

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
May 28, 2024

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Mayor Mark Shepherd, Councilmember Nike Peterson, Councilmember Karece Thompson, Councilmember Megan Ratchford, Councilmember Dakota Wurth

ABSENT: Councilmember Tim Roper

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Summer Palmer, Public Works Director Adam Favero, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Services Director Eric Howes, Community Development Director Spencer Brimley, Senior Planner Brad McIlrath, Communications Manager Shaundra Rushton, City Clerk Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Nadene Davis, Kathryn Murray, Channing Licon

Mayor Shepherd called the meeting to order at 7:03 p.m.

Councilmember Thompson led the opening ceremonies.

APPROVAL OF MINUTES

April 9, 2024 – work session
April 9, 2024 – policy session
April 23, 2024 – work session
April 23, 2024 – policy session

Councilmember Peterson asked to make a correction on the April 9, 2024, work session minutes on page 4, paragraph 4 where it had referenced Clearfield Station relative to the landscape guidelines. She explained that she was referencing the new North Davis Fire District building, not the Clearfield Station project.

Councilmember Peterson moved to approve the minutes from the April 9, 2024 work session with changes mentioned, the April 9, 2024 policy session, the April 23, 2024 work session and the April 23, 2024 policy session, seconded by Councilmember Ratchford.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE ADOPTION OF THE CLEARFIELD CONNECTED 2024 STATION AREA PLAN & DESIGN GUIDELINES

Brad McIlrath, Senior Planner, provided an update to the original Station Area Plan that had been adopted in 2019. The original plan was required by UTA before it could develop any remaining transit stations. In order to select which transit station they would move forward with on a development proposal, they required the City to work with UTA and a consultant team to compile a Station Area Plan. Clearfield City was selected, and the area was rezoned to Mixed Use (MU). That zoning designation required that the City enter into a Master Development Agreement (MDA) and a Master Development Plan (MDP) with the property owners and development partners selected.

The current plan update was to align with the State Code requirements passed during the 2022 legislative session for station area plans. The most significant change in the plan was the expansion of the plan area to a one-half mile radius as required by State Code. It also needed to include elements related to housing, transportation, environmental as well as access to opportunities within the transit-oriented development areas. Mr. McIlrath explained the plan was not a regulatory or policy-type document but was a document that would help inform the City's General Plan. He showed an aerial imaging of the zoning areas for the area as well as pictures of progress made on the project. The State Code required all properties within the one-half mile radius of a transit station to be studied. He reviewed the Project Vision and Goals. As the plan was created, seven different districts were identified. Mr. McIlrath showed a map of the identified districts. He showed the Future Land Use map. He reviewed the Station District Illustrative Master Plan showing potential development. He reviewed design parts of the plan. He briefly reviewed the Strategic Recommendations. He said the entire plan was available to view at www.clearfieldconnected.org and once adopted it could be found at clearfield.city under the planning page.

Mayor Shepherd opened the public hearing at 7:24 p.m.

There was no public comment.

Councilmember Peterson moved to close at 7:25 p.m., seconded by Councilmember Ratchford.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

OPEN COMMENT PERIOD

Nadene Davis, resident, approached Council to express her concern for all the potholes on 300 North from 500 West to Rick Way (700 West). Mayor Shepherd said the Public Works Director Adam Favero, could speak with her after the meeting. Ms. Davis said the micro

surfacing was not adequate. She expressed her frustration that it was not being taken care of since it was a main thoroughfare.

Mayor Shepherd explained that there was a priority list based on budget constraints. Mr. Favero said the temporary patch would be done during the current road season; however, the mill and overlay would be completed during the spring/summer of 2025.

Councilmember Peterson clarified that the temporary patches would be done this summer and then the fix was queued up for next summer. She understood that other places in the City were worse than 300 North based on the list of priorities. Ms. Davis asked to get the list of priorities so she could examine them herself. Mr. Allen introduced Ms. Davis to Mr. Favero to get further details. Mr. Allen explained there was a lot that was balanced in the scheduling of projects, for instance, a project might be driven by a waterline project below ground.

APPROVAL OF AND CONSENT TO THE APPOINTMENT OF COMMISSIONER BRIAN SWAN TO FILL THE VACANCY ON THE PLANNING COMMISSION

Councilmember Wurth moved to approve and consent to the mayor's appointment of Brian Swan as a regular member of the Planning Commission with a term expiring in February 2026, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: **Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

APPROVAL OF THE AWARD OF CONTRACT FOR THE CONSTRUCTION OF PHASES 3 AND 4 AT THE MAINTENANCE AND OPERATIONS CENTER (MOC) TO STOUT BUILDING CONTRACTORS

Adam Favero, Public Works Director, gave background information on the needs and challenges of the current facilities to explain the reasons for the Phase 3 and 4 MOC building project and the design features that would be included. He explained the invitation to bid process as well as the selection process. He explained that the bid came in over budget. Staff met with contractors to try to find places to economize the project. Stout Building Contractors had been selected as the preferred contractor. Channing Licon from Stout Building Contractors was present at the meeting. The total project budget was \$10,925,000.

