Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Executive Conference Room  
55 South State Street  
Third Floor  
Clearfield, Utah

**6:00 P.M. WORK SESSION**

- Discussion on the Resolution to Certify a Tax Rate for the North Davis Fire District’s 2018 Tax Year
- Update by Davis County Commissioners
- 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
- 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)
- 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)
- 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
- 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
- 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

(Any items not fully addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)

City Council Chambers  
55 South State Street  
Third Floor  
Clearfield, Utah

**7:00 P.M. POLICY SESSION**

**CALL TO ORDER:** Mayor Shepherd  
**OPENING CEREMONY:** Councilmember Bush  
**APPROVAL OF MINUTES:** July 10, 2018 – Work Session
SCHEDULED ITEMS:

1. OPEN COMMENT PERIOD

The Open Comment Period provides an opportunity to address the Mayor and City Council regarding concerns or ideas on any topic. To be considerate of everyone at this meeting, public comment will be limited to three minutes per person. Participants are to state their names for the record. Comments, which cannot be made within these limits, should be submitted in writing to the City Recorder at nancy.dean@clearfieldcity.org.

The Mayor and City Council encourage civil discourse for everyone who participates in the meeting.

Comments pertaining to an agenda item that includes a public hearing or public input should be given as that item is being discussed during the meeting.

2. CONSIDER APPROVAL OF THE AWARD OF BID FOR THE 1425 WEST STREET ROADWAY IMPROVEMENT PROJECT

BACKGROUND: The City solicited bids for the 1425 West Roadway Improvement Project. The work consists of installing a new 8-inch culinary water line to replace the existing 6-inch water line with a small amount of curb, gutter and sidewalk replacement and installation of a new 15-inch storm water pipeline on the south end. A new asphalt pavement surface will be installed the full width and length of 1425 West from approximately 725 South to 975 South. The City received seven bids and the lowest responsible bidder was Marsh Construction with a bid amount of $458,363.65.

RECOMMENDATION: Approve the award of bid for the 1425 West Street Roadway Improvement Project to Marsh Construction for the bid amount of $458,363.65; approve funding for the project bid amount with contingency and engineering costs of $98,399 for a total project cost of $556,762.65; and authorize the Mayor’s signature to any necessary documents.

3. CONSIDER APPROVAL OF RESOLUTION 2018R-12 ADOPTING AND CERTIFYING A TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT’S 2018 TAX YEAR

BACKGROUND: North Davis Fire District’s Administrative Control Board advertised and held a public hearing for “Budgeting Property Tax” (truth-in-taxation) on Monday, August 6, 2018 regarding its certified tax rate. As the governing body for the North Davis Fire District, the City Council will need to consider adopting and certifying the tax rate for the District’s 2018 tax year.

RECOMMENDATION: Approve Resolution 2018R-12 adopting and certifying a tax rate for the North Davis Fire District’s 2018 tax year and authorize the Mayor’s signature to any necessary documents.
**COMMUNICATION ITEMS:**

Mayor’s Report  
City Council Reports  
City Manager’s Report  
Staff Reports

**ADJOURN AS THE CITY COUNCIL**

Dated this 8th day of August, 2018.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’ provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.
TO: Mayor Shepherd and City Council Members
FROM: NDFD
MEETING DATE: AUGUST 14, 2018
SUBJECT: NDFD Tax Rate

RECOMMENDED ACTION

Approve Resolution 2018R-12 acting as the Governing Body of the North Davis Fire District adopting and certifying a tax rate to the Davis County Clerk-Auditor and the Board of County Commissioners of Davis County for property located within the District for the 2018 tax year.

DESCRIPTION / BACKGROUND

The North Davis Fire District is requesting the Council adopt and certify its 2018 certified tax rate as required by State Statute. After a truth-in-taxation hearing held on Monday, August 6, 2018, the District approved a tax rate of 0.001205, an increase from the 2017 tax rate of 0.001182. The District reports several reasons for seeking additional revenue, which include employee wages are lagging considerably, health insurance costs increased 11 percent, liability insurance increased 6.5 percent, and medical supplies, vehicle maintenance and fuel costs continue to increase. Davis County proposed a rate of 0.001098 for the NDFD, which would have generated $2,219,629. The rate proposed by the NDFD Board of 0.001205 would generate $2,435,931. The revenue to the District would increase by $216,302.

IMPACT

a. FISCAL Clearfield City and West Point City property owners, who would see their property tax increase.
   - Residential Impact - $13.60 annually
   - Commercial Impact - $24.72 annually

SCHEDULE / TIME CONSTRAINTS

The City Council needs to consider its approval of the tax rate before August 17, 2018.
LIST OF ATTACHMENTS

- Clearfield City Resolution 2018R-12
- NDFD Administrative Control Board Summary Sheet
- NDFD TNT notice
- NDFD Resolution 2018R-07 setting the certified tax rate
- NDFD Resolution 2018R-08 adopting the budget
CLEARFIELD CITY RESOLUTION 2018R-12


WHEREAS, the Clearfield City Council (“Council”) acted as the Governing Body for the purpose of creating the North Davis Fire District (“District”) as a Special Service District in accordance with the Utah Special Service District Act §§ 17D-1-101 et seq. Utah Annotated, 1953 (the “Act”); and

WHEREAS, the Council created the Administrative Control Board in accordance with the provisions of §17D-1-301 of the Act and delegated to the Administrative Control Board the power to act as the governing authority of the District; and

WHEREAS, the Council cannot lawfully delegate to the Administrative Control Board the power to levy a tax on the taxable property within the District and the Council retains the power and duty to levy a tax on the taxable property within the District; and

WHEREAS, the Administrative Control Board desires to have the Council, as the Governing Body of the District, establish a certified tax rate for the 2018 tax year on all taxable property within the District and the Council for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services within the District; and

WHEREAS, the Administrative Control Board advertised and held a truth-in-taxation hearing on Monday, August 6, 2018 regarding its certified tax rate; and

WHEREAS, said public hearing was duly held and all persons present to be heard having been heard; and

WHEREAS, the Administrative Control Board passed and adopted its Resolution No. 2018R-07 on August 6, 2018, requesting that the Council adopt a Resolution certifying a tax rate of 0.001205; and

WHEREAS, a regular meeting was duly noticed and held at which time the Council considered the certified tax rate for the District.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CLEARFIELD CITY COUNCIL:
Section One: CERTIFIED TAX RATE ESTABLISHED

That the Certified Tax Rate on all taxable property lying and being within the district boundaries of the North Davis Fire District for the 2018 tax year be, and the same is hereby fixed, set and established at a rate of 0.001205.

Section Two: CERTIFIED COPIES OF RESOLUTION TO COUNTY OFFICIALS

That the City Recorder of Clearfield City is hereby authorized and directed forthwith to certify a copy of this Resolution and forward and direct one copy each to the Davis County Clerk-Auditor and the Davis County Board of Commissioners in Farmington, Utah.

Section Three: LEVY, COLLECTION AND REMITTANCE OF TAXES

The Clearfield City Council requests that the Board of Commissioners of Davis County include this Certified Tax Rate in its levying process for property taxes for the 2018 tax year and that such tax be extended and collected in the manner provided by law for the collection of general county taxes and that the proceeds thereof, as collected, be turned over to the treasurer of the North Davis Fire District and that said taxes in all respects be collected and delivered to the North Davis Fire District according to law.

Section Four: EFFECTIVE DATE

This Resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED by the Clearfield City Council this 14th day of August, 2018.

CLEARFIELD CITY CORPORATION
a Utah Municipal Corporation

______________________________
Mark R. Shepherd, Mayor

ATTEST:

______________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
**ADMINISTRATIVE CONTROL BOARD**
**SUMMARY SHEET**

**Agenda Item:** Discussion and Consideration of Approval of Resolution 2018R-07 of the Property Tax Rate for the 2018 Taxable Year for the North Davis Fire District and Requesting that Clearfield City Council as the Governing Authority Adopt a Resolution Certifying a Tax Rate for the North Davis Fire District and Providing for an Effective Date (Truth in Taxation Process)

a. Public Hearing  
b. Action

**Information:** Revenues and Expenditures of the District. Information as to why the North Davis Fire District needs additional revenue.

Revenues of the North Davis Fire District:
- Ambulance Service – The North Davis Fire District receives revenue for providing EMS services. The total amount billed out for ambulance service is not the full amount in which the district will collect. Each year, the North Davis Fire District only collects approximately 50% of the billed amount.
- Interest, Inspection Fees and Miscellaneous Incomes – Each year, the North Davis Fire District collects a small amount of miscellaneous and interest income and inspection fees.
- Plan Review, Impact and Permit Fees – The North Davis Fire District collects a minimal revenue for Plan Reviews and Impact and Permit Fees for development within the district.
- Property Tax and Fee in Lieu – The North Davis Fire District collects a percentage of Property Tax and Fee in Lieu from residents and businesses within Clearfield City and West Point City.
- Contact Services – Sunset City currently contracts with the North Davis Fire District for Fire and EMS services. This contract allows for the North Davis Fire District collects revenue from Sunset City.

*Note:* The North Davis Fire District does not receive revenue from Sales Tax and Class C Road Funds.

Expenditures:
- Employee wages are lagging considerably and need to be adjusted to keep within market and retain quality employees. The increase to employee wages creates a trickle effect causing FICA, retirement and workers compensation costs to also increase.
- Health Insurance – Due to the rising cost of health coverage, the budgeted amount for health insurance in Fiscal Year 2019 increased nearly 11%.
- Liability Insurance – Due to the rising cost of insurance, the budgeted amount for Liability Insurance in Fiscal Year 2019 increased nearly 6.5%.
- Medical supplies, vehicle maintenance and fuel costs continue to increase.

**Recommendation:** Administration recommends the North Davis Fire District Administrative Control Board approved a property tax rate of 0.001205 as advertised. The increase to the property tax rate will generate approximately $2,435,931.00 in property tax revenue for the North Davis Fire District.
The NORTH DAVIS FIRE DISTRICT is proposing to increase its property tax revenue.

- The NORTH DAVIS FIRE DISTRICT tax on a $231,000 residence would increase from $139.50 to $153.10, which is $13.60 per year.

- The NORTH DAVIS FIRE DISTRICT tax on a $231,000 business would increase from $253.64 to $278.36, which is $24.72 per year.

- If the proposed budget is approved, NORTH DAVIS FIRE DISTRICT would increase its property tax budgeted revenue by 9.74% above last year's property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: 8/6/2018 6:00 pm
Location: North Davis Fire District
381 N 3150 W
West Point City

To obtain more information regarding the tax increase, citizens may contact NORTH DAVIS FIRE DISTRICT at 801-525-2851.
RESOLUTION NO. 2017R-07

A RESOLUTION REQUESTING THAT THE CLEARFIELD CITY COUNCIL AS GOVERNING BODY ADOPT A RESOLUTION CERTIFYING A TAX RATE FOR THE NORTH DAVIS FIRE DISTRICT TO THE DAVIS COUNTY CLERK-AUDITOR FOR THE 2018 TAXABLE YEAR AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the North Davis Fire District ("District") is a Special Service District created pursuant to and in accordance with the Utah Special Service District Act, §§ 17D-1-101 et seq. Utah Code Annotated, 1953 (the "Act"); and,

WHEREAS, the Clearfield City Council is the Governing Body defined in the Act which initially created the District; and,

WHEREAS, the Governing Body created the Administrative Control Board in accordance with the provisions of § 17D-1-301 of the Act and delegated to the Administrative Control Board the power to act as the Governing Body of the District; and,

WHEREAS, the Governing Body cannot delegate to the Administrative Control Board the power to levy a tax on the taxable property of the District; and

WHEREAS, the Governing Body retains the power and duty to levy a tax on the taxable property of the District; and,

WHEREAS, a Special Tax Election was held in the District on November 8, 2005 at which time the voters of the District authorized assessment of an annual tax at a rate not to exceed .001400 per dollar of taxable value on all taxable property within the District, in addition to all other taxes levied or imposed on such property within the District for the purpose of funding operating expenses and capital improvements and to provide fire protection, emergency medical and ambulance services and consolidated 911 and emergency dispatch services within the District; and,

WHEREAS, the Utah State Tax Commission issued a Decision and Order on September 25, 2012 in Appeal No. 12-2294 interpreting §§92-914(3) Utah Code Annotated, 1953 and approving a certified tax rate for the District in the amount of .001467; and,

WHEREAS, the Administrative Control Board desires to establish a certified tax rate for the 2018 taxable year at a rate of 0.001205; and

WHEREAS, a regular meeting was duly noticed and held accordingly at which time a proposed certified tax rate for the District was considered by the Administrative Control Board;
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH DAVIS FIRE DISTRICT, as follows, to wit:

Section One: DETERMINATION OF CERTIFIED TAX RATE

After review and study of the budgetary needs and requirements of the District and considering approval of the voters within the District at the Special Tax Election and the Decision and Order of the Utah State Tax Commission dated September 25, 2012, the Administrative Control Board has determined that the certified tax rate of 0.001205 on all taxable property lying and being within the corporate boundaries of the North Davis Fire District for the 2018 taxable year is necessary and desirable.

Section Two: REQUEST TO GOVERNING BODY

The Administrative Control Board requests that the Clearfield City Council, as the Governing Body for the North Davis Fire District, adopt a Resolution declaring that the certified tax rate on all property lying and being within the corporate boundaries of the North Davis Fire District for the 2018 taxable year be fixed, set and established as 0.001205. A copy of the proposed Resolution to be adopted by the Governing Authority is attached hereto as Exhibit A.

Section Three: RESOLUTION TO COUNTY OFFICIALS

That upon adoption of the Resolution establishing the certified tax rate by the Governing Body that the City Recorder be authorized and directed forthwith to certify copies of said Resolution and to forward and direct one copy each to the Davis County Clerk-Auditor and the Board of County Commissioners of Davis County.

Section Four: EFFECTIVE DATE

This Resolution shall be effective immediately upon passage and adoption

PASSED AND ADOPTED by the Administrative Control Board of the North Davis Fire District this 6th Day of August 6, 2018.

North Davis Fire District

By: ____________________________

Gary Petersen, Chairman

ATTEST:

Misty Rogers, District Clerk
Davis County

The Board of Trustees for the above special district has set the current year's tax rates as follows:

<table>
<thead>
<tr>
<th>Purpose of Tax Rate (Code from Utah Code Annotated)</th>
<th>Auditor's Tax Rate</th>
<th>Proposed Tax Rate</th>
<th>Maximum By Law</th>
<th>Budgeted Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 Fire Protection §17D-1-105</td>
<td>0.001098</td>
<td>0.001205</td>
<td>voted</td>
<td>2,435,931</td>
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**Total Tax Rate**

<table>
<thead>
<tr>
<th>Auditor's Tax Rate</th>
<th>Proposed Tax Rate</th>
<th>Total Revenue</th>
<th>Budgeted Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.001098</td>
<td>0.001205</td>
<td>$2,435,931</td>
<td></td>
</tr>
</tbody>
</table>

Certification by Taxing Entity

I, Gary Peterson, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: [Signature] Date: 8/6/2018

Title: Chairman Telephone: 801-525-2650

Mailing address: 381 N 3150 W, West Point City UT 84015
Utah State Tax Commission - Property Tax Division
Resolution Adopting Final Tax Rates and Budgets

County: DAVIS
Tax Year: 2018

It is hereby resolved that the governing body of:
NORTH DAVIS FIRE DISTRICT
approves the following property tax rate(s) and revenue(s) for the year: 2018

<table>
<thead>
<tr>
<th>1. Fund/Budget Type</th>
<th>2. Revenue</th>
<th>3. Tax Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 Fire Protection</td>
<td>2,435,931</td>
<td>0.001205</td>
</tr>
<tr>
<td></td>
<td>2,435,931</td>
<td>0.001205</td>
</tr>
</tbody>
</table>

This resolution is adopted after proper notice and hearing in accordance with UCA 59-2-919 and shall be forwarded to the County Auditor and the Tax Commission in accordance with UCA 59-2-813 and 29-2-920.

Signature of Governing Chair

Signature: [Signature] Date: 8/6/2018
Title: Chairman

Friday, August 3, 2018
RESOLUTION 2018R-08

A RESOLUTION APPROVING AND ADOPTING THE FISCAL YEAR 2019 BUDGET FOR THE NORTH DAVIS FIRE DISTRICT FOR THE PERIOD BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 AND APPROPRIATING FUNDS FOR THE PURPOSES SET FORTH THEREIN

WHEREAS, the Administrative Control Board of the North Davis Fire District (hereinafter referred to sometimes as the "District") is required by law to adopt a Budget for the 2019 Budget Year in accordance with the "Uniform Fiscal Procedures for Special Districts Act," §§17B-1-601, et seq., Utah Code Annotated, 1953; and,

WHEREAS, the District Treasurer has heretofore caused to be prepared and submitted to the Administrative Control Board a Final Budget for the North Davis Fire District for the 2019 Budget Year; and

WHEREAS, said Final Budget appears to be in proper form, subject to minor modifications, and appears correctly to set forth the anticipated disbursements and anticipated receipts of the District for the 2019 Budget Year; and,

WHEREAS, a Public Hearing on said Final Budget was duly advertised and held according to law.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Administrative Control Board of the North Davis Fire District that the hereto attached Budget, together with the modifications and adjustments made by the Administrative Control Board after the public hearing, pursuant to authority granted by the provisions of § 17B-1-611, Utah Code Annotated, 1953, be and the same is hereby adopted as the Budget for the District for the 2019 Budget Year and that a copy of said Budget as finally adopted be deposited with the Clerk of Davis County and be available for public review there and in the District Office.

PASSED AND ADOPTED by the Administrative Control Board of the North Davis Fire District this 6th Day of August, 2018.

NORTH DAVIS FIRE DISTRICT

Gary Petersen, Chairman

ATTEST:

Misty Rogers, District Clerk
NORTH DAVIS FIRE DISTRICT
GENERAL FUND
FISCAL YEAR 2018-2019

FINAL BUDGET - DRAFT

Condensed Version
## NORTH DAVIS FIRE DISTRICT

### CAPITAL PROJECT EXPENSES 2018-2019

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
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<td>1</td>
<td>CAPITAL PROJECT EXPENSES</td>
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<tr>
<td></td>
<td><strong>TOTAL</strong></td>
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<td></td>
<td><strong>$39,053.44</strong></td>
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### DESCRIPTION

#### CAPITAL FUND BALANCE

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<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>ENDING FUND BALANCE</td>
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<td>$1,198,868.00</td>
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<tr>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$1,198,868.00</strong></td>
</tr>
</tbody>
</table>

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**Note:**
- Click here to go to revenues.
- Click here to go to expenses.
- Click here to go to capital expenses.

**Page 1**
### NORTH DAVIS FIRE DISTRICT

**DEBT SERVICE BUDGET 2018-2019**

**DESCRIPTION**

**DEBT SERVICE**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
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<tbody>
<tr>
<td>1</td>
<td>ENDING FUND BALANCE</td>
<td>$67,388.00</td>
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**TOTAL** | $67,388.00 |
**USES OF FUNDS**

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<th>DESCRIPTION</th>
<th>ACCT. TOTAL</th>
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<td>2</td>
<td>OVERTIME</td>
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<td>3</td>
<td>PART-TIME EMPLOYEE WAGES</td>
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<td>MERIT PAY</td>
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<td>BOARD WAGES</td>
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<td>F.I.C.A.</td>
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<td>RETIREMENT</td>
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<td>INSURANCE (HEALTH)</td>
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<td>UTAH DISABILITY DEATH BENEFIT</td>
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<td>WORKMANS COMP</td>
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<td>UNEMPLOYMENT</td>
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<td>EMPLOYEE ASSISTANCE PROGRAM</td>
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<td>CLOTHING ALLOWANCE - FULL TIME</td>
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<td>CLOTHING ALLOWANCE - PART TIME</td>
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<td>SUBSCRIPTIONS, MEMBERSHIPS</td>
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<td>TRAVEL AND TRAINING</td>
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<td>EQUIPMENT MAINTENANCE AND SUPPLY</td>
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<td>VEHICLE MAINTENANCE</td>
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<td>COMPUTER MAINTENANCE AND SUPPLY</td>
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<td>22</td>
<td>UTILITIES (GAS, POWER, PHONES)</td>
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<td>23</td>
<td>UCAN CHARGES (RADIO SUPPLY AND MAINTENANCE)</td>
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<td>DISPATCH SERVICES</td>
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<td>SPECIAL DEPARTMENT ALLOWANCE</td>
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<td>GRANT EXPENSES</td>
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<td>LIABILITY INSURANCE (RISK MANAGEMENT)</td>
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<td>COLLECTION CONTRACT (IRIS MEDICAL)</td>
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<td>MEDICAL SUPPLIES</td>
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<tr>
<td>30</td>
<td>MISC. SUPPLIES</td>
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<td>31</td>
<td>PARAMEDIC FEE</td>
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<td>32</td>
<td>MISC. SERVICES</td>
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<td>PROFESSIONAL SERVICES (ACCNT, AUDIT, ATTORNEY)</td>
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<td>MISC. EQUIPMENT</td>
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<td>35</td>
<td>LEASE OBLIGATION</td>
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<td>36</td>
<td>FLEET FUND</td>
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<td>37</td>
<td>TRANSFER TO DEBT SERVICE</td>
<td>$229,826.00</td>
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<td>38</td>
<td>CONTRIBUTIONS TO OTHER GOVERNMENTS (RDA)</td>
<td>$204,382.00</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>$4,368,733.74</strong></td>
</tr>
</tbody>
</table>

**TRANSFER TO CAPITAL PROJECTS BUDGET**

**TOTAL BUDGET WITH TRANSFER TO CAPITAL**

$4,368,733.74
# NORTH DAVIS FIRE DISTRICT
## BUDGET DETAIL SHEET  2018-2019

## REVENUES

<table>
<thead>
<tr>
<th>Revenue Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 AMBULANCE</td>
<td>$1,146,479.68</td>
</tr>
<tr>
<td>2 CONTACT SERVICES (Sunset Service Fee - estimate 6 month)</td>
<td>$190,095.96</td>
</tr>
<tr>
<td>3 EMS PER CAPITA</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>4 EMS COMPETITIVE GRANT</td>
<td></td>
</tr>
<tr>
<td>5 UTAH STATE FORESTRY GRANT</td>
<td></td>
</tr>
<tr>
<td>6 FEMA ASSISTANCE TO FIREFIGHTERS GRANT</td>
<td></td>
</tr>
<tr>
<td>7 FALSE ALARM FEES</td>
<td></td>
</tr>
<tr>
<td>8 IMPACT FEES</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>9 INCIDENT REPORTS</td>
<td></td>
</tr>
<tr>
<td>10 INTEREST INCOME</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>11 INSPECTION FEES</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>12 MISCELLANEOUS SERVICE REVENUES</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>13 USAR AND HAZMAT WAGE REIMBURSEMENT</td>
<td></td>
</tr>
<tr>
<td>14 PERMIT FEES</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>15 PLAN REVIEW FEES</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>16 FIRE PROTECTION UNICORPORATED COUNTY</td>
<td>$1,475.00</td>
</tr>
<tr>
<td>17 FEE IN LIEU OF TAXES AND AGE BASED FEES</td>
<td>$170,264.66</td>
</tr>
<tr>
<td>18 PROPERTY TAXES</td>
<td>$2,586,536.44</td>
</tr>
<tr>
<td>19 PROPERTY TAXES - CONTRIBUTIONS TO OTHER GOV (RDA)</td>
<td>$204,382.00</td>
</tr>
<tr>
<td>20 APPROPRIATION OF FUND BALANCE CAPITAL</td>
<td></td>
</tr>
<tr>
<td>21 TRANSFER IN FROM CAPITAL PROJECTS</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL REVENUES** $4,368,733.74

---

**Misty Rogers:**
INCLUDES AN ESTIMATED $205,615.00 IF PROPERTY TAX REVENUE THAT THE RDA'S IN WEST POINT AND CLEARFIELD WILL RECEIVE. The $205,615.00 received by RDA's must be shown as property tax revenue and then expended out.
### North Davis Fire District

**Budget Detail Sheet 2018-2019**

#### Description

**Permanent Employee Wages**

<table>
<thead>
<tr>
<th>Line</th>
<th>Item Description</th>
<th>Pay Period</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Permanent Employee Wages</td>
<td></td>
<td></td>
<td>$1,627,198.54</td>
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<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$1,627,198.54</strong></td>
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</tbody>
</table>

#### Overtime

<table>
<thead>
<tr>
<th>Line</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit Price</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Overtime</td>
<td></td>
<td>$49,970.25</td>
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<td></td>
<td><strong>Total</strong></td>
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<td><strong>$49,970.25</strong></td>
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</table>

#### Part-Time Employees

<table>
<thead>
<tr>
<th>Line</th>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Part-Time Wages</td>
<td></td>
<td></td>
<td>$301,279.36</td>
</tr>
<tr>
<td>2</td>
<td>Transfer Shifts</td>
<td></td>
<td>$</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$301,279.36</strong></td>
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</table>

#### Merit Pay Increase

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<tr>
<th>Merit Pay Wages</th>
<th>Total Merit</th>
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<tr>
<td>Line 1</td>
<td>Merit Pay</td>
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<td></td>
<td></td>
</tr>
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[Click Here to Return to Uses of Funds]

---

**Page 5**
<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BOARD WAGES</td>
<td>38,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>$ 38,000.00</strong></td>
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**DESCRIPTION**

**F.I.C.A.**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
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<tr>
<td>1</td>
<td>FICA</td>
<td>154,523.12</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>$ 154,523.12</strong></td>
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</table>

**RETIREDMENT**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RETIREMENT</td>
<td>279,300.51</td>
</tr>
<tr>
<td></td>
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<td><strong>$ 279,300.51</strong></td>
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</table>

**INSURANCE**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HEALTH INSURANCE</td>
<td>349,329.05</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>$ 349,329.05</strong></td>
</tr>
</tbody>
</table>

**CLICK HERE TO RETURN TO USES OF FUNDS**

PAGE 6
### UT Disability Death Benefit

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>UT DISABILITY DEATH BENEFIT</td>
<td>$2,470.00</td>
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</table>

### Workmans Comp

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>WORKMANS COMP</td>
<td>$58,000.00</td>
</tr>
<tr>
<td>2</td>
<td>DATA BREACH</td>
<td>$1,185.00</td>
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</table>

Total: $59,185.00

### Unemployment

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>UNEMPLOYMENT</td>
<td>$ -</td>
</tr>
</tbody>
</table>

Total: $ -

### Bank Charges

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BANK CHARGES</td>
<td>$4,890.00</td>
</tr>
</tbody>
</table>

Total: $4,890.00

[CLICK HERE TO RETURN TO USES OF FUNDS]

PAGE 7
# NORTH DAVIS FIRE DISTRICT
## BUDGET DETAIL SHEET 2018-2019

### DESCRIPTION
EMPLOYEE ASSISTANCE PROGRAM (EAP)

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EMPLOYEE ASSISTANCE PROGRAM</td>
<td>$2,880.00</td>
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</table>

### CLOTHING ALLOWANCE (FULL-TIME)

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FULL-TIME FIREFIGHTERS - CLOTHING ALLOWANCE</td>
<td>$24,087.50</td>
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</tbody>
</table>

Note (20 firefighters at 12 months of clothing allowance)

### CLOTHING (PART-TIME)

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PART-TIME CLOTHING ALLOWANCE</td>
<td>$5,200.00</td>
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</table>

### SUBSCRIPTIONS, MEMBERSHIPS

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SUBSCRIPTIONS AND MEMBERSHIPS</td>
<td>$14,449.00</td>
</tr>
</tbody>
</table>

[CLOSE HERE TO RETURN TO USES OF FUNDS]

PAGE 8
## NORTH DAVIS FIRE DISTRICT

### BUDGET DETAIL SHEET 2018-2019

**DESCRIPTION**

**TRAVEL AND TRAINING**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TRAVEL AND TRAINING</td>
<td>$ 54,475.00</td>
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</tbody>
</table>

**OFFICE SUPPLIES**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>OFFICE SUPPLIES</td>
<td>$ 8,500.00</td>
</tr>
</tbody>
</table>

**EQUIPMENT, MAINTENANCE AND SUPPLY**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EQUIPMENT, MAINTENANCE AND SUPPLY</td>
<td>$ 39,467.00</td>
</tr>
</tbody>
</table>

**VEHICLE MAINTENANCE**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>VEHICLE MAINTENANCE</td>
<td>$ 86,954.00</td>
</tr>
</tbody>
</table>

**CLICK HERE TO RETURN TO USES OF FUNDS**

PAGE 9
## NORTH DAVIS FIRE DISTRICT

**BUDGET DETAIL SHEET 2018-2019**

### DESCRIPTION

#### COMPUTER MAINTENANCE AND SUPPLY

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>COMPUTER MAINTENANCE AND SUPPLY</td>
<td>$22,944.00</td>
</tr>
</tbody>
</table>

$22,944.00

### UTILITIES

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>UTILITIES</td>
<td>$72,981.00</td>
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</table>

$72,981.00

### 800 COMMUNICATION (RADIO MAINTENANCE AND SUPPLY)

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>800 COMMUNICATION</td>
<td>$2,000.00</td>
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</table>

$2,000.00

### DISPATCH SERVICES

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION (CLFD)</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DISPATCH SERVICES (CLFD)</td>
<td>$85,000.00</td>
</tr>
</tbody>
</table>

$85,000.00

[CLICK HERE TO RETURN TO USES OF FUNDS](#)
### NORTH DAVIS FIRE DISTRICT

**BUDGET DETAIL SHEET 2018-2019**

#### DESCRIPTION

**SPECIAL DEPARTMENT ALLOWANCE**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SPECIAL DEPARTMENT PURCHASES</td>
<td>$22,885.00</td>
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\[ Total: $22,885.00 \]

#### GRANT EXPENSES

<table>
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<th>AMOUNT</th>
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<tbody>
<tr>
<td>1</td>
<td>GRANT EXPENSES</td>
<td>-</td>
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</table>

\[ Total: $- \]

#### LIABILITY INSURANCE

<table>
<thead>
<tr>
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<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>LIABILITY INSURANCE (Fred A. Moreton)</td>
<td>$76,122.00</td>
</tr>
</tbody>
</table>

\[ Total: $76,122.00 \]

#### COLLECTION CONTRACT

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>COLLECTION CONTRACT IRIS MEDICAL</td>
<td>$74,400.00</td>
</tr>
<tr>
<td></td>
<td>HEALTH CARE FINANCE ASSESSMENT</td>
<td>$43,239.00</td>
</tr>
</tbody>
</table>

\[ Total: $117,639.00 \]

[CLICK HERE TO RETURN TO USES OF FUNDS]
# NORTH DAVIS FIRE DISTRICT
## BUDGET DETAIL SHEET 2018-2019

**DESCRIPTION**

**MISC. SUPPLIES**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MISC. SUPPLIES</td>
<td>$ -</td>
</tr>
</tbody>
</table>

**MEDICAL SUPPLIES**

<table>
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<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>1</td>
<td>MEDICAL SUPPLIES</td>
<td>$ 44,750.00</td>
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**MISC. SERVICES**

<table>
<thead>
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<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>MISC SERVICES</td>
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</table>

**PARAMEDIC PAYMENTS**

<table>
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<th>AMOUNT</th>
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<tbody>
<tr>
<td>1</td>
<td>PARAMEDIC PAYMENTS</td>
<td>$ 51,600.00</td>
</tr>
</tbody>
</table>

[CLICK HERE TO RETURN TO USES OF FUNDS]

PAGE 12
# NORTH DAVIS FIRE DISTRICT

## BUDGET DETAIL SHEET  2018-2019

**DESCRIPTION**

**PROFESSIONAL SERVICES**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>PROFESSIONAL SERVICES</td>
<td>$ 66,185.00</td>
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**MISC. EQUIPMENT**

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<tbody>
<tr>
<td>1</td>
<td>MISC. EQUIPMENT</td>
<td>$ 35,100.00</td>
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<td></td>
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<td><strong>$ 35,100.00</strong></td>
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**RETURN TO USES OF FUNDS**

PAGE 13
## NORTH DAVIS FIRE DISTRICT
### BUDGET DETAIL SHEET 2018-2019

#### DESCRIPTION

**LEASE OBLIGATIONS**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>1</td>
<td>2009 CRIMSON LADDER TRUCK - INTEREST</td>
<td>$7,780.70</td>
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<tr>
<td>2</td>
<td>2009 CRIMSON LADDER TRUCK - PRINCIPAL</td>
<td>$62,209.89</td>
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<tr>
<td>3</td>
<td>2015 Pierce Velocity - Rescue Engine 41 - INTEREST</td>
<td>$13,904.83</td>
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<tr>
<td>4</td>
<td>2015 Pierce Velocity - Rescue Engine 41 - PRINCIPAL</td>
<td>$53,074.04</td>
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<td></td>
<td></td>
<td><strong>$136,969.46</strong></td>
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**DEBT SERVICE ON STATION 41**

<table>
<thead>
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<th>LINE</th>
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<th>AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>DEBT SERVICE ON STATION 41</td>
<td>$229,826.00</td>
</tr>
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<td><strong>$229,826.00</strong></td>
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**FLEET FUND**

<table>
<thead>
<tr>
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<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>1</td>
<td>FLEET FUND</td>
<td>$80,000.00</td>
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<td><strong>$80,000.00</strong></td>
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**TRANSFER TO CAPITAL BUDGET**

<table>
<thead>
<tr>
<th>LINE</th>
<th>ITEM DESCRIPTION</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TRANSFER TO CAPITAL BUDGET</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>DIFFERENCE BETWEEN REVS AND EXPS</td>
<td>-</td>
</tr>
</tbody>
</table>

**RETURN TO USES OF FUNDS**

PAGE 14
TO: Mayor Shepherd and City Council Members  
FROM: Brad McIlrath, Senior Planner  
MEETING DATE: August 14, 2018  
SUBJECT: Discussion Item – FSP 1807-0003, 5-Lot Subdivision for the Clearfield Junction mixed use project.

### DESCRIPTION / BACKGROUND

<table>
<thead>
<tr>
<th><strong>Project Information</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Name</strong></td>
<td>Clearfield Junction Subdivision</td>
</tr>
<tr>
<td><strong>Site Location</strong></td>
<td>52 S. Main St., 17, 75, &amp; 101 N. Main St.</td>
</tr>
<tr>
<td><strong>Tax ID Number</strong></td>
<td>12-020-0143, 12-020-0018, 12-020-0020, 12-020-0021, 12-020-0022, &amp; 12-020-0075</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Donovan Gilliland</td>
</tr>
<tr>
<td><strong>Owner</strong></td>
<td>Clearfield City &amp; Clearfield Junction LLC</td>
</tr>
<tr>
<td><strong>Proposed Actions</strong></td>
<td>Preliminary and Final Subdivision Approval</td>
</tr>
<tr>
<td><strong>Current Zoning</strong></td>
<td>T-R, Town Residential &amp; CV, Civic</td>
</tr>
<tr>
<td><strong>Land Use Classification</strong></td>
<td>Vacant</td>
</tr>
<tr>
<td><strong>Gross Site</strong></td>
<td>6.96 Acres</td>
</tr>
</tbody>
</table>

![Map of the Clearfield Junction Subdivision](image-url)
BACKGROUND
Donovan Gilliland is requesting preliminary and final subdivision plat approval for the proposed 5-Lot subdivision titled Clearfield Junction. This proposed subdivision will rearrange the existing properties at this location and rededicate property lines and utility easements for future phased development. The proposed development includes two (2) mixed use buildings to the north on Lots 1 and 2, and two (2) multi-family residential buildings to the south and rear of the project on Lots 3 and 4. Property for the future development of a County Library will be provided with Lot 3 at the corner of State Street and Center Street.

PRELIMINARY AND FINAL SUBDIVISION PLAT REVIEW
Public Works, North Davis Fire District, and Engineering have done an initial review of the subdivision and provided comments. The City Engineer provided his most recent review dated 12 July 2018 which is attached to this report. The letter addresses the plat and also the preliminary site plan review. The plat will need to be revised and resubmitted to the City Engineer for completeness prior to printing a Mylar and obtaining signatures for recording. Comments provided by the Fire District address the site plan and fire flows for development.

To facilitate shared parking and access the subdivision provides a shared parking, access and utility easement in the areas of the future parking area. The easement is currently designated as an access easement and will need to be relabeled as a shared parking, access and utility easement. A ten foot (10’) wide utility easement will be placed around the perimeter of each lot and the subdivision will include a five foot (5’) right-of-way dedication along Main Street. Lots 4 and 5 will not have direct access to Main Street, but will have access by way of the shared parking, access and utility easement.

CONDITIONS OF APPROVAL

1) Plans shall be revised to address Clearfield City Engineering requirements prior to the submittal and recording of the Final Subdivision Plat.

2) The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surrounding the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.

3) Future development of these properties shall comply with the development standards outlined in the Downtown Form Based Code.
4) An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in Clearfield City Code 12-4-6.

LIST OF ATTACHMENTS

1. Subdivision Plat
2. Concept Site Plan
3. Engineering Review Letter dated 12 July 2018
4. North Davis Fire District Review Letter dated 17 July 2018
12 July 2018

Clearfield City
55 South State Street
Clearfield City, Utah  84015

Attn:  Spencer W. Brimley, Development Services Manager
Proj:  Clearfield Junction Subdivision
Subj:  Plat & Preliminary Site Plan Drawing - Review #1

Dear Spencer,

Attached for consideration is my engineering review of the above referenced project. The following items will need to be considered and addressed prior to receiving recommended approval from our office.

**General Note:**

1. An electronic copy of the Plat and full Site Plan drawings and details must be submitted to the Public Work Department via our office for record keeping upon design completion and prior to approval of the Plat and Site Plan drawings from our office.

2. Please request the Developer or his Engineer, submit a response letter with their re-submittal of drawings answering all Engineering review comments contained herein.

**Plat**

1. The Plat drawing is somewhat preliminary and needs the following corrections and additional data.

   - The Plat does not closure per City standards – this must be resolved.
   - There are errors in the “Boundary Description” and references to recorded documents which need to be identified in the description.
   - There is a reference to an offset from centerline of 50-feet which needs the “feet” added to the number 50.
   - The “North Arrow” is missing.
• Main Street should also be labeled as noted by Utah Department of Transportation. That being SR-114.
• The “Curve Table” as numerous errors which need to be corrected.
• The “Narrative” description needs to be reviewed and miscellaneous corrects made.
• A note should be placed on the plat stating what is being dedicated to Utah Department of Transportation.
• Several “Notes” on the drawing are incomplete and need to be finished.
• The right-of-way width for “Center Street” should be shown on the Plat as well the intersection.

Preliminary Site Plan Drawings

1. Notes need to be placed on the Site Plan improvement drawings indicating all deteriorated, damaged or missing surface improvements surrounding the perimeter of the development and on-site be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, landscaping replacement, site lighting, dumpster screening, concrete improvement, etc.

2. A Geotechnical Report will need to be submitted for review with pavement design and all the typical study items discussed and recommended.

3. Storm Drainage Issues:

• The site Storm Water calculations will need to be submitted for review.

• A “Drainage Plan” needs to be prepared and submitted – Showing all elevations, finish floor, grades, dimensions, finish contours, and location of all piping – diameter, inverts, materials and slopes, inlet boxes and grates, directional arrow indicators of storm water run-off flow from the parking area, cast-in-place boxes, special details, a storm water management plan and other general items.

• The City prefers open storm water detention storage; on this site open detention storage is going to be a major consideration.

   The reasons the City prefers open storage is as follows:

   i. Open storm water detention will save thousands of dollars for the Developer over an underground system and will reduce maintenance costs.
   ii. Open storm water detention saves considerable time to the City during inspection.
   iii. Open storm water detention is very easy to monitor by the Owner & the City storm water staff.
• The detention basin location-storage on site needs to be determined and shown on the drawings along with contours, landscaping materials, basin volume, and an outlet control structure with orifice control tied to an overflow spillway, 12” freeboard berm, inlet & outlet piping, roof drainage piping to the detention basin, etc.

• Evidence that emergency storm water overflow can be discharged safely off-site is required.

4. The following Site Grading Issues need to be resolved and need to be submitted for review:

• Submit a “Site Grading Plan” – Show all proposed facilities, show existing and finish contours, details and widths of all improvements, spot elevations over the site, new curbs & walls with finish elevations, site grades across the hard surfacing and along the curb & gutters, dumpster facilities locations and dumpster details, parking stalls, signs and other.

5. The following “Traffic” Issues need to be considered and solutions submitted.

• Written UDOT approval for the driveway location and width needs to be submitted.

• It appears a second driveway is being considered from the “North”. I would recommend that two (2) driveways be considered for proper flow of traffic.

• Retail delivery to the shops should be considered and provided from the westerly side of the future buildings and not be allowed along State Street.

• Enlarging the sidewalk should be considered because the parking of cars and trucks will overhang the smaller sidewalks.

• Snow storage and stacking of snow should be addressed and provided for.

• The “Library” driveway exits too close to the State Street driveway approach and would function considerably better if moved to the West.

6. A “Utility Plan” needs to be prepared and submitted – Location of all utilities, i.e., culinary water piping and meters, slopes and materials for all pipes, connection details, grease sediment vault and sampling sanitary sewer manhole, electrical service lines, natural gas piping, communications lines, location of other piping and conduits, irrigation water connections and backflow devices and details as required. The oil, grit, water separator needs to be sized and the details for that sized vault needs to be included in the drawings for the retail spaces.

• The floor plan drawings need to indicate where kitchens, laundry rooms will be located.
The culinary water supply & meters will need to be sized for all the uses shown on the drawings. The developers engineer will need to submit water usage calculations for a peak day sizing of the culinary water supply demand.

7. Site Landscaping Plan – A minimum of 10% must be designed and then installed on-site. All landscaping types must be called out on the plans, and the plans need to show all areas to be irrigated, backflow device location and details as it relates to the location with the City culinary water lines and connection details. The park strip area between the curb & gutter and the sidewalk should also be landscaped with maintenance by the property owner. The detention basin should be landscaped with sod for ease in maintenance, complete with irrigation.

8. All construction details for all site improvements need to be included on the site plan drawing; i.e., repairs to existing asphalt paving and roadbase with the depths and location, parking lot striping (color & width of strips, handicap parking, pavement parking, signs and access ramps, curb & gutter, flatwork, concrete sidewalks, thickened edge sidewalk, walls, gates and fences, etc.

9. The location of all site lighting and business signs will need to be shown on the drawings.

We would be happy to meet with the Developer and/or his Engineer to review the above items should they have any questions.

Sincerely,

CEC, Civil Engineering Consultants, PLLC.

N. Scott Nelson, PE.
City Engineer

Cc. Scott Hodge, Public Works Director
    Kamilla Schultz, Staff Engineer
    Brad McIIrath, Senior Planner
    Michael McDonald, Building Official
TO: Spencer Brimley/ Brad McIlrath/ Donovan Gilliland
FROM: John Taylor / Fire Marshal
RE: Clearfield Junction

DATE: July 17, 2018
I have reviewed the plan submitted for the Clearfield Junction. The Fire Prevention Division of this Fire District has the following comments/concerns.

1. The minimum fire flow requirement is 1500 gallons per minute for 60 consecutive minutes for residential one and two family dwellings. Fire flow requirements may be increased for residential one and two family dwellings with a building footprint equal to or greater than 3,600 square feet or for buildings other than one and two family dwellings. Provide documentation that the fire flow has been confirmed through the Clearfield City water dept.

2. Fire hydrants and access roads shall be installed prior to construction of any buildings. All hydrants shall be placed with the 4 ½” connections facing the point of access for Fire Department Apparatus. Provide written assurance that this will be met. The plan submitted to me on July 12 showing the 3 additional and one future hydrant is acceptable. The future hydrant shall be installed during the construction of the new proposed County Library or building constructed on that area.

3. Prior to beginning construction of any buildings, a fire flow test of the new hydrants shall be conducted to verify the actual fire flow for this project. The Fire Prevention Division of this Fire District shall witness this test and shall be notified a minimum of 48 hours prior to the test.

4. All fire apparatus access roads shall be a minimum all-weather, drivable and maintainable surface. There shall be a minimum clear and unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end roads created in excess of 150 feet in length shall be provided with an approved turn-around. The choke point in the curbing between 2 parking areas (noted on plan is acceptable as drawn on plan submitted on 7/12/2018. The fire access location between proposed project and Walt’s Service station is acceptable as long as the area is kept accessible on both sides of the property line, free to vehicles, snow accumulations and other debris. Signage must be installed on both sides of the property line advising fire lane as outlined in the IFC Appendix D.
5. An application and review fee for this project is due to our office prior to the issuance of a formal approval by the North Davis Fire District.

These plans have been reviewed for Fire District requirements only. Other departments must review these plans and will have their requirements. This review by the Fire District must not be construed as final approval from Clearfield City.
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 14, 2018
SUBJECT: Discussion Item – RZN 1807-0001, Rezone request for property located at 788 South 2000 East to rezone property from C-2 (Commercial) to D-R (Downtown Redevelopment).

DESCRIPTION / BACKGROUND

This property is located north of the AAA office building and east of the Sundowner Condominiums community along State Route 193. The property and surrounding properties are zoned C-2 (Commercial) which allows for the current office and commercial uses in the area. The applicants intend on developing a mixed use project at this location which would include high density residential and a commercial office space. The property located on the corner of SR 193 and University Park Boulevard would also be included in the future development as a gas station and convenience store. A rezone of the property is not needed for the development of that site with that type of use as gas stations and convenience stores are permitted in the C-2 zone. Whereas, the mixed use development is not permitted in the C-2 zone and is appropriate in the D-R zone.

General Plan
The Future Land Use Map of the Clearfield City General Plan designates this property and other properties to the south of this area as Mixed Use (See attached Future Land Use Map).

Public Comment
Property notices were posted on the property and mailed July 19, 2018. A legal ad for the rezone was posted in the newspaper on July 22, 2018. As of the date of this report, Staff has not received any public comment.

PLANNING COMMISSION RECOMMENDATION

On August 1, 2018 the Planning Commission recommended approval of the proposed rezone from C-2 to D-R. Members of the Planning Commission expressed concerns regarding multi-family development that was not within the downtown corridor and adding more apartments to the community when it was their impression that the City is moving away from apartments of this type. There were concerns as well about this project not actually being a mixed-use development as encouraged by the General Plan. Staff and the applicant were able to explain the horizontal mixed-use design of this project and the site constraints that make the property
difficult to development as a commercial, retail, or office center alone. Due to the grade changes and limited access from SR 193, the residential development pattern with an office along University Park Boulevard would work the best. Staff further explained that the D-R zone required a development agreement and that additional conditions to address pedestrian connections could be required. After further discussion, the Planning Commission voted to forward a recommendation of approval with a unanimous vote.

**GENERAL PLAN ANALYSIS**

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>Goal 1 of the Land Use Element states “Maintain consistency between the City’s Land Use Ordinance and the General Plan.” The General Plan designates this area as “Mixed Use.” This rezone is consistent with the General Plan.</td>
</tr>
<tr>
<td>Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>The General Plan encourages zone changes to provide for the highest and best use of the community and property owners. The proposed rezone is consistent with the surrounding land uses by providing a mix of residential and commercial land uses.</td>
</tr>
</tbody>
</table>

**LIST OF ATTACHMENTS**

- General Plan: Future Land Use Map
- Zoning Map
- Concept Plan & Elevation
CONCEPT PLAN & ELEVATION

BUILDING A NORTH ELEVATION
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 14, 2018
SUBJECT: Discussion Item – RZN 1807-0002, rezone of property located at approximately F Street and 3rd Street in the Freeport Center from M-1 (Manufacturing) to P-F (Public Facilities).

DESCRIPTION / BACKGROUND

These properties are located at the west-central area of the Freeport Center and north of the Davis School District bus parking area. Utility Trailer is located to the west of the subject properties. The water tanks located here provide water for Syracuse City. Due to growth demands, Syracuse City is in need of replacing the existing towers with newer larger towers. To do so, Syracuse City needs additional land and will be performing a lot line adjustment with a portion of the property to the east of the water tower property in order to have a larger buildable area. As part of this project, Syracuse City would like to rezone the project area to the Public Facilities (P-F) zone to better accommodate the expansion of the public facilities at this location. The rezone of the property will allow for greater flexibility and greater heights for the towers subject to conditional use permit approval. The rezone would also be more consistent with the land use of the property as a public facility.

General Plan

The future land use map of the Clearfield City General Plan designates this parcel and the surrounding area as Manufacturing. Although not designated as Public Facilities, the future land use map does not designate any properties as Public Facilities. On page 6 of the General Plan, the Public Facilities zone is identified as an appropriate zone for: churches, schools, public buildings, open space, parks, public utilities, and public owned properties for related uses. As a property that provides a public utility, it is appropriate for this property to be rezoned to the Public Facilities (P-F) zone.

Public Comment

Property notice and mailed notices were posted and mailed on July 19, 2018. As of the date of this report, Staff has not received any public comment.

PLANNING COMMISSION RECOMMENDATION

On August 1, 2018 the Planning Commission forwarded a recommendation of approval for the proposed rezone from M-1 to P-F. At the same meeting, the Planning Commission reviewed the subdivision to combine property from the adjacent property and reviewed the conditional use permit and site plan request for the expansion of the facility. Syracuse City will expand the secondary water reservoir, demolish the existing secondary water tower, convert the existing culinary water tower to the secondary water tower, and construct two (2) new three million gallon water tanks to a height of 110 feet. The height of the new towers will match that of the existing culinary tower which will be converted to a secondary water tower.
As part of the P-F zone, there is a landscaping requirement of 15% and all landscaping must comply with landscaping standards outlined in Section 11-13-23 of the Clearfield Municipal Code. Syracuse City is seeking a modification to the landscaping standards through development agreement, which is allowed by code. Due to the characteristics of the site, they would like to maintain existing landscaping but not be required to provide the full 15% or add any additional landscaping. As a condition of the Planning Commission’s approval of the Conditional Use Permit and Site Plan for the facility, Syracuse City will need to work with the Clearfield City Council on a development that addresses the landscaping for this site. The Planning Commission recommends that the development agreement allow that no additional landscaping be added to the site unless otherwise determined by the City Council.

**GENRAL PLAN ANALYSIS**

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
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<tbody>
<tr>
<td>The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>Goal 1 of the Land Use Element states “Maintain consistency between the City’s Land Use Ordinance and the General Plan.” The General Plan designates this area as “Manufacturing” on the future land use map. However, this rezone would be consistent with the goals and objectives of the General Plan as this property is the location of a public utility.</td>
</tr>
<tr>
<td>Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>Proposed changes to the site make the rezone necessary in order to accomplish the changes needed for this public facility. Through conditional use and site plan approval by the Planning Commission, additional height for the proposed towers may be allowed. Continuation of this property in the M-1 zone would not provide the flexibility needed to provide a larger public utility facility.</td>
</tr>
</tbody>
</table>

**LIST OF ATTACHMENTS**

- General Plan: Future Land Use Map
- Zoning Map
- Site Plan
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 14, 2018
SUBJECT: Discussion Item – FSP 1807-0002, Final Subdivision Plat for Syracuse City to combine a portion of the Davis School District property with TIN: 12-065-0050 to the property to the west with TIN: 12-065-0049.

DESCRIPTION / BACKGROUND

<table>
<thead>
<tr>
<th>Project Information</th>
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<tbody>
<tr>
<td>Project Name</td>
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<tr>
<td>Site Location</td>
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<tr>
<td>Tax ID Number</td>
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<tr>
<td>Applicant</td>
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<tr>
<td>Owner</td>
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<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Land Use Classification</td>
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<tr>
<td>Gross Site</td>
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</table>

![ZONING/LOCATION MAP](image-url)
BACKGROUND
Noah Steel, on behalf of Syracuse City is requesting preliminary and final subdivision plat approval for the proposed lot line adjustment at this location. Syracuse City has purchased a portion of the land east of the existing parcel (TIN: 12-065-0049) from the Davis School District. This purchase is to expand the water tower site and construct two new water towers to service Syracuse City. The existing Syracuse City water tower site is 2.85 acres. The additional land purchased from the school district is 2.445 acres. With this combination, the new/expanded parcel (TIN: 12-065-0049) will have a total area of 5.295 acres. To perform this combination, the applicants are proposing a new 1 lot subdivision (Water Tower Subdivision) to delineate the new property lines and easements.

SUBDIVISION PLAT REVIEW
A preliminary and final subdivision review has been completed by Clearfield City staff and the applicable agencies. The City Engineer has noted corrections with a review letter dated 13 July 2018 which is attached to this report. The review letter also includes revisions needed for the site plan review of the new towers. The North Davis Fire District and the North Davis Sewer District do not have concerns regarding the project. Engineering corrections will need to be addressed and plans resubmitted for completeness prior to the recordation of the final plat.

PLANNING COMMISSION RECOMMENDATION
On August 1, 2018 the Planning Commission recommended approval of the final subdivision plat to the property line adjustment. No concerns regarding this action were presented by the commission.

CONDITIONS OF APPROVAL

1) Plans shall be revised to address Clearfield City Engineering requirements prior to the submittal and recording of the final subdivision plat. Corrections include but are not limited to:
   a. Provision of 10’ public utility easement around perimeter of subdivision; and
   b. Notation of right-of-way for railway line along the easterly side of the subdivision.

LIST OF ATTACHMENTS

1. Final Subdivision Plat
2. Site Location Map of Acquired Property
3. Engineering Review Letter dated 13 July 2018
Syracuse City
12-065-0049
2.85 Acres

2.445 Acres to be purchased from 12-065-0050 and combined with 12-065-0049

Davis School District
12-065-0050
12.99 Acres
13 July 2018

Clearfield City
55 South State Street
Clearfield City, Utah 84015

Attn: Spencer W. Brimley, Development Services Manager
Proj: Water Tower Subdivision
Subj: Plat & Preliminary Site Plan Drawing - Review #1

Dear Spencer,

Attached for consideration is my engineering review of the above referenced project. The following items will need to be considered and addressed prior to receiving recommended approval from our office.

General Note:

1. An electronic copy of the Plat and Site Plan drawings and details must be submitted to the Public Work Department via our office for record keeping upon design completion and prior to approval of the Plat and Site Plan drawings from our office.

2. Please request the Developer or his Engineer, submit a response letter with their re-submittal of drawings answering all Engineering review comments contained herein.

Plat

1. The Plat drawing needs the following corrections and additional data.

   - The Plat does closure per Clearfield City standards.
   - Along the easterly side of the subdivision perimeter boundary line there is a set of railroad tracks. The right-of-way for the tracks needs to be shown on the Plat along with the railroad ownership and railroad right-of-way width.
   - Normally a 10’ public utility easement (PUD) is required around the entire perimeter of the Subdivision. The 10’ public utility easement (PUD) is not shown along the westerly side of the subdivision perimeter. This should be corrected.
• All property corners should be shown on the Plat drawing with a larger solid circle. Only one (1) property corner has been shown along the northerly perimeter boundary. The “Legend” states to set the corners, but the legend symbol does not match what is shown and corners to be set are missing.
• The southerly two (2) bearings along the boundary are the same bearing, yet with different distances. I would suggest combining the distances and have only one bearing/distance.
• Typically, we like to see the subdivision square footage in acres & square feet. Only the acreage has been shown. This should be corrected.
• Under the “Owner Certification” the person(s) signing the Plat needs their name printed under the signature line. It may be the Mayor signing the Plat with the City Recorder attesting the Mayor’s signature. This should be corrected.

Preliminary Site Plan Drawings

1. Notes need to be placed on the Site Plan improvement drawings indicating all deteriorated, damaged or missing surface improvements surrounding the perimeter of the development and on-site be replaced or installed; i.e., curb and gutter, sidewalk, landscaping park strip improvements, asphalt patching, landscaping replacement, site lighting, dumpster screening, concrete improvement, etc.

2. A Geotechnical Report should be submitted for review with the foundation design and all the typical study items discussed and recommended. I recognize that Syracuse City will have this completed for the Tank design.

3. Storm Drainage Issues:
   • How will the site Storm Water be collected, stored and discharged?

We would be happy to meet with the City Engineer to review the above items should they have any questions.

Sincerely,
CEC, Civil Engineering Consultants, PLLC.

N. Scott Nelson, PE.
City Engineer

Cc. Scott Hodge, Public Works Director
Kamilla Schultz, Staff Engineer
Brad McIlrath, Senior Planner
Michael McDonald, Building Official
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 14, 2018
SUBJECT: Discussion Item – ZTA 1806-0007, M-1 Zone and Single Family Residential Attached Use

DESCRIPTION / BACKGROUND

Background
The applicant is requesting the zoning text amendment in order to allow a property that has an existing residence and auto repair shop to coexist in the M-1 zone. According to the applicant, the joint use was previously allowed prior to a sewer line flood that caused a disruption in that activity. After working with staff on options to pursue, Mr. Porter has proposed the following ordinance language.

Planning Commission Review
The Planning Commission reviewed the request on August 1, 2018 and forwarded a recommendation of denial to the City Council.

Proposed Ordinance Changes
The applicant is requesting the following changes to the code:

Single-family residential dwelling is allowed in the M-1 zone under the following conditions:

1. The residence is limited to one dwelling unit.
2. The residence must be attached to a commercial building; can be horizontal and/or vertical.
3. The total (combined) square footage (of the residence and commercial use) cannot exceed 10,000 square feet.
4. The residential unit shall not exceed 50% of the total square footage.
5. The building (attached residence) must have existed prior to 1999.

General Plan
The Goals and Policies of the Land Use Element of the Master Plan relate to the ordinance amendment being proposed. Specifically Goal 1, “Maintain consistency between the City’s Land Use Ordinance and General Plan.” The policy for that goal states that the city, “continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan.” Implementation Measure 2 states that Clearfield City should evaluate the efficacy of existing zones and make amendments as necessary.

This proposal should consider the efficacy of the M-1 zone and whether or not the allowance of any residential in the industrial zone should be permitted. By allowing residential in the M-1 zone does this increase the efficacy of the zone to promote commercial and manufacturing uses? In other
communities uses similar to this are allowed on a limited basis with development standards. Some communities allow light manufacturing or industrial uses in a mixed use areas subject to size, and other development standards.

Public Comment
Public notice was posted on July 22, 2018. No public comment has been received to date.

FINDINGS

Zoning Ordinance Text Amendment
Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>The proposed text amendment is inconsistent with the General Plan. The General Plan does not encourage the expansion of the M-1 zone, nor does it encourage the addition of residential to that zone. There are areas currently zoned M-1 that are designated to be changed to a Business Park designation. The Business Park zone has yet to be created.</td>
</tr>
<tr>
<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>A mix of industrial and residential uses is increasing as a viable alternative to operate a business and live within close proximity of that business.</td>
</tr>
</tbody>
</table>
TO: Mayor Shepherd and City Council Members
FROM: Spencer W. Brimley, Community Development Director
MEETING DATE: August 14, 2018
SUBJECT: Discussion Item - ZTA 1807-0005, Wireless Communications Facility Ordinance

DESCRIPTION / BACKGROUND

Description
ZTA 1807-0005 is a zoning text amendment by Clearfield City 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. The Community Development Department is proposing a new ordinance regulating the installation of Wireless Communities Facilities (WCF) in the City, as required by recent requirements approved by the Utah State Legislature.

Background
In March of 2018, the Utah State Legislature 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 right-of-way. Previous antennas and equipment had been installed by the various carriers on private property. WCFs are composed of smaller equipment which is intended to increase the data capacity in an area, but not boost the radio signal of cellular wireless. The wireless industry has seen almost unmanageable increases in the demand for use of data, and WCF technology is the industry’s response. Although smaller and less obtrusive, WCFs will need to be more numerous than traditional wireless facilities like rooftop antennas and cellular monopole sites on private property.

Staff has been made aware of those who are interested in providing and installing this wireless technology in the City, but has not received any applications pursuant to this issue. The State Legislature’s action this year has necessitated some changes to the current City ordinance, and moved up the time-table for adoption. Staff has reviewed adopted ordinances from Murray, Midvale, West Jordan and Cottonwood Heights. Staff believes a proposal along the lines of the attached codes is consistent with standards outlined by State Statute, and will be of benefit to the city.

Planning Commission Review
The Planning Commission, at their meeting on August 1, 2018 forwarded a recommendation of APPROVAL to the City Council for ZTA 1807-0005, a zoning text amendment by Clearfield City 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, based on the findings and discussion in the Staff Report.
ANALYSIS

General Plan
The requested code is consistent with the General Plan and allows the city to appropriately regulate and mitigate potential impacts to new wireless technologies with Clearfield City rights of way. Failure to adopt a code, by the City would require the City to adopt regulations passed at the State Legislature. The proposed ordinance balances the requirements of the wireless industry with the goals and objectives of the Clearfield City General Plan and the Land Use Ordinance

Proposed Ordinance Changes
Proposed Land Use Ordinance consists of fourteen (14) sections. Staff has reviewed each subsection very briefly in the following:

1. Declaration of Findings & Intent—Ordinance Scope
2. Defined Terms
3. Wireless Franchise Required
4. Compensation and Other Payments
5. Wireless Franchise Applications
6. Site Applications
7. Construction and Technical Requirements
8. Provider Responsibilities
9. Wireless Franchise & License Transferability
10. Oversight and Regulation
11. Rights of City
12. Obligation to Notify
14. Federal, State and City Jurisdiction

Public Comment
Public notice was provided on July 22, 2018. No public comment has been received to date.

FINDINGS AND CONCLUSION
Zoning Ordinance Text Amendment
Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>The proposed text amendment is consistent with the General Plan. The General Plan encourages the city to adopt regulations that, “Ensure the continued and orderly growth of the City through long-term utility and infrastructure planning…” This request will assist the City in properly regulating WCF that may be installed.</td>
</tr>
<tr>
<td>2) Changed conditions make the</td>
<td>The proposed ordinance is in compliance with Utah State Code and with Federal statutes that regulate</td>
</tr>
</tbody>
</table>
proposed amendment necessary to fulfill the purposes of this Title.

| Wireless Communication Facilities (WCF). The proposed ordinance balances the requirements of the wireless industry with the goals and objectives of the Clearfield City General Plan and the Land Use Ordinance |

**ATTACHMENTS**

DRAFT Ordinance
Chapter 11-13-39
WIRELESS COMMUNICATION FACILITIES

Declaration of Findings and Intent – Ordinance Scope

Findings regarding rights-of-way

A. Clearfield City finds that the rights-of-way within the city:

1. Are critical to the travel and transport of persons and property in the business and social life of the city;

2. Are intended for public uses and must be managed and controlled consistent with that intent;

3. Can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit to the enhancement of the health, welfare, and general economic well-being of the city and its citizens; and

4. Are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities construction, placement, relocation, and maintenance in the rights-of-way.

B. Finding Regarding Compensation. The city finds the right to occupy portions of the rights-of-way for limited times for the business of providing personal wireless services is a valuable use of a unique public resource that has been acquired and is maintained at great expense to the city and its taxpayers, and, therefore, the taxpayers of the city should receive fair and reasonable compensation for use of the rights-of-way.

C. Finding Regarding Local Concern. The city finds that while wireless communication facilities are in part an extension of interstate commerce, their operations also involve rights-of-way, municipal franchising, and vital business and community service, which are of local concern.

D. Finding Regarding Promotion of Wireless Communication Services. The city finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of wireless communication services, on a nondiscriminatory basis, responsive to community and public interest, and to assure availability for municipal, educational and community services.

E. Finding Regarding Franchise Standards. The city finds that it is in the interests of the public to franchise and to establish standards for franchising providers in a manner that:

1. Fairly and reasonably compensates the city on a competitively neutral and nondiscriminatory basis as provided herein;

2. Encourages competition by establishing terms and conditions under which providers may use the rights-of-way to serve the public;

3. Fully protects the public interests and the city from any harm that may flow from such commercial use of rights-of-way;

4. Protects the police powers and rights-of-way management authority of the city, in a manner consistent with federal and state law;

5. Otherwise protects the public interests in the development and use of the city’s
6. Protects the public’s investment in improvements in the rights-of-way; and

7. Ensures that no barriers to entry of providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting personal wireless services, within the meaning of the Telecommunications Act of 1996 (“Act”) (P.L. No. 96-104).

F. Power to Manage Rights-of-Way. The city adopts the wireless communication facility ordinance codified in this chapter pursuant to its power to manage the rights-of-way, pursuant to common law, the Utah Constitution and statutory authority, and receive fair and reasonable, compensation for the use of rights-of-way by providers as expressly set forth by Section 253 of the Act.

Scope of Ordinance

The ordinance codified in this chapter shall provide the basic local framework for providers of wireless services and systems that require the use of the rights-of-way, including providers of both the system and service, those providers of the system only, and those providers who do not build the system but who only provide services. The ordinance codified in this chapter shall apply to all future providers and to all providers in the city prior to the effective date of the ordinance codified in this chapter, whether operating with or without a wireless franchise as set forth in this Title.

Excluded activity

A. Cable TV. This chapter shall not apply to cable television operators or to open video system providers otherwise regulated.

B. Wireline Services. This chapter shall not apply to wireline service facilities.

C. Provisions Applicable. All of the requirements imposed by this chapter through the exercise of the city’s police power and not preempted by other law shall be applicable.

Defined Terms

Definitions

For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The words “shall” and “will” are mandatory, and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

“Antenna” means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that sends or receives digital signals, analog signals, radio frequencies or wireless communication signals.

“Antenna array” means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless communication signals.

“Applicant” means any person engaged in the business of providing wireless communication services or the wireless communications infrastructure required for wireless communications
services and who submits an application.

“Application” means the process by which a provider submits a request and indicates a desire to be granted a wireless franchise or site approval to utilize the rights-of-way of the city. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a provider to the city concerning: the construction of a wireless communication facilities system over, under, on or through the rights-of-way; the personal wireless services proposed to be provided in the city by a provider; and any other matter pertaining to a proposed system or service.

“Backhaul network” means the lines that connect a provider’s towers or cell sites to one or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

“Base station” means a structure or equipment at a fixed location that enables city-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

3. The term includes any structure other than a tower that, at the time the relevant application is filed with the city under this section, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time the relevant application is filed with the state or the city under this section, does not support or house equipment described in this section.

“City” means Clearfield City, Utah.

“Colocation” means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. Except as otherwise allowed by this chapter, the cumulative impact of colocation at a site is limited to no more than six cubic feet in volume for antennas and antenna arrays, and no more than seventeen cubic feet in volume of associated equipment, whether deployed on the ground or on the structure itself. In calculating equipment volume, the volume of power meters and vertical cable runs for the connection of power and other services shall be excluded.

“Construction costs” means all costs of constructing a system, including make ready costs, other than engineering fees, attorney’s or accountant’s fees, or other consulting fees.

“Control” or “controlling interest” means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the system or of a provider. A rebuttable presumption of the existence of control or a controlling interest shall arise from the beneficial ownership, directly or indirectly, by any person, or group of persons acting in concert, of more than thirty-five percent of
any provider (which person or group of persons is hereinafter referred to as “controlling person”). “Control” or “controlling interest” as used herein may be held simultaneously by more than one person or group of persons.

“Distributed antenna system” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

“Eligible facilities request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. Colocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

“Eligible support structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the city under this section.

“Existing” means a tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission, or any successor thereto.

“Franchise” means the rights and obligations extended by the city to a provider to own, lease, construct, maintain, use or operate a wireless communication system in the rights-of-way within the boundaries of the city. Any such authorization, in whatever form granted, shall not mean or include: (1) any other permit or authorization required for the privilege of transacting and carrying on a business within the city required by the ordinances and laws of the city; (2) any other permit, agreement or authorization required in connection with operations on rights-of-way or public property including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the city or a private entity, or for excavating or performing other work in or along the rights-of-way.

“Franchise agreement” means a contract entered into in accordance with the provisions of this chapter between the city and a provider that sets forth, subject to this chapter, the terms and conditions under which a wireless franchise will be exercised.

“In-strand antenna” means an antenna that is suspended by or along a wireline between support structures and is not physically supported by any attachments to a base station, utility support structure, or tower. An in-strand antenna may not exceed three cubic feet in volume. For each in-strand antenna, its associated equipment, whether deployed on the ground or on the structure itself, may not be larger than seventeen cubic feet in volume. In calculating equipment volume, the volume of power meters and vertical cable runs for the connection of power and other services shall be excluded.

“Infrastructure provider” means a person providing to another, for the purpose of providing personal wireless services to customers, all or part of the necessary system which uses the rights-of-way.

“Macrocell” means a wireless communication facility that provides radio frequency coverage served by a high power cell site (tower, antenna or mast). Generally, macro cell antennas are
mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macrocell facilities are typically greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are capable of hosting multiple wireless service providers. For purposes of this chapter, a macrocell is anything other than a small cell or in-strand antenna. In addition to the requirements found in this chapter, a macrocell must comply with the applicable zoning and use requirements as a “telecommunications facility” under Title 11-13-19.

“Operator” means any person who provides service over a wireless communication system and directly or through one or more persons owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

“Ordinance” or “wireless ordinance” means the ordinance concerning the granting of wireless franchises in and by the city for the construction, ownership, operation, use or maintenance of a wireless communication system.

“Person” includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the city.

“Personal wireless services facilities” has the same meaning as provided in Section 704 of the Act (47 U.S.C. Section 332(c) (7) (c)), which includes what is commonly known as cellular services.

“Provider” means an operator, infrastructure provider, reseller, or system lessee.

“PSC” means the Public Service Commission, or any successor thereto.

“Reseller” refers to any person that provides local exchange service over a system for which a separate charge is made, where that person does not own or lease the underlying system used for the transmission.

“Rights-of-way” means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing as such within the city.

“Signal” means any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.

“Site” means the location in the rights-of-way of wireless communication facilities and their associated equipment. In relation to support structures other than wireless communication facilities, site means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

“Small cells” mean compact, low power wireless equipment which contain their own transceiver equipment and function like cells in a wireless network, but provide a smaller coverage area than traditional macrocells. A small cell antenna or antenna array is located inside an enclosure of no more than three cubic feet in volume, or in the case of a small cell antenna or antenna array with exposed elements, the antenna and antenna array and all of its exposed elements fit within an imaginary enclosure of no more than three cubic feet. Small cells may not have more than six cubic feet in volume of antennas or antenna arrays cumulatively. For each small cell, its associated equipment, whether deployed on the ground or on the structure itself, may not be larger than seventeen cubic feet in volume. In calculating equipment volume, the volume of power meters and vertical cable runs for the connection of power and other services shall be excluded. Small cells in the right-of-way are exempt from the requirements of “wireless communications towers” code found under Title 11-13-19.

“Stealth design” means technology or installation methods that minimize the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the
surrounding environment. Examples of stealth design include but are not limited to facilities disguised as utility and light poles, and street furniture.

“Substantial change” means a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 U.S.C. Section 1455(a));

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in subsections (1) through (4) of this definition.

“System lessee” refers to any person that leases a wireless system or a specific portion of a system to provide services.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing (e.g., data, video, and voice), without change in the form or content of the information sent and received.

“Telecommunications service(s)” or “services” means any telecommunications or communications services provided by a provider within the city that the provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the services provided within the city, except that these terms do not include “cable service” as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. Section 521, et seq.), and the Telecommunications Act of 1996.
“Telecommunications system” or “system” means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a provider, located in the rights-of-way and utilized in the provision of services, including fully digital or analog, voice, data and video imaging and other enhanced telecommunications services.

“Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility support structure” means utility poles or utility towers supporting electrical, telephone, cable or other similar facilities; street light standards; or pedestrian light standards.

“Wire” means fiber optic telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

“Wireless communication facilities” or “WCF” means a staffed or unstaffed facility or location or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cell technologies.

**Wireless Franchise Required**

**Nonexclusive wireless franchise**

The city is empowered and authorized to issue nonexclusive wireless franchises governing the installation, construction, operation, use and maintenance of systems in the city’s rights-of-way, in accordance with the provisions of this chapter. The wireless franchise is granted through a wireless franchise agreement entered into between the city and provider.

**Every provider must obtain**

Except to the extent preempted by federal or state law, every provider must obtain a wireless franchise prior to constructing, operating, leasing, or subleasing a wireless communication system or providing personal wireless services using the rights-of-way. The fact that particular telecommunications systems may be used for multiple purposes does not obviate the need to obtain a franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide personal wireless services over the same system, must also obtain a personal wireless franchise.

**Nature of grant**

A wireless franchise shall not convey title, equitable or legal, in the rights-of-way. A wireless franchise is only the right to occupy rights-of-way on a nonexclusive basis for the limited purpose and for the limited period stated in the wireless franchise; the right may not be subdivided, assigned,
or subleased. A wireless franchise does not excuse a provider from obtaining appropriate access or pole attachment agreements before collocating its system on the property of others, including the city’s property. This section shall not be construed to prohibit a provider from leasing conduit to another provider, so long as the lessee has obtained a franchise.

**Current providers**

Except to the extent exempted by federal or state law, any provider acting without a wireless franchise on the effective date of the ordinance codified in this chapter shall request issuance of a wireless franchise from the city within ninety days of the effective date of the ordinance codified in this chapter. If such request is made, the provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a wireless franchise is not granted, the provider shall comply with the provisions under heading “Rights of the City”.

**Nature of wireless franchise**

The wireless franchise granted by the city under the provisions of this chapter shall be a nonexclusive wireless franchise providing the right and consent to install, repair, maintain, remove and replace its system on, over and under the rights-of-way in order to provide services.

**Regulatory approval needed**

Before offering or providing any services pursuant to the wireless franchise, a provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such services from the appropriate federal, state and local authorities, if required, and shall submit to the city upon the written request of the city evidence of all such approvals, permits, authorizations or licenses.

**Term**

No wireless franchise issued pursuant to this chapter shall have a term of less than five years or greater than fifteen years. Each wireless franchise shall be granted in a nondiscriminatory manner.

**Compensation and Other Payments**

**Compensation**

As fair and reasonable compensation for any wireless franchise granted pursuant to this chapter, a provider shall have the following obligations:

A. Application Fee. In order to offset the cost to the city to review an application for a wireless franchise and in addition to all other fees, permits or charges, a provider shall pay to the city, at the time of application, seven hundred dollars as a one-time nonrefundable application fee. The application fee shall also be paid when an amendment is filed with the city.

B. Wireless Franchise Fees. The wireless franchise fee, if any, shall be set forth in the wireless franchise agreement. The obligation to pay a wireless franchise fee shall commence on the effective date of the wireless franchise. The wireless franchise fee is offset by any business license fee or business license tax enacted by the city.

C. Permit Fees. The provider shall also pay fees required for any permit necessary to install and maintain the proposed WCF.

D. Third-Party Experts. Although the city intends for city staff to review applications to the extent feasible, to provide technical evaluations, the city may retain the services of an independent RF expert or engineering consultant of its choice to provide technical evaluations of permit applications.
for WCFs except in-strand antennas. The third-party RF expert shall have recognized training and qualifications in the field of radio frequency engineering or experience in WCF matters. The RF expert’s review may include, but is not limited to: (1) the accuracy and completeness of the items submitted with the application; (2) the applicability of analysis and techniques and methodologies proposed by the applicant; (3) the validity of conclusions reached by the applicant; and (4) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter. The third-party engineering consultant shall have recognized training and qualifications in the field of structural engineering. The engineering consultant’s review may include, but is not limited to: (1) the accuracy and completeness of the items submitted with the application; (2) the applicability of analysis and techniques and methodologies proposed by the applicant; (3) the validity of the conclusions reached by the applicant; and (4) whether the proposed WCF complies with the applicable approval criteria set forth in this chapter. The applicant shall pay the cost for any independent expert/consultant fees through a deposit, estimated by the city, paid within ten days of the city’s request which shall not exceed one thousand dollars per site. When the city requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the city shall refund any unused portion within thirty days after the final permit is released or, if no final permit is released, within thirty days after the city receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the city before the permit is issued.

Timing

Unless otherwise agreed to in the wireless franchise agreement, all wireless franchise fees shall be paid on a monthly basis within forty-five days of the close of each calendar month.

Fee statement and certification

Unless a wireless franchise agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.

Future costs

A provider shall pay to the city or to third parties, at the direction of the city, an amount equal to the reasonable costs and reasonable expenses that the city incurs for the services of third parties (including but not limited to attorneys and other consultants) in connection with any renewal or provider-initiated renegotiation, transfer, amendment, or a wireless franchise; provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations.

Taxes and assessments

To the extent taxes or other assessments are imposed by taxing authorities, other than the city on the use of the city property as a result of a provider’s use or occupation of the rights-of-way, the provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this chapter to the extent permitted by law.

Interest on late payments

In the event that any payment is not actually received by the city on or before the applicable date fixed in the wireless franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent state taxes.

No accord and satisfaction
No acceptance by the city of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the city may have for additional sums payable.

**Not in lieu of other taxes or fees**

The fee payment is not a payment in lieu of any tax, fee or other assessment except as specifically provided in this chapter, or as required by applicable law. By way of example, and not limitation, excavation permit fees are not waived and remain applicable.

**Continuing obligation and holdover**

In the event a provider continues to operate all or any part of the system after the term of the wireless franchise, such operator shall continue to comply with all applicable provisions of this chapter and the wireless franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation; provided, that any such continued operation shall in no way be construed as a renewal or other extension of the wireless franchise, nor as a limitation on the remedies, if any, available to the city as a result of such continued operation after the term, including, but not limited to, damages and restitution.

**Costs of publication**

A provider shall assume any publication costs associated with its wireless franchise that may be required by law.

**Wireless Franchise Applications**

**Wireless franchise application**

To obtain a wireless franchise to construct, own, maintain or provide services through any wireless system within the city’s rights-of-way, to obtain a renewal of a wireless franchise granted pursuant to this chapter, or to obtain the city approval of a transfer of a wireless franchise, as provided in this title, granted pursuant to this chapter, an application must be filed with city.

**Application criteria**

In making a determination as to an application filed pursuant to this chapter, the city may, but shall not be limited to, request the following from the provider:

A. A copy of the order from the PSC granting a certificate of convenience and necessity, if any is necessary for provider’s offering of wireless communication services within the state of Utah;

B. An annually renewed performance bond or letter of credit from a Utah-licensed financial institution in the amount of twenty-five thousand dollars to compensate the city for any damage caused by the provider to the city’s rights-of-way or property during the term of the franchise agreement or the provider’s abandonment of WCFs within a year after the expiration or termination of the franchise agreement;

C. A written statement signed by a person with the legal authority to bind the applicant and the project owner, which indicates the applicant’s agreement to comply with the requirements of this chapter;

D. A copy of the provider’s FCC license or registration, if applicable;

E. An insurance certificate for the provider that lists the city as an additional insured and complies with the requirements of the franchise agreement;
F. A written statement signed by a person with the legal authority to bind the applicant and the project owner, which indicates that the applicant is willing to allow other equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant’s willingness to allow other carriers to collocate on the proposed WCF;

G. A clear and complete description of the applicant’s general approach to minimizing the visual impact of its WCFs within the city. The approach should account for the standards established under this chapter including finished colors, stealth, camouflage, and design standards.

**Wireless franchise determination**

The city, in its discretion, shall determine the award of any wireless franchise on the basis of these and other considerations relevant to the use of the rights-of-way, without competitive bidding.

**Incomplete application**

The city may deny an applicant’s wireless franchise application for incompleteness if:

A. The application is incomplete; and

B. The city provided notice to the applicant that application was incomplete and provided with reasonable specificity the necessary information needed to complete the application; and

C. The provider did not provide the requested information within thirty days of the notice.

**Site Applications**

**Franchise necessary**

Prior to approving a site permit, the applicant must have a valid franchise agreement granted by applicable law.

**Site preference**

When WCFs are to be constructed in the right-of-way, the city’s order of preference for a provider are as follows:

A. To use existing poles;

B. To construct replacement poles in the same or nearly the same location and with such heights as provided in this chapter or in the franchise;

C. To construct new poles.

**Height and size restrictions**

Any proposed pole shall not exceed fifty feet in height. The height of a pole means the vertical distance measured from the base of the pole at grade to the highest point of the structure including the antenna. A lightning rod, not to exceed ten feet in height, shall not be included within pole height. Each antenna or antenna array shall be located inside an enclosure of no more than three cubic feet in volume, or in the case of an antenna or antenna array that have exposed elements, the antenna or antenna array and all of its exposed elements shall fit within an imaginary enclosure of no more than three cubic feet. WCFs may not have more than six cubic feet in volume of antennas.
or antenna arrays cumulatively unless otherwise noted in chapter. For each WCF, associated equipment, whether deployed on the ground or on the structure itself, may not be larger than seventeen cubic feet in volume. In calculating equipment volume, the volume of power meters and vertical cable runs for the connection of power and other services shall be excluded.

**Sidewalks and paths**

Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.

**Equipment**

A. Due to the limited size of the city’s rights-of-way, applicants shall be required to install any WCF equipment according to the following requirements to the extent operationally and technically feasible and to the extent permitted by law. WCF equipment shall be installed either:

1. **On or within the pole.** If the equipment is installed on the pole, the equipment enclosure must be flush with the pole, painted to reasonably match the color of the pole, may not exceed in width the diameter of the pole by more than three inches on either side, the furthest point may not exceed eighteen inches from the pole, and the base must be flush with the grade or, alternatively, the lowest point may not be lower than eight and one-half feet from the grade directly below the equipment enclosure. If the equipment is installed within the pole, no equipment may protrude from the pole except to the extent reasonably necessary to connect to power or a wireline.

2. **Underground.** All underground equipment shall be installed and maintained level with the surrounding grade. To the extent possible, any equipment installed underground shall be located in a park strip within the city’s rights-of-way. If a park strip is unavailable, the provider may install equipment within a city-owned sidewalk within the right-of-way. However, underground equipment installed in a sidewalk may not be located within any driveway, pedestrian ramp, or immediately in front of a walkway or entrance to a building. To the extent possible, underground equipment being located in a sidewalk may not be installed in the center of the sidewalk, but should be installed as close to the edge of the sidewalk as is structurally viable.

3. **On private property in an existing building or in an enclosure.** If equipment is placed on private property, the applicant shall provide written permission from the property owner allowing the applicant to locate facilities on the property. If equipment is placed in an enclosure, the enclosure shall be designed to blend in with existing surroundings, using architecturally compatible construction and colors, and landscaping and shall be located as unobtrusively as possible consistent with the proper functioning of the WCF.

B. As required for the operation of a WCF or its equipment, an electric meter may be installed in accordance with requirements from the electric provider; provided, that the electric meter must be installed in the location that (1) minimizes its interference with other users of the city’s rights-of-way including, but not limited to, pedestrians, motorists, and other entities with equipment in the right-of-way, and (2) minimizes its aesthetic impact.

C. The city shall not provide an exemption to these requirements when there is insufficient room in the right-of-way to place facilities at ground-level and comply with ADA requirements, public safety concerns for pedestrians, cyclists, and motorists, or other articulable public safety concerns.

**Visual impact**

All WCFs shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible within one hundred feet of a site.
and consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be consistent with other uses and improvements permitted in the relevant vicinity.

**Stealth design/technology**

Stealth design is required and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding utility poles, light poles, or other similar support structures in the right-of-way so the WCF is visually unobtrusive. Stealth design requires screening WCFs in order to reduce visual impact. The provider must screen all substantial portions of the facility from view. Such screening should match the color and be of similar finish of the attached support structure. Antennas, antenna arrays, and equipment must be installed flush with any pole or support structure (including antennas or antenna arrays mounted directly above the top of an existing pole or support structure) and the furthest point of an antenna, antenna array, or equipment may not extend beyond eighteen inches from the pole or support structure except if the pole owner requires use of a standoff to comply with federal, state, or local rules, regulations, or laws. Any required standoff may not defeat stealth design and concealment techniques. Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the state.

**Lighting**

Only such lighting as is necessary to satisfy FAA requirements is permitted. White strobe lighting will not be allowed, unless specifically required by the FAA. Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is permitted, as long as it is appropriately down shielded to keep light within the boundaries of the site.

**Signage**

No facilities may bear any signage or advertisement except as permitted herein.

**Site design flexibility**

Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within the rights-of-way. Therefore, the WCF and supporting equipment shall be installed so as to best camouflage, disguise them, or conceal them, to make the WCF more closely compatible with and blend into the setting or host structure, to minimize the visual impact of the WCF, supporting equipment, and equipment enclosures on neighboring properties, or to interfere less with pedestrians, cyclists, motorists, and other users of the right-of-way upon approval by the city.

**General requirements**

All wireless communication facilities shall be required to obtain a site permit and shall be subject to the site development standards prescribed herein. Every site permit application, regardless of type, shall contain the following information:

A. The location of the proposed WCF.
B. The specifications for each style of WCF and equipment. A WCF or piece of equipment will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

C. Construction drawings showing the proposed method of installation.

D. The manufacturer’s recommended installations, if any.

E. Identification of the entities providing the backhaul network for the WCFs described in the application and other cellular sites owned or operated by the applicant in the municipality.

F. For each style of WCF, a written affirmation from the provider that demonstrates the WCF’s compliance with the RF emissions limits established by the FCC. A WCF will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

G. For each style of WCF, the application shall provide manufacturer’s specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. Except for in-strand antennas, the application shall also include a noise study for each style of WCF and all associated equipment. The applicant shall provide a noise study prepared and sealed by a qualified Utah-licensed professional engineer that demonstrates that the WCF will comply with intent and goals of this chapter. A WCF will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

H. If the applicant is not using the proposed WCF to provide personal wireless services itself, a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF. Any speculative WCF shall be denied by the city.

**Application to install an in-strand antenna**

A. This section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153. Except when a shorter time frame is otherwise required under this chapter or by law, the following time frames apply to colocation:

B. Application Review.

1. The city shall prepare and make publicly available an application form, the requirements of which shall be limited to the information necessary for the city to consider whether an application is a colocation request.

2. Upon receipt of an application for a colocation request pursuant to this section, the city shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

3. Within ninety days of the date on which an applicant submits an application seeking approval of a colocation request under this section, the city shall review and act upon the application, subject to the tolling provisions below.

4. The ninety-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.

   a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.
b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city’s notice of incompleteness.

c. Following a supplemental submission, the city will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the time frame for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

C. In addition to the information required under the “General Requirements” section above, an in-strand antenna application must also include the following information:

1. For each style of in-strand antenna, a description, drawing, elevations, and visual analysis of the design of the proposed equipment with the finished color, the method of camouflage, and illumination. The visual analysis shall include to-scale photo and visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least two angles, together with a map that shows the location of each view, including all equipment and ground wires. An in-strand antenna will be considered of the same style so long as the technical specifications, dimensions, and appearance are the same.

2. Authorization from the proposed wireline owner that explicitly gives the applicant permission to attach and suspend the in-strand antenna on the wireline.

D. For any associated in-strand antenna equipment, the in-strand antenna application must also include the following information:

1. A scaled site plan clearly indicating the location, type, height and width of the proposed equipment (both above and below ground), the boundaries of the rights-of-way, property ownership, separation distances, adjacent roadways, existing above and below ground equipment, existing underground utility and wirelines, curbs and gutters, sidewalks, park strips, other physical features of the site, proposed bore pits, proposed means of access, setbacks from property lines and the nearest buildings, parking, utility runs and other information deemed by the city planner to be necessary to assess compliance with this chapter.

2. A description, drawing, elevations, and visual analysis of the design of the proposed equipment with the finished color, the method of camouflage, and illumination. The visual analysis shall include to-scale photo and visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least two angles, together with a map that shows the location of each view, including all equipment and ground wires.

Application to co-locate on an existing pole

A. This section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153. Except when a shorter time frame is otherwise required under this chapter or by law, the following time frames apply to colocation:
B. Application Review.

1. The city shall prepare and make publicly available an application form, the requirements of which shall be limited to the information necessary for the city to consider whether an application is a colocation request.

2. Upon receipt of an application for a colocation request pursuant to this section, the city shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

3. Within ninety days of the date on which an applicant submits an application seeking approval of a colocation request under this section, the city shall review and act upon the application, subject to the tolling provisions below.

4. The ninety-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.
   a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.
   b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city’s notice of incompleteness.
   c. Following a supplemental submission, the city will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the time frame for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

C. In addition to the information required under the “General Requirements” section above, a colocation application must also include the following information:

1. Authorization from the proposed colocation pole owner that explicitly gives the applicant permission to collocate the proposed WCF on the pole.

2. A scaled site plan clearly indicating the location, type, height and width of the proposed WCF and its associated equipment (both above and below ground), the boundaries of the rights-of-way, property ownership, separation distances, adjacent roadways, existing poles and associated heights, existing above and below ground equipment, existing underground utility and wirelines, curbs and gutters, sidewalks, park strips, other physical features of the site, proposed bore pits, proposed means of access, setbacks from property lines and the nearest buildings, parking, utility runs and other information deemed by the city planner to be necessary to assess compliance with this chapter.

3. A description, drawing, elevations, and visual analysis of the design of the proposed WCF and all proposed equipment with the finished color, the method of camouflage, and illumination. The visual analysis shall include to-scale photo and visual simulations that
show unobstructed before-and-after construction daytime and clear-weather views from at least two angles, together with a map that shows the location of each view, including all equipment and ground wires.

**Application to replace a pole**

A. This section implements, in part, 47 U.S.C. Section 332(c) (7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153.

B. Application Review.

1. The city shall prepare and make publicly available an application form, the requirements of which shall be limited to the information necessary for the city to consider whether an application is for a replacement pole.

2. Upon receipt of an application for a replacement pole pursuant to this section, the city shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

3. Within one hundred fifty days of the date on which an applicant submits an application seeking approval of a replacement pole under this section, the city shall review and act upon the application, subject to the tolling provisions below.

4. The one-hundred-fifty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.

   a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.

   b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city’s notice of incompleteness.

   c. Following a supplemental submission, the city will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the time frame for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

C. In addition to the information required under the “General Requirements” section above, a replacement pole application must include the following information:

1. Authorization from the owner of the pole that is proposed to be replaced which explicitly gives the applicant permission to replace the proposed pole for the specific purpose of installing a WCF.

2. A scaled site plan clearly indicating the location, type, height and width of the proposed WCF and its associated equipment (both above and below ground), the boundaries of the rights-of-way, property ownership, separation distances, adjacent roadways, existing
poles and associated heights, existing above and below ground equipment, existing underground utility and wirelines, curbs and gutters, sidewalks, park strips, other physical features of the site, proposed bore pits, proposed means of access, setbacks from property lines and the nearest buildings, parking, utility runs and other information deemed by the city planner to be necessary to assess compliance with this chapter.

3. A description, drawing, elevations, and visual analysis of the design of the proposed WCF and all proposed equipment with the finished color, the method of camouflage and illumination. The visual analysis shall include to-scale photo and visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least two angles, together with a map that shows the location of each view, including all equipment and ground wires.

4. An affidavit certifying that the applicant has posted or mailed notices on properties adjacent to the proposed pole location.

   a. For purposes of this requirement, adjacent properties shall mean any property that directly shares a property or boundary line with the location of the proposed replacement pole.

   b. If the adjacent property is a multifamily or commercial property, notice shall be given to the property owner(s) and shall be posted in a common area, if in existence, where all owners, residents, tenants, or lessees can view the notice.

   c. A small cell attached to a replacement pole shall be exempt from this requirement if it meets the following requirements:

      i. The height of the replacement pole, including all antennas, antenna arrays, and equipment, is not more than five feet taller than the height of the existing pole;

      ii. The replacement pole meets all the requirements of this chapter; and

      iii. The replacement pole is not located more than two feet from the location of the existing pole.

   d. The notice shall provide the following information:

      i. The applicant’s name and contact information.

      ii. A phone number for the provider by which an individual could request additional information.

      iii. A description of the pole including the type, height and width of the proposed tower and a map identifying the location of the pole.

      iv. Language that states:

If you have any public safety concerns or comments regarding the placement of this wireless communication facility, please submit your written comments within 14 days to:

Clearfield City
ATTN: City Engineer
55 S. State Street
Clearfield, Utah 84015
5. For macrocells, a detailed explanation justifying why the WCF could not be collocated. The applicant must demonstrate in a clear and complete written alternative sites analysis that at least three colocation sites were considered in the geographic range of the service coverage objectives of the applicant. This analysis must include a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

   a. A complete alternative sites analysis provided under this subsection may include less than three alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least three potentially available colocation sites.

   b. For purposes of disqualifying potential colocations or alternative sites for the failure to meet the applicant’s service coverage objectives the applicant will provide (i) a description of its objective, whether it be to close a gap or address a deficiency in coverage, capacity, frequency or technology; (ii) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be colocation or a more preferred location); and (iii) a description of why the alternative (colocation or a more preferred location) does not meet the objective.

6. For macrocells, an affidavit certifying that the applicant has posted or mailed notices to property owners within three hundred feet of the proposed pole location. The notice shall provide the following information:

   a. The applicant’s name and contact information.

   b. A phone number for the provider by which an individual could request additional information.

   c. A scaled site plan clearly indicating the location, type, height and width of the proposed tower, separation distances, adjacent roadways, photo simulations, a depiction of all proposed transmission equipment, setbacks from property lines and the nearest buildings, and elevation drawings or renderings of the proposed tower and any other structures.

   d. Language that states:

   If you have any public safety concerns or comments regarding the aesthetics or placement of this wireless communication facility, please submit your written comments within 14 days to:

   Clearfield City  
   ATTN: City Engineer  
   55 S. State Street  
   Clearfield, Utah 84015

   e. In the event the applicant is subject to this requirement, compliance with this requirement is deemed to satisfy the notice requirement found under subsection (C) (4) of this section.

7. For macrocells, an explanation that demonstrates the following:
a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are frequently unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

b. The gap can only be filled through an exception to one or more of the standards herein;

c. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to these standards to the greatest extent possible; and

d. The manner in which the applicant proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive means on the values that these regulations seek to protect.

8. For macrocells, a noise study for the proposed WCF and all associated equipment. The application shall provide manufacturer’s specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Utah-licensed professional engineer that demonstrates that the WCF will comply with intent and goals of this chapter.

D. If the replacement pole matches the same material as the pole to be replaced, the replacement pole must substantially match the appearance of the pole being replaced. If the replacement pole is of a different material than the pole being replaced, the design of the replacement pole must comply with the standards of this chapter and be approved by the city.

**Application to construct a new pole**

A. This section implements, in part, 47 U.S.C. Section 332(c) (7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153.

B. Application Review.

1. The city shall prepare and make publicly available an application form, the requirements of which shall be limited to the information necessary for the city to consider whether an application is for a new pole.

2. Upon receipt of an application for a new pole pursuant to this section, the city shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

3. Within one hundred fifty days of the date on which an applicant submits an application seeking approval of a new pole under this section, the city shall review and act upon the application, subject to the tolling provisions below.

4. The one-hundred-fifty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.

   a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.
b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city’s notice of incompleteness.

c. Following a supplemental submission, the city will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the time frame for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

C. In addition to the information required under the “General Requirement” section, a new pole application must include the following information:

1. A scaled site plan clearly indicating the location, type, height and width of the proposed WCF and its associated equipment (both above and below ground), the boundaries of the rights-of-way, property ownership, separation distances, adjacent roadways, existing poles and associated heights, existing above and below ground equipment, existing underground utility and wirelines, curbs and gutters, sidewalks, park strips, other physical features of the site, proposed bore pits, proposed means of access, setbacks from property lines and the nearest buildings, parking, utility runs and other information deemed by the city planner to be necessary to assess compliance with this chapter.

2. The separation distance from other WCFs described in the inventory of existing sites submitted pursuant to this chapter shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing WCFs and the owner/operator of the existing WCFs, if known. Small cell or DAS antennas mounted on rooftops shall be exempt from these minimum separation requirements.

3. A description, drawing, elevations, and visual analysis of the design of the proposed WCF and all proposed equipment with the finished color, the method of camouflage and illumination. The visual analysis shall include to-scale photo and visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least two angles, together with a map that shows the location of each view, including all equipment and ground wires.

4. A detailed explanation justifying why the WCF could not be collocated or placed on a replacement pole. The applicant must demonstrate in a clear and complete written alternative sites analysis that at least two colocation and two replacement pole sites were considered in the geographic range of the service coverage objectives of the applicant. This analysis must include a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

   a. A complete alternative sites analysis provided under this subsection may include less than four alternative sites so long as the applicant provides a factually detailed written rationale for why it could not identify at least four potentially available alternative sites.

   b. For purposes of disqualifying potential colocations or replacement poles for the failure to meet the applicant’s service coverage objectives the applicant will provide (i) a description of its objective, whether it be to close a gap or
address a deficiency in coverage, capacity, frequency or technology; (ii) detailed technical maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be colocation or a replacement pole); and (iii) a description of why the alternative (colocation or replacement pole site) does not meet the objective.

5. For new poles that are thirty-five feet in height or less, an affidavit certifying that the applicant has posted or mailed notices to property owners within seventy-five feet of the proposed pole location.

   a. This requirement is not required to be met at the time application is submitted, but is required to be completed prior to approval of a permit.

   b. The notice shall provide the following information:

      i. The applicant’s name and contact information.

      ii. A phone number for the provider by which an individual could request additional information.

      iii. A description of the pole including the type, height and width of the proposed tower and a map identifying the location of the pole.

      iv. Language that states:

If you have any public safety concerns or comments regarding the aesthetics or placement of this wireless communication facility, please submit your written comments within 14 days to:

Clearfield City
ATTN: City Engineer
55 S. State Street
Clearfield, Utah 84015

6. For new poles that are greater than thirty-five feet in height, an affidavit certifying that the applicant has posted or mailed notices to property owners within one hundred fifty feet of the proposed pole location.

   a. This requirement is not required to be met at the time application is submitted, but is required to be completed prior to approval of a permit.

   b. The notice shall provide the following information:

      i. The applicant’s name and contact information.

      ii. A phone number for the provider by which an individual could request additional information.

      iii. A description of the pole including the type, height and width of the proposed tower and a map identifying the location of the pole.

      iv. Language that states:

If you have any public safety concerns or comments regarding the aesthetics or placement of this wireless communication facility, please submit your written comments within 14 days to:
7. For macrocells, an explanation that demonstrates the following:

   a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are frequently unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

   b. The gap can only be filled through an exception to one or more of the standards herein;

   c. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to these standards to the greatest extent possible; and

   d. The manner in which the applicant proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive means on the values that these regulations seek to protect.

8. For macrocells, an affidavit certifying that the applicant has posted or mailed notices to property owners within three hundred feet of the proposed pole location.

   a. This requirement is not required to be met at the time application is submitted, but is required to be completed prior to approval of a permit.

   b. In the event the applicant is subject to this requirement, compliance with this requirement is deemed to satisfy the notice requirement found under subsection (C) (5) or (6) of this section.

   c. The notice shall provide the following information:

      i. The applicant’s name and contact information.

      ii. A phone number for the provider by which an individual could request additional information.

      iii. A scaled site plan clearly indicating the location, type, height and width of the proposed tower, separation distances, adjacent roadways, photo simulations, a depiction of all proposed transmission equipment, setbacks from property lines and the nearest buildings, and elevation drawings or renderings of the proposed tower and any other structures.

      iv. Language that states:

         If you have any public safety concerns or comments regarding the aesthetics or placement of this wireless communication facility, please submit your written comments within 14 days to:

         Clearfield City
         ATTN: City Engineer
9. For macrocells, a noise study for the proposed WCF and all associated equipment. The application shall provide manufacturer’s specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Utah-licensed professional engineer that demonstrates that the WCF will comply with intent and goals of this chapter.

D. A new pole must be no closer than the average distance between existing poles that are within one mile of the proposed new pole site. If no poles exist within one mile of proposed pole site, then all subsequently placed poles must be at least two hundred fifty feet from each other.

E. The design of a new pole must comply with the requirements of this chapter and be approved by the city.

**Application for an eligible facilities request**

A. This section implements Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a)), as interpreted by the FCC in its Report and Order No. 14-153 and regulated by 47 C.F.R. Section 1.40001, which requires a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

B. Application Review.

1. The city shall prepare and make publicly available an application form, the requirements for which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The city may not require an applicant to submit any other documentation intended to illustrate the need for any such wireless facilities or to justify the business decision to modify such wireless facilities.

2. Upon receipt of an application for an eligible facilities request pursuant to this section, the city shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

3. Within sixty days of the date on which an applicant submits an application seeking approval of an eligible facilities request under this section, the city shall review and act upon the application, subject to the tolling provisions below.

4. The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.

   a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.

   b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city’s notice of incompleteness.

   c. Following a supplemental submission, the city will have ten days to notify the applicant that the supplemental submission did not provide the information
identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the time frame for review (accounting for any tolling), the request shall be deemed granted provided the applicant notifies the city in writing after the review period has expired.

C. Any Section 6409(a) colocation/modification permit approved or deemed granted by the operation of federal law shall be automatically subject to the conditions of approval described in this section. The city’s grant or grant by operation of law of a Section 6409(a) colocation/modification permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. The city’s grant or grant by operation of law of a Section 6409(a) colocation/modification permit will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

**Application submission limit**

Applications may be submitted in batches of no more than ten sites per application submittal and no more frequently than once per every fifteen days per batch. Where there is more than one application to be submitted at once, the applicant shall make an appointment to meet with the city and discuss the multiple applications. This meeting shall occur prior to the filing of the applications.

**Incomplete application**

Subject to applicable law, the city may deny an applicant’s site permit application for incompleteness if:

A. The application is incomplete; and

B. The city provided notice to the applicant that application was incomplete and provided with reasonable specificity the necessary information needed to complete the application; and

C. The provider did not provide the requested information within one hundred eighty days of the notice.

**Exceptions to standards**

A. Except as otherwise provided in this chapter (under site design flexibility), no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance and design departure provisions in this code; provided this section does not provide an exception from this chapter’s visual impact and stealth design.

B. A WCF’s exception is subject to approval by the city.

C. An application for a WCF exception shall include:

1. A written statement demonstrating how the exception would meet the criteria.
2. A site plan that includes:
   a. Description of the proposed facility’s design and dimensions, as it would appear with and without the exception.
   b. Elevations showing all components of the WCF, as it would appear with and without the exception.
   c. Color simulations of the WCF after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
   d. An explanation that demonstrates the following:
      i. For macrocells, a significant gap in the coverage, capacity, or technologies of the service network exists such that users are frequently unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
      ii. The gap can only be filled through an exception to one or more of the standards herein;
      iii. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to these standards to the greatest extent possible; and
      iv. The manner in which the applicant proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive means on the values that these regulations seek to protect.
   e. Any other information requested by the city in order to review the exception.

D. An application for a WCF exception shall be granted if the exception is consistent with the purpose of the standard for which the exception is sought.

**Accessory uses**

A. Accessory uses shall be limited to such structures and equipment that are necessary for transmission or reception functions, and shall not include broadcast studios, offices, vehicles or equipment storage, or other uses not essential to the transmission or reception functions.

B. All accessory equipment shall be constructed of materials equal to or better than those of the primary poles on the site and shall be subject to site plan approval.

C. No equipment shall be stored or parked on the site of the pole, unless used in direct support of the poles that are being repaired.

**Construction and Technical Requirements**

**General requirement**

A. No provider shall receive a wireless franchise unless it agrees to comply with each of the terms set forth in this chapter governing construction and technical requirements for its system, in addition to any other reasonable requirements or procedures specified by the city or the wireless franchise, including requirements regarding colocation and cost sharing.

B. All new WCFs in the city’s rights-of-way in the city shall be subject to these regulations,
except as otherwise provided herein. While holiday decorations may be temporarily put on city poles, no antenna or other equipment or facilities shall be added to city poles where the city poles are not able to structurally accommodate same or where this creates public safety or interference issues.

C. WCFs that lawfully existed prior to the adoption of this chapter shall be allowed to continue their use as they presently exist. This code does not make lawful any WCF that is not fully approved on the date the ordinance codified in this chapter is adopted and those pending WCFs will be required to meet the requirements of this code. Routine maintenance shall be permitted on such lawful preexisting WCFs. Lawfully existing WCFs may be replaced as long as the replacement is in the exact or nearly the exact location of the WCF being replaced and is of a construction type identical in height, width, weight, lighting, and painting.

D. The applicant must comply with all federal (such as the Americans with Disabilities Act), state, and local laws and requirements. This includes, but is not limited to, participating in Blue Stakes of Utah as required by Utah Code 54-8a-2 through 54-8a-13, as amended.

E. In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any other utility or entity that may already be located in the area. Any damage done to another utility’s or entity’s property must be immediately reported to both the city and the owner of the damaged property, and must be promptly repaired by the provider, with the provider being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the city and the damaged property owner will result in revocation of the franchise agreement. When approving the location for a WCF, the location of utilities or other entities’ property, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

F. A single permit application may be used for multiple distributed antennas that are part of a larger overall DAS network. A single permit application may also be used for multiple small cells spaced to provide wireless coverage in a defined geographic area. A single franchise agreement may be used for multiple node locations in DAS and/or small cell networks.

G. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, and if WCF equipment is added either through colocation or replacement, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

H. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is built and maintained in compliance with standards contained in applicable state or local building codes and the applicable industry standards for towers, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for the removal of the tower at the owner’s expense. Any appeal hearing under this chapter shall follow the city’s code enforcement procedures under Title 1-16.

I. All WCFs shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through
location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the built environment, through matching and complimentary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be consistent with other uses and improvements permitted in the relevant zone.

J. Stealth design is required, and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Due consideration will be given by the city for microcell strand-mounted, pole-top, and flush-mounted design and various options for supporting equipment (attached to poles and wires, placed within poles and placed underground). Stealth and concealment techniques do not include incorporating faux-tree designs of a kind that are not native to the state.

K. All structures shall be constructed and installed to manufacturer’s specifications, and constructed to withstand a minimum one-hundred-mile per hour (mph) wind, or the minimum wind speed as required by the city’s currently adopted Uniform Building Code, as amended, and required setback provisions as prescribed for the zoning districts.

L. All structures shall conform to FCC and FAA regulations, if applicable.

M. Due to the limited size of the city’s rights-of-way, applicants shall be required to install any WCF equipment according the following requirements to the extent operationally and technically feasible and to the extent permitted by law. WCF equipment shall be installed either:

1. On or within the pole. If the equipment is installed on the pole, the equipment enclosure must be flush with the pole, painted to reasonably match the color of the pole, may not exceed in width the diameter of the pole by more than three inches on either side, the furthest point may not exceed eighteen inches from the pole, and the base must be flush with the grade, or alternatively the lowest point may not be lower than eight and one-half feet from the grade directly below the equipment enclosure. If the equipment is installed within the pole, no equipment may protrude from the pole except to the extent reasonably necessary to connect to power or a wireline.

2. Underground. All underground equipment shall be installed and maintained level with the surrounding grade. To the extent possible, any equipment installed underground shall be located in a park strip within the city’s rights-of-way. If a park strip is unavailable, the provider may install equipment within a city-owned sidewalk within the right-of-way. However, underground equipment installed in a sidewalk may not be located within any driveway, pedestrian ramp, or immediately in front of a walkway or entrance to a building. To the extent possible, underground equipment being located in a sidewalk may not be installed in the center of the sidewalk, but should be installed as close to the edge of the sidewalk as is structurally viable.

3. On private property in an existing building or in an enclosure. If equipment is placed on private property, the applicant shall provide written permission from the property owner allowing the applicant to locate facilities on the property. If equipment is placed in an enclosure, the enclosure shall be designed to blend in with existing surroundings, using architecturally compatible construction and colors, and landscaping and shall be located as unobtrusively as possible consistent with the proper functioning of the WCF.

The city shall not provide an exemption to this requirement when there is insufficient room in the right-of-way to place facilities at ground level and comply with ADA requirements, public safety concerns for pedestrians, cyclists, and motorists, or other articulable public safety concerns.
N. The following maintenance requirements apply to WCFs, as applicable:

1. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
2. All WCF sites shall be kept clean, neat, and free of litter.
3. A WCF shall be kept clean and painted in good condition at all times. Rusting, dirt, or peeling facilities are prohibited.
4. All equipment cabinets shall display a legible operator’s contact number for reporting maintenance problems.
5. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.

O. Inspections.

1. The city or its agents shall have authority to enter onto the rights-of-way upon which a WCF is located to inspect the facility for the purpose of determining whether it complies with the building code and all other standards provided by the city and federal and state law.

2. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the WCF owner. In the event such inspection results in a determination that violation of applicable standards set forth by the city has occurred, remedy of the violation may include cost recovery for all costs incurred in conforming and processing the violation.

P. Any construction of macrocells in the rights-of-way shall necessitate approvals as required elsewhere in the municipal code and approval by the city council. For a new macro cell proposed to be located in the rights-of-way in a residential zone or in the rights-of-way in a downtown core area or in the rights-of-way within two hundred feet of a residential zone or in the rights-of-way within two hundred feet of the downtown core area, the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive on the values that this chapter seeks to protect.

Q. Final Inspection.

1. A certificate of completion will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations. As a condition of approval and prior to final inspection of the WCF, the applicant shall submit evidence, such as photos, to the satisfaction of the city, sufficient to prove that the WCF is in substantial conformance with photo simulations provided with the application. Nonconformance shall require modification to compliance within thirty days or the WCF, or nonconforming components, must be removed.

2. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant shall make any and all such changes required to bring the WCF installation into compliance promptly and in any event prior to putting the WCF in operation.

Quality

All work involved in the construction, maintenance, repair, upgrade and removal of the system shall be performed in a safe, thorough, and reliable manner using materials of good and durable quality. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the system, including, without limitation, any
means used to distribute signals over or within the system, is harmful to the public health, safety or welfare, or quality of service or reliability, then a provider shall, at its own cost and expense, promptly correct all such conditions.

**Licenses and permits**

A provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, maintain, upgrade or repair the wireless communication system, including but not limited to any necessary approvals from persons, entities, the city, and other government entities (such as neighboring cities or the Utah Department of Transportation) to use private property, easements, poles, conduits, and rights-of-way. A provider shall obtain any required permit, license, approval or authorization, including but not limited to excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required.

**Relocation of the system**

A. **New Grades or Lines.** If the grades or lines of any rights-of-way are changed at any time in a manner affecting the wireless communication system, then a provider shall comply with the requirements of the excavation ordinance.

B. **The City Authority to Move System in Case of an Emergency.** The city may, at any time, in case of fire, disaster or other emergency, as determined by the city in its reasonable discretion, cut or move any parts of the wireless communication system and appurtenances on, over or under the rights-of-way of the city, in which event the city shall not be liable therefor to a provider. The city shall notify a provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this section. Notice shall be given as provided in this title.

C. **A Provider Required to Temporarily Move System for Third Party.** A provider shall, upon prior reasonable written notice by the city or any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its wireless communication system to permit the moving of the structure. A provider may impose a reasonable charge on any person other than the city for any such movement of its systems.

D. **Rights-of-Way Change—Obligation to Move System.** When the city is changing rights-of-way and makes a written request, a provider is required to move or remove its system from the rights-of-way, without cost to the city. This obligation exists whether or not the provider has obtained an excavation permit.

**Protect structures**

In connection with the construction, maintenance, repair, upgrade or removal of the wireless communication system, a provider shall, at its own cost and expense, protect any and all existing structures belonging to the city and all designated landmarks, as well as all other structures within any designated historic district. A provider shall obtain the prior written consent of the city to alter any water main, power facility, sewerage or drainage system, or any other municipal structure on, over or under the rights-of-way of the city required because of the presence of the system. Such consent may be given at the sole discretion of the city. Any such alteration shall be made by the city or its designee on a reimbursable basis. A provider agrees that it shall be liable for the costs incurred by the city to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the city any municipal structure or any other rights-of-way of the city involved in the construction, maintenance, repair, upgrade or removal of the system that may become disturbed or damaged as a result of any work thereon by or on behalf of a provider pursuant to the wireless franchise.
No obstruction

In connection with the construction, maintenance, upgrade, repair or removal of the system, a provider shall not unreasonably obstruct the rights-of-way of fixed guide way systems, railways, passenger travel, or other traffic to, from or within the city without the prior consent of the appropriate authorities.

Safety precautions

A provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A provider shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

Repair

After written reasonable notice to the provider, unless, in the sole determination of the city, an eminent danger exists, any rights-of-way within the city which are disturbed or damaged during the construction, maintenance or reconstruction by a provider of its system may be repaired by the city at the provider’s expense to a condition as good as that prevailing before such work was commenced. Upon doing so, the city shall submit to such a provider an itemized statement of the cost for repairing and restoring the rights-of-way intruded upon. The provider shall, within thirty days after receipt of the statement, pay to the city the entire amount thereof.

Provider Responsibilities

System maintenance

A provider shall:

A. Install and maintain all parts of its wireless communication system in a non-dangerous condition throughout the entire period of its wireless franchise.

B. Install and maintain its system in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations.

C. At all reasonable times, permit examination by any duly authorized representative of the city of the system and its effect on the rights-of-way.

Trimming of trees

A provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over rights-of-way so as to prevent the branches of such trees from coming in contact with its wireless communication system.

Inventory of existing sites

A provider shall provide every July 1st to the city an inventory of its existing WCFs or sites approved for WCFs, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. The city may share such information with other applicants applying for permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
Wireless Franchise and License Transferability

Notification of sale

A. PSC Approval. When a provider of wireless communication system is the subject of a sale, transfer, lease, assignment, sublease or disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the provider or its successor entity shall promptly notify the city of the nature of the transaction and, if applicable, request a transfer of the wireless franchise to the successor entity. A request for transfer shall include a certification that the successor entity unequivocally agrees to all the terms of the original provider’s wireless franchise agreement.

B. Transfer of Wireless Franchise. Upon receipt of a request to transfer a wireless franchise, the city designee shall, if it approves such transfer, send notice affirming the transfer of the wireless franchise to the successor entity. If the city has good cause to believe that the successor entity may not comply with this chapter or the wireless franchise agreement, it may require an application for the transfer. The application shall comply with (future code reference) of this chapter.

C. If PSC Approval No Longer Required. If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in this section, and the city has good cause to believe that the successor entity may not comply with this chapter or the wireless franchise agreement, it may require an application. The application shall comply with (future code reference) of this chapter.

Events of sale

The following events shall be deemed to be a sale, assignment or other transfer of the wireless franchise requiring city approval: (A) the sale, assignment or other transfer of all or a majority of a provider’s assets to another person; (B) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new controlling interest in a provider; (C) the issuance of additional capital stock or partnership, membership or other equity interest by a provider so as to create a new controlling interest in such a provider; or (D) the entry by a provider into an agreement with respect to the management or operation of such provider or its system.

Oversight and Regulation

Insurance, indemnity, and security

A. A provider will deposit with the city an irrevocable, unconditional letter of credit or surety bond as required by the terms of the wireless franchise, and shall obtain and provide proof of the insurance coverage required by the wireless franchise. A provider shall also indemnify the city as set forth in the wireless franchise.

B. Each permit issued for a WCF located on city property shall be deemed to have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the city and its officials, officers, agents, employees, volunteers, and contractors from any and all liability, damages, or charges (including attorneys’ fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, a granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF.
Oversight

The city shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the wireless communication system, and any part thereof, in accordance with the provisions of the wireless franchise and applicable law. A provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a provider to prove, in reasonable detail, to the satisfaction of the city at all times throughout the term, that a provider is in compliance with the wireless franchise. A provider shall retain such records for not less than the applicable statute of limitations.

Maintain records

A provider shall at all times maintain:

A. On file with the city, a full and complete set of plans, records and “as-built” hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the city’s existing GIS system, of all existing and proposed installations and the types of equipment and systems installed or constructed in the rights-of-way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-way where work will be undertaken. As used herein, “as-built” maps includes “file construction prints.” Maps shall be drawn to scale. “As-built” maps, including the compatible electronic format, as provided above, shall be submitted within thirty days of completion of work or within thirty days after completion of modification and repairs. “As-built” maps are not required of the provider who is the incumbent local exchange carrier for the existing system to the extent they do not exist.

B. Throughout the term of the wireless franchise, a provider shall maintain complete and accurate books of account and records of the business, ownership, and operations of a provider with respect to the system in a manner that allows the city at all times to determine whether a provider is in compliance with the wireless franchise. Should the city reasonably determine that the records are not being maintained in such a manner, a provider shall alter the manner in which the books and/or records are maintained so that a provider comes into compliance with this section? All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the state of Utah, and generally accepted accounting principles, shall be deemed to be acceptable under this section.

Confidentiality

If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a provider, such information shall be classified as a protected record within the meaning of the Utah Government Records Access and Management Act (“GRAMA”), making it available only to those who must have access to perform their duties on behalf of the city; provided, that a provider notifies the city of and clearly labels the information which a provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the provider.

Provider’s expense

All reports and records required under this chapter shall be furnished at the sole expense of a provider, except as otherwise provided in this chapter or a wireless franchise.

Right of inspection

For the purpose of verifying the correct amount of the wireless franchise fee, the books and records of the provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the city at all reasonable times, upon giving reasonable notice of the intention to
inspect or audit the books and records; provided, that the city shall not audit the books and records of the provider more often than annually. The provider agrees to reimburse the city the reasonable costs of an audit if the audit discloses that the provider has paid ninety-five percent or less of the compensation due the city for the period of such audit. In the event the accounting rendered to the city by the provider herein is found to be incorrect, then payment shall be made on the corrected amount within thirty calendar days of written notice, it being agreed that the city may accept any amount offered by the provider, but the acceptance thereof by the city shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

Rights of City

Enforcement and remedies

A. The city is responsible for enforcing and administering this chapter, and the city or its designee, as appointed by the mayor, is authorized to give any notice required by law or under any wireless franchise agreement.

B. In the event that an individual or entity violates this chapter, the city will notify the violating party of the violation and provide thirty days for the party to cure the violation.

C. If the violation is not cured within thirty days, the city may:
   1. Fine the violating party five hundred dollars per day until the violation is cured; and
   2. Terminate any franchises, permits, or licenses held by the violating party.

D. If the violation is not cured within one hundred eighty days of the city’s notice, the city may remove and impound the grantee’s equipment until the violation has been cured.

E. The violating entity may appeal the city’s notice of violation within fourteen (14) days in accordance with Title 1 chapter 16.

Force majeure

In the event a provider’s performance of any of the terms, conditions or obligations required by this chapter or a wireless franchise is prevented by a cause or event not within a provider’s control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

Extended operation and continuity of services

A. Continuation after Expiration. Upon either expiration or revocation of a wireless franchise granted pursuant to this chapter, the city shall have discretion to permit or require a provider to continue to operate its system or provide services for an extended period of time not to exceed six months from the date of such expiration or revocation. A provider shall continue to operate its system under the terms and conditions of this chapter and the wireless franchise granted pursuant to this chapter.

B. Continuation by Incumbent Local Exchange Carrier. If the provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its system and provide services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

Removal or abandonment of wireless franchise property
A. Abandoned System. In the event that (1) the use of any portion of the wireless communication system is discontinued for a continuous period of twelve months, and thirty days after no response to written notice from the city to the last known address of provider; (2) any system has been installed in the rights-of-way without complying with the requirements of this chapter or wireless franchise; or (3) the provisions under the “Current Providers” section are applicable and no wireless franchise is granted, a provider, except the provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such system.

B. Removal of Abandoned System. Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall so notify the city in writing and remove the same within ninety days of giving notice to the city of such abandonment. Failure to remove an abandoned antenna or tower within said ninety days shall be grounds to remove the tower or antenna at the owner’s expense, including all costs and attorneys’ fees. The city shall be able to draw from any security and security fund which is established under the wireless franchise. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

The city, upon such terms as it may impose, may give a provider written permission to abandon, without removing, any wireless communication system, or portion thereof, directly constructed, operated or maintained under a wireless franchise. Unless such permission is granted or unless otherwise provided in this chapter, a provider shall remove within a reasonable time the abandoned wireless communication system and shall restore, using prudent construction standards, any affected rights-of-way to their former state at the time such system was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights-of-way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The city shall have the right to inspect and approve the condition of the rights-of-way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this chapter and any security fund provided in a wireless franchise shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this section.

C. Transfer of Abandoned System to City. Upon abandonment of any wireless communication system in place, a provider, if required by the city, shall submit to the city a written instrument, satisfactory in form to the city, transferring to the city the ownership of the abandoned wireless communication system.

D. Removal of Above Ground System. At the expiration of the term for which a wireless franchise is granted, or upon its revocation or earlier expiration, as provided for by this chapter, in any such case without renewal, extension or transfer, the city shall have the right to require a provider to remove, at its expense, all above ground portions of a system from the rights-of-way within a reasonable period of time, which shall not be less than one hundred eighty days. If the provider is the incumbent local exchange carrier, it shall not be required to remove its system, but shall negotiate a renewal in good faith.

E. Leaving Underground System. Notwithstanding anything to the contrary set forth in this chapter, a provider may abandon any underground system in place so long as it does not materially interfere with the use of the rights-of-way or with the use thereof by any public utility, cable operator or other person.

Obligation to Notify

Publicizing work

Before entering onto any private property, a provider shall make a good faith attempt to contact the
property owners in advance, and describe the work to be performed.

General Provisions

Conflicts

In the event of a conflict between any provision of this chapter and a wireless franchise entered pursuant to it, the provisions of this chapter shall control.

Severability

If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the chapter provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with such law the provision in question shall return to full force and effect and shall again be binding on the city and the provider; provided, that the city shall give the provider thirty days, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

New developments

It shall be the policy of the city to liberally amend this chapter, upon application of a provider, when necessary to enable the provider to take advantage of any developments in the field of personal wireless services which will afford the provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

Notices

All notices from a provider to the city required under this chapter or pursuant to a wireless franchise granted pursuant to this chapter shall be directed to the officer as designated by the mayor. A provider shall provide in any application for a wireless franchise the identity, address and phone number to receive notices from the city. A provider shall immediately notify the city of any change in its name, address, or telephone number.

Exercise of police power.

To the full extent permitted by applicable law either now or in the future, the city reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

Federal, State and City Jurisdiction

Construction

This chapter shall be construed in a manner consistent with all applicable federal and state statutes.

Other applicable ordinances

This chapter shall apply to all wireless franchises granted or renewed after the effective date of the ordinance codified in this chapter. This chapter shall further apply, to the extent permitted by applicable federal or state law, to all existing wireless franchises granted prior to the effective date.
of the ordinance codified in this chapter and to a provider providing services, without a wireless franchise, prior to the effective date of this chapter.

**City failure to enforce**

A provider's rights are subject to the police powers of the city to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A provider shall comply with all applicable general laws and ordinances enacted by the city pursuant to its police powers. In particular, all providers shall comply with the city zoning and other land use requirements.

**Construed according to Utah law**

A provider shall not be relieved of its obligation to comply with any of the provisions of this chapter or any wireless franchise granted pursuant to this chapter by reason of any failure of the city to enforce prompt compliance.

This chapter and any wireless franchise granted pursuant to this chapter shall be construed and enforced in accordance with the substantive laws of the state of Utah.
Background Information

- Parcel located at northwest corner of Main Street and Center Street
- Zoned T-R (Town Residential)
- Surrounding land uses:
  - North: Gas Station
  - East: Commercial/Retail and Post Office
  - South: Davis County Health Department
  - West: Residential Mobile Homes
- Two mixed-use buildings, two multi-family buildings, and a library.
Site Plan
The Planning Commission approved the preliminary subdivision plat for PSP 1807-0003, and forwarded a recommendation of approval to the City Council as conditioned, for the final subdivision plat FSP 1807-0003, a request for the proposed 5-Lot subdivision for the properties addressed 52 S. Main Street; 17, 75, and 101 N. Main Street (TIN: 12-020-0143, 12-020-0018, 12-020-0020, 12-020-0021, 12-020-0022, & 12-020-0075). The approval is subject to the following conditions:

1) Plans shall be revised to address Clearfield City Engineering requirements prior to the submittal and recording of the Final Subdivision Plat.

2) The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surrounding the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.

3) Future development of these properties shall comply with the development standards outlined in the Downtown Form Based Code.

4) An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in Clearfield City Code 12-4-6.
MID-TOWN – UNIVERSITY LLC
Rezone from C-2 to D-R, RZN 1807-0001
Background Information

- Parcel located near corner of SR 193 and University Park Boulevard and north of the AAA office building.
- Zoned C-2
- General Plan designation Mixed Use
- Surrounding land uses:
  - North: Hill Air Force Base Housing
  - East: Weber State University Continuing Education
  - South: Professional Office Building
  - West: Residential Multi-family
- Intention for development of this site would be high density residential multi-family and an office building.
Future Land Use Map

Zoning Map
The General Plan designates this area as “Mixed Use.” This rezone is consistent with the General Plan.

The General Plan encourages zone changes to provide for the highest and best use of the community and property owners. The proposed rezone is consistent with the surrounding land uses by providing a mix of residential and commercial land uses.
Staff Recommendation/Conclusion

The Planning Commission forwarded a recommendation of APPROVAL to the City Council for the proposed zone change based upon the following findings:

1) The proposed zone change is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan.

2) The proposed zone change is supported by the Future Land Use Map designation of Mixed Use in the General Plan.

3) The D-R Zone is encouraged for the development of vacant and underutilized lands and will allow vertical or horizontal mixed use as described on page 8 under Mixed Use.

4) With design, future pedestrian and vehicular connections can be provided for this area.

5) Development of this property with a mixed use design will support the existing land uses in the area of office, institutional (Weber State), and residential.
SYRACUSE CITY
Rezone from M-1 to P-F
RZN 1807-0002
Background Information

- Properties zoned M-1
- General Plan designation is Manufacturing
- Surrounding land uses:
  - North: Industrial
  - East: Industrial/Food Manufacturing
  - South: Transportation Storage
  - West: Trailer Manufacturing
- The property has been and is intended to be used continuously for a public utility.
- A power utility substation is located to the southeast of this property.
- The existing and continued use of this property as a public facility will have minimal impact on the surrounding manufacturing and industrial uses.
General Plan Analysis

- General Plan designation is Manufacturing
- The General Plan designates this area as “Manufacturing” on the future land use map. However, this rezone would be consistent with the goals and objectives of the General Plan as this property is the location of a public utility. Rezone request is consistent with adjacent residential in this area.
- Proposed changes to the site make the rezone necessary in order to accomplish the changes needed for this public facility.
- Continuation of this property in the M-1 zone would not provide the flexibility needed to provide a larger public utility facility.
The Planning Commission forwarded a recommendation of APPROVAL to the City Council for the proposed zone change based upon the following findings:

1) The proposed zone change is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan.

2) The proposed zone change is supported by Chapter 2 – Land Use Element as the Public Facilities Zone is an appropriate designation for this type of facility.

3) The P-F Zone is the appropriate zone for a property that provides a public utility.

4) Subject to conditional use permit and site plan review and approval, the P-F Zone provides the flexibility and process by which this type of facility can be constructed.
SYRACUSE CITY WATER TANKS
Final Subdivision Plat
FSP 1807-0002
**Background Information**

- Parcel located at approximately the location of F Street and 3rd Street in the Freeport Center.
- Zoned M-1 with request to P-F.
- The plat facilitates the combination of additional property from the east to the existing water tower property.
- This combination is necessary to have a larger property to construct additional water towers.
Aerial Image & Zoning

Existing Parcel

Parcel Addition
2.445 Acres to be purchased from 12-065-0050 and combined with 12-065-0049

Syracuse City
12-065-0049
2.85 Acres

Davis School District
12-065-0050
12.99 Acres
General Notes:
1. Syracuse City will be advertising a performance-based specification for construction of the new tanks. As a result, the dimensions of the proposed tanks may vary based on the successful bidder.
2. A stream alteration permit will be acquired prior to any modifications or relocation of the existing ditch.

Existing Ditch To Be Relocated

Existing Secondary Reservoir

Secondary Reservoir Expansion

Proposed 110' Tall 3MG Elevated Tank

Proposed 110' Tall 3MG Elevated Tank

Existing Secondary Tank To Be Removed

Existing 110' Tall 3MG Culinary Tank To Be Converted To Secondary Tank

Waterline Replacement/Upsize To 1000 West Street

10' Chain Link Fence w/ Barb Wire Around Perimeter
The Planning Commission approved the preliminary subdivision plat for PSP 1807-0002, and forwarded a recommendation of approval to the City Council as conditioned, for the final subdivision FSP 1807-0002, a request to combine a portion of the property with the TIN: 12-065-0050 to the parcel to the west with the TIN: 12-065-00149. The approval is subject to the following conditions:

1) Plans shall be revised to address Clearfield City Engineering requirements prior to the submittal and recording of the final subdivision plat. Corrections include but are not limited to:
   a. Provision of 10’ public utility easement around perimeter of subdivision; and
   b. Notation of right-of-way for railway line along the easterly side of the subdivision.
SYRACUSE CITY WATER TANKS
Site Plan Modification for Landscape
SP 1807-0002
**Background Information**

- Construction of two (2) new culinary water towers.
- Each tower will be (with approval) 110’ tall and match the height of the existing culinary water tower.
- Existing culinary water tower will be converted to a secondary water tower.
- Existing secondary water tower will be demolished.
- Expansion of secondary water reservoir.
- Syracuse City has requested a modification to the landscape of 15% to allow for no additional landscaping to be required.
- Planning Commission has made a recommendation to the Council for a modification to the landscape requirements that no additional landscaping be required, including trees, shrubs and the automatic irrigation system.
- Allowing this modification will require a Development Agreement between Clearfield and Syracuse.
General Notes:
1. Syracuse City will be advertising a performance-based specification for construction of the new tanks. As a result, the dimensions of the proposed tanks may vary based on the successful bidder.
2. A stream alteration permit will be acquired prior to any modifications or relocation of the existing ditch.

EXISTING DITCH TO BE RELOCATED

SECONDARY RESERVOIR EXPANSION

EXISTING SECONDARY RESERVOIR

PROPOSED 110' TALL 3MG ELEVATED TANK

10' CHAIN LINK FENCE W/ BARB WIRE AROUND PERIMETER

Proposed Gate

EXISTING 110' TALL 1MG CULINARY TANK TO BE CONVERTED TO SECONDARY TANK

Waterline Replacement/Upsize To 4000 West Street
View from 3rd Street

View from 1000 West
Staff Recommendation – Site Plan Review

Staff recommends that the Planning Commission approve, as conditioned, SP 1807-0002, a site plan request by Syracuse City to construct two new water towers at the subject location listed above with the parcel id number of 12-065-0049, based on the findings and discussion in the Staff Report.

Conditions of Approval

1) The applicant shall submit complete construction plans including a site geotechnical report, a grading and drainage plan, and a site utility plan.

2) The applicant shall submit information regarding the relocation of the existing ditch along the eastern property line.

3) As part of the building permit application, a site landscaping and irrigation plan shall be submitted meeting the minimum 15% open space requirement of the P-F zone. As required by code, the plan shall include:
   a. One (1) tree for every 500 square feet of landscape area;
   b. One (1) shrub for every 300 square feet of landscape area;
   c. An irrigation system for the landscaping shall be provided.

3) Landscaping for the project shall be installed as approved modifications as allowed by a development agreement.
ATTACHED SINGLE-FAMILY IN M-1
ZTA 1806-0007
Background Information

- This item was discussed with the Planning Commission in January and February of this year.
- There has been a great deal of concern from business and property owners about the size of the clear vision triangle.
- Staff’s research indicated that 60x60 was substantially larger than other Cities regulations
- Staff evaluated codes from surrounding cities and determined a reduction in the size was appropriate
- Staff found clear vision triangles that varied from 30-40 feet
- Staff found it appropriate that 30x30 be recommended for approval by the Council.
PROPOSED DEVELOPMENT STANDARDS

Attached single-family residential dwelling unit is allowed in the M-1 zone subject to the following standards:

- Limited to one unit.
- Must be attached to a commercial building either horizontally or vertically.
- The total square footage (commercial and residential combined) shall not exceed 10,000 square feet.
- The residential unit shall not exceed 50% of the total square footage.
- This type of building must have been in existence prior to 1999.
The Planning Commission forwarded a recommendation of **APPROVAL** to the City Council on a 4-3 vote for the proposed zone change.

**Reasons for:**
- A narrow focus that will likely only impact this property.
- Approval of the zoning text amendment will require approval of site plan and site improvements.

**Reasons against:**
- Not consistent with M-1 zone, it expands residential.
- Shouldn’t continue a use that should have been discontinued.
SMALL WIRELESS FACILITIES
ZTA 1807-0005
(Adapted from a presentation by Garrett Wilcox, Deputy City Attorney, Midvale City)
Summary of Federal Law

**Municipalities:**

- May not prohibit or have the effect of prohibiting telecommunication/personal wireless service.

- May not unreasonably discriminate between providers of functionally equivalent services.

- May manage their rights-of-way on a competitively neutral and nondiscriminatory basis.

- Must respond to application requests in the following shot clocks:
  - 60 days for eligible facilities requests.
  - 90 days for collocation applications.
  - 150 days for non-collocation applications.

- Must approve eligible facilities requests if they meet all of the federal requirements.
Permitted Use

54-21-204. Wireless provider right of access.
(1) Subject to the provisions of this part, along, across, upon, or under a right-of-way, a wireless provider may, as a permitted use under the authority's zoning regulation and subject only to administrative review:
(a) collocate a small wireless facility; or
(b) install, operate, modify, maintain, or replace:
(i) a utility pole associated with the wireless provider's collocation of a small wireless facility; or
(ii) equipment described in Subsections 54-21-101(25)(b)(i) through (ix) required for a wireless provider's collocation of a small wireless facility.
54-21-402. Prohibition on exclusive use.
(3) An authority shall allow the collocation of a small wireless facility on an authority pole in a right-of-way:
(a) as provided in this chapter; and
(b) subject to the permitting process in Part 3, Permitting Process for Small Wireless Facilities.

(7) "Authority pole" means a utility pole owned, managed, or operated by, or on behalf of, an authority.

(28) (a) "Utility pole" means a pole or similar structure that:
(i) is in a right-of-way; [...]
(b) "Utility pole" does not include:
(i) a wireless support structure;
(ii) a structure that supports electric transmission lines; or
(iii) a municipally owned structure that supports electric lines used for the provision of municipal electric service.

(2) (a) An authority may charge a wireless provider a rate for the right to use or occupy a right-of-way as described in Subsection (1), if, except as provided in Subsection 54-21-601(6), the rate is:

[...]

(v) not more than the greater of:

(A) 3.5% of all gross revenue related to the wireless provider's use of the right-of-way for small wireless facilities; or

(B) $250 annually for each small wireless facility.

(b) A wireless provider subject to a rate under this Subsection (2) shall remit payments to the authority on a monthly basis.

(c) A rate charged in accordance with Subsection (2)(a)(v) is presumed to be fair and reasonable.

(3) Notwithstanding Subsection (2), an authority may not require a wireless provider to pay an additional rate, fee, or compensation for the right to use or occupy a right-of-way as described in Subsection (1), if the wireless provider is subject to the municipal telecommunications license tax under Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act
Compensation

54-21-503. Application fees.
(3) An application fee for the collocation of a small wireless facility on an existing or replacement utility pole may not exceed $100 for each small wireless facility on the same application.

(4) If the activity is a permitted use described in Section 54-21-204, an application fee may not exceed $250 per application to install, modify, or replace a utility pole associated with a small wireless facility.

(5) If the activity is not a permitted use described in Section 54-21-204, an application fee may not exceed $1,000 per application to:
   (a) install, modify, or replace a utility pole; or
   (b) install, modify, or replace a new utility pole associated with a small wireless facility.

54-21-504. Authority pole collocation rate.
The rate to collocate a small wireless facility on an authority pole is $50 per year, per authority pole.
54-21-103. Local authority jurisdiction.
(2) An authority may exercise the authority's police-power-based regulations for the management of a public right-of-way:
(a) on a nondiscriminatory basis to all users of the right-of-way;*
(b) to the extent of the authority's jurisdiction; and
(c) consistent with state and federal law.

(3) An authority may impose a regulation based on the authority's police power in the management of an activity of a wireless provider in a public right-of-way, if:
(a) to the extent the authority enforces the regulation, the authority enforces the regulation on a nondiscriminatory basis; and
(b) the purpose of the regulation is to protect the health, safety, and welfare of the public.
54-21-103. Local authority jurisdiction.

(4) An authority may adopt design standards for the installation and construction of a small wireless facility or utility pole in a public right-of-way that:
(a) are reasonable and nondiscriminatory; and
(b) include additional installation and construction details that do not conflict with this chapter, including a requirement that:
(i) an industry standard pole load analysis be completed and submitted to an authority, indicating that the utility pole, to which the small wireless facility is to be attached, will safely support the load; or
(ii) small wireless facility equipment, on new and existing utility poles, be placed higher than eight feet above ground level.

(5) (a) A wireless provider shall comply with an authority's design standards described in Subsection (4), if any, in place on the day on which the wireless provider files a permit application in relation to work for which the authority approves the permit application.
(b) An authority's obligations under this chapter may not be tolled or extended pending the adoption or modification of design standards.
Aesthetics

54-21-206. Decorative poles.
If necessary to collocate a small wireless facility, a wireless provider may replace a decorative pole, if the replacement pole reasonably conforms to the design aesthetic of the displaced decorative pole.

54-21-208. Historic and design districts.
(1) Subject to the permit process described in Section 54-21-302, an authority may require a reasonable, technically feasible, nondiscriminatory, or technologically neutral design or concealment measure in an historic district, unless the facility is excluded from evaluation for effects on historic properties under 47 C.F.R. Sec. 1.1307(a)(4).

(2) A design or concealment measure described in Subsection (1) may not:
(a) have the effect of prohibiting a provider's technology; or
(b) be considered a part of the small wireless facility for purposes of the size parameters in the definition of a small wireless facility.
Aesthetics
Aesthetics

City-Wide

Design District
54-21-207. Underground district.
A wireless provider shall comply with an authority's prohibition on a communications service provider installing a structure in the right-of-way in an area designated solely for underground or buried cable and utility facilities, if:

(1) the prohibition is reasonable and nondiscriminatory; and

(2) the authority:-
(a) (i) requires that all cable and utility facilities, other than an authority pole and attachment, be placed underground; and
(ii) establishes the requirement in Subsection (2)(a)(i) more than 90 days before the day on which the applicant submits the application;
(b) does not prohibit the replacement of an authority pole in the designated area; and
(c) permits a wireless provider to seek a waiver, that is administered in a nondiscriminatory manner, of the undergrounding requirement for the placement of a new utility pole to support a small wireless facility.
54-21-205. Height limitations in a right-of-way.
(1) A new or modified utility pole that has a collocated small wireless facility, and that is installed in a right-of-way, may not exceed 50 feet above ground level.

(2) An antenna of a small wireless facility may not extend more than 10 feet above the top of a utility pole existing on or before September 1, 2018.
54-21-302. Permitting process, requirements, and limitations.
(2) If an authority establishes a permitting process under Subsection (1), the authority:
(a) shall ensure that a required permit is of general applicability;
(b) may not require:
(i) directly or indirectly, that an applicant perform a service or provide a good unrelated to the permit, including reserving fiber, conduit, or pole space for the authority;
(ii) an applicant to provide more information to obtain a permit than a communications service provider that is not a wireless provider or a utility, except to the extent the applicant is required to include construction or engineering drawings or other information to demonstrate the applicant's application should be not denied under Subsection (7);
(iii) the placement of a small wireless facility on a specific utility pole or category of poles;
(iv) multiple antenna systems on a single utility pole; or
(v) a minimum separation distance, limiting the placement of a small wireless facility; and
(c) may require an applicant to attest that the small wireless facility will be operational for use by a wireless service provider within 270 days after the day on which the authority issues the permit [...]

Applications
54-21-302. Permitting process, requirements, and limitations.

(9) (a) Subject to Subsections (9)(b) and (c), if an applicant seeks to:
(i) collocate multiple small wireless facilities within a single authority, the authority shall allow the applicant, at the applicant's discretion, to file a consolidated application for the collocation of up to 25 small wireless facilities, if all of the small wireless facilities in the consolidated application are:
(A) substantially the same type [...] 

(b) An applicant may not file within a 30-day period:
(i) with a category one authority [pop. of 65,000 or more], more than:
(A) three consolidated applications; or
(B) multiple applications that collectively seek permits for a combined total of more than 75 small wireless facilities and utility poles; or

(ii) with a category two authority [pop. of less than 65,000], more than:
(A) one consolidated application; or
(B) multiple applications that collectively seek permits for a combined total of more than 25 small wireless facilities and utility poles.
Application Process

54-21-302(3) – (8), (10)

**Application**
- 30 days to check for completion.
- Notify applicant of determination.

**Complete**
- 30 days to check for completion.
- Notify applicant of determination.

**Review**
- Collocation: 60 days
- New/replacement pole: 105 Days

**Approve**
- 270 days to complete work.
- Permission to operate for 10 years.

**Deny**
- Health, safety reasons.
- Obstructs right-of-way.
- Violates applicable laws.

**Incomplete**
- Specify missing information.
- Applicant can provide information
- Tolls shot clock.

**Miss Deadline**
- One extension of 10 business days.
- Otherwise deemed granted.

**Expired**
- No response within 90 days.

**Review**
- 30 days
- Limited to deficiencies.
54-21-603. Relocation.
(1) Notwithstanding any provision to the contrary, an authority may require a wireless provider to relocate or adjust a small wireless facility in a public right-of-way:
(a) in a timely manner; and
(b) without cost to the authority owning the public right-of-way.

(2) The reimbursement obligations under Section 72-6-116(3)(b) do not apply to the relocation of a small wireless facility.
54-21-601. General.
(3) An authority may establish an ordinance or require an agreement to implement this chapter.

(4) (a) Subject to Subsection (4)(b), an authority may require a wireless provider to agree to reasonable and nondiscriminatory indemnification, insurance, or bonding requirements before a wireless provider collocates a small wireless facility in a right-of-way.
(b) An authority may not impose on a wireless provider an indemnification requirement described in Subsection (4)(a) that requires the wireless provider to indemnify the authority for the authority's negligence.

(5) An authority's obligations under this chapter may not be tolled or extended pending the implementation of an ordinance or negotiation of an agreement to implement this chapter.
54-21-303. Exceptions to permitting.
(1) Except as provided in Subsection (2), an authority may not require a wireless provider to submit an application, obtain a permit, or pay a rate for:
(a) routine maintenance;
(b) the replacement of a small wireless facility with a small wireless facility that is substantially similar or smaller in size; or
(c) the installation, placement, maintenance, operation, or replacement of a micro wireless facility* that is strung on a cable between existing utility poles, in compliance with the National Electrical Safety Code.

54-21-103. Local jurisdiction authority.
(6) A wireless provider may not install a new utility pole in a public right-of-way without the authority's discretionary, nondiscriminatory, and written consent, if the public right-of-way is adjacent to a street or thoroughfare that is:
(a) not more than 60 feet wide, as depicted in the official plat records; and
(b) adjacent to single-family residential lots, other multifamily residences, or undeveloped land that is designated for residential use by zoning or deed restrictions.
Creating an Ordinance

What parts are essential?
Utility Status

54-2-1. Definitions.
(21) (a) "Public utility" includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Section 54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use.

(31) (b) "Telephone corporation" does not mean a corporation, partnership, or firm providing:
(i) intrastate telephone service offered by a provider of cellular, personal communication systems (PCS), or other commercial mobile radio service as defined in 47 U.S.C. Sec. 332 that has been issued a covering license by the Federal Communications Commission;

Small cell providers are not public utilities and have no legal right to public utility easements. They are essentially left to operate solely in our right-of-way.
Municipalities will have different approaches to dealing with S.B. 189. Some may prefer that providers collocate to the extent possible, where others may prefer that providers do not collocate at all for aesthetic reasons.

Due to the volume allowances for small wireless facilities and their associated equipment, language in our ordinance limits the volume of collocated antennas and equipment on a utility pole to the following:

- **Antennas:** 3 - 6 cubic feet
- **Ground equipment:** 17 cubic feet
S.B. 189 did not address speculation.

Some cities have had infrastructure providers tear up their rights-of-way to install fiber or other facilities with the hope that a service provider will come along and lease the system. However, some of these systems do not get leased, and they ultimately end up abandoned—further crowding and unnecessarily damaging the right-of-way.

To address this issue, we may want to require that a provider submit either their FCC license (for companies such as Verizon, T-Mobile, etc.) or provide a letter signed by a FCC license holder confirming that the small wireless facility will be providing service through their network (for companies such as Mobilitie, ExteNet, Crown Castle, etc.).

If this is something we want to do, we can address through the application process. “Speculation” is not currently included in the ordinance language, but we address damages to the ROW and the providers responsibility to insure our ROWs are maintained.
You may be aware of the division of responsibilities between UDOT and Clearfield.

Under UCA 72-3-109(1), UDOT has jurisdiction of “the portion of the state highway located between the back of the curb on either side of the state highway.” Municipalities have “jurisdiction over all other portions of the right-of-way” including sidewalks, park strips, etc. In other words, municipalities have traditionally been solely responsible for any permits outside of the roadway.

S.B. 128 has added the following requirement:
(1)(h)(i) For a portion of a state highway right-of-way for which a municipality has jurisdiction, and upon request of the municipality, the department shall grant permission for the municipality to issue permits within the state highway right-of-way, provided that:
(A) the municipality gives the department seven calendar days to review and provide comments on the permit; and
(B) upon the request of the department, the municipality incorporates changes to the permit as jointly agreed upon by the municipality and the department.
(ii) If the department fails to provide a response as described in Subsection (1)(h)(i) within seven calendar days, the municipality may issue the permit.

This burden will be passed on to the wireless providers.
Senator Bramble has committed to fix any issues during the next legislative session. Any issue or concerns that may arise with the implementation of this code need to be passed on to the ULCT in order to allow them to present them to Senator Bramble prior to the next legislative session.
Mayor Pro Tem Peterson called the meeting to order at 6:01 p.m.

Mayor Shepherd arrived at 6:10 p.m.

Councilmember Thompson arrived at 6:14 p.m.

**UPDATE ON SERVICES PROVIDED BY WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT**

Rich Knapp, Finance Manager, explained Waste Management met with City staff as well as other cities to propose a $0.85 increase in recycling fees. He explained the contract had been reviewed and there was no clause allowing Waste Management to increase its price during the contract period. He suggested the City not agree to the increased rate.
Councilmember Bush asked what caused the need for an increase in the fee. Mr. Knapp explained it was an issue of supply and demand. He continued the standard for the waste contamination of recyclables changed and Waste Management needed to hire more pickers to meet the standard. He also indicated the stream of profitable materials reduced to 35 percent.

Councilmember Phipps asked if the issue was more about the profitability of the program. Mr. Knapp expressed his opinion that was likely the main contributor to the request.

Councilmember Bush asked if there should be an educational campaign telling residents that the acceptable product list had been reduced. Mr. Knapp was unsure if that would help. He stated Waste Management would need to address that issue. Councilmember Bush asked if Waste Management could ask for an increase in the fee when the contract was being considered for renewal. Mr. Knapp replied it could. Councilmember Bush asked when the contract expired. Mr. Knapp stated the contract had two years remaining. He added it was likely the City would re-bid the services or look for another option at that point.

Mr. Knapp stated the main reason the City looked at curbside recycling was to reduce the amount of waste going to the landfill. He explained Wasatch Intergrated Waste was in the process of updating it facilities and that might change how the City addressed its desire to recycle waste materials.

Nathan Rich, Wasatch Intergrated Waste Management District, updated the Council on the future plans for updating the District’s facilities. He reviewed the services, bylaws, burn plant closure, waste transfer station construction plans, recycling methods, and data to support the recycling efforts of the facility. He explained the current system performance for green waste was seven percent which matched what others in the State were doing. He discussed green waste and the options that would be sustainable; however, there would be a moderate increase in cost. He mentioned the intent to finance the construction of the transfer station with bond proceeds. He indicated the fee was anticipated to increase one dollar per can to help pay for the transfer station. He also stated Wasatch Integrated would ask the City to have its recyclable material delivered to the facility at some point in the future as a way of offsetting the cost of the waste transfer station.

Mr. Knapp asked if there were anticipated revenues built in to offset the cost of the facility. Mr. Rich responded there were revenues from tipping fees, sale of recyclables, and sale of engineered fuel. Mr. Knapp asked if those revenues were at the current market rate. Mr. Rich responded the revenue was based on the current market rate. He added the current market was at its bottom. He stated it was not a good time to renegotiate a contract for recycling services unless it had a profit sharing component. He predicted recycling would eventually rebound because too many communities were vested in the process. Mr. Rich continued no more recycling material would be going to China because it was too difficult to meet the new contamination standards but other third world countries were opening their markets. He hoped the outcome from China closing its door would be the generation of some domestic capacity. He commented that market would take some time to develop.
Mr. Rich explained his current financial model was based on bringing residential waste to the facility. He indicated if Wasatch Integrated was able to get the recyclable materials as well it would boost its revenue projections. He predicted Wasatch Integrated would get Weber County’s recyclables once the new facility was built. He proposed the City might want to consider, sometime in future, bringing its recyclable material to Wasatch Integrated as well.

Councilmember Bush asked if it was anticipated there would also be a program strictly for green waste. Mr. Rich responded Wasatch Integrated currently operated a green waste program and six of the fifteen cities in Davis County were participating. He was hesitant to expand it too much because it was near capacity. He also commented the proposed mixed waste processing facility would be able to pull organics out of the waste stream.

Mr. Knapp asked if the proposed upgrades to the District’s facilities would provide the same level of service as the City was getting from Waste Management for curbside recycling. Mr. Rich expressed his opinion that more recyclables would be recovered after upgrades. He projected the upgrades to the facility should be complete within twelve to fourteen months.

Mr. Knapp asked the Council how it wanted to proceed on the request from Waste Management to increase the fee for curbside recycling. There was consensus from the Council to keep the current terms in the contract and revisit the issue of continuing curbside recycling after Wasatch Integrated completed the upgrades to its facility.

DISCUSSION ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 741, 767, 813 WEST 300 NORTH (TIN: 12-019-0029, 12-019-0030, 12-019-0001, AND 12-019-0025) FROM A-1 (AGRICULTURAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL)

Brad McIlrath, Senior Planner, informed the Council that CW Land Company made application to rezone properties located at approximately 741, 767, and 813 West 300 North from A-1 (Agricultural) to R-1-8 (Single Family Residential). He stated the request was consistent with the City’s General Plan, which designated a residential land use for the properties and the surrounding properties were all a single family residential use as well. Councilmember Bush expressed appreciation for the developer wanting to develop single family residences because the property was one of the few places left for that type of development. He hoped the rest of the area would eventually be developed as single family residences. Mr. McIlrath indicated some of the adjacent property owners expressed concern for the property losing its agricultural use and how that might impact their properties. He informed the Council that the Planning Commission would be considering the request at its meeting scheduled for July 11, 2018.

Mayor Shepherd asked how many homes were proposed for the properties. Mr. McIlrath stated he had not looked at the exact number of housing units because it was likely to change as the City moved the application through other land use processes.

Councilmember Bush commented there would need to be some sort of access to the development from 825 West. Mr. McIlrath explained the City Engineer would review the plans and indicate where access points were needed.
Mayor Shepherd expressed concern the development of the properties might create a problem for the two parcels not being developed. Mr. McIlrath agreed it would be better if those parcels were part of the current proposal. Scott Hodge, Public Works Director, commented it was likely that easements for utilities were going to be needed through those properties not being developed.

**DISCUSSION ON A REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY 90 WEST 200 SOUTH (TIN: 12-020-0062) FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)**

Brad McIlrath, Senior Planner, explained a request had been made to rezone the property located at 90 West 200 South from R-1-8 (Single family Residential) to R-3 (Multi-family Residential). He stated the City’s General Plan Future Land Use Map designated the property as a residential land use, which might support R-3, but other areas of the Plan indicated otherwise. He commented the City recently adopted the Form Based Code concentrating density in the downtown area east of the railroad tracks. He explained a multi-family development needed to have easy access to public transportation and well-connected pedestrian ways to be successful. He explained the property proposed for multi-family development was fairly isolated, which would create a burden for the development and surrounding single family residences. He reported he would be recommending denial of the request to the Planning Commission at its meeting on July 11, 2018.

**DISCUSSION ON A ZONING TEXT AMENDMENT PROPOSED BY CW LAND COMPANY TO CONSIDER CHANGES TO LOT WIDTH AND FRONT AND REAR SETBACK STANDARDS FOR PROPERTIES LOCATED IN THE R-1-8 (SINGLE-FAMILY RESIDENTIAL) ZONE.**

Brad McIlrath, Senior Planner, explained CW Land Company proposed amendments to the R-1-8 Zone regulations as part of its intent to develop the properties at 741, 767, and 813 West 300 North. He continued the developer was requesting reductions to the required lot width and front and rear yard setbacks as a way of accommodating larger homes on the lots. He reviewed the proposed feet and distance requirements for lot width and front and rear yard setbacks and shared neighboring cities’ criteria for lot width and front and rear yard setbacks.

Councilmember Bush mentioned he was comfortable with the 20-foot rear yard but was concerned with allowing a 20-foot front yard setback. He also expressed concern with reducing the lot width because it might negatively affect what style of home could be built on properties. He felt like the style of home would need to be multi-storied to meet the square footage requirements. Mr. McIlrath commented the homes would need to be ramblers wrapped around garages or multi-storied. Mayor Shepherd commented he was fine with the proposed changes to front and rear yard setbacks. He added some property owners wanted less of a yard to maintain. Councilmember Bush acknowledged he was fine with the setbacks but the lot width did not allow many style options for homes on the lots. Councilmember Peterson expressed support as long as the side yards remained the same and the square footage requirements were met.
Mayor Shepherd asked what the lot width was for the Park Village development on 300 North across from Winegars. Mr. McIlrath expressed his opinion those lot widths were closer to fifty or sixty feet. Councilmember Peterson expressed her opinion the City should not allow lot width smaller than 70 feet.

Mr. McIlrath stated the homes would be built by Jack Fisher Homes and encouraged the Council to review the plans used by that builder elsewhere before it was asked to consider the request. He suggested the builder constructed deeper homes as opposed to wider. Councilmember Peterson expressed support for the plan if the builder offered quality materials and it significantly helped improve the housing stock available in Clearfield. Councilmember Phipps commented it appeared that a lot of new developments were providing narrower lots and deeper yards. Councilmembers Thompson and Roper expressed support for the proposal.

Mr. McIlrath informed the Council that the Planning Commission would consider the request on July 11, 2018 and staff was recommending approval. Mayor Shepherd encouraged the Council to research the builder over the next few weeks.

DISCUSSION ON A ZONING TEXT AMENDMENT TO REVISE THE CLEAR VISION REGULATIONS AS OUTLINED IN CITY CODE § 11-13-10

Brad McIlrath, Senior Planner, informed the Council that the City’s clear vision regulations were currently larger than what was needed for life safety standards. He proposed reducing the requirement from 60 feet to 30 feet for corner lots and from 25 feet to 10 feet for driveways. He provided a visual example of the proposed changes and their effect on properties. He explained the Planning Commission discussed the requirements at work session in December 2017 and January 2018.

Councilmember Phipps commented it appeared to be a dramatic change for the standards. He expressed a desire to meet safety regulations. He asked if the current standards were more excessive than those standards. Mr. McIlrath explained the proposal was based on general engineering standards, which also looked at speed limits. He commented he had never seen a clear vision greater than 50 feet.

DISCUSSION ON A ZONING TEXT AMENDMENT TO THE STANDARDS FOR ON-PREMISE FREESTANDING SIGNS AS OUTLINED IN CITY CODE § 11-15-8C

Brad McIlrath, Senior Planner, informed the Council that a business owner from the Legend Hills area approached the City regarding wanting a sign for his business on the frontage of the Legend Hills development. He explained City Code did not allow off premises signs but there was a provision that allowed planned commercial center signs or manufacturing signs. He provided examples of planned commercial center sign requirements from other communities and reviewed the current City Code requirements. He proposed the zoning text amendment would assist in bringing existing signs into compliance, as well as provide more flexibility for future needs.
He shared ordinance examples from other cities, which included Layton City, Murray City, and Sandy City. He reviewed the current standards and the new proposed language. He indicated the proposed amendment would allow one freestanding/shared on premises sign per three hundred feet of street frontage, size would increase from 150 feet to 300 feet, and maximum height would be 35 feet. He added a commercial center with two signs would need to have a minimum of 250 feet between the signs to reduce visual clutter. Mayor Shepherd asked if the proposed amendment would require Legend Hills to provide sign space for each business in its planned commercial center. Mr. McIlrath responded the business owner was told he would have to work with Legend Hills about receiving space for signage on the existing planned commercial center sign. He stated there was an option for Legend Hills to create a new sign or use the existing area on the current sign. He added the proposed amendment would bring the existing sign into conformance with City Code and allow more flexibility for all planned commercial centers and manufacturing facilities.

**DISCUSSION ON A FINAL SUBDIVISION PLAT FOR THE FALCON CORNER TOWNHOME SUBDIVISION FOR THE PROPERTY LOCATED AT APPROXIMATELY 1215 SOUTH 1000 EAST**

Brad McIlrath, Senior Planner, reviewed the specifics of the subdivision plat for the Falcon Corner Townhome project. He reminded the Council that the property was recently rezoned to R-3 (Multi-family Residential) with a required development agreement as one of the conditions for approval.

**DISCUSSION ON THE DