

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 11, 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
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Braden Felix	City Engineer/PW Deputy Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Shaundra Rushton	Communications Manager
	Nancy Dean	City Recorder

VISITORS: Nitra – via Zoom

Mayor Shepherd called the meeting to order at 6:05 p.m.

DISCUSSION ON THE FIRST ADDENDUM TO THE DEVELOPMENT AGREEMENT
WITH LOTUS ACQUISITIONS, LLC FOR THE LOTUS ANTHEM DEVELOPMENT
LOCATED AT APPROXIMATELY 440 SOUTH STATE STREET.

Brad McIlrath, Senior Planner, reviewed the amendments being proposed in the first addendum to the Development Agreement.

1. Changes in Phasing: Lotus Company proposed to change the units constructed within each phase outlined below. The changes would result in an overall reduction of four (4) townhomes.
 - a. Phase 2: The unit count increased from sixteen (16) townhomes to nineteen (19) townhomes.
 - b. Phase 3: The unit count decreased from fifty-four (54) townhomes to forty-seven (47) townhomes.

2. Townhome Unit Connection: The Downtown Clearfield Form Based Code (FBC) limited a continuous connected row of townhomes to six (6) units. The proposed modification in the addendum asked to allow for a maximum connection of no more than twelve (12) townhome units consistent with the phasing site plan included with the addendum.

Mr. McIlrath explained as part of the discussion with the Planning Commission, the original language in the addendum specified the developer would close on Phase 2 or Phase 3 or both by October 31, 2022. He explained that the Planning Commission was concerned if the developer were to purchase one phase and not both, there was not a specific execution date for the land on the final phase. Developer revised the language and specified they would close on the purchase for both Phase 2 and Phase 3 before January 31, 2023.

Councilmember Peterson asked why they wanted to have twelve connected units and pointed out that would make it look similar to the apartment profile. Mayor Shepherd explained their reasoning was to improve efficiency by utilizing solar panels; however, it would need a longer span to be cost effective. JJ Allen, City Manager further explained breaking up the roof perimeter would impact the available space for solar panels. Mr. McIlrath believed the developer learned a lesson during the development of the other piece. Summer Palmer, Assistant City Manager, voiced her opinion that it was a good place for it because it mirrored the other side.

Councilmember Peterson asked whether it was worth amending the FBC or was it site-specific. Mr. McIlrath didn't see a need to amend FBC. He explained the City was getting the park and the streets. He said if Council wanted to consider an amendment to FBC, he mentioned possibly increasing it to seven or eight connected units. Councilmember Peterson asked whether it was a trend or just unique to the Lotus development. Mr. McIlrath stated no other developers had requested an increase.

DISCUSSION ON THE THIRD ADDENDUM TO THE DEVELOPMENT AGREEMENT WITH CLEARFIELD JUNCTION, LLC, FOR THE CLEARFIELD JUNCTION DEVELOPMENT LOCATED AT APPROXIMATELY 69 NORTH AND 101 NORTH MAIN.

Brad McIlrath, Senior Planner, reminded Council the project was a 214-unit residential and commercial mixed-use development and that the first two buildings with some of the frontage improvements and a portion of the parking lot improvements had been completed. The entire development included a mix of 1, 2 and 3-bedroom units, along with ground floor commercial space located in the first two buildings. Through a previous addendum to the development agreement the retail square footage was allowed to be reduced to approximately 16,000 square feet to accommodate a leasing office, clubhouse, gym and pool equipment room. The commercial spaces fronted onto State Street and now had a depth and square footage that was in line with market demands.

Mr. McIlrath reviewed amendments being proposed in the third addendum:

1. Gym & Leasing Office: The applicant proposed to construct a 1,350 square foot gym on the ground floor of Building 2 (south). The leasing office would remain in Building 1 with an area of 906 square feet.