Councilmember Peterson asked how comfortable Mr. Favero was with the amount of the contingency fund included. Mr. Favero acknowledged the potential risk of a lower contingency fund. Mr. Favero said Staff intentionally made it lower and were hoping to find savings in the Value Engineering that could be applied toward the contingency. She asked Mr. Licon from Stout Building whether there was anything in the agreement that would lock-in prices. He said the biggest changes were typically seen in concrete costs but hoped if they could get started

quickly that could be avoided. He confirmed that a majority of the concrete work would be completed this year. She further asked if there were provisions in the contracts that allowed funding to free up once the contract with subcontractors were executed. She wondered if beginning to purchase and lock in pricing on the supplies as quickly as possible would keep them close to bid amounts rather than waiting to purchase those supplies nine months into the project. He said yes,, as soon as the subcontractors could be released to do work was when they started purchasing the materials and supplies. Mr. Favero showed the anticipated schedule of construction which anticipated a completion date of Summer of 2025. He mentioned that the dates were subject to change due to weather and availability of supplies. Mr. Licon said availability was recently better but said they might have some issues with electrical materials and supplies.

Councilmember Thompson moved to approve the award of contract for the construction of Phases 3 and 4 at the MOC to Stout Building Contractors and authorize the mayor's signature to any necessary documents, seconded by Councilmember Wurth.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

APPROVAL OF ORDINANCE 2024-09 ADOPTING THE CLEARFIELD CONNECTED 2024 STATION AREA PLAN & DESIGN GUIDELINES

Councilmember Thompson asked, regarding economic viability, whether there was comparable data from other local station areas. Mr. McIlrath said the Farmington TOD was the closest comparable property, but was not the best because the transit station was so disconnected from the rest of the development. Mr. McIlrath emphasized the difference with the Clearfield Station area was that everything within the complex led to the station platform. He thought Clearfield City was stepping into uncharted territory for Utah communities, but TODs around commuter rail stations in other areas of the country worked.

He pointed out the transformation of 400 South in Salt Lake around transit had seen housing and economic development boom. Councilmember Thompson asked how much of the housing that had developed would be considered affordable housing. Councilmember Thompson expressed his concern with "15 Minute City" planning from the world perspective. He wondered if it might exacerbate inequalities in the United States. He did not think economic development and availability of affordable housing would happen the way the City thought it would.

Mr. McIlrath acknowledged that new development would always be less affordable initially, but with the bigger housing availability problem in the State, which was driving up prices, building more units would help by providing more housing opportunities, but not solve the problem overall. He further stated that unless the developer used low-income tax credits in the financing, there were no incentives from the State to provide affordable housing. Mr. McIlrath

mentioned that if the City had established the property as a Housing and Transit Reinvestment Zone (HTRZ), which specifically required a portion of the area to be dedicated to affordable housing, the City would have additional control. However, the property was already in a community development zone and had funds allocated so it was not needed. Councilmember Thompson wanted to make sure there was a discussion about this topic before it was voted on and expressed his opinion that this project should not be identified as “affordable housing.” He said he had seen legitimately affordable housing destroyed to see new development projects built. Mr. McIlrath said there would be a place making opportunity. He was hopeful that all plans would pan out as all parties intended.

Councilmember Peterson said she had discussions with Staff about making sure there were no future mixed-use plans on the east side of State Street to ensure the most affordable housing in the City was not displaced. Councilmember Peterson expressed her appreciation for Mr. McIlrath’s efforts to make changes. She renewed her strenuous objection on page 20, “Design Guideline Overview” which called for the creation of a Design Review Committee. Mr. McIlrath would communicate the need to strike that language change to Landmark Design. She asked that it refer to the Staff and the two existing land use or governing bodies. She said it could even reference the City’s land use table found in the City Code.

Councilmember Peterson pointed out an inconsistency in the maps with different land uses. She referred him to Appendices A & B. The vacant triangle property where 1000 East met State Street bounded on the south at 1450 South. She said different land uses were shown in maps. She referenced several pages for him to review. She asked that Staff verify there was consistent land use for that triangle property on the maps and have clear language that the map was from the General Plan and double check the density on the illustrative Master Plan. Mr. McIlrath would talk with Landmark Design to ask them to make that area look different from other areas to visually stand out.

Councilmember Wurth moved to approve Ordinance 2024-09 adopting the Clearfield Connected 2024 Station Area Plan & Design Guidelines, including the changes discussed and authorize the mayor’s signature to any necessary documents, seconded by Councilmember Peterson.

RESULT: Passed [3 TO 0]

YES: Councilmember Peterson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSTAIN: Councilmember Thompson

ABSENT: Councilmember Roper

COMMUNICATION ITEMS

MAYOR'S REPORT

Mayor Mark Shepherd

- Attended the International Council of Shopping Centers (ICSC) Conference with Spencer Brimley. He realized the development community and commercial realtors knew where Clearfield City was and had discussed various areas with individuals.

