

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
September 24, 2024

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

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

STAFF PRESENT: City Attorney Stuart Williams, Police Chief Kelly Bennett, City Clerk Nancy Dean, Public Works Director Adam Favero, Deputy Public Works Director Braden Felix, Community Services Director Eric Howes, Senior Planner Brad McIlrath, Communications Manager Shaundra Rushton

VISITORS: Carmel Clermont, Brimhall Family, Dimond & Linda Loosli, Lee & Liz Croshaw, Maurine Smith, Shauna Thompson, Clinton Wall, Kathryn Murray, Justin Wager

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

Councilmember Peterson led the opening ceremonies.

APPROVAL OF MINUTES

August 13, 2024 – work session

August 27, 2024 – policy session

Councilmember Roper moved to approve the minutes from the August 13, 2024 work session and the August 27, 2024 policy session as written, seconded by Councilmember Wurth.

RESULT: **Passed [5 TO 0]**

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

NO: None

SWEARING IN OF NEW POLICE OFFICERS MORGAN BRIMHALL AND JACOB AMES

Kelly Bennett, Police Chief, introduced the new police officers, Morgan Brimhall and Jacob Ames, to the Council and the audience. Nancy Dean, City Recorder administered the Oaths of Office.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED ZONING MAP AMENDMENT FROM R-1-8 TO R-2 TO THE PROPERTY LOCATED AT 328 EAST 100 NORTH

Mayor Shepherd opened the public hearing at 7:13 p.m.

Brad McIlrath, Senior Planner, presented the rezone request from R-1-8 to R-2 for the property located at 328 East 100 North. He provided the background information for the property. He said the General Plan designation was residential. The applicant wanted to develop the property with four townhome units. Historically, the property was developed under the R-2 zone but was currently zoned R-1-9. He displayed the site concept plan. Based on the findings in the zoning map amendment analysis performed by staff and the Planning Commission, the Planning Commission forwarded a recommendation of denial. He said the vote was a unanimous decision.

PUBLIC COMMENT

FOR

Justin Wager, son of the Applicant, explained that when it was presented to the Planning Commission it was presented as townhomes, but the developer wanted the Council to consider duplexes instead. He asked the Council to table the issue so it could be addressed at another time.

OPPOSED

Clinton Wall, resident, said he had worked in construction for a long time. He was concerned about getting all the necessary infrastructure on the property. He was worried about not matching the historic nature of the single family homes in the area. He said he would not be opposed to duplexes but was opposed to townhomes. He pointed out that the rezone would be for profit and not for the benefit of the neighborhood.

Maurine Smith, resident, was not in favor of a high rise facility in the neighborhood. She said it did not meet the nature of the rest of the neighborhood and would create more traffic. After living in the neighborhood for the last 50-60 years, she liked the single family nature of the neighborhood. She thought other single family homes would be good in the area.

Mr. McIlrath said at the Planning Commission meeting there had been a lengthy discussion with the surveyor about the accessibility of utilities. He acknowledged it was a challenging property for utilities, with the sewer being the most difficult utility to address. The surveyor made points that to cover the costs of those more expensive utilities, the development would need to be a little different to get a higher return.

Councilmember Peterson moved to close the public hearing at 7:25 p.m., seconded by Councilmember Thompson.

RESULT: Passed [5 TO 0]

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

NO: None

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED ZONING TEXT AMENDMENT TO AMEND SECTION 11-13-21 OF THE CLEARFIELD CITY CODE TO ALLOW A NEW GROUP HOME BE LOCATED WITHIN ONE-QUARTER (1/4) MILE OF AN EXISTING GROUP HOME FACILITY

Brad McIlrath, Senior Planner, provided the background for the zoning text amendment. He said the current code standards said a group home facility could not be located within $\frac{3}{4}$ mile of another group home. The request was to reduce the requirement to $\frac{1}{4}$ mile from another group home. He reviewed the current group homes in the City. He reviewed the staff and the Planning Commission analysis on the request. Staff reviewed the Fair Housing Act which prohibited discrimination based on disability. He said reasonable accommodations must be provided for persons with disabilities for equal opportunity for housing. He said Land Use Policies or regulations that treat group homes for persons with disability differently was unlawful. Mr. McIlrath reviewed staff recommendations, and the additional amendments made by the Planning Commission. He reviewed the proposed amendments made by staff and which amendments the Planning Commission revised to make clearer. Group homes which housed more than three unrelated residents shall be a conditional use where single-family homes were permitted. Group homes which housed three or fewer unrelated residents were permitted. Additionally, group homes would be a permitted use where multi-family housing was allowed. Based on the review, staff thought removing the location conditions entirely was appropriate. Staff's recommendation was structured based on the Fair Housing Act. The Planning Commission recommended approval and was in line with the staff recommendation.

Mayor Shepherd opened the public hearing at 7:32 p.m.

There were no public comments.

Councilmember Thompson moved to close the public hearing at 7:33 p.m., seconded by Councilmember Wurth.

RESULT: Passed [5 TO 0]

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

NO: None

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2023-2024 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

Allison Barnes, CDBG Coordinator, provided an update on the 2023-2024 Consolidated Annual Performance Evaluation Report (CAPER). Funds were distributed to Open Doors, Safe Harbor, Davis Community Learning Center, a vacant lot and the new home. She shared pictures of the new home being built with CDBG funding. She said the key ceremony for the home was anticipated to take place in November or December.

Councilmember Wurth moved to approve the Community Development Block Grant 2023-2024 CAPER and authorize the mayor's signature to any necessary documents, seconded by Councilmember Ratchford.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVAL OF RESOLUTION 2024R-17 APPROVING THE MASTER AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE FUTURE UTAH TRANSIT AUTHORITY (UTA) DOUBLE TRACK PROJECT ALONG DEPOT STREET FROM 200 SOUTH TO 350 SOUTH

Braden Felix, Public Works Deputy Director, explained that UTA was going to add another set of tracks for the FrontRunner that would run all through Davis County, but the part that impacted the City was from Clearfield Station and to about 2300 North in Sunset. Part of that project would require a minor shift to Depot Street. The Master Agreement verified the State would pay for the changes but the City would pay for any betterments.

Councilmember Ratchford moved to approve Resolution 2024R-17 approving the Master Agreement with UDOT for the future UTA Double Track Project and authorize the mayor's signature to any necessary documents, seconded by Councilmember Peterson.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVAL OF RESOLUTION 2024R-18 APPROVING THE OUTSIDE ENGINEERING SERVICES REIMBURSEMENT AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE FUTURE UTA DOUBLE TRACK PROJECT ALONG DEPOT STREET FROM 200 SOUTH TO 350 SOUTH

Braden Felix, Public Works Deputy Director, explained the purpose of the reimbursement agreement was part of item six on the agenda since it was in conjunction with the FrontRunner double track project. He explained that the cost for any outside engineering services required

for the project would be reimbursed by the State.

Councilmember Wurth moved to approve Resolution 2024R-18 approving the Outside Engineering Services Reimbursement Agreement with UDOT, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Roper.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVAL OF THE AWARD OF CONTRACT FOR THE FLATWORK PORTION OF THE FISHER PARK SKATE PARK UPGRADE PROJECT TO LIFE IS GOOD INVESTMENTS

Eric Howes, Community Services Director, explained that the project was a PARAT Tax funded project with a budgeted amount of \$200,000. He provided a history of the bid process where the first time it was overbid. Staff took steps to simplify and clarify the project to get the price down but instead received higher bids. Mr. Howes said the low bid was \$264,531.23. In looking for the reasons for that increase they found that concrete prices kept increasing. He explained that demand was high and supply was somewhat limited. He mentioned that metal costs were tapering off. He reminded Council that the ramps for the skate park were already completed, purchased, and waiting to be installed. He pointed out that there was remaining money from the PARAT tax that had not been allocated that could be used to get the project done. Additionally, the City had saved significant resources on the Bicentennial Park parking lot lighting project and it could be allocated to the project as well. His recommendation was to allocate those funds to the project to allow it to be finished. He said they had been communicating with the contractor and had been able to make a slight reduction. He recommended the contract be awarded to Life is Good Investments in the amount of \$279,106, which included contingency. He said staff would continue to look for savings through the process.

Mayor Shepherd applauded the projects that had been completed with the PARAT Tax funding. Mr. Howes said the goal was to be done with the project this fall.

Councilmember Peterson moved to approve the award of contract for the flatwork portion of the Fisher Park Skate Park upgrade project to Life is Good Investments and authorize the mayor's signature to any necessary documents, seconded by Councilmember Wurth.

RESULT: Passed [5 TO 0]

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

NO: None

DENIAL OF ORDINANCE 2024-15 APPROVING THE PROPOSED ZONING MAP
AMENDMENT FROM R-1-8 TO R-2 TO THE PROPERTY LOCATED AT 328 EAST 100
NORTH

Councilmember Peterson asked a clarifying question to verify whether the vote was for the rezone request as is or if it was to address the applicant's son's request to table the item. Mayor Shepherd said the option to table the item was for the Council to decide. He said the zoning request was to amend it from R-1-8 to R-2, so if R-2 was not the right zoning at that location it could be addressed presently. Councilmember Peterson thought that R-2 was not an appropriate zoning for the property. She explained that the Council had been deliberate that density was a redevelopment tool for the corridors, but the integrity of the established neighborhoods was paramount; any infill or new development in single-family areas must be consistent with the heights, look, and feel of those established neighborhoods.

Councilmember Thompson added that the Council had promised residents that density would be kept along the corridors. The infill policy had been designed to uphold the long term nature of the neighborhood and thought the area should remain single family homes. He agreed with Councilmember Peterson. He wanted single-family homes where they belonged and density where it belonged, and density did not belong in the neighborhood.