2. Club House: The applicant proposed to move the optional clubhouse to Building 1 and in a similar location to the previous gym layout. The optional clubhouse would have a floor area of 1,385 square feet and would be constructed if the commercial spaces do not demand the amount of square footage.
3. Pool & Hot Tub: The applicant proposed to construct a pool with a minimum size of 1,000 square feet and a spa with a minimum size of 100 square feet. The new plan included the construction of a 100 square foot pool house.
4. Interior Courtyard Reconfiguration and Parking: The applicant recognized a need to provide additional parking for the first two buildings of the development for the residents as well as the commercial tenants. The applicant would relocate the BBQ and fire pit amenities to the south of the pool and spa area with a combined square footage of no less than 1,786. The parking north of the pool and spa would be extended to the east to add twelve (12) additional parking spaces.
5. BBQ and Fire Pit Area: As part of the interior courtyard reconfiguration, the applicant proposed to locate the BBQ area to the west of the fire pit area in the courtyard space south of the pool and spa. The applicant proposed that the combined area of the BBQ and Fire Pit amenities would be no less than 1,786 square feet as shown on the site plan.

Mayor Shepherd expressed his surprise to read in the report that they would build the clubhouse “if they can’t lease the retail.” He expressed his opinion that the development needed a real clubhouse and gym and suggested they strike the word “optional” from the agreement. He also thought the developer needed to free up parking somewhere else for commercial purposes preferably on the south side of the building. Mr. McIlrath agreed that made sense.

Mayor Shepherd asked whether the only landscaped area on the plan was intended for allowing dogs. He suggested they needed to make it artificial turf with drainage. Mr. McIlrath communicated the Planning Commission’s recommendations for repair and reinstallation of landscaping where necessary to come into compliance with the approved landscape plans. The matter would be scheduled for review at the Policy Session on November 8, 2022.

ARCHITECTURAL DESIGN

Adam Favero, Public works Director, updated the Council on the Request For Proposal (RFP) for Architectural Design for the third phase of the MOC project. He reviewed the history of the site. After Staff had submitted RFP for Phase 3 design, the Committee received and reviewed four (4) proposals, narrowed them down to two and had more discussion with the selection committee. The selection committee chose *Think Architecture*. The City had used that firm previously for the needs assessment in 2012 and preliminary design a few years ago and were confident in their work. Money for the project was already in the budget.

Councilmember Peterson asked about the timeframe for completion. Mr. Favero estimated completion would take approximately one year or one year and a half.

DISCUSSION ON A POSSIBLE DONATION TO THE JACKSON, MISSISSIPPI AREA TO ASSIST DURING THE DRINKING WATER CRISIS

Councilmember Thompson presented the idea of providing monetary assistance to Jackson, Mississippi in light of their recent water issues. He had been in communication with an individual that was part of relief efforts. Ms. Nitra joined via Zoom to explain the efforts being made by some groups and individuals and the opportunity to assist. She outlined the efforts her group had made in providing relief as it combined efforts with a small non-profit organization, "Cooperation Jackson." That organization was trying to get water for people and would, in the future, be testing alternative solutions to the water issues.

Councilmember Peterson pointed out the unknowns surrounding the issue. In her opinion, if the City was going to use money from the residents it required a higher standard to know where the money would be going and needed to be able to verify it was used as intended. She questioned whether it was the right thing to do as a governmental entity or if it belonged in the private sector. Councilmember Roper offered to speak with Councilmember Thompson on a personal level to enlist the business community. Councilmember Phipps expressed his opinion that he wasn't sure if government was the right entity for a donation. He brought up the need to make sure it was an appropriate organization. He suggested the Council could be a facilitator in getting the word out.

Mayor Shepherd agreed that it was important information to circulate and found value in knowing the name of an organization that was on the ground in Jackson. He questioned if there were to be a donation whether it would be better to facilitate city to city. He provided some background information on the situation in Flint, Michigan and the backlash against city leadership. He suggested the City could share what they had learned on the City's website, or the City Facebook page.

Councilmember Thompson explained his original intention was to provide assistance between cities. He expressed his appreciation for the efforts the staff made in accommodating the discussion. He had never considered the process behind government functioning in this way. He thanked the Council for being attentive and presented information about how the issues might impact the black community. He wanted to provide some education to the Council to expand their understanding of how the public might view governmental agencies.

Mr. Allen suggested providing a "Water 101" work session to understand how the whole system worked in Clearfield. The Council was open to that suggestion. He said it was important to pinpoint things we know we should be doing and do better.

DISCUSSION ON A POSSIBLE DONATION TO THE HOPE CENTER REGARDING THE CHRISTMAS HOPE PROJECT

Councilmember Peterson presented information about a campaign, "Children of Hope," directed by Pastor Brown and his congregation at New Hope Fellowship in conjunction with the Hope Center. This campaign worked to provide items for Christmas for the working poor in the community in an effort to keep them from utilizing payday loans. For the tenth year in a row,

they would meet on the first Saturday in December to organize and assemble boxes with items by gender and age. Karen Fairclaw was running the event. They requested a \$500 donation from the City, servicing residents in Clearfield. It would be included on the next policy session to finalize. Mayor Shepherd supported the donation. Mr. Allen reminded the Council the budget included a line item for the Hope Center Backpack Event and Nancy Dean, City Recorder verified the contribution had been made. Mr. Allen explained there was an item, Council Donations included in the budget in the amount of \$2,500 for other such purposes. He suggested it could be pulled from that account. Councilmember Peterson thought the efforts should be shifted from backpacks to the Hope Center Christmas project in the next budget.

Mayor Shepherd asked if it could be run through the Community Development Block Grant (CDBG) next year. Discussion was held about how the funds could be reallocated and that they would need to apply for funds. Mayor Shepherd would rather see it come out of CDBG funds than the City budget. Mr. Allen asked whether it needed to be in a policy meeting and it was agreed that since it was already in the budget the donation could be distributed without a meeting.

MONTHLY DEPARTMENT REPORTS

Police Department

Kelly Bennett, Police Chief, reported on an increase in criminal activity at Fisher Park:

- Since school started there had been 11 incidents at Fisher Park involving students (assault, disorderly conduct, criminal mischief, truancy, tobacco, controlled substances).
- Littering was a continued problem.
- Enforcement & Response
 - Skate Park was closed for 2-3 weeks.
 - Nuisance Abatement Vehicle was deployed.
 - Served no-trespass orders to students.
 - Coordinated with Clearfield High School administration.
 - Placed Daytime Curfew & Truancy.

Mr. Bennett informed the Council that they had noticed an increase in contemptuous attitudes in the teenagers. Councilmember Peterson asked if they wanted to revoke access to the parking lot for the students. Mayor Shepherd was resistant to that suggestion because it might not have been a group of students. Councilmember Peterson clarified that maybe a conversation with the school district needed to be held to explain the burden placed on the police department and inform it of possible action. Mayor Shepherd stated ultimately any penalization imposed by the City would come back to the City in parental complaint. Mr. Bennett explained communication he had with the School District and was confident they would continue to provide support. Mr. Allen stated it would become impractical to close the park. Councilmember Thompson asked where the Student Resource Officer (SRO) was funded. He asked if the City could ask for more funding. Mr. Bennett said the district representative said the problems were not exclusive to this City, but was district-wide.

Mr. Bennett gave an update on the Countywide Dispatch.

- Virtual Consolidation moving forward with an anticipated “go live” date within 12-18 months.
- Countywide PHYSICAL consolidation
 - Special Service District or Contracted Service
- Layton City and Bountiful City were hard “NO” – Special Service District or ending current dispatch services.
- DCSO and County Commissioners exploring the creation of a Special Service District.
- Layton City moving forward with the construction of a new dispatch center that can accommodate multiple agencies.
- Needed to consider what was best for Clearfield City residents.
- Needed to consider if physical consolidation improve public safety services.

Mayor Shepherd explained his pessimism in obtaining the various city mayors’ consent for consolidating. He said there was a strong distaste for the Special Service District idea by the various mayors. Mr. Bennett explained the IT Support could make or break the City’s dispatch and that Motorola would verify Layton City’s was one of the best in the nation in dispatch management. In a recent conversation, the Sheriff seemed to be resistant to consolidation because he wasn’t comfortable with the control being under Layton City and he was concerned that they would say that a board would need to be created but ultimately the board would have no decision-making abilities. Mayor Shepherd said the County wanted it gone. He explained Commissioner Stephenson wanted to have one agency similar to how Weber County operated. Mr. Bennett believed consolidation would provide better public service for the whole county and believed it was time to improve the service county-wide. He thought Layton was two years out in the build of the new facility. Mr. Allen asked if there was consensus in Council for the Staff to start speaking with Layton about what the inter-local agreement would look like. Mr. Bennett suggested Mr. Allen could ask Layton when they might be prepared to discuss the issue further.

Community Services Department

Eric Howes, Community Services Director, presented information regarding a needed software change for the Recreation division.

- Changing to Sportsman by Peak Software
 - Web based
 - Very similar pricing to current – may need new license and minor equipment change but within budgeted amounts.
 - Greater flexibility
 - Use on any device
 - Online reservations
 - Timeline
 - Building the back end now
 - Transition for spring registration in March

Mr. Howes outlined the advantages with the new software and inability of the current provider to provide a web-based service.

Councilmember Phipps asked if the legacy user information would get transferred. Mr. Howes stated most of the data would be migrated to the new system. He stated Sportsmen informed him they recently did a migration for another city and it went smoothly – he anticipated minor issues. Councilmember Phipps suggested major testing be implemented before the busy season.

Recreation Division

October Recreation Activities

- Pumpkin float – New, Free event, Monday, October 17, 2022 at Steed Pond. Spoke with city staff in Boston who had done a similar event. Looking forward to the different approach. He also announced staff would have the pumpkin cannon out.
- Boonanza – October 22, 2022 at the CAFC, 6:00 to 8:30 p.m. Charging a fee again \$4 early registration - \$5 day of event. Shaundra Rushton, Communications Director, clarified the City would be charging those amounts per person. Very similar to pre-COVID activities and said there would also be hayrides again.
- Halloween Decorating Contest – Nominations ended October 17, 2022.
- Tree Lighting – November 28, 2022 approximately 6:00 p.m.
- Hocus Pocus Fall Concert – Community Band – October 18, 2022 at North Davis Junior High.
- Thanksgiving Pickleball Tournament – October 18 and 19, 2022, at the pickleball complex.
- Addams Family Musical – October 20 – 22, 2022.
- Junior Jazz Registration – getting started.
- Halloween Search the City – happening the coming weekend.
- Turkey Bowl – November 14, 2022, RSVP by the November 7, 2022.

IT Department

Summer Palmer, Assistant City Manager, outlined IT equipment needs:

- New IT Manager assessed needs and made different recommendations for equipment replacement.
- New purchasing policy required staff get Council approval prior to reallocating for those changes.
- Original budget line 104142 625002
 - \$100,000 to replace all network switches
- New recommendation for budget line 104142 625002
 - \$28,000 to replace all network switches
 - \$8,000 to replace all WAPs (wireless access points)
 - Move \$28,000 from current budget line to line 104142 624204 (Annual Main & Support) to replace old firewall (and add an additional for backup) and move to a maintenance subscription
 - Remaining \$36,000 budget note changed to misc. network equipment

Council agreed to the reallocations.

Councilmember Peterson moved to adjourn at 8:09 p.m., seconded by Councilmember Thompson. All voting AYE.

**APPROVED AND ADOPTED
This 24th day of January, 2023**

/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 11, 2022.

/s/ Nancy R. Dean, City Recorder