

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
July 27, 2021

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
	Kelly Bennett	Police Chief
	Eric Howes	Community Services Director
	Adam Favero	Public Works Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Kelli Bybee	Communications Assistant
	Nancy Dean	City Recorder
EXCUSED:	Stuart Williams	City Attorney

VISITORS: Leslie Murphy, Beau Murphy, Scott Dixon, Richard Hendrickson – Lifetime Products, Shane Sanders, Chris Uccardi – Planning Commission Chair

Mayor Shepherd called the meeting to order at 7:10 p.m.

Mayor Shepherd informed the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Roper led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE JANUARY 26, 2021 WORK SESSION, JULY 13, 2021 WORK SESSION, AND JULY 13, 2021 POLICY SESSION

Councilmember Bush requested the minutes from the January 26, 2021 work session be amended to correct the date of the site plan approval from December 2021 to December 2020.

Councilmember Bush moved to approve the minutes from January 26, 2021 work session; as amended; and approve the minutes from the July 13, 2021 work session; and July 13, 2021 policy session as written, seconded by Councilmember Peterson. The motion carried

upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED
DEVELOPMENT AGREEMENT WITH WM INVESTMENT LLC FOR THE JAVA
ESPRESSO DEVELOPMENT LOCATED AT 585 NORTH MAIN STREET (TIN: 14-530-0002)

Brad McIlrath, Senior Planner, stated Java Espresso was in the Gateway Corridor Commerce zone of the Form Based Code (FBC). He indicated the commercial subdivision was approved with restrictive covenants prior to the expansion of the FBC zoning district which necessitated a development agreement to address modifications to the FBC standards. He noted recent updates to legislation required a public hearing be held for any development agreement which proposed modifications to current standards.

Mr. McIlrath reviewed the zoning, site plan, and elevation concepts. He highlighted the following seven FBC modifications:

- a. The existing four-foot (4') sidewalk and five and a half foot (5.5') street buffer may remain in place provided that the missing street trees were placed with the correct type of street tree allowed by the Form-Based Code. Placement street trees must be selected from the small or medium street tree list found on page 36 of the Form Based Code.
- b. The building may be located at the proposed location depicted on Exhibit D, provided that the building design comply with the standards of the Form Based Code.
- c. Parking may be located between the building and the street within the front yard area as shown on the submitted plans (Exhibit D).
- d. The building is allowed to occupy less than fifty percent (50%) of the front property line coverage due to the size and orientation on the property.
- e. The drive-through stacking lanes and the drive-through canopy are permitted in the proposed locations on the submitted plans (Exhibit D) and are not required to be located along the rear façade or within the rear yard of the building.
- f. The District Transition Buffer standards within the Form Based Code may be waived in favor of the previously approved existing buffer along the west property line.
- g. The free-standing row of parking stalls within the front yard area may remain without a landscape median, as previously approved and installed.

He noted there were two additional modifications due to the restrictive covenants. Mr. McIlrath reviewed the following modifications:

- a. 4- Impervious surfaces: due to the restrictive covenants of the overall commercial development, the site is not able to comply with the maximum impervious coverage calculations of the Form Based Code.
- b. 14- Landscape island location: due to the restrictive covenants of the overall commercial development, the landscape island must remain as is and cannot be altered.

He acknowledged staff recommended approval of the development agreement because it was consistent with the development standards and process of the FBC, and it complied with the standards for development agreements outlined in City Code, plus it would provide direction and

regulatory guidance for the property owner and the City. He indicated the Planning Commission heard the item at its meeting on July 7, 2021 and recommended approval.

Mayor Shepherd opened the public hearing at 7:17 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:18 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST FOR THE CITY CEMETERY LOCATED AT APPROXIMATELY 1050 SOUTH STATE STREET (TINS: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-0064, AND 12-067-0063) FROM R-2 (RESIDENTIAL) TO P-F (PUBLIC FACILITIES)

Brad McIlrath, Senior Planner, stated the City cemetery was currently zoned R-2 (Residential), which made it a legal non-conforming use. He explained as a legal non-conforming use, it would not be able to expand due to the legal limitations placed on non-conforming uses and structures. He indicated the City planned for the expansion of the cemetery and saw the rezone to P-F (Public Facilities) as a vital component for the future growth and long-term establishment of the cemetery. He noted the rezone request included City owned and Lindquist Inc. properties for a total of 8.273 acres.

Mr. McIlrath reviewed the General Plan and zoning map. He explained the rezone request was consistent with the land use guidelines, goals, and objectives of the City's General Plan. He noted the preservation of open spaces and the cemetery land was vital for current and future residents. He acknowledged the Planning Commission heard the request at its meeting on July 7, 2021 and recommended approval.

Mayor Shepherd opened the public hearing at 7:21 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Roper moved to close the public hearing at 7:22 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.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON ZTA 2021-060037, A ZONING TEXT AMENDMENT TO AMEND TITLE 11, CHAPTER 11, ARTICLE D, SECTION 11 – LAND USE, MANUFACTURING ZONE M-1, OTHER REQUIREMENTS; TITLE 11, CHAPTER 13, SECTION 23 – LAND USE, SUPPLEMENTARY REGULATIONS, LANDSCAPING STANDARDS AND REQUIREMENTS; AND TITLE 11, CHAPTER 14, SECTION 5 – LAND USE, OFF STREET PARKING AND LOADING, OTHER PARKING PROVISIONS BY AMENDING REGULATIONS RELATED TO LANDSCAPING

Brad McIlrath, Senior Planner, stated there was a need to address landscaping standards for industrial development within the City to increase water conservation, while balancing the need to ensure adequate beautification of developments. He explained there were some additional minor changes proposed for the Code related to sections addressing bonding and exemptions to single-family dwellings. He noted the language was reviewed by the City Council during its work session on July 20, 2021 and there were some additional revisions recommended which were incorporated into the ordinance.

Mr. McIlrath reviewed the recommended language adjustments to Title 11, Chapter 11, Article D, Section 11 – Land Use; Chapter 13, Section 23 – Landscaping Standards and Requirements; and Chapter 14 Section 7 – Off Street Parking and Loading. He noted staff recommended approval based upon four findings. He reported the Planning Commission heard the request at its meeting on July 7, 2021, and recommended approval on a six to two vote. He explained there were some commissioners that felt additional research might be needed for questions about reducing the number of trees and its impacts on the environment. He indicated staff had discussed with Weber Basin Water Conservancy District about the tree reduction, and the District was supportive of the City's proposed changes. He noted the Planning Commission as a whole felt comfortable with the recommendation of approval.

Mayor Shepherd opened the public hearing at 7:28 p.m.

Mayor Shepherd asked for public comments.

Chair Uccardi, Planning Commission Chair, reported water conservation had not been an issue of the Planning Commission; however, there were some commissioners that wanted to table or deny the request until further research could be done regarding the tree reduction and environmental impacts. He acknowledged by the end of the meeting there was consensus the proposed language would be good for the City.

Richard Hendrickson, Lifetime Products, expressed gratitude to the City and City Council for working with Lifetime Products. He noted many of the interactions previously were handled through the Freeport Center. He expressed appreciation for the opportunity to work directly with the City. He indicated the current development project was an example of city government and industry working together to do what was best for the community. Mr. Hendrickson recalled his previous interactions with the City Council dealt with improvements to the building façade. He stated the proposed changes in landscaping would help apply the water usage where it was most needed for beautification; subsequently saving gallons of water which was especially critical in the current year with drought conditions. He reviewed the challenges of manufacturing and the

costs of raw materials rising because it was tied to the global market and other challenges related to a global pandemic. He expressed gratitude to the Council for making difficult decisions on behalf of the City.

Councilmember Thompson moved to close the public hearing at 7:36 p.m. seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED DEVELOPMENT AGREEMENT WITH DESTINATION HOMES FOR THE WILCOX FARMS DEVELOPMENT LOCATED AT APPROXIMATELY 1455, 1525, 1527, 1543, 1550 SOUTH 1000 WEST AND 942, 922 WEST 1600 SOUTH (TINS: 12-065-0005, 12-065-0086, 12-065-0091, 12-065-0096, 12-065-0104, 12-065-086, 12-391-0011, 12-391-0012, 12-391-0022, AND 12-391-0023) CANCELLED

Mayor Shepherd explained the Planning Commission had not been able to review the development agreement and had rescheduled its public hearing. He expressed the need to cancel the public hearing at the current time until it could be rescheduled in the future.

Councilmember Thompson moved to cancel the public hearing at 7:37 p.m. seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE NORTH DAVIS ACTIVE TRANSPORTATION PLAN TABLED

Mayor Shepherd explained the Planning Commission tabled its public hearing until July 21, 2021; therefore, there was no recommendation for the City Council to consider. He indicated the public hearing needed to be tabled until Tuesday, August 10, 2021, at 7:00 p.m.

