

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 14, 2018

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
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Jared Hadley, Mike LeBaron, Kathryn Murray, John Taylor – North Davis Fire District (NDFD) Deputy, Mark Becraft – NDFD Chief, Randy B. Elliott – Davis County Commission Chair, Bret Millburn – Davis County Commission Vice Chair, James Smith – Davis County Commissioner

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

DISCUSSION ON THE RESOLUTION TO CERTIFY A TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT’S 2018 TAX YEAR

Mayor Shepherd stated the North Davis Fire District was requesting the Council, which acted as the governing body for the District, adopt and certify its 2018 certified tax rate as required by State Statute. He indicated the District held a truth-in-taxation hearing on August 6, 2018 and approved a tax rate of 0.001205. He explained the tax rate increase would allow additional revenue for employee wages because the costs for benefits had increased and the wages were currently lagging in comparison to other local districts.

Mayor Shepherd commented almost the entire increase was for wages to help keep qualified firefighters with the District to provide continued service to the City. He noted there had not been a significant increase in the past several years. He mentioned there were several residents

from West Point and one from Clearfield that expressed comments or concerns during the public hearing; however, the resident from Clearfield left the meeting with a greater understanding of the justification for increases. He asked if there were any questions.

Councilmember Bush asked if the increase would be enough to make all the raises needed. Mayor Shepherd responded it would.

Councilmember Thompson asked if it would be enough to cover the increases for health insurance benefits. Mayor Shepherd answered it would cover the cost of the increase exactly. He acknowledged the proposed budget was noticed before the District had the final numbers for health insurance costs. He indicated other areas of the budget were adjusted so the increase would be able to cover the eleven percent increase to the health insurance as well as the necessary wage increases proposed.

DISCUSSION ON A FINAL SUBDIVISION PLAT FOR THE CLEARFIELD JUNCTION
SUBDIVISION FOR THE PROPERTY LOCATED AT APPROXIMATELY 52 SOUTH, 17,
75, AND 101 NORTH MAIN STREET

Brad McIlrath, Senior Planner, stated the property was a mixed use project located at approximately the northwest corner of Main Street and Center Street. He reviewed the current zoning, subdivision design and site plan for the proposed subdivision plat rearranging the existing properties as well as rededicating property lines and utility easements for future phased development. He noted the proposal included a 5-lot subdivision with a ten foot (10') wide utility easement around the perimeter of each lot, and a five foot (5') right-of-way easement along Main Street. Mr. McIlrath mentioned there were some adjustments that would need to be made to the site plan for the library location because it was interfering with the slope from the bridge to the south. He continued there were also landscaping plans which would be adjusted so those integral details would not compromise the structure of the bridge. He added the Planning Commission reviewed the item during its meeting on August 1, 2018, and recommended approval subject to four conditions listed in the staff report included with the agenda packet. Mr. McIlrath asked if there were any questions acknowledging the subdivision was straightforward and the project's complexity would be addressed further with the review of site plans and its conformity with form based code.

Councilmember Phipps expressed his concern regarding the parking area and worried it may be inadequate for the purposes planned for the area which could overflow to the street. Mr. McIlrath responded his concerns were echoed by staff as it reviewed the site plan process. There was a discussion about the number of parking spaces planned for the project and potential impacts for the development in regards to overflow, fire access, standards, and approvals required by the City in partnership with the County. Councilmember Peterson stated the point addressed by Councilmember Phipps was a valid concern and it would ultimately fall to the developer to plan the site to meet the standards in a way that was satisfactory to both the City and County. Mr. McIlrath stated staff would recommend the parking for the library be unshared leaving the proposed retail and residential parking areas as shared. He mentioned the developer was working with staff, City engineers, and the Fire District to address issues and impacts with parking and access to the development.

Mr. McIlrath stated staff was concerned about only having one access. Councilmember Bush pointed out the street was labeled as State Street and would need to be corrected as Main Street. Mr. McIlrath agreed. Councilmember Bush questioned if the subdivision requirements had changed so each lot was no longer required to have a flagged access along the frontage. Mr. McIlrath answered the City's engineer had reviewed the plans and seemed comfortable having only one shared access as long as it had an access agreement recorded on the plat. He continued the subdivision lots were separated as such to allow for financing.

