

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
November 24, 2020

City Building
55 South State Street
Clearfield City, Utah

No physical meeting location was available for the public due to the statewide public health emergency which might present a substantial risk to the health and safety of others. The meeting was held for the public electronically via Zoom Meeting address:

Zoom Meeting
<https://us02web.zoom.us/j/83266663036>
Meeting ID: 868 8951 4488

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
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Spencer Brimley	Community Development Director
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
STAFF PRESENT VIA ZOOM:	Stuart Williams	City Attorney
	Braden Felix	Engineer/PW Deputy Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager

VISITORS PRESENT VIA ZOOM: Ken Shields – Hamilton Partners, Paul Drake – Utah Transit Authority (UTA), Doug Thimm – Arch Nexus, Bruce Bingham – Hamilton Partners, Timothy Merrill - UTA, Trevor Evans– Stack Real Estate, George Arnold – Hamilton Partners, Nathan Ricks – Stack Real Estate

Mayor Shepherd called the meeting to order at 6:02 p.m.

DISCUSSION ON THE CLEARFIELD STATION MASTER DEVELOPMENT PLAN AND AGREEMENT

Master Development Agreement (MDA)

Spencer Brimley, Community Development Director, mentioned the Master Development Plan and Agreement would be presented for consideration in the policy session following the current discussion. He indicated a document was included in the agenda packet which outlined a list of changes to the MDA that had taken place since the work session discussion on November 3, 2020. He reviewed the first change on page two with the definition of “Anchor Commercial Tenant” (now “Anchor Tenant”) which was changed to allow for an office tenant in one of the office buildings to count as the Anchor Tenant. He asked if there were questions or if it would be best to continue to review the list of changes.

Councilmember Phipps stated there had been discussions about the maximum residential units and it currently appeared to be at a limit of 1,000 units in the MDA. JJ Allen, City Manager, stated after prior discussions staff came away with an understanding there was a sense of comfort with the maximum units of 1000 so long as it required the same footprint and would trigger a need for structured parking. Councilmember Bush voiced his consent for the increase in units vertically as long as parking was provided on site. Mr. Allen responded parking had already been addressed and parking on the street would not count towards the requirement for the residential complex.

Councilmember Peterson asked for some clarification on the definition of anchor commercial tenant. She explained her understanding of the intent was for the City to allow either the climbing gym or an office building as its anchor tenant. She asked for confirmation that if the anchor tenant was realized in an office building rather than the anticipated commercial climbing gym it would be the contemplated scale, square footage, and height planned and needed for tax increment financing (TIF). She wanted to ensure it was expressed in the language of the document if that was the intent. Mr. Allen responded her assessment of the intent was correct in every aspect. He reiterated the City would allow a residential complex to begin construction once an agreement was in place with either an office building or the retail tenant or climbing gym because either would fill the requirement.

Councilmember Peterson stated the MDA language required the anchor tenant to take possession within 24 months of the date of execution of an agreement. She requested a definition of the term “take possession” as it related to the anchor tenant. Mr. Allen answered if it were a purchase and the land were sold then the tenant would take possession of the land but construction would not be required to begin; if it were a lease scenario he was not certain if the language accurately reflected the terms. Tim Merrill, Utah Transit Authority (UTA), stated a lease hold was a possessory interest in real property. He explained the possession or ownership was to distinguish between whether it was an office lease hold or ownership. Councilmember Peterson commented that answered the question and expressed her appreciation for the flexibility, but it could mean the City was years away before anything vertical being realized. Mr. Allen reviewed a possible timeframe for the initial phase of the development. He pointed out that the flexibility was intentional and could allow the market to recover if needed. He added a second residential tenant

would not be able to go vertical until the anchor tenant was under construction. Mayor Shepherd stated by allowing the office to be an anchor tenant it could potentially lead to earlier development of both commercial and residential, but regardless another residential building could not go forward until a commercial piece was under construction.

Mr. Allen indicated a language change was made in the sequencing to allow for successive commercial components. Councilmember Bush wondered if the commercial would need to be under construction or completed before another residential component could be added. There was a discussion about the benefit and best interests of the owner to complete the project once financial obligations were made. Mr. Allen reviewed the current language which read residential would not be allowed until commercial construction had begun.

Councilmember Thompson questioned if the land were sold would the project then depend on the owner to fulfil its obligation before another residential component was allowed. There was a discussion about sequencing and obligations of the developers. Mr. Allen answered any purchaser of land would be a sub-developer and subject to the MDA.

Councilmember Peterson requested clarification of language on page eight which read “the Project at buildout will have at least two commercial tenant spaces identified as “Mixed-Use Residential Commercial Overlay.” She expressed her concern with the document having conflicting messages regarding mixed use. Mr. Allen indicated the paragraph she noted remained in the MDA to address the desire in the ultimate buildout to have two tenant spaces or suites in one or more of the residential buildings. He added the identification as mixed use remained because those buildings would need to be designed to accommodate the two spaces for commercial uses. Councilmember Peterson requested a guarantee in allowing the language to remain that it would not allow for one of the residential buildings to be viewed as a mixed-use building. She voiced her concern that if a building were allowed as mixed use it could be considered as eligible to count towards the commercial component rather than residential when it came to the sequencing. Mr. Allen responded the language that allowed for a mixed-use building to stand on its own was removed from the MDA. He continued instead sequencing language was in place so there would be balance in the build out between residential and commercial. He indicated there was no provision in the document to allow a mixed-use building to get substituted for a commercial building. Mayor Shepherd confirmed mixed use would not get substituted for a commercial use.

Councilmember Phipps stated there was a resident that had addressed the Council in prior meetings about concerns with the City’s use of eminent domain. Mr. Allen indicated there was a reference to it in the staff report. He acknowledged the City would have the power of eminent domain, but it did not intend to use it. He pointed out that the alignment of the street that caused the resident concern was well thought out and there was not an interest in changing the street layout; however, the timing could be negotiated with the property owner. There was a discussion about possible approaches to property acquisition and design of the roadway extending 1450 South. Mr. Allen commented the design was not final and there was much work to be done. He noted the City had hired a firm to do appraisals for the right-of-way properties, but it was very early in the process and so there was no data yet to discuss.

Master Development Plan (MDP)

Mr. Brimley stated the MDP would serve as the regulatory document for the development. He mentioned a document was included in the agenda packet which identified a list of changes to the MDP that had taken place since the work session discussion on November 3, 2020. He asked if there were any questions or concerns with the MDP that needed further discussion.

Councilmember Bush wondered if the acknowledgement page should be updated to include the Planning Commission members. Mr. Brimley expressed his belief that the alternate members had not been included but those members could easily be added. Councilmember Bush mentioned there could have been some newer members of the Planning Commission which were not on the current list. Mr. Brimley responded it could be reviewed and updated if needed to include all members.

Councilmember Bush asked if the language should be included from page twelve related to the construction of a pedestrian bridge over the railroad tracks. Mr. Allen responded anything was possible with engineering and a lot of money so even though it was unlikely to be constructed its reference could be left in the document should the opportunity arise sometime in the future for its construction.

Councilmember Bush wondered if tree spacing should be altered. Mr. Brimley asked if the Council desired a change from 30 feet to 50 feet spacing between trees. There were no additional comments related to tree spacing from the other members of the Council. Mr. Brimley indicated the distance included had been similar to the requirement in the Form Based Code and thirty feet was found to be a good distance for spacing.

Councilmember Bush requested clarification on what a crown sign was as referred to on page 49 of the MDP. Doug Thimm, Arch Nexus, indicated it was the building or office users' signage on the exterior of the building, generally found near the top as an identifier.

Councilmember Bush referred to page 58 where it addressed the building height of townhomes as thirty-six feet. He asked if mechanical equipment on the roof would count towards the total feet. Mr. Brimley responded on a townhome typically the height would be grade to the top of roof. He added mechanical equipment would likely be on the ground. Mr. Thimm commented there were no plans to have mechanical equipment on the roof, but that type of detail would come later in the design. Councilmember Bush suggested the MDP should include more definitive language "from grade to top of roof line" when referring to the height for the townhomes.

Councilmember Peterson expressed her concerned about going 36 feet high on the entire section of townhomes and felt those townhomes along the north property line adjacent to the south side of the cemetery should be reduced in height allowing for a gradual phasing. She mentioned she had gone to the cemetery to try and get a sense of scale depicted in the townhome renderings on page 58, which reaffirmed her objection to the having 36-foot heights on at least the row of 20 to 24 townhomes along the northern edge of the property adjacent to the cemetery. She voiced her opinion that row of townhomes should be capped at two stories rather than three. She reasoned

the impact of a three-story development of townhomes next to a cemetery at ground level was not consistent with anything else the City had done along its corridor in regard to massing and step backs. She advocated to alter the transition along the northern portion of the development so it would blend better with the surrounding uses and offer less of a jarring and abrupt transition into the development. She expressed appreciation for the updates made to allow for a 15-foot step back; however, she felt that would not be adequate to soften the impact.

Councilmember Peterson requested the height of the townhomes be altered to a 36-foot height with the exclusion of the back row. She pointed out doing that would not take away any units but only reduce the size of some to allow for more of a blended approach. Mayor Shepherd voiced his support for the concept. Mr. Allen asked how the other members of the Council felt about the proposal. There was a discussion about the best approach for the project relating to that particular row of townhomes immediately south of the cemetery. The Council was supportive of the request to reduce the height on the row closest to the cemetery. There was a discussion about whether the height or stories of the building should be adjusted to accomplish the desired outcome.

Councilmember Peterson expressed her concern was more about the height than the number of stories and would want a gentler height. Mr. Allen asked the development team for a response to reducing the townhomes to 25 feet in height on the north row abutting the cemetery. Bruce Bingham, Hamilton Partners, responded the points brought up were valid. He indicated the development partners were trying to enhance the community and develop properties that would have long term value; so, the concept of stepping from a flat area to a two story, three story, four story or five story building would be within reach. He acknowledged not being certain of the details to handle the change, but he could agree with that position. Mr. Allen commented stepping should be included and addressed in the policy session during the motion. The Council expressed a desire to see the stepping affect to height.

Councilmember Bush commented on page 64 it referred to the parking structure style as wrapped. He asked if that was the desire to have the parking be wrapped. Mayor Shepherd answered yes, it would have the parking in the middle rather than the outside of the building.

Councilmember Peterson recalled the Council had previously held informal discussions about the first residential building that would come onboard and had desired it to be more centrally located within the project. She recalled the Council had wanted to keep the energy of the project in the center working outward, rather than beginning with residential development along State Street. She asked if that was still a desire of the Council and if that language had been reflected in the MDP.

Nathan Ricks, Stack Hamilton, explained he had heard the comment from Councilmember Peterson on the heights and Mr. Bingham's comments about it. He acknowledged it would be good to look at building heights, but he reminded everyone the fewer units in the project the harder it would be for retail to survive. Mayor Shepherd stated there had not been a reduction to the number of units. Councilmember Peterson agreed that she had not requested a reduction in the number of units. Mr. Ricks indicated the townhomes had not yet been designed so it would be difficult to know if having two-story on one side and three-story on the other worked or if it

could reduce the unit count. He stated the design team would need to decide if the same number of units could be preserved.

Mr. Ricks stated in regard to shifting of the residential product, there were parking diagrams that had been drawn, a phasing plan, and starting in the center of the project could be a possibility. He noted the phasing plan would need to be reviewed and the cost of moving parking lots that currently existed for UTA could be expensive. Mr. Bingham added his preference would be to start at the center but was uncertain if that would work. He stated the development team had conceded, to his knowledge, on every point the Council desired; however, he was not prepared to concede on the point that the development began in the middle of the project and could not start along the edge. He indicated starting in the middle would be the preference, but the market would drive the development.

Mr. Bingham expressed his opinion the placement of the first residential product was an unfair constraint to place upon the development. Mayor Shepherd asked if it was simply because of the cost to move the parking. Mr. Bingham responded it was not, but it was certainly an aspect of it because currently there was a lot of parking. He indicated the anchor tenant would largely determine the placement of the first residential product. He continued the project would be built out over time and suggested it was time for the City to desensitize regarding which particular building was constructed first. Councilmember Roper agreed and expressed his opinion it would not matter where the first residential product was built. Councilmember Thompson agreed and voiced his lack of concern about that aspect of the development.

Councilmember Thompson moved to adjourn the work session and reconvene in policy session at 7:00 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

The meeting reconvened at 8:01 p.m.

Spencer Brimley, Community Development Director, recognized JJ Allen, City Manager, for his leadership abilities and assistance with the development progress within the City. Stuart Williams, City Attorney, seconded the sentiments.

DISCUSSION ON THE 2020 ANNUAL MODERATE-INCOME HOUSING REPORT

Spencer Brimley, Community Development Director, apologized for the Moderate-Income Housing Report that had been included in the agenda packet not being the updated report in its entirety. He presented the Council with the entire report. He explained the report was a result of legislation encouraging communities to develop affordable housing. Mr. Brimley noted the report was required to allow the Legislature to see how cities were working to solve problems related to affordable housing and it was required to be updated every five years. He added Clearfield City was recognized as a leader in this area by several groups.

Mr. Brimley mentioned there were four menu items required by the City for reporting strategies that encouraged or helped to facilitate affordable housing within Clearfield. He stated the City

had been working on addressing these issues before the Legislation, so the transition had been smooth. He reviewed the four strategies along with each of the associated goals and objectives included in the report with the Council. He asked if there were any questions with the report.

Councilmember Peterson wondered what the point in time was when numbers were determined to show any deficiencies in housing units. Mr. Brimley recalled the City's calculations were a result of using Census data from 2015; however, some additional information had been uploaded by the Department of Workforce Services (DWS) from 2018/2019 years that was also utilized for calculations within the report. He acknowledged the data would not reflect a true current picture of the housing situation since there were many development projects recently completed, anticipated, or underway throughout the City. Councilmember Peterson stated the numbers were helpful and represented there were deficiencies but wondered if the data was current enough to include the City's recent projects. Mr. Brimley answered the City was currently working on its General Plan update and he expressed hope it would provide more precise numbers. He explained the data available was not as updated as desired; however, the report was designed to show the effort of communities in working towards the strategies outlined and meant as a check point.

Councilmember Bush stated last year the City identified four areas of focus and this year the report was meant to let the State know how the City was achieving the identified strategies. Mr. Brimley agreed and reviewed how the City was meeting the areas of focus with its Form Based Code, increasing density around transit corridors, and providing ways residents could tap into resources for affordable housing through Community Development Block Grant (CDBG) programs.

Councilmember Bush wondered if the State would check or hold cities accountable for the accuracy of the report. Mr. Brimley reviewed the process for submitting the report and efforts planned following submittal to assist communities in meeting the selected goals. He explained Senate Bill (SB) 34 was evolving as far as its requirements and it would not be surprising to see additional legislation soon containing more of the stick approach and less of the carrot approach towards compliance.

Mr. Brimley reiterated Clearfield was well above what other communities were doing and attributed it to the forward thinking of elected officials. Councilmember Bush asked if the reports were public information. Mr. Brimley responded the reports would be. Councilmember Bush wondered about obtaining the information about other cities to know what each was working on and how each was meeting the requirements. Mr. Brimley answered reports could be requested because it was a public record. He indicated the information might also be available to access from a DWS database like other reports. There was a discussion about reviewing the reporting and how it would be interesting to know what other cities were working towards regarding affordable housing efforts.

Councilmember Thompson questioned what measurement was used to calculate the adjusted median income. Mr. Brimley explained the data was based on the County's area median income (AMI) and reviewed how the tools provided were used to assist with the calculations of the City's data. There was a discussion about the median income benchmarks, the housing

opportunities in the City versus other cities in the County, impacts on reporting when low income housing tax credit (LIHTC) opportunities were built along the corridor, and the regional issue of housing affordability. Mr. Brimley reported the 2020 Davis County area median income was approximately \$80,000 and the City's calculation was based on a percentage of that amount. Councilmember Thompson expressed his intimidation of the numbers initially.

Mr. Brimley requested the Council notify him if there were any items within the report that needed to be addressed prior to its submittal before the end of business day on December 1, 2020, as required by the State.

UPDATE ON UTILITIES RELATED TO THE BRAVADA 193 PROJECT

Spencer Brimley, Community Development Director, stated some issues related to the utilities in the area were raised during the Bravada 193 project preconstruction meetings with the developer. He indicated the owners of the AAA building were the current owners of the water and portions of the sewer lines. He mentioned it was proposed the City take ownership for those lines to make it easier to access for all the parties and assist with any future development of the area.

Mr. Brimley mentioned staff had held discussions with the owner of the utilities and developer of the Bravada 193 project to facilitate easements for the lines to allow for the City to be in control of connections and the long-term maintenance of those lines. He stated staff had identified some preliminary conditions that would need to be met before the City could consider taking over responsibility of the utility lines and craft an agreement between the involved parties.

Braden Felix, City Engineer/Public Works Deputy Director, reviewed some of the collaboration efforts to date. Mr. Brimley noted staff had desired to be cautious before acquiring the utility lines but felt if the City gained control of the lines it would be a benefit to control any further growth and development in the area. He mentioned the conditions which included video inspections for all sewer lines, a sewer capacity study, easements documents, a letter releasing the City of liabilities related to maintenance of the utility lines, and a one-year warranty following official acceptance of the utilities.

Councilmember Bush wondered if it was the only sewer line in the area for the Bravada project. Adam Favero, Public Works Director, answered it was the only sewer line that would come through the area to the project. He noted the sewer line would tie into a Layton sewer line once it reached University Park Boulevard. He added it would provide for a lot of connectivity and allow the system to dilute for water quality purposes which provided additional benefits for the City.

Councilmember Bush asked if the one sewer line was adequate for the entire Bravada project. Mr. Favero responded a sewer capacity study would be done to provide additional details, but it should be adequate for the project.

Councilmember Phipps questioned if it would be the current owner's responsibility to make improvements to any problems identified during the inspection before the City took over

ownership. Mr. Brimley responded the intent would be for any issues to be resolved by the current owner.

Councilmember Phipps asked if the City was funding the inspection. Mr. Brimley responded the current owner was paying for the inspection.

Mr. Brimley indicated staff planned to craft an agreement between the parties so the City could take ownership of the utility lines which would be reviewed by the Council at a future date. Mayor Shepherd acknowledged it would make sense to take over the ownership because it benefited the City.

Councilmember Bush moved to adjourn at 8:30 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 26th day of January, 2021**

/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, November 24, 2020.

/s/Nancy R. Dean, City Recorder