Councilmember Thompson moved to table the public hearing until Tuesday, August 10, 2021 at 7:00 p.m. seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF A PROPOSED DEVELOPMENT AGREEMENT WITH WM INVESTMENT LLC FOR THE JAVA ESPRESSO DEVELOPMENT LOCATED AT 585 NORTH MAIN STREET (TIN: 14-530-0002)

Councilmember Peterson moved to approve the Development Agreement with WM Investment LLC for the Java Espresso Development located at 585 North Main Street (TIN: 14-530-0002) and authorize the Mayor's signature to any necessary documents, seconded

by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2021-10 REZONING THE CITY CEMETERY LOCATED AT APPROXIMATELY 1050 SOUTH STATE STREET (TINS: 12-067-0094, 12-067-0093, 12-067-0066, 12-067-0064, AND 12-067-0063) FROM R-2 (RESIDENTIAL) TO P-F (PUBLIC FACILITIES)

Councilmember Roper moved to approve Ordinance 2021-10 rezoning the City Cemetery located at approximately 1050 South State Street from R-2 (Residential) to P-F (Public Facilities) and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

APPROVAL OF ORDINANCE 2021-11 AMENDING TITLE 11, CHAPTER 11, ARTICLE D, SECTION 11 – LAND USE, MANUFACTURING ZONE M-1, OTHER REQUIREMENTS; TITLE 11, CHAPTER 13, SECTION 23 – LAND USE, SUPPLEMENTARY REGULATIONS, LANDSCAPING STANDARDS AND REQUIREMENTS; AND TITLE 11, CHAPTER 14, SECTION 5 – LAND USE, OFF STREET PARKING AND LOADING, OTHER PARKING PROVISIONS

Councilmember Peterson moved to approve Ordinance 2021-11 amending Title 11, Chapter 11, Article D, Section 11 – Land Use, Manufacturing Zone M-1, Other Requirements; Title 11 Chapter 13, Section 23 – Land Use, Supplementary Regulations, Landscaping Standards and Requirements; and Title 11, Chapter 14, Section 5 – Land Use, Off Street Parking and Loading, Other Parking Provisions; and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

APPROVAL OF RESOLUTION 2021R-14 AUTHORIZING THE INTERLOCAL COOPERATION AGREEMENT BETWEEN BOUNTIFUL CITY, LAYTON CITY, DAVIS COUNTY, AND CLEARFIELD CITY REGARDING SHARED PUBLIC- SAFETY INFORMATION SYSTEM

JJ Allen, City Manager, stated the Interlocal Agreement between Bountiful City, Layton City, Davis County, and Clearfield City was regarding a shared public-safety information system. He indicated it was discussed with the Council during its work session on July 13, 2021. He mentioned each city currently operated and managed separate dispatch centers. He explained the entities desired to collectively operate and manage a countywide, shared, public-safety information system as a consortium through a virtual consolidation to improve efficiency and service.

Councilmember Thompson moved to approve 2021R-14 authorizing the Interlocal Cooperation Agreement between Bountiful City, Layton City, Davis County, and Clearfield City regarding shared public-safety information system and authorize the

Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd

1. Reported the security data breach had consumed an enormous amount of time. He expressed gratitude for staff and their efforts.
2. Recommend the Council take a tour of the construction progress at the Art Center.
3. Thanked Lifetime Products representatives for attending.
4. Planned to be out of town for the weeks of August 17, 2021 and August 24, 2021.
5. Announced the National League of Cities (NLC) would hold its annual convention in Salt Lake City. He requested the Council let the City Recorder know if they planned to attend so registrations could be completed. He announced the City would be hosting a tour during the convention of Hill Air Force Base to introduce the F-35 program.

Councilmember Bush

1. Thanked staff for efforts with the City's security breach situation.
2. Informed the Council that the uniform building commission electrical code amendments were updated and during the current year all other building codes would be reviewed.

Councilmember Peterson – requested an update from Mr. Hendrickson, Lifetime Products, regarding the progress of the distribution center.

Richard Hendrickson, Lifetime Products, explained some of the challenges acquiring materials early on for the project. He mentioned the completion date was scheduled for January 2022. He noted the building would allow the company to have a large supply of products in one area to facilitate distribution more efficiently. He indicated material supply costs remained challenging in the global market. He acknowledged there were several new products available and the new jobs would benefit the community.

Councilmember Peterson acknowledged it was good to see the progress. She acknowledged her son was recently hired by Lifetime and planned to work there while going to college.

Councilmember Bush commented the Council would like to tour the finished facility. Mr Hendrickson stated a tour could be arranged. He thanked the Council for its support.

Councilmember Phipps – nothing to report.

Councilmember Roper – updated the Council regarding the North Davis Fire District (NDFD). He explained NDFD passed its resolution for bonding to restore the station in Clearfield. He mentioned July was a busy month for the District with fires.

Mayor Shepherd acknowledged the current station in Clearfield would be replaced and a new facility would be built in its place. He thanked the community partners especially the Freeport Center which would house the equipment and allow operations to continue while the new fire station was constructed.

Councilmember Thompson – nothing to report.

STAFF REPORTS

JJ Allen, City Manager - thanked the Council for its support during the recent security breach.

Nancy Dean, City Recorder –reviewed the Council’s schedule:

- No meeting on August 3, 2021
- Policy Session on August 10, 2021
- No meeting on August 17, 2021

There being no further business to come before the Council, **Councilmember Peterson moved to adjourn at 7:56 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.**