

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 25, 2022

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
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Shaundra Rushton	Communications Manager
	Nancy Dean	City Recorder
	Chersty Titensor	Deputy City Recorder

VISITORS: Chuck Cowley, Ashleigh Young, Kathryn Murray

Mayor Pro Tem Roper called the meeting to order at 6:00 p.m.

Councilmember Thompson arrived at 6:08 p.m.

DISCUSSION ON THE LAKESIDE SQUARE DEVELOPMENT AGREEMENT

Mayor Shepherd represented the developer in purchasing the property; therefore, he recused the himself and did not join the work session until 7:34 p.m.

JJ Allen, City Manager, provided the history of the project thus far. He introduced the developer who provided an update and requested feedback from the Council.

Chuck Cowley, developer for Lakeside Square, thanked the Council for its participation in the recent design process and for feedback and participation in the survey that was distributed. He presented some revised designs for the project with a particular emphasis on the Mabey Pond area. They were highly conceptual plans which would be refined following the meeting.

- Phase 1 – South beach area with kayak float launch area, beach area, natural trail behind the existing building to the north area leading to picnic/barbecue areas and benches. Wanted to make space next to the pond more noticeable by installing festoon lights crisscrossing across Waterfront Way to create indoor/outdoor space to attract visitors to Mabey Pond. Signage was discussed at entryways.

Councilmember Bush questioned whether the City would be anticipating parking along Waterfront Way for those businesses. Mr. Cowley pointed out the parking was to be reserved for the businesses. Councilmember Bush, referred to the food trucks mentioned by Mr. Cowley and asked if traffic could be closed for them. Councilmember Roper offered positive perspective from downtown Salt Lake areas. Mr. Cowley pointed out it would affect only eight parking places; the event itself would be the draw bringing customers into the businesses.

- Phase 2 – Everything from Phase 1 but additionally going south of Waterfront Way after the demolition of the existing building on the southwest side of the pond; enlarged the beach space, bandstand that would be approximately 40 feet, lights, walking and seating element. Tall water feature element, additional pedestrian path connecting to 450 South.

Councilmember Bush asked whether they were anticipating a fence along the east side. Mr. Cowley was not sure because the property had an easement in place through the parking lot. He also indicated the property to the southeast was for sale and mentioned the City might want to consider purchasing it. Councilmember Roper expressed concern that someone else might purchase the property and potentially develop something different than the City wanted in the area. Councilmember Peterson expressed interest in considering the City's purchase of the property. JJ Allen, City Manager, recommended a meeting could be scheduled at another time if property acquisition were something the Council would like to consider. The Council appeared to have a consensus about exploring the possibility of the purchase of the property.

- Phase 3 – Mr. Cowley continued his presentation showing potential City improvements of an over-water bridge connecting the fishing park on the east to the Mabey Pond Lakeside element. Connecting dedicated civic-open space with City-owned space. Could be built with park impact fees.

Eric Howes, Community Services Director, pointed out when the pond was full there was no dry ground near the L shaped building on the southeast, which might hamper the development of a mothers beach as shown.

Councilmember Phipps requested clarification of whether the area east of the dog park would be a public area. Mr. Cowley answered yes. The southern part of Waterfront Way would be improved in Phase 1. Councilmember Phipps asked whether the dog park was for tenants. Mr. Cowley affirmed it was a tenant amenity but pointed out the barbecues, picnic tables were all civic open space. Councilmember Phipps commented he really liked it.

Councilmember Peterson expressed her support for the design plan; it was what she was hoping to see. Pleased to see that the plan would give a visitor to the area the sense that they were contemplated in the design. It demonstrated programming that felt intentional for someone

outside of the area and that it meshed well with potential development. She expressed her appreciation for the lighting design, the inclusion of the southwest portions of Phase 2, the thoughtfulness of immediate amenities available to visitors, and the potential for the north end development to drive access and investment in the area. Councilmember Peterson was encouraged seeing the subtle shifts.

Councilmember Bush inquired as to the size of the sand area. Mr. Cowley responded. Councilmember Bush asked if the area would be big enough for volleyball court. Mr. Cowley explained the area would slope down significantly and provided further explanation of a proposed revetment wall to be constructed for foot traffic from the beach area. Mr. Allen pointed out it would slightly shrink the surface area of the pond. Mr. Cowley stated the City's fishing dock on the east side of the pond was currently not floating. Even when floating there was a decent shoreline so building up the edge was not going to shrink it that much. Mr. Allen explained the image referred to didn't reflect a full pond. Mr. Cowley referred to the pond maintenance agreement. Councilmember Phipps expressed his opinion he wasn't sure the pond would ever get back to the size it was.

