

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
September 7, 2021

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush Vern Phipps Tim Roper	Councilmember Councilmember Councilmember
PRESENT VIA ZOOM:	Nike Peterson	Councilmember
EXCUSED:	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen Summer Palmer Stuart Williams Shawn Robinson Melissa Kometscher Kelly Bennett Eric Howes Adam Favero Spencer Brimley Nancy Dean Wendy Page	City Manager Assistant City Manager City Attorney Assistant City Attorney Victim Housing Advocate Police Chief Community Services Director Public Works Director Community Development Director City Recorder Deputy Recorder

VISITORS PRESENT: Morgan Roberts, Chris Uccardi – Planning Commission Chair

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2020/2021 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT
(CAPER)

Melissa Kometscher, Victim Housing Advocate, stated the Consolidated Annual Performance Evaluation Report (CAPER) was an overview of the accomplishments during the 2020/2021 program year. She explained the City recently transferred the Community Development Block Grant (CDBG) program's administration to the legal department so the reporting would be for a period prior to that transition.

Ms. Kometscher highlighted the following services or programs along with the uses of funding that was included in the CAPER:

- Open Doors – Circles Program: allocated amount was \$15,051; funds used by the program totaled \$14,990.99; the funds were used to pay salaries for the employees that work on the program and for supplies and services rendered; and 84 were served.
- Safe Harbor: allocated amount was \$5,000; funds used by the program totaled \$5,000; the funds were used to pay for support staff in the shelter; and 52 were served.
- Davis Community Learning Center: allocated amount was \$12,887; funds used by the program totaled \$11,160.19; the funds were used to support the pay for two family support specialists at Holt and Wasatch elementaries; and 95 were served.
- Down Payment Assistance Program: allocated amount was \$54,408; funds used by the program totaled \$5,500; the funds were used to help a person in Clearfield with down payment assistance and for administrative cost to Davis Community Housing Authority to manage the program; and one was served.
- Housing Rehabilitation Program: allocated amount was \$78,327; funds used by the program totaled \$51,706; the funds were used to help those in the City to rehabilitate their home and for administrative cost of Davis Community Housing Authority to manage the program; and 12 were served.
- North Davis Senior Center: allocated amount was \$10,000; funds used by the program totaled \$10,000; the funds were used to update the facility which included Americans with Disabilities Act (ADA) improvements to better serve their clients' needs; and 41 were served.

Councilmember Bush questioned if there were more that had applied for down payment assistance but did not qualify. Ms. Kometscher responded yes there were more that applied but could not get qualified. Mayor Shepherd indicated the next item on the agenda would address the concerns in more detail.

Councilmember Bush wondered why Safe Harbor was included twice as a funding recipient but was identified as Safe Harbor and Safe Harbor – CV. Ms. Kometscher answered Safe Harbor was recognized differently to help identify the difference in funding sources. She explained the additional label “CV” was to identify the CDBG funding received from the Coronavirus Aid, Relief, and Economic Security (CARES) Act available for expenses related to the COVID-19 pandemic.

DISCUSSION ON PROPOSED CHANGES TO THE CITY’S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Shawn Robinson, Assistant City Attorney, introduced himself to the Mayor and Council. He noted the staff report had included four recommended actions for the City’s current Community Development Block Grant (CDBG) program. He apologized one recommendation was not listed so there were actually five that should be considered. He highlighted the following proposed five recommendations of staff after they had consulted with the CDBG Steering Committee.

1. Update the Housing Rehabilitation Program to include repairs and improvements designated in 24 CFR§570.202. The proposed recommendation was included with the staff report as Exhibit A. Mr. Robinson highlighted the proposed changes.
2. Define the term “substantial,” as it applied to CDBG funds, within the Consolidated Plan to mean an amount greater than \$10,000. The proposed

recommendation was included with the staff report as Exhibit B. Mr. Robinson reviewed the recommended definition.

