and engage with the development.

Mr. Godfrey pointed out the hope was redevelopment would begin with the east side of State Street, but there were some issues with property owners and the financial gap increased due to the sale price for the east side property. This financial gap led Lotus to look into developing the west side of State Street first.

Mr. Godfrey reviewed the purchase price for the Clearfield Mobile Home Park (CMHP). He indicated that price was only one determination when assessing the value of the land. Mr. Godfrey stated another aspect considered when determining the value of the land was what someone would be willing to pay to purchase it. He reviewed cost and cost per unit comparisons of properties in Clearfield, Ogden, and Roy.

Mayor Shepherd referred to one of the comparisons presented, which was an adjacent property to the City's property, and pointed out the cost per unit comparison for that project was not completely accurate because it was located behind another business with no access to State Street unlike the City's property. Mr. Godfrey responded the proposed negotiated price with Lotus was close to the comparisons.

There was a discussion about how the City could pay back the bond needed for redevelopment. Mr. Godfrey reviewed market numbers and the Lotus proforma. He pointed out some of the

costs shown in the proforma would be a benefit to the City in the form of connecting roads and utilities. There was further discussion regarding how Mr. Godfrey calculated his numbers for the financial gap recuperation.

Mr. Godfrey emphasized how tough the current market was. He explained if the City decided to look for other developers it could be tough to find one and then the City would still have a bond with no development to help pay it back.

There was also discussion about the additional properties needed to complete the project. Councilmember Peterson asked for further clarification on the purchase of the additional properties and why the purchase of those properties would not fall on the developer. Mr. Godfrey explained the process required of developers to get the money for their developments and if the banks wouldn't loan to them then the project wouldn't move forward.

Councilmember Thompson asked about the saturation rates and shared his concern about the ability to get the occupancy needed for the proposed development. Mr. Godfrey stated in reality there was not an accurate way to determine if the proposed development would reach its occupancy rate; however, the risk would be the developer's, if occupancy rates were not met.

Mr. Godfrey shared his experience working for Ogden City and how it had to change the market in order to see the desired change wanted by the Council and residents. He compared his experience to what Clearfield City was trying to accomplish.

Mayor Shepherd stated the new proposed numbers from Lotus used to determine the purchase price were more reasonable than the initial numbers.

Summer Palmer, Assistant City Manager, pointed out there were other concerns outside of financial that were expressed at the retreat that should be discussed. Councilmember Peterson shared concerns regarding the timetable for the east side development. She emphasized the west side development could not look like infill and needed to have a noticeable presence. She expressed the need for the development to be a project that would be the City's showcase for its goals and vision. She wondered how the west side development would look, act, and feel different from other comparable projects to help offset the financial investment, and if there would be as much investment on the outside of the development as on the inside so that residents driving past could see the benefit of that investment. She expressed a desire to be able to show residents what could happen when the City partnered with a developer who shared the same vision for the downtown area. Mr. Blocker understood and commented if it was going to cost a premium, the project needed to represent that investment. Councilmember Roper commented the Council was describing the project to residents as something that would stand apart from other projects. He also wondered how the west side development would show the residents what could be expected from the east side redevelopment. He stated the project wasn't about building apartments but rather creating a place.

Councilmember Phipps added he wanted the project to have a reputation that would draw people to it. He added he wanted to see the development become a place where people wanted to be and not just a stepping stone until they could get into what they really wanted in a different

community. Councilmember Thompson wondered how much of the Form Based Code would affect the result of the development. Councilmember Peterson commented the concept plan met the requirements of the Form Based Code. Mr. Allen commented there were a few variations from the Form Based Code.

Joe Torman, Lotus, reminded the Council of its tour of the Artesian Springs project earlier in the summer. He stated that project had a really positive reputation primarily because of its amenities package. He pointed out that great amenity packages were the first things to stand out in any quality development. He stated the size of the proposed development and the potential to use the Low-Income Housing Tax Credit (LIHTC) would allow the developer to put money into a spectacular amenities' package for the project. He stated LIHTC projects were required to have a high quality but Lotus always went above and beyond the requirement. He declared the project would be unlike anything anyone had seen in Clearfield before.