JJ Allen, City Manager, questioned if the plat dedicated the excess parcels which were overlapping Main Street as right-of ways. Mr. McIlrath indicated it did not and was not sure that had ever been discussed with the developer. Mr. Allen wondered if it would be a good time to clean up the properties and make sure each was a dedicated right-of-way for the Utah Department of Transportation (UDOT) in preparation for the redevelopment of the project. Mr. McIlrath commented since the City owned the parcels on the South it would not be a bad idea to take care of those rights-of-way; however, it was not a condition of the Planning Commission so if the Council agreed it could make it a condition of its approval.

Councilmember Phipps stated his recommendation would be to consider a second driveway. Councilmember Bush agreed acknowledging the Fire District would also likely want a second access. John Taylor, NDFD Deputy Chief, stated he met with the developer and identified a need for a second access for the development because of the amount of residential and retail units for the site. He indicated the access could be provided along the northwest side through the neighboring property as long as it was kept clear of snow and had a gated access. Mr. Allen indicated UDOT regulated the accesses along its road and had dictated there could only be one, so that was a constraint imposed by UDOT and didn't allow much flexibility for the City.

Councilmember Phipps stated it appeared there was minimal green space and no storm water drainage. He expressed his concern about having a retention basin that was proposed to be the required green space for the site. Mr. McIlrath responded the proposed plans maximized space so any storm water drainage would need to be underground if it was not to interfere with the planned uses. He commented the City engineer was not opposed to having it be underground; however, there would need to be a way to access it for inspections. He added there were also other options to consider.

Mr. Allen indicated there were several issues to be worked out with the site plan. He noted if the plat were approved, it would not be recorded until it had gone through site plan approval and all parties were comfortable with the project. He reviewed the sequence of events which would be required before the plat was officially recorded.

DISCUSSION ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 788 SOUTH 2000 EAST (TIN: 09-419-0102) FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

Brad McIlrath, Senior Planner, informed the Council that an application had been received by the City requesting the property located at approximately 788 South 2000 East be rezoned from C-2

(Commercial) to D-R (Downtown Redevelopment) to allow for a mixed use development, which included high density residential and commercial office space. He reviewed the concept plan explaining a portion of the area had not been included with the rezone because a future gas station would be allowed in the C-2 Zone. He stated the rezone would be consistent with the General Plan which identified the area as “Mixed Use.” Mr. McIlrath commented staff felt it was the highest and best use for the area. He noted the Planning Commission recommended approval after its meeting on August 1, 2018 based on the following findings: 1) the proposed zone change was consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan; 2) the proposed zone change was supported by the Future Land Use Map designation of Mixed Use in the General Plan; 3) the D-R Zone was encouraged for the development of vacant and underutilized lands and would allow vertical or horizontal mixed use as described on page 8 under Mixed Use; 4) with design, future pedestrian and vehicular connections could be provided for the area; and 5) development of the property with a mixed use design would support the existing land uses in the area of office, institutional and residential.

Councilmember Phipps commented the concerns expressed from Planning Commissioners regarding multi-family development outside of the corridor were also a worry to him. Mr. McIlrath responded the focus of the City going forward was to steer multi-family development to the downtown area; however, there would be exceptions to the rule and other nodes or areas where housing could be complementary for Mixed Use development. Councilmember Peterson commented the development was in an area similar to the downtown area with similar traffic counts and uses. She added it would blend well with the other uses already in place so the location, intensity and surrounding uses made it a good fit for the area in her mind. JJ Allen, City Manager, stated the property had been planned for Mixed Use with the General Plan for many years and the proposed project was consistent with that concept.

DISCUSSION ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY F STREET AND 3RD STREET IN FREEPORT CENTER (TIN: 12-065-0050 AND 12-065-0049) FROM M-1 (MANUFACTURING) TO P-F (PUBLIC FACILITIES)

Brad McIlrath, Senior Planner, stated Syracuse City had requested to rezone the property where its existing water towers were located in the Freeport Center from M-1 (Manufacturing) to P-F (Public Facilities). He explained the water towers were in need of replacement due to growth demands and in order to replace the existing towers with newer larger towers. He continued Syracuse would also be seeking a lot line adjustment with a portion of the property to the east to provide a larger buildable area. He noted the rezone would help to accommodate the expansion and allow for greater flexibility and greater heights for the towers subject to conditional use permit approval.

Mr. McIlrath reviewed the General Plan analysis which showed the parcel designated as Manufacturing in both the General Plan and City’s Future Land Use Map. He suggested the proposed rezone would be consistent with the goals and objectives of the General Plan since the property was the location of a public utility. He stated the Planning Commission reviewed the item at its meeting on August 1, 2018, and recommended approval based on its four findings.

DISCUSSION ON A FINAL SUBDIVISION PLAT FOR SYRACUSE CITY WATER TANKS TO COMBINE A PORTION OF THE EXISTING PARCEL (TIN: 12-065-0050) TO THE PARCEL TO THE WEST (TIN: 12-056-0049) LOCATED AT APPROXIMATELY F STREET AND 3RD STREET IN FREEPORT CENTER

Brad McIlrath, Senior Planner, reviewed the subdivision plat prepared by Syracuse City for a lot line adjustment at the Freeport Center. He explained Syracuse had purchased a portion of the land east of the existing parcel from the Davis School District. He indicated the purchase was for expansion of its water tower site and construction of two new water towers.

Councilmember Bush asked for an explanation of the City engineer's concern about the railroad spur. Mr. McIlrath responded the City engineer had requested the spur be noted on the plat even though it did not cross the property lines. He mentioned there was also a ditch that would need to be relocated. Councilmember Bush wondered if it was an irrigation ditch. Scott Hodge, Public Works Director, responded the ditch was used for some storm water drainage.

Mr. McIlrath noted on August 1, 2018, the Planning Commission recommended approval of the final subdivision plat. He indicated the conditions of approval were for the plans to be revised to address the City engineer's requirements to include a provision of a ten-foot public utility easement around the perimeter of the subdivision and a notation of the right-of-way for the railway line along the east side of the subdivision.

Councilmember Peterson questioned if the approval would be conditioned upon Public Works approval for the relocation of the storm water drainage as well. Mr. McIlrath answered it would.

Mr. McIlrath reviewed the proposed plans, heights, and types of water towers. He indicated one requirement of the P-F (Public Facilities) Zone was to provide 15 percent open space, which made maintenance difficult in a public utility area. He stated the Planning Commission had discussed this item at length and was recommending to the Council that no additional landscaping be required such as trees, shrubs and irrigation. He continued the Code currently provided flexibility if there was a development agreement in place addressing the modifications. There was a discussion about the landscaping requirements, the areas which would remain undisturbed, and signage on the towers. Mr. McIlrath said the Planning Commission recommended landscaping for the project be installed as approved with modifications as allowed by a development agreement and staff would recommend there be no signage on the water towers.

UPDATE BY DAVIS COUNTY COMMISSIONERS

Randy B. Elliott, Davis County Commission Chair, introduced himself, Bret Millburn, and James Smith as County Commissioners which served on various committees and boards within the County. Mr. Elliott expressed his interest in attending City Council meetings to learn more about issues facing the cities, strengthening interactions, and building relationships to help better serve the community. Mr. Millburn stated he interacted regularly with the mayor and staff; however, appreciated the time to meet with the Council to discuss issues. He mentioned his desire to learn more about what was happening with the Frontrunner Station property. Mayor

Shepherd updated the Commissioners on the joint efforts with UTA to prepare a Station Area Plan. He commented the hired consultants prepared two concept plans that were recently presented to the Council and Planning Commission, which proposed more housing units than initially agreed upon and less commercial and/or retail space. He also reported the Council had recently collaborated to prepare a draft concept plan that could be presented to UTA, the landowner, and potentially drew a plan with a realistic vision for the area that would be beneficial to the City, UTA and support the goals and visions of the stakeholders. He continued one of the stakeholders was the Davis County School District which recently learned the County had triggered the tranche on first phase of the Clearfield Station Community Development Area (CDA) which included the Thackery Garn housing project area. He acknowledged it was not what the City intended to happen but plans had changed since the onset of the project and after hearing the consultant's proposal for an additional increase to the housing units, the City was concerned it would negatively affect relationships with the taxing entities. The City wanted to mitigate those impacts as much as possible. Commissioner Milburn thanked Mayor Shepherd for sharing the details and expressed appreciation for the update. There was a discussion about the Clearfield Station Area, efforts with UTA, and economic development.

Commissioner Elliott asked what the NDFD tax increase percentage would be. Mayor Shepherd answered it would be a six percent increase used entirely to cover salary and benefit increases.

Commissioner Elliott invited participation at the County Fair, highlighting some of the events planned for August 15 to 18, 2018.

Councilmember Bush mentioned City residents had complained about animal control in the past and wondered if the services were any better. Councilmember Roper indicated he had recently received a complaint about the feral cat population in the Steed Park/Pond area. Commissioner Elliott stated the County had a new Animal Control Director who was working hard to implement scheduling that allowed for better coverage. He reported the County worked with Best Friends when it came to cat issues to get strays trapped, removed, or relocated. He added if there were continued reports or problems they could be directed to the County.

Commissioner Elliott asked what new projects were planned for the City, specifically at 700 South near I-15. Mayor Shepherd highlighted some of the development planned for the area, including Maverik at the specified intersection, G-Force an indoor amusement park, and Urban Air a trampoline center. JJ Allen, City Manager, indicated staff had spoken with the commissioners previously about the Lifetime Products expansion which was moving forward. He indicated the City would soon be coming to the County for consideration of tax increment agreements. Mayor Shepherd reported the City was working with a developer which was currently interested in developing Lakeside Square and the Clearfield Mobile Home Park properties. He also announced the Davis School District had plans to rebuild South Clearfield Elementary which should begin in 2019.

Commissioner Milburn stated there were many good things happening in the City. He thanked City officials and staff for their efforts to work with the County during his tenure as a commissioner. Mayor Shepherd reciprocated appreciation for the efforts of the commissioners. Commissioner Smith also expressed gratitude to the City Council for its work and recognized it

was a tough job at times. Commissioner Elliott shared some updates about a new mosquito breed. Mayor Shepherd thanked the Commission for its time at the meeting.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:58 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

The meeting reconvened at 7:40 p.m.

DISCUSSION ON A ZONING TEXT AMENDMENT TO ALLOW SINGLE FAMILY DWELLINGS TO NONRESIDENTIAL USES IN THE M-1 ZONE SUBJECT TO DEVELOPMENT STANDARDS THAT LIMIT THE SIZE, LOCATION, AND APPLICABILITY OF SUCH USE

Brad McIlrath, Senior Planner, apologized there was a mix up with the staff report included in the agenda packet which had a recommendation of denial from the Planning Commission for the zoning text amendment. He distributed the corrected staff report with the actual recommendation of approval from the Planning Commission, as well as a historical timeline of events from the file for the property at 351 South Main. He reviewed the background of the property, the applicant's details, and the historical timeline of events.

Mr. McIlrath explained the Planning Commission reviewed the request on August 1, 2018, and there was a split vote with three for and three against on the proposed amendment. He continued the Planning Commission Chair broke the tie with a vote for its approval after a review of the history and hearing comments from the applicant. Mr. McIlrath reviewed the concerns and reasoning of the members of the Planning Commission expressed during the meeting.

Commissioners voting against:

- There was no foundational backing from the General Plan for the proposed amendment.
- The text amendment would not be appropriate for the M-1 Zone so to change a zone to accommodate a nonconforming use was not good policy.

Commissioners voting for:

- The amendment had narrowly proposed standards so it would not expand the scope of residential into the M-1 Zone; however, could address the applicant's property.
- A sewer backup affected the occupancy in late 2007; so without a disruption, the residential use may have continued as a legal nonconforming use and had no breaks in occupancy.

Mr. McIlrath indicated the request for the amendment had come from Kevin Porter, property owner, and was to address the land use for property located at 351 South Main Street. He stated the property included an auto repair building on the north end and an attached residence on the south end. He reviewed the timeline records dating back to 1993. He stated the main turn of events occurred when there was a sewer line backup in the area on October 23, 2007, which caused the residents to leave the residence. He mentioned at the time the residence was a legal

nonconforming use because it had been established legally before the M-1 Zone was put into place; however, the ordinance only allowed for a nonconforming use to keep its status for up to six months following any vacancy of use. He commented the six month time period came and went without renewed occupancy, so the residence lost its legal nonconforming status. Mr. McIlrath mentioned Kevin Porter purchased the property in 2009 and submitted paperwork to add the rental property to his Rental Dwelling License but was denied because the residence had been vacant since December of 2007. He added the City also notified Mr. Porter in December of 2009 that the property could be used for residential or commercial, but not for both. Mr. McIlrath indicated the notification was a compromised approach for the use of the property. He reviewed additional correspondences exchanged with Mr. Porter through 2012. He stated Mr. Porter had used the residential portion since that time, completed a remodel, had issues with code enforcement when the commercial portion had been used, and only been able to use the commercial portion as a garage for the residence.

Mr. McIlrath mentioned staff had reviewed the request and would recommend denying the requested zoning text amendment. Mayor Shepherd asked if the residence was currently occupied. Mr. McIlrath answered Mr. Porter had told staff it was occupied and all indicators confirmed it. He confirmed Mr. Porter also had a current rental license. He added Mr. Porter's intentions were to try to regain the legal nonconforming status that was in place prior to his ownership of the property and the sewer backup in 2007; however, marketing the property was not enough to constitute its use as nonconforming.

Spencer Brimley, Community Development Director, highlighted the purposes for having nonconforming status which protected both parties, the property owner and the City, but the context would have to be abided for it to remain a legal nonconforming use. There was a discussion about the zoning text amendment.

Councilmember Phipps remarked it seemed like a bad idea from a philosophical perspective to solve one problem by changing the code. There was a discussion about the properties historical timeline of events and uses, the City's compromise to allow the use of either residential or commercial use in the M-1 Zone, and the impacts for the City and property owner if the text amendment were not approved.

Councilmember Thompson expressed his opinion the residential use was not appropriate for the M-1 Zone. JJ Allen, City Manager agreed it was not an appropriate use in the Manufacturing Zone; however, the City had compromised allowing one use or the other in the past because of the circumstances surrounding the loss of residency.

Councilmember Phipps wondered what would happen if the zoning text amendment were not approved. Mr. McIlrath stated the City would likely remain on its current course allowing one use or the other but not both. Mayor Shepherd commented perhaps the property owner might need to provide evidence the property had been rented to allow the nonconforming residential use to continue. He added the property could still operate as a commercial use which was currently allowed in the M-1 Zone if residential uses could not be confirmed. There was a discussion about the property owner's rental status, the occupancy of the property, and if there was a valid rental license in place for the past three years. Mr. McIlrath stated staff could review

the records to determine if there was any utility usage during that time period. He added there had already been some research showing gaps in occupancy; however, a more detailed search could be completed. Mayor Shepherd thought it would be good to have that information.

DISCUSSION ON A ZONING TEXT AMENDMENT TO ENACT A WIRELESS COMMUNICATIONS FACILITIES ORDINANCE TO GOVERN THE USE, LOCATION, CONSTRUCTION, AND DESIGN OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY

Spencer Brimley, Community Development Director, stated the proposed changes for a zoning text amendment to enact a wireless communications facilities ordinance were the result of a new wave of small wireless facilities. He noted the State recently passed legislation requiring municipalities and counties to allow for the installation of new wireless antennas and equipment known as Wireless Communities Facilities (WCF) in the public rights-of-way. He indicated if the City did not adopt its own regulations before September 1, 2018, it would be subject to the State's general guidelines and parameters which did not necessarily protect the City.

Mr. Brimley mentioned staff had evaluated other cities' codes and patterned language after the city of Midvale which had been drafted by the Midvale Deputy City Attorney Garrett Wilcox. He commented the discussion would be based on a presentation which included key elements that Mr. Wilcox had identified should be addressed in a wireless communications facilities ordinance. Mr. Brimley reported Councilmember Phipps had provided a document to staff which had comments from his review of the proposed amendment language which could also be discussed during the meeting.

He reviewed the State Code adopted in March of 2018 relating to permitted use, pole attachment requirements, definitions, compensation allowances, application fees, police power, aesthetics, undergrounding, height limitations, application process, relocation, franchise, exceptions, and highlighted the essential parts which should be used in ordinance creation. He also reviewed the definitions, limiting co-location, addressing speculations, and State roads.

Councilmember Bush asked if a small wireless facility would be able to dig in the City's rights-of-way or if the ordinance only addressed above ground facilities. Mr. Brimley answered it was mainly for above ground co-location and relocation but there was the potential for digging, so the ordinance would address the process for which that could be done. He stated the way the code was drafted allowed for the City to have some protections in that regard.

Councilmember Bush asked if the revenues had to be General Fund money or if it could be designated to a specific purpose such as road improvements. Mr. Brimley responded he was not aware of any language designating a specific purpose; however, offered to research the issue and determine if the money would be required to go in the General Fund.