3. Amend the One-Year Action Plan by reallocating \$87,491.36 from the current Down Payment Assistance Program to the Resident Housing Rehabilitation Program. The proposed recommendation was included with the staff report as Exhibit C.
4. Amend the Down Payment Assistance amount from \$5,000 to \$7,500 and increase the purchase price limit from \$325,000 to \$400,000. The proposed recommendation was included with the staff report as Exhibit D.
5. Reallocate CDBG Cares Act Funds intended for use towards housing and rental assistance resulting from the COVID-19 pandemic to create, expand, or enhance public parks and public spaces by providing exercise stations along existing trails within the City. The proposed examples of types of equipment were included with the staff report as Exhibit E.

There was a discussion about the City's CDBG program which included topics related to federal regulations, program qualifications and requirements, how the proposed changes could better meet the needs of qualifying residents, current housing market conditions, and the ability to shift funding resources to those programs that would best produce the desired improvements within the community. The consensus of the Council was for staff to proceed with the necessary processes to implement the recommended changes to the CDBG program.

DISCUSSION ON THE REQUEST BY CASTLE CREEK HOMES TO REZONE THE PROPERTIES LOCATED AT APPROXIMATELY 951 WEST 300 NORTH (TIN:12-019-0131, 12-019-0133, & 12-019-0134) FROM A-1 (AGRICULTURAL) TO R-1-6 (RESIDENTIAL)

Spencer Brimley, Community Development Director, stated the City had received multiple high-density requests for the property previously which was located at 951 West 300 North. He indicated the current request was for a rezone of the property from A-1 (Agricultural) to R-1-6 (Residential). He reviewed the General Plan and current zoning along with the findings and conclusions of staff. He reported the Planning Commission recommended approval of the rezone request because it was consistent with the land use guidelines, goals, and objectives of the General Plan and it would encourage the highest and best use of the land.

Mayor Shepherd asked if the developer was Castle Creek Homes. Mr. Brimley responded yes.

Councilmember Bush asked if the existing parcel with the home should have a lot number. Mr. Brimley answered the concept plan did not have that lot identified with the number for the rezone; however, it would be added during the plat process.

Councilmember Bush questioned where the water would go and what detention was planned. Mr. Brimley explained detention would be addressed during the site plan process. Mayor Shepherd noted the developer had worked out some of those issues with the developer just south of the project.

Councilmember Bush wondered what the setback was for lots in the R-1-6 zone. Mr. Brimley recalled it was 20-foot front and rear setbacks for the R-1-6 zone but he would check and verify it.

Councilmember Peterson commented many of her questions were site plan related. She worried about the type of houses that could fit on the lots, but glad to see an R-1-6 zone proposal since that was the preferred infill zone for development of old agricultural lots. She expressed her opinion the proposal was a step in the right direction, but felt it had significant questions that would need to be hammered out during the land use process.

Mayor Shepherd acknowledged the lot was not wide but deep and complimented the developer for figuring things out and allowing for the existing house to remain.

Councilmember Peterson stated there were several questions that would need to be explored during the site planning process such as public roads with appropriate widths for the fire trucks. She noted the encumbrance would be on the developer to meet the City's requirements for the R-1-6 zone.

Councilmember Phipps questioned if a home and detention basin would be allowed on Lot 3 as shown in concept. Mr. Brimley responded the concept showed in theory the number of lots and where detention could exist. He continued the details of the development would be worked out during the plat and site plan process. He added the City would not recommend the detention to be on private property.

Councilmember Peterson suggested the City have a mechanism in place as it continued to look at proposals with tiny detention or open space areas for infill projects that ensured maintenance would happen. She noted the City had experienced problems with that in the past and hoped to find a way to stay out in front of additional problems. Mr. Brimley appreciated the suggestion.

DISCUSSION ON THE REQUEST TO REZONE THE PROPERTIES (LIBRARY AND BICENTENNIAL PARK) LOCATED AT APPROXIMATELY 526 SOUTH 1000 EAST (TIN: 12-004-0153) AND (TIN: 12-004-0145) FROM R-1-8 (RESIDENTIAL) TO P-F (PUBLIC FACILITIES)

Spencer Brimley, Community Development Director, stated the City was requesting to rezone two parcels from R-1-8 (Residential) to P-F (Public Facilities). He indicated the two properties under consideration included the existing Davis County Library site at 526 South 1000 East and Bicentennial Park for a total of 5.9 acres. He noted the library property was obtained through a land swap between the City and County for the purpose of constructing a new Davis County Library in the downtown core, near City Hall. Mr. Brimley reviewed the General Plan and zoning maps. He acknowledged the Planning Commission reviewed the request on September 1, 2021 and recommended its approval.

Councilmember Bush asked if staff was looking at all City parks so each could be rezoned to P-F within the City. Mr. Brimley responded yes that was the goal and staff would be working with the Community Services department throughout the process.

Mayor Shepherd wondered what zones other church buildings were located in throughout the City and if any were in the P-F zone. Mr. Brimley explained churches were a permissible use in a variety of zones and mostly in the C-2 zone; however, churches were a permissible use in the P-F zone.

Councilmember Peterson disclosed receiving a phone call from a resident about the rezone request. She acknowledged the Reed family lived near the parcel and was not opposed to the rezone but had been curious when looking at the old residential designation and had been concerned it would be developed as high-density housing. She expressed her desire to let the Council be aware the comment had come in and would note it during the policy session for the record. Mr. Brimley reported staff had not received any comments to date; however, there were some individuals in attendance at the Planning Commission meeting, but no public comments were made during the meeting.

DISCUSSION ON THE CLEARFIELD PARK AT ANTELOPE SUBDIVISION
DEVELOPMENT AGREEMENT FOR THE PROPOSED TOWNHOME DEVELOPMENT TO
BE LOCATED AT APPROXIMATELY 1608 SOUTH 1000 EAST

Spencer Brimley, Community Development Director, mentioned the current zoning of the property located at 1608 South and 1000 East was A-1 (Agricultural) and C-2 (Commercial). He stated the City Council approved the rezone from A-1 to R-3 to develop townhomes but it was contingent upon the execution of a development agreement. He acknowledged the developer had been undergoing the platting process of subdividing the three existing parcels into two. He noted the preliminary plat was approved by the Planning Commission on August 18, 2021. He pointed out the final plat would be considered by the Council at its meeting on September 14, 2021.

Mr. Brimley stated the Legislature had changed its process for development agreements which allowed amendments to Code standards. He recognized before the process was administrative; however, currently a development agreement required a public hearing process similar to the process for ordinance changes prior to the Council's consideration and action.

Mr. Brimley reviewed the zoning map and proposed concept plan. He explained the portion of the property to the west would not change its zoning and remain A-1 (Agricultural). He pointed out that the developer planned to develop the City's storm water detention basin into a City park which was an allowed use in the A-1 zone. Councilmember Bush noted the park area would be a good candidate for P-F zoning.

Mr. Brimley highlighted the following key components of the development agreement:

- Development agreement provided developers duties, obligations, and outlined standards for development of the project.
- Developer's contribution for park maintenance of \$30,000 annually.
- Developer cost breakdown included costs for grass, irrigation, tree installation.
- Park proposal for three-acre storm detention basin.

Mr. Brimley explained there had been multiple meetings between staff and the developer in working towards a Development Agreement. He noted the developer had proposed to pay all the park impact fees for the project but requested that a percentage of the impact fees be reallocated towards the park's development. He acknowledged staff throughout the process felt it would be important to maintain control of a City park. He stated language was added to the development agreement which would allow the City at any point to cease with the development of the park and continue its use as a storm water basin at which time the developer's contribution would also cease. He reported the developer had requested counter language for the development agreement requiring an open public meeting by the Council prior to the City making the decision to stop maintaining the three acres as a park or removing its amenities.

Mr. Brimley reviewed the following highlights from additional park analysis done by staff following some concerns that were expressed by the Planning Commission at its meeting on September 1, 2021:

- The storm water basin was not included in any capital plans for the City.
- Excessive slopes of the basin might cause difficulty in maintenance of park/basin.
- Per the Clearfield Capital Facilities Plan a park that was approximately 3.74-acres would require a one million dollar investment (full build out with amenities).
- Park impact fee might only cover a portion of remaining expenses for construction
 - Developer proposal - \$373,000.
 - City portion - \$627,000.
 - Potential park impact fee collected through permits - \$132,000.
 - Balance of funding needed if 100 percent of park impact fees applied for the park - \$495,000.
- Maintenance (staff resource): 1 full-time, 1 part-time, and 1 seasonal part-time (driven by staff resource/availability).
- Watering season: 4 million gallon increase each season the park existed.
- The ability to follow through with and maintain \$30,000 annual developer contribution for maintenance.
- Rehab costs for park remediation were not covered in developer \$30,000 contribution nor was staff sure of the costs.

Mr. Brimley acknowledged the concerns previously mentioned were staff concerns and those had not been addressed with the Planning Commission during its meeting but were formulated following the meeting as additional discussions were held among staff. He reviewed the current proposed capital improvements plan for parks, the existing service area for neighborhood parks, and the areas not served with walkable parks. He explained there were many parks already in close proximity to the proposed park; however, the developer continued to articulate the need to develop a park for the project in the various meetings held with staff throughout the process.

JJ Allen, City Manager, commented staff saw no compelling reason to require the park as part of the development. He indicated if the Council felt the project was worthwhile then staff was of the opinion the project could stand on its own without the park. Mayor Shepherd agreed but thought if there were no park then there should be amenities within the development. Mr. Brimley responded the developer at no point was trying to use the park towards its 25 percent open space requirement and should meet those requirements without the park.

Mayor Shepherd stated the proposed park was not something the City had required or desired as a use for the storm water basin. He expressed his opinion he would much rather see amenities included on site such as a pool or playground equipment for the use of its residents. He estimated the developer would be saving about \$373,000 if the park were removed from the project; therefore, he hoped those funds would be put towards more amenities.

Councilmember Peterson acknowledged the developer would not be saving money as proposed because a large portion of the funds to develop the park were proposed to be allocated from park impact fees. She expressed her concerns about using a large portion of park impact fees towards one site rather than as a benefit to parks city-wide. She noted the spot for the proposed park was not great because of its use as a storm water detention basin. She agreed with Mayor Shepherd that the developer should have amenities on site. There was a discussion about amenities, resources, and cost savings to both the City and developer if the park were not part of the project.

Mr. Brimley reiterated the proposed park was not included in any capital plan so the City would have to amend its plans before it could even be able to allocate any impact fee funding as requested by the developer. Councilmember Bush wondered what the concept plan showed on the west end of the development. Mr. Brimley explained it was generally outlined as clubhouse pool space, an amenity for the site.

Councilmember Phipps expressed his cynicism from the beginning, so he was not surprised. He voiced his desire to look at the project without associating a park with it. He liked Mayor Shepherd's idea that the developer should go back and design a great livable development with something that would work, and it should not include a City park. Mayor Shepherd remarked the development and its amenities should have a significant impact to the project.

Councilmember Peterson recalled during initial meetings when the developer approached the City, there was a response from the Council for the developer to show how it would accomplish the development of a park in that area. She continued there were challenges discussed initially and felt the developer had not demonstrated it could be done successfully, but instead the evidence was to the contrary. She explained the storm water basin was a regional detention basin at capacity. She acknowledged the only thing the developer offered was to put sod on the bottom with some irrigation and then ask for \$500,000 worth of money from the City. She mentioned there were several things to consider when questioning whether a City park should be included with the project. She expressed concerns related to priority ranking of projects, current drought conditions and water conservation, the needed function of the storm water basin, and the burdens of staff for additional park maintenance. She acknowledged there were some difficult questions that should be asked before the development agreement was hammered out.

Mayor Shepherd recommended the park be removed from the development agreement. He expressed his opinion based on everything heard during the discussion and heard by the Planning Commission it was not in the City's best interest to develop the park.

Councilmember Roper commented the Council thought the development agreement was supposed to show that a park could be supported.

Mayor Shepherd said when the park was originally presented to the Council there were pickleball courts, a soccer field, and playground equipment which turned into grass and sprinklers. He noted it would be helpful to explain to the developer that the City's studies showed the park would not make sense to do and it was not wanted. He acknowledged it should be communicated also about the City's expectation for significant, high-quality amenities to be added to supplement the development from the cost savings.

Councilmember Phipps stated when the developer was asked about the drainage issues, they said they could make it work; however, based on review of the proposal it seemed a park would not be best. He recommended to take out the park and add significant amenities within the development.

Councilmember Bush expressed his concern that if the storm water basin was filled with water 70 percent of the time that it could be a danger and present risks if used as a park. Eric Howes, Community Services Director, noted there was a fence surrounding the basin. Mr. Brimley responded there was not a visual barrier but there was a fence. Councilmember Bush questioned if the fence should be improved. Mr. Brimley responded the developer could put in screening but there was no requirement for the developer to provide a fence. Mayor Shepherd suggested language should be added to the development agreement requiring fencing so it was not assumed the developer would want to screen it.

Chris Uccardi, Planning Commission Chair, reported the Planning Commission's vote was five for and three against recommending approval of the development agreement. He expressed his opinion if the Planning Commission would have been presented with the information the Council had received about staff's additional analysis their vote would have been different. He noted two issues that concerned the Planning Commission were beautification and safety related to the park. He explained another factor that played into the Planning Commission's recommendation was the developer's investment into the project which they liked, but he still felt the vote would have been different if the additional information had been known.

Mr. Brimley acknowledged the Planning Commission's recommendation was not based on whether the park should be included. He explained if the Council agreed and felt the park was not an essential component of the development agreement, then section seven could be removed along with all affiliated references to the park. Mayor Shepherd recommended language also be added calling for amenities and fencing. Mr. Brimley responded the developer would be required to meet the development and design standards of the R-3 zone. Stuart Williams, City Attorney, responded staff could work with the developer to make the requested changes and have a draft for the Council to consider prior to taking any action. Mayor Shepherd asked that any ambiguity be removed and fencing and amenities be specified. Mr. Allen indicated currently there were two versions of the development agreement but staff would work with the developer on a third iteration based on the new direction of the Council. Mr. Williams added the public hearing and consideration could be tabled if there was not sufficient time for the Council to review and make a decision on the revised agreement.

Mr. Brimley reviewed the exhibits to the development agreement. He noted the Planning Commission recommended approval of the development agreement Draft A with language that would permit the City to cease maintaining or continuing with the use of the storm water basin as a park. He indicated based on the direction during the meeting, staff would work to make the additional changes to the development agreement as discussed. Mayor Shepherd expressed his optimism the developer would agree to the removing the park from the project.

Mr. Allen asked if the plat had been approved. Mr. Brimley indicated it had been discussed with the Council and would be considered during the policy session scheduled for September 14, 2021. Mr. Allen wondered if the access easements that had been planned so the City would have access to the park would be necessary based on the decision to remove the park from the proposed development. Mr. Brimley responded the access easements would allow for the City's access if needed.

Councilmember Peterson asked if there would be any reason to continue to allow the easements for the City's access or if the access from Antelope Drive to the storm water detention basin would be available. Mr. Brimley answered it would be good to keep those access easements in place on the project so there would be access to the City's sewer line which the developer had recently allowed to go through the parking lot and run through the project.

Councilmember Phipps commented the City currently accessed the detention basin from an access off Antelope Drive and wondered if it would continue to be accessible. Mr. Brimley responded yes that access would be needed and available.

Councilmember Roper moved to adjourn at 7:18 p.m., seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

Planning Commission Chair Uccardi reported his wife requested he invite the Mayor and City Council to participate in a trunk or treat activity at Wasatch Elementary that the parent, teacher, association (PTA) was sponsoring. He explained there were three options for participation, and he could send more information if desired. Mayor Shepherd requested the information be sent by email to the elected officials and acknowledged there would be some participation from the body at the school's event.

APPROVED AND ADOPTED
This 26th day of October, 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, September 7, 2021.

/s/Nancy R. Dean, City Recorder