

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
June 15, 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
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder

Mayor Shepherd called the meeting to order at 6:03 p.m.

DISCUSSION ON FOOTBALL FIELD USE

Mayor Shepherd stated the City discontinued its tackle football program and involvement with the Wasatch Front Football League (WFFL). He explained since then the City had been helping parents to find an alternative option for their youth. He noted many had joined the Ute Conference Football League and it was in the process of getting up and running. He mentioned the City recently donated equipment to the Ute Conference and also agreed to donate field use at Fisher Park for the fall 2021 season.

Mayor Shepherd reported the League was asking the City to waive fees for field rental in perpetuity. He stated the City's history was to allow fee use for other entities the first year. He asked if anyone knew what the football league was doing in other cities and if field fees were paid.

Councilmember Peterson responded the request was a partial waiver of the field fees not a full waiver. She continued what the League was asking for was a change to the fee schedule because of the uniqueness of the situation. She mentioned the City previously had a equivalent recreation

program but because it discontinued that program, Clearfield residents joined the League as the only option available to them. She explained the League was asking for a reduction of fees because it was the only option for a football program, and it was the City's action that created the situation.

Councilmember Peterson reviewed the cost breakdown of the League's fees for participants. She said the costs could range between \$250 and \$350 per child depending on the arrangements with the various cities. She stated the cost for Clearfield residents was \$250 which included member fees of \$65 for insurance and administration costs; referee fees of \$80; credit card processing fee of \$10; personalized jerseys were \$61; and district fees were \$69. She stated the district fees was the portion that had wiggle room and included the costs for field usage etc.

Councilmember Peterson highlighted the following reasons the League provided for its requested break in field rental costs:

1. It was not a typical third-party organization, so the league requested priority scheduling because it was like a partner with City.
2. Since it was not a new use on Clearfield fields, a fee reduction was requested so the charges accounted for hard costs such as staff time for field use only, but not for the maintenance portion.

Councilmember Bush expressed his opinion the League should be looked at as quasi-city program because of the choice to discontinue the recreation program.

Councilmember Peterson stated she did not agree with no fees because of the staff time and hoped a compromise could be reached due to the circumstances.

Councilmember Roper asked how other groups were treated. Curtis Dickson, Community Services Deputy Director, stated groups like AYSO were charged fees.

Mayor Shepherd expressed his concern about treating the groups differently because they were still helping residents of Clearfield to learn a sport. He highlighted support the City had provided to the youth of the Ute Conference through the continuation of scholarships, equipment donation, field use for the first year, and marketing. He noted similar support was not provided to any other groups.

Councilmember Peterson stated it was a fair point; however, some of the other third-party programs had not started as a City program, where then the City divested itself.

Councilmember Bush asked if the City was storing the equipment for the League. Mr. Dickson responded yes.

Mayor Shepherd expressed his concern about doing scholarships and field fees. He agreed it benefitted Clearfield youth but did not know if both could be justified.

Councilmember Peterson suggested if the Council was not in favor of fee waiver to consider giving the League priority scheduling and amend the recreation policy. Mayor Shepherd suggested amending the athletic field use policy to give the League priority.

Councilmember Thompson asked about the longevity of the Ute Conference and wondered how it would be handled if the League were to change in the future. Councilmember Peterson responded that bridge would have to be crossed if it happened. She acknowledged the Ute Conference had been around for a while and was the largest in the nation so there should be consistency, stability, and longevity. There was a discussion about programs and recreation opportunities in Clearfield as well as the age requirements for participation in contrast to nonprofit sport leagues.

Councilmember Thompson expressed his opinion the City was responsible for the situation and advocated for discounting the field rental costs for the League. He mentioned his concern about the perception that the City was giving enough to the League already.

Mayor Shepherd asked if the City provided scholarships for participants of the AYSO program. Mr. Dickson answered no. There was a discussion about the impact of the scholarships for participants of the football league and how the City had continued that practice.

Councilmember Peterson loved the scholarship program and was grateful the Council continued it for football participants. She requested the Council amend the athletic field use policy allowing priority scheduling for the Ute Conference so the football league could practice in the City rather than having to turn elsewhere.

Councilmember Phipps voiced his struggle with how to formulate the policy so it did not target one sport. He expressed concern for the future if another activity was discontinued and a group came to the City with an expectation of having free use of facilities.

Councilmember Peterson commented she was advocating for something separate from the fee reduction. She requested the Council look at ways to allow for priority scheduling.

Councilmember Phipps expressed not having a problem with equity in allowing the football league to have priority scheduling because the City used to be engaged in the program.

Eric Howes, Community Services Director, believed the City's policy already allowed for the field scheduling priority desired by the League. He thought there might have been a misunderstanding of the policy but felt the League would be ranked in priority just after a City sponsored activity. He mentioned he would double check the policy, so it was fair and equitable for the program.

Councilmember Thompson expressed his desire for the youth to have opportunities to play and understood that did not mean for free.

Mayor Shepherd acknowledged the consensus of the Council appeared to be allowing the football league to have priority scheduling and keep offering the scholarships to participants.

Mr. Dickson asked if staff should reserve Fisher Park for the League rather than scheduling it for other City programs. There was a discussion about where to schedule the football practices. Mayor Shepherd asked if the Council cared which field was used for football practice. Councilmember Peterson stated it would be good if practices were at the same place as much as possible but when it came to scheduling the fields, staff could do whatever made sense.

DISCUSSION ON THE ART CENTER REMODEL PROJECT

The discussion was tabled.

DISCUSSION ON BUDGET AMENDMENTS FOR THE FISCAL YEAR 2021 (FY21)

Rich Knapp, Finance Manager, reviewed the end of fiscal year 2021 budget amendments. He explained there had been some changes from what was included in the packet. He highlighted the following proposed budget amendments for the General Fund:

- IT equipment purchase for camera repair or replacement in several parks – \$20,000
- Patrol and Investigations vehicle replacement for totaled vehicle – \$48,750
- Parks offsetting revenue on the Central Irrigation Control project for rebate monies used to finish the project – \$26,824
- Parks Central Irrigation Control project rebate – (\$26,824)
- General Fund higher land sale price than budget – (\$691,223)

Councilmember Peterson asked if the City's insurance would have any impact on the cost towards the vehicle replacement needed. Mr. Knapp explained the City was self-insured on its vehicles so if there was an accident with fault of the driver the City had to cover it.

Mr. Knapp explained initially staff had proposed a budget amendment to the Water, Sewer, Storm and Fleet funds to forgive a loan from the Utility Admin Fund to the Community Development Renewal Agency (CDRA) but it would be handled through a separate noticing and public hearing process.

He continued there had been discussion about paying off the 2018 Bond in FY21. Mr. Knapp indicated the bond had a call notice of 30 days and since the notice was given June 3, 2021 it would not be a budget amendment for FY21 but instead it would be included in the FY22 budget to be approved in August.

Mr. Knapp reviewed the outstanding amount of the 2018 Bond. He highlighted how the City had planned to pay for the bonds originally and what the options currently were which included the option of using the American Rescue Plan Act (ARPA) funds. Mayor Shepherd asked if there was a benefit to either of the options. JJ Allen, City Manager, responded the Maintenance and Operations Center (MOC) and its tie to utility funds was clearly easier to justify in the context of the guidance of the ARPA funds than the payoff of the bond. Mayor Shepherd voiced his support of using ARPA funds towards the MOC capital project because it would be completely justified and then shifting funds as needed to pay off the 2018 Bonds.

Mr. Knapp indicated there could be a change in the proposed budget amendments before its consideration next week during the policy session.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR WOODS COURT SUBDIVISION LOCATED AT APPROXIMATELY 245 NORTH 1000 WEST

Brad McIlrath, Senior Planner, reviewed the Final Subdivision Plat for Woods Court Subdivision. He indicated it had been reviewed by the Planning Commission on May 5, 2021 and it already had engineering approval. He highlighted the existing conditions and demolition plan, the subdivision plat, site plan, grading plan, utility plan, and sewer connections. There was a discussion on connections, approaches, curb cuts, driveways and the street layout.

Councilmember Peterson wondered if the existing home would continue to have the access on 1000 West or if that access would be removed. Mr. McIlrath stated the demolition plan included the demolition of the existing driveway and a new concrete drive approach would be on 200 North.

Mayor Shepherd expressed concern that the new driveway for the existing home was not wide enough for two cars. He voiced his opinion if the width was not 20 feet like the other driveways in the development, then it should be longer to accommodate for two cars. Mr. McIlrath explained the City's standard for a driveway.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR PINES SUBDIVISION LOCATED AT APPROXIMATELY 1345 SOUTH STATE STREET

Brad McIlrath, Senior Planner, reviewed the Final Subdivision Plat for Pines Subdivision. He explained the current owners desired to create a two-lot commercial subdivision to allow for separation of ownership. He explained the Planning Commission reviewed the request on May 5, 2021 and recommended approval.

DISCUSSION ON THE GENERAL PLAN AMENDMENT AND REZONE REQUEST FOR THE WILCOX PROPERTY LOCATED AT APPROXIMATELY 1550 SOUTH 1000 WEST

Brad McIlrath, Senior Planner, stated staff had received a new application for a General Plan amendment and rezone for the Wilcox property. He explained the previous application had been withdrawn when the applicant understood the City Council would likely not support the request that had been proposed. He mentioned the current request was to amend the General Plan to have the entire project area designated as Residential and rezone properties to R-3 (Residential) with a development agreement to develop the project as a small lot single-family subdivision.

Mr. McIlrath stated the application asked for the General Plan amendment and the rezone to be contingent upon the approval of a development agreement; however, the Planning Commission only made it a condition of the rezone. He acknowledged the Planning Commission recommended approval of the General Plan amendment to change the designation from Commercial to Residential. He continued the Planning Commission also recommended to

approve the rezone changing the zoning designation from A-1 (Agriculture) and C-2 (Commercial) to R-3 (Residential).

Councilmember Peterson asked when it was anticipated to have a development agreement ready for review. Mr. McIlrath responded the applicant had submitted a draft and it was set to be reviewed by the Planning Commission on July 7, 2021.

DISCUSSION ON A ZONING TEXT AMENDMENT FOR TITLE 11, CHAPTER 11,
ARTICLE A – COMMERCIAL ZONE C-1 AS IT RELATES TO ASSISTED LIVING
FACILITIES

Brad McIlrath, Senior Planner, stated the applicant was requesting to amend the City's Code to change the definition for assisted living facility and allow that type of facility as a conditional use in the C-1 (Commercial) zone. He explained the current definition for assisted living facility was similar to nursing or rest home. He mentioned the one difference between the two definitions was that occupants of assisted living facilities were capable of handling an emergency situation without physical assistance from staff where the nursing or rest home definition stated the occupants were not capable. He reviewed the language of the applicant's proposal.

Mr. McIlrath acknowledged staff learned the differences between the various facilities and recognized the need to also define other types of facilities that included those services. He noted it would be important for clear delineation between assisted living facilities and senior apartments. He indicated after a review staff recommended assisted living be permitted or a conditional use to the C-1 zone and recommended an alternative definition for the Planning Commission to consider which included some language from the State's definition but also aligned with the applicant's proposal.

Councilmember Bush asked how the language differed from the State's definition. Mr. McIlrath provided the definition but reminded the Council it must consider the applicant's request as well as the Planning Commission's recommendation.

There was a discussion about how the properties were assessed for tax purposes. Mr. McIlrath stated after the facilities were in operation for a period it received the residential exemption for taxing purposes because it was a long-term residence for those individuals.

There was a discussion about the definition proposed by staff and whether there should be additional language added which referred to the type of facility and its State licensing level because there were Type I and Type II facilities.

Mr. McIlrath stated the Planning Commission reviewed the applicant's request and the alternative definition proposed by staff. He acknowledged the Planning Commission made some additional changes to staff's proposed language. Mr. McIlrath indicated the Planning Commission recommended approval of the amendment to allow assisted living facilities as a conditional use in the C-1 zone and to change the definition as proposed by the applicant with amendments made by staff and those made by the Planning Commission.

Councilmember Bush questioned what the allowed height of the building would be. Mr. McIlrath responded it could be up to 35 feet in C-1 zone. Councilmember Bush wondered if 35 feet could be a three-story building. Mr. McIlrath answered it would depend on what the applicant designed but the measurement would go to the peak of the roof.

Councilmember Bush expressed his concern about building the facility right up next to the adjacent property lines so it would put a three-story building up against single family use. He reminded the Council the applicant had attempted to develop a similar facility a few years earlier. He suggested the City should regulate the height so assisted living facilities were only allowed two stories or would have a sufficient setback. Mr. McIlrath stated staff had explained to the applicant concerns the City might have.

Mayor Shepherd did not like that the Planning Commission recommended the definition remove the term “elderly.”

There was a discussion on the definition and what individuals would qualify to live in an assisted living facility. Mr. McIlrath wondered if additional language should be added requiring it to be licensed with the State as a Type I or Type II facility. Mayor Shepherd liked the idea of adding that requirement.

There was a discussion about the conditions that could be imposed, impacts to the adjacent properties, and what heights would be appropriate for the area.

Councilmember Peterson liked the idea of putting elderly back in the definition.

Councilmember Phipps wanted to tie the definition to Type I and Type II facilities.

Councilmember Thompson wondered what the difference was between Type I and Type II. Mr. McIlrath responded it was about the license and he reviewed both types of facility licensing requirements.

The consensus of the Council was to include in the definition a requirement for it to be licensed as a Type II facility.

Councilmember Bush asked if the definition of the assisted living facility could be limited to two stories. Councilmember Peterson was in favor of limiting the stories. Mayor Shepherd did not see a need to limit the building height if the facility was required to be Type II because it would be difficult to make it a three-story building if residents were in need of assistance in an emergency.

Mr. McIlrath commented it was likely the applicant would not object to the two-story maximum. He reviewed the following three changes to the Planning Commission recommendation that the Council had requested:

- The word elderly be left in the definition.
- It was licensed with the State of Utah as a Type II facility.
- The facility was limited to a maximum height of two stories.

Councilmember Thompson moved to adjourn as the City Council and reconvene as the CDRA in work session at 7:48 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, Roper, Shepherd and Thompson. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 22nd day of March 2022**

Mark R. Shepherd, Mayor

ATTEST:

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, June 15, 2021.

Nancy R. Dean, City Recorder