Councilmember Bush asked if the regulations were only subject to poles in City rights-of-way. Mr. Brimley indicated it was specific to public rights-of-way. Councilmember Bush wondered if a company could request to put equipment on a pole in a City park. Mr. Brimley thought that could be a possibility; however, he would check to see if there was inclusion of public facilities

in the code; and if not, the City could consider if it wanted to allow for it. Brad McIlrath, Senior Planner, stated the drafted code only addressed the public rights-of-way, but if additional language was desired in the City Code, it could possibly be added.

Councilmember Thompson asked what the fees or rates were based upon. Mr. Brimley answered the rates were pretty standard most of which were set by the State; however, the City could be more restrictive if desired.

Councilmember Phipps wondered why the volume of co-located antennas and equipment on a utility pole was limited on ground equipment to 17 cubic feet. Mr. Brimley responded it was the limit in the Midvale City code and other cities were in that same range from 15 to 17 cubic feet, so it seemed appropriate; however, he was not certain if there was an industry standard for it.

Mr. Brimley acknowledged the implementation of the wireless communications facility ordinance was new and could require further review to address and revise it in the future. There was a discussion about the potential for uses of poles to assist with public safety purposes and transportation communications.

Councilmember Phipps suggested the Council and staff ponder the recommendations or proposed language for the drafted code. There was a review and discussion about each of Councilmember Phipps comments.

- Findings did not appear to fit the format of the City code.
- Scope of the ordinance wording seemed retroactive.
- Definition introduction seemed too wordy and could be trimmed.
- Definitions included constraints or limits not just definitions which should be in the body of the document rather than the definition.
- References to towers which were not in the public rights-of-way on page six so it seemed prudent to focus on the rights-of-way and review the document again.
- Some content was confusing on page seven.
- Compensation items might need to be in the Consolidated Fee Schedule rather than the code itself.
- Franchise fees section referenced a franchise agreement which would be negotiated and the negotiated cap which seemed more protective to the franchisee.
- Heights and size restrictions made reference to 50 feet which seemed excessive. Staff would review to determine if different areas could have different height limits.
- Stealth design and consistency should be reviewed in relation to heights and antennas.
- Equipment on page 12 referenced private property rather than rights-of-way and was there any constraint on the external piece of equipment because it did not appear to be addressed.
- Equipment that generated noise was concerning.
- Application process may need to identify the person responsible for handling it.
- Notice provided to property owners seemed very detailed.
- Macrocell was included in the sections dealing with replacement or new poles and it appeared out of place.
- Internal references made should be reviewed.

- A reference was made to holiday decorations on page 27 which might need to be reviewed.
- Final inspection was not clear on page 29 and some of the wording could be adjusted for clarification.
- On pages 34 and 36 there was reference to a designee appointed by the Mayor which should be removed to keep consistency with other general areas of the document.
- The reference on page 35 of checking with private property owners seemed to be lacking permissions and might need to be reviewed.
- There was a reference on page 36 to severability which was contractual language and should likely not be included in that section but perhaps an administrative section.
- The content of the paragraph under the title “Failure to Enforce” did not appear to match the header.
- On page 37 in the last paragraph it made reference to State Law, which seemed out of place or unnecessary.

Councilmember Phipps stated some of the comments provided to staff had been omitted from the discussion because some were merely word edits or spelling corrections. He recognized the amount of effort which went into the preparation of the document and did not intend for his comments to appear critical but rather used as a guide to make modification where appropriate. Mr. Brimley expressed appreciation for the in-depth review of the document to insure issues were addressed appropriately and there was cohesiveness throughout it.

Councilmember Bush wondered if the proposed wireless communications facilities ordinance would be its own chapter in Title 11 in the City Code. Mr. Brimley stated it could be its own chapter, but it had not yet been determined.

JJ Allen, City Manager, questioned if there had been any small wireless communications facilities inquiring about locating in the City. Mr. Brimley indicated there had not been any inquiries within the last year or two.

Councilmember Roper expressed his desire for the City to have its own code rather than falling subject to the State’s legislation. Mr. Brimley agreed. He stated on August 28, 2018 the item was scheduled for a public hearing and an ordinance could be considered by the Council for adoption. He commented the drafted document would be reviewed, cleaned up, and clarified where necessary based on the comments provided. There was a discussion about whether or not another work session would be necessary prior to the policy session. The consensus of the Council was to make the adjustments and allow a review of the corrected ordinance before determining if a work session discussion would be necessary.

Councilmember Peterson moved to adjourn at 9:09 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 9th day of October, 2018**

/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, August 14, 2018.

/s/Nancy R. Dean, City Recorder