Councilmember Peterson wondered if the City or the developer would complete the mentioned park. Mr. Torman explained the proposed plan stated Lotus would complete the shelling for the park and the City would put in the equipment. Mr. Allen clarified the initial proposal was for there to be a City Park, however, that could still be negotiated with a development agreement.

There was a discussion about different options for the façade that would enhance the proposed development. Mr. Torman emphasized the importance of having professional companies managing the site so that it would be meticulously maintained.

Mr. Torman shared photos to show the vision of the parking for the proposed development. He reviewed the proposed site plan and emphasized the walkability of the proposed community. There was a discussion about the reasons behind the changes made from the initial site plan. There was also a discussion on the interior finish options of the proposed project.

Mr. Allen asked if there were any other questions or concerns from the Council. He reminded the Council the objective of the meeting was to leave with a decision to move forward with Lotus or move on to other options.

Councilmember Bush wondered what other amenities would be included. Mr. Torman discussed pet facilities and how those would be maintained. Mr. Allen asked about a pool. Mr. Torman explained a pool would not be part of phase one but could be something considered in later phases.

Councilmember Peterson asked about other costs not already discussed and what those would be. Mr. Torman explained the eight percent of developable land lost to the Utah Transit Authority (UTA) land easement was one cost, estimated at a \$400,000 loss. Mr. Allen commented it wasn't an easement. He clarified the City found out during due diligence that the property lines were not correct which accounted for the loss in the acreage available for development.

Councilmember Peterson asked for clarification on the request to defer impact fees. Mr. Blocker explained it was proposed the fees would be postponed until approximately year five in order to help with cash flow at the beginning of the proposed project. Mr. Allen said Lotus had agreed to

an inflation component to the payment. He also informed Mr. Torman and Mr. Blocker about certain impact fees that could not be waived, as the City didn't have control over them. He stated if Lotus wanted to see a deferment of those fees then the administrative control boards of those entities would need to be contacted individually by Lotus.

Ms. Palmer brought up parking surface and the density of the project; she wondered why the proposed density was not higher due to shortage of housing in the State of Utah. There was a discussion about building density, parking ratios, and parking options.

Councilmember Phipps shared his concerns with pursuing LIHTC and it not being an advantage for the City. He worried potential tenants of the proposed development would not frequent the east side redevelopment when completed.

Councilmember Peterson asked Mr. Godfrey to share his experience with Ogden City and The Junction in regards to Councilmember Phipps' concerns. Mr. Godfrey discussed the benefits Ogden City saw around The Junction and stated the proposed development for the west side was a great option to have across from the proposed redevelopment for the east side.

Councilmember Phipps reiterated his desire to have permanent residents over temporary ones that were often recognized with rental properties.

Councilmember Peterson stated she felt the City needed both permanent residents and temporary residents of downtown to bring more vibrancy and life to the City. Councilmember Roper recalled attending the Utah League of Cities and Towns conference and highlighted the information shared regarding how the components that made up downtown corridors helped to sustain cities.

The overall consensus was concerns had been resolved and staff had the approval to create a development agreement with Lotus and possibly look into additional housing units.

The Council took a break at 8:15 p.m.

The meeting resumed at 8:22 p.m.

Councilmember Peterson left the meeting at 8:22

#### DISCUSSION ON THE PROGRESS OF THE AMENDMENTS TO THE FORM BASED CODE

Brad McIlrath, Senior Planner, stated Susie Petheram with FFKR Architects was present and wanted to provide updates on the progress of the Form Based Code (FBC). He reviewed the background to date and the contract with FFKR, which went through the end of October.

Mr. McIlrath and Ms. Petheram led a discussion on the following FBC updates:

- Overall formatting cleanup

- Uses chapter
- Reconfiguration of Streets, Landscape, and Open Space chapters
- New Street and Block Network Chapter – included a Regulating Plan
- Street chapter – streets and streetscape standards
- Open Space chapter- updated to be Civic/Public Open Space
- Landscape chapter- updated to be Site-Specific Landscaping
  - Site Amenities (balconies, courtyards, rooftop gardens, gathering places, etc.)
  - Parking lot standards
- Utah Department of Transportation (UDOT) input and Proposed Corridor Agreement

Ms. Petheram discussed the new proposed zoning map as shown in the staff report. She highlighted the goals, which were to keep zones consistent and simplified. Mr. McIlrath pointed out the purpose of the proposed new zoning was to gradually change as one entered the City. He stated areas to the west behind Depot Street were not included but would now be included with the new proposed zoning map.

Mr. McIlrath stated the Corridor Commerce zoning would extend to 650 North, which would still allow for single story commerce buildings. Councilmember Bush wondered about extending the Corridor Commerce zoning to 800 North. The consensus of the Council was to extend the zoning to 800 North and include Gordon’s Copy Shop.

JJ Allen, City Manager, wondered about taking the Civic zoning on the east to the post office as well as include the health department and library on the west. There appeared to be consensus from the Council for the proposed changes.

Mr. McIlrath asked for thoughts on the urban and mixed residential zones. Ms. Petheram clarified the differences and stated the urban residential allowed for more commerce than the mixed residential.

Mr. McIlrath discussed information from UDOT about possible intersection and road plans that could be part of a corridor agreement. There was a discussion regarding what areas should be included in a corridor agreement with UDOT. It was suggested to go from Center Street to 700 South. Mr. McIlrath stated nothing had to be decided immediately, as the corridor agreement had not been started yet. Mr. Allen reminded the Council the cost for the medians would be a factor for the City, as UDOT would not pay for them. Mr. McIlrath suggested looking into Transportation Reinvestment Zones (TRZ) funding.

Mr. McIlrath stated surrounding buildings and building types would be covered in the next update to the Council.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE MAYFLY RISE TOWNHOMES LOCATED AT APPROXIMATELY 172 AND 140 NORTH MAIN STREET (TINS: 12-001-0212, 12-010-0213, AND 12-001-0002)

Brad McIlrath, Senior Planner, stated the applicant proposed a 49-unit townhome subdivision located at approximately 172 and 140 North Main Street. He pointed out some amendments

made to the original proposal that addressed setbacks and open space requirements. He indicated the subdivision would consist of three properties and have dedications for the individual townhomes units.

Councilmember Bush expressed his opinion that three story buildings were intrusive to neighboring properties on Lakeview. Councilmember Phipps agreed but stated the current code allowed for the proposed development plan for the property.

There was a discussion about the proposed direction of the townhomes. Mr. McIlrath pointed out the proposed project met the current Form Based Code requirements.

DISCUSSION ON PETITIONING DAVIS SCHOOL DISTRICT TO RENAME SOUTH CLEARFIELD ELEMENTARY AND DAVIS COUNTY TO RENAME THE DAVIS COUNTY LIBRARY IN CLEARFIELD

Mayor Shepherd felt it would be worth submitting a request to Davis County to include Clearfield in the name of the new library. There was a discussion about the name being changed to Clearfield North Branch.

He asked for thoughts on a request to the Davis County School District to rename South Clearfield Elementary School. Councilmember Phipps expressed his opinion that a resolution from the City that showed the desire of the residents to rename the school would be beneficial. Councilmember Phipps mentioned the District would not spontaneously change the name so a request would be needed.

There was a discussion on how the City would proceed with making those requests. The consensus of the Council was to have staff draft letters that requested the name changes for the Library and South Clearfield Elementary, which could be approved and signed by all the elected officials.

Councilmember Bush reported he would not be at next week's meeting on September 24, 2019.

Mayor Shepherd passed out the United Way partnership records for the Council to review.

**Councilmember Thompson moved to adjourn at 9:15 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

**APPROVED AND ADOPTED  
This 22<sup>nd</sup> day of October, 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, September 17, 2019.

/s/Nancy R. Dean, City Recorder