- He expressed congratulations to the Clearfield High School graduates.
- Recently spoke at Job Corps about Voting Rights. He had challenged all of them to sign up online to vote.
- He attended the Best of Utah Awards where Davis Education Foundation and Community Schools won awards.
- Reminder of the Lotus Anthem Grand Opening on Saturday, June 1, 2024.
- He mentioned the upcoming Change of Command at Hill Air Force Base.
- Expressed appreciation to councilmembers for their attendance at meetings representing Clearfield City.
- He expressed appreciation to the VFW for taking care of the Memorial Day Flag Raising Ceremony.

CITY COUNCIL'S REPORTS

Councilmember Peterson

- Wasatch Integrated announced an upcoming public hearing where its staff would discuss the consideration of increases to fees for commercial rates and prices for household cans. She said it was due to increases in costs for all utilities and building and dumping more waste in the landfill, including the portion that was diverted. The public hearing would be held Wednesday, June 5, 6:00 p.m. at the Wasatch Integrated Management Facility, at 1997 East 3500 North, Layton.
- She reported that at her request, the team had put together a white paper that gave a breakdown on the amended proposal for a roll-out of a county-wide recycling program. She said it delineated what part was responsibility of the District and what was the responsibility of the cities and included timelines. She said it gave two categories of program specifics. The first was a bundled universal program which was some blend of regular household waste/recycling/possibly green waste can. She added if the City could divert a certain percentage of what was normally collected away from the landfill then the City would get a break on the price for cans. If not, the proposed fees would stay at new higher rates. The second program was an Opt Out Program where the City opted for a mix of programs but there were opportunities for residents to voluntarily withdraw. She said the Board would be voting on changes on Tuesday, June 4, 2024. The changes would remove penalties for choosing not to be involved, would just pay a higher rate for trash collection removing mandatory timelines to participate. The surprise was whether the cities should be responsible for the purchase of the cans, whether to directly purchase or negotiate with their hauler got their purchase. She said for Clearfield City it would cost hundreds of thousands of dollars, which the residents would bear in some way or another. She also mentioned that the storage of the cans could potentially become an issue. She welcomed the Council's feedback before she made her vote on Tuesday. Mayor Shepherd assumed the cost of the cans had always been that way and wondered if it would have much of an impact because the purchase and maintenance of the cans was already a service provided by the City's hauler. She said the increase on can fees were independent of a recycling program.

Councilmember Thompson

- He reported that one of the main discussions at the North Davis Sewer District was about Roy City building a new pumping station through American Rescue Plan Act (ARPA) funds and its desire to waive impact fees for residents with septic tanks to tie in. The question was whether the District should impose impact fees. His position was that it was a matter of Health and Safety and the funds were acquired through federal funding so he did not think the District needed the impact fees. He said the conversation would be revisited next month and that it

impacted 60 residents.

- He said there had been 1700 feet of new pipe placed along with necessary new manholes on Hillfield Road.
- The North Davis Sewer District Board had approved the Bio-solids Study and he looked forward to the results of the study and the possibility of creating energy through biosolids.

Councilmember Ratchford

- She reported that the North Davis Fire District (NDFD) was 95% done with the new fire station. She said they anticipated completion right before July 4th.
- She announced a new Jack in the Box that had broken ground next to the Tru Hotel.
- She would be attending the Top of Utah Military Affairs Committee (TOUMAC) meeting where they were going to alert the committee of things going on overseas.

Councilmember Wurth

- He had spent time with the Parks Commission at the recent trail event at Steed Park.
- He attended the “Together We Ball” event with Circles where they played basketball with the police officers.
- He said the Mosquito District was in the thick of the spring season. They had fish that ate mosquito larvae.
- He expressed his excitement for the improvements that were coming to the City and the opportunities that would be opening up for residents. He recognized the vision it took to make things happen. He recognized the City was in uncharted waters but it was attractive and would keep this area on the map. He was excited to work with some of the architects of these changes.

CITY MANAGER'S REPORT

JJ Allen, City Manager

- He thought it was great to approve the MOC project on the heels of Public Works Week.
- He wanted to clarify the comments he made earlier about the relative simplicity of the road issues on 300 North. He realized it was a much more significant project than he had communicated. He said the water component was worth more than \$1M, storm water \$500k and street \$400k. It was pushing \$2M total and that was why the City could not rush into the project.

STAFF REPORTS

Nancy Dean, City Recorder

- She announced there would not be a meeting on June 4, 2024.
- There would be a work and policy session on June 11, 2024.
- There would be a work session on June 18, 2024.
- There would be a work and policy session on June 25, 2024.
- There would not be a Council meeting on July 2, 2024.

Councilmember Peterson moved to adjourn at 8:49 p.m., seconded by Councilmember Thompson.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

**APPROVED AND ADOPTED
This 25th day of June 2024**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, May 28, 2024.

/s/ Nancy R. Dean, City Recorder