Councilmember Ratchford said this was meant for a smaller project area. She explained that the City plans ahead about how areas could be zoned before they were included in the General Plan. She said the infrastructure did not support the transportation and other utilities.

Councilmember Wurth did not think the R-2 zone was the appropriate zone for an infill site. He had no problem with additional density or various sized housing, but needed a zone that supported the current nature of the neighborhood.

Councilmember Thompson moved to deny Ordinance 2024-15 approving the proposed zoning map amendment from R-1-8 to R-2 to the property located at 328 East 100 North, seconded by Councilmember Ratchford.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVAL OF ORDINANCE 2024-16 APPROVING A ZONING TEXT AMENDMENT
TO AMEND SECTION 11-13-21 OF THE CLEARFIELD CITY CODE TO ALLOW A
NEW GROUP HOME BE LOCATED WITHIN ONE-QUARTER (1/4) MILE OF AN
EXISTING GROUP HOME FACILITY

Councilmember Thompson pointed out that there was a perception that people in rehab would fall under the group home category. He reviewed the definition of disability. He said the broadness of the definition of disability included rehabilitation homes could be protected as well because the definition of disability applied to people dealing with addictions. Mayor

Shepherd said Mr. McIlrath had only referred to the current City Code. Councilmember Thompson thought due to the broad definition, the Council needed to consider a discussion on how the Code was written.

Councilmember Ratchford said she was concerned about potential police activity. Mr. McIlrath pointed out that in Clearfield City there was no direct correlation of police calls for group homes housing individuals with disabilities. Further, to address the broadness of ADA, he read the specific definitions for detention and rehabilitation facilities in Clearfield City's Code. He pointed out that in the detention facilities, residents' liberties were restricted but that was not the case in disability facilities.

Councilmember Thompson expressed his opinion that was splitting hairs and not in line with ADA. He thought there was a possibility that based on the definitions in the ADA alcohol and drug rehabilitation could be categorized as a disability and there was a possibility that someone could request to open that type of facility in Clearfield City. Mr. McIlrath said most of the group homes in Clearfield were mental or physical merits, but the main difference was the penal aspect. Mr. McIlrath said the City was trying to prevent detention or penal type facilities. Councilmember Thompson acknowledged that detention made sense, but the broadness of ADA might impact the City Code. He recognized the addiction problem in the United States and wanted to make sure the City was not making the mistakes of the past with opioid issues and stigmatizing where people could get help.

Councilmember Roper said there was a group home facility in his neighborhood but people would never know.

Councilmember Wurth commended the intentionality of staff to adhere to Fair Housing Law and the discourse which encouraged the mindful consideration of possible recourse in the current Code. He also commended the thoughtfulness of the applicant to desire to provide care for those individuals.

Councilmember Roper moved to approve Ordinance 2024-16, approving the zoning text amendment to amend Section 11-13-21 of the Clearfield City Code as recommended by the Planning Commission, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: Passed [5 TO 0]

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

NO: None

COMMUNICATION ITEMS

MAYOR'S REPORT

Mayor Mark Shepherd

- He excused JJ Allen, City Manager and Spencer Brimley, Assistant City Manager, who were at the City Manager's conference.

- The City was awarded the Community Wingman of the Year Award.
- He reported that he was in Washington, D.C. the past week where he had learned from other mayors and he had the opportunity to share his perspectives.

CITY COUNCIL'S REPORTS

Councilmember Peterson

- She acknowledged the Parks & Recreation Commission and staff for Rosalee's Park structure at Bicentennial Park. She reiterated what Eric Howes had stated that when there was something wrong in the community there was a good way to approach it. She said the City needed a plaque that told Rosalee's story.

Councilmember Thompson

- Nothing to report.

Councilmember Ratchford

- Encouraged all to get their flu shots.
- She reported that the fire station had its signage installed.

Councilmember Wurth

- He said to be aware that mosquitoes were out and residents could call Mosquito Abatement if they need their neighborhood sprayed.
- He thanked the residents who came and spoke during the meeting.
- He echoed Councilmember Peterson's comments about Rosalee and acknowledged the Parks and Recreation department.

Councilmember Roper

- He said there would be a Fire Prevention Open House September 30, 2024 at Station 42
- He expressed his thanks for support at Davis Chamber awards.
- He thanked the Parks and Recreation crew for putting him to work to water wise a park strip near Thornock Park.

STAFF REPORTS

Nancy R. Dean, City Recorder

- No meeting next week.
- Planning to meet on October 8, 2024, for the PARAT Tax hearing arguments for or against.

Councilmember Thompson moved to adjourn at 8:07 p.m., seconded by Councilmember Wurth.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVED AND ADOPTED
This 26th day of November 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, September 24, 2024.

/s/ Nancy R. Dean, City Recorder