Councilmember Thompson asked if the developer could speak to any environmental impact and what water conservation looked like under the proposed plan. Mr. Allen explained it was important to the City that the pond have sufficient water but in the scenario of no water in the pond, language had been added to the Development Agreement (DA) addressing that issue. The DA would indicate the City and developer would collaborate to redesign the space as a public park/recreation area.

Councilmember Thompson asked the developer about the risk analysis completed. Mr. Cowley explained a consultant was hired who worked with the Army Corps of Engineers to determine the body of water wasn't jurisdictional to the Army Corps of Engineers. That designation needed to be renewed every five years. Mr. Cowley acknowledged all parties preferred the area to remain a pond. Mr. Thompson expressed his opinion that he was passionate about the area being a draw for the public and having water in the pond was important to the essence and soul of the project. Councilmember Bush commented if the surface of the pond was decreased by a few feet it wouldn't matter. Councilmember Peterson expressed the loss of some of the water area on the west side was worth the outdoor improvements being proposed so there would be usable amenities from the beginning of the project.

Councilmember Phipps offered his opinion that considering the three stakeholders in the project (tenants, residents, broader community) the proposed plan appeared to meet all needs. He expressed his satisfaction in the place proposed on the south where there could be a picnic, water recreation, fishing, and kayaking. The proposed plan provided multiple opportunities and allowed the pond to be used to its potential.

Councilmember Bush asked the developer about the look of the amenities. Mr. Cowley explained that was the next general step. Council's feedback would be taken to the designer and then he would return with a more detailed conception of the amenities as they would be built out.

Councilmember Phipps asked how wide the strip was east of the older building on the west of the pond. Developer explained the design was highly conceptual and would change but identified what they were hoping to meet. Mr. Allen asked the Council if there were things missing from the proposed plans or things that needed to be changed. Councilmember Roper acknowledged the very positive conversation. He encouraged feedback from the Council so the developer could return with any changes.

Councilmember Peterson expressed appreciation to see significant changes. She liked the proposed Phase 1 and would like to see the other pieces and understand the timing of the development. She looked forward to language and exhibits being added to the DA that represented what was being discussed. Councilmember Peterson understood the development of Phase 3 would become the City's responsibility of the development. Mr. Cowley acknowledged there would need to be deed restrictions and other language added to the DA to protect all the parties. Councilmember Peterson pointed out the second phase was more about carving out the restriction rather than some of the details, recognizing the details of the entitlement would be part of the conversation down the road.

Councilmember Phipps requested clarification of the proposed lighting. Mr. Cowley explained lighting would be consistent with what was required in parking lots - one candle foot. Brad McIlrath, Senior Planner, explained the standard being applied in another project in the City was one candle foot. Mr. Cowley clarified, as part of their standard practice and part of the contract with their electrical engineer, there would be a photometric study completed to ensure there would be sufficient lighting.

Kelly Bennett, Chief of Police, pointed out there had been problem areas in the brush in privately owned property where there wasn't sufficient lighting because the City didn't light the area. Mr. Allen pointed out when the area was improved it should make a difference with those issues. Mr. Cowley indicated the development would have security that would patrol the north project and ultimately the south project.

Mr. Allen summarized discussion and reiterated Mr. Cowley would like to bring back images of renderings of specific points on the plans to ensure the project was a shared vision. At that point, staff would ensure the DA included all the language of everything discussed. There appeared to be consensus from the Council.

Mr. Cowley reiterated it was good to receive as much feedback as possible and wanted to come back in two weeks to review more details about the amenities being proposed. In the meantime, he would start working with staff on what that language would need to look like in the DA. Mr. Allen thought those processes could run concurrently. He indicated review of the updated renderings would be added to the November 8, 2022 work session agenda.

Councilmember Peterson moved to adjourn the work session and reconvene in policy session at 6:50 p.m., seconded by Councilmember Phipps. All voting AYE.

The work session reconvened at 7:34 p.m.

DISCUSSION ON PET LIMITS

Animal Care of Davis County (ACDC) provided enforcement services throughout the entire County for violations of animal-related ordinances (e.g. barking dogs, bites, animals at large, etc.). For the most part, animal-related ordinances were consistent throughout Davis County. However, when it came to pet limits, there were variations. Understandably, the inconsistency in pet limits was cumbersome and frustrating for the animal control officers. Consequently, ACDC requested more uniformity among the sixteen entities (the County and all fifteen cities). ACDC's recommendation was to allow three pets of any combination (dogs and cats). In addition, a person could obtain from ACDC an annual additional dog permit (making four pets total) only upon meeting specific criteria.

Ashleigh Young, ACDC, informed the Council that recent studies suggested ninety percent (90%) of people considered pets as part of their families. There were over ten different pet limits for Davis County which caused problems for enforcement and residents. Many times, officers were going out to respond to complaints of violations of pet limits not nuisance, nor excess waste. Ms. Young proposed two options the ACDC hoped all cities would adopt:

- Schedule A) Would allow three animals, any combination either cats or dogs plus an additional dog permit, or
- Schedule B) Would allow two total cats or dogs of any combination and one additional pet permit.

Mayor Shepherd favored Schedule B. He stated there were good and bad pet owners. There were those who already had more animals than the Code allowed; however, if there were another dog allowed because of a special permit, then the third dog would be fine because residents would have taken the extra effort to get the permit. Ms. Young stated Schedule B would be the logical next step for the City.

Councilmember Bush asked if the ACDC allowed any other pets besides cats and dogs. Ms. Young responded that ACDC only controlled the number of cats and dogs; all other animals would be under the jurisdiction of The Department of Wildlife or the City's zoning ordinances.

Councilmember Phipps expressed concern that someone could have three dogs but there was no pathway to having three cats. It didn't seem fair. Mr. Allen mentioned perhaps the additional annual permit could be either a dog or a cat. Mr. Phipps expressed satisfaction with that option.

Councilmember Thompson asked if emotional support animals counted toward the limit. Ms. Young informed the Council that the emotional support animals did count toward the limit, but service animals would not count toward the limit.

Councilmember Peterson didn't want to create a scenario where the City had allowed a certain threshold and was now asking citizens to divest of their animals. Most cities allowed three. With an ordinance change, the City could be setting up to have the ordinance ignored or just create more problems for ACDC by requiring pets to be surrendered.

Councilmember Thompson asked whether they could grandfather existing animal ownership. Mr. Roper expressed concern with how that would get enforced.

Mayor Shepherd would be satisfied with three and possibly fourth if licensed, as long as it was not four dogs. Ms. Young reminded the Council the County pet limit was three of any combination or two animals with one additional dog if adopted from a shelter.

Councilmember Bush suggested to revise the ordinance and go to four animals but say no more than three dogs. Councilmember Thompson thought that was too arbitrary. Councilmember Peterson stated that was one area she would be more liberal. Councilmember Roper commented he didn't want to criminalize people over the number of pets. Councilmember Peterson commented it could become difficult to enforce. She suggested dealing with only waste or nuisance issues. The exact number of animals became arbitrary. She would rather go after the ones that were causing problems. She leaned toward Schedule A due to potential unintended consequences.

Mayor Shepherd asked if the ACDC had reviewed the permit fees and their amount. Ms. Young informed the Council it would be \$100 to have the fourth animal. Councilmember Thompson supported Schedule B for any permits going forward but wanted to see grandfathering.

A resident present in the meeting asked the difference between a shelter dog or emotional support dog. Mayor Shepherd clarified emotional support counts toward the limited number; a true service animal could be in addition to the limit.

Mayor Shepherd verified Schedule A was the consensus.

Spencer Brimley, Community Development Director, reminded the Council that the City Code currently stated that three dogs at one location was considered a kennel and was not allowed in residential zones. He suggested there would need to be changes to the language in the City Code. Ms. Young informed the Council that ACDC was having a meeting on November 15, 2022 with the city managers to revise and rewrite the language for kennel permits. Ms. Young would send language to Mr. Brimley.

Mayor Shepherd asked how ACDC was dealing with fostering of dogs that were brought in from other states. Ms. Young informed the Council current ordinances for licensing stated if a pet was in a home for more than 30 days it must be licensed, but if it was over the limit, the animal would need to be removed. She stated there was currently nothing in code pertaining to fostering animals.

There appeared to be consensus to establish Schedule A: three animals any combination plus fourth by permit.

Mr. Allen indicated staff would need to prepare ordinances to reflect the discussion.

Councilmember Bush moved to adjourn the work session at 7:52p.m., seconded by Councilmember Thompson. All voting AYE.

APPROVED AND ADOPTED
This 22nd day of November, 2022

/s/ Mark 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, October 25, 2022.

/s/ Nancy R. Dean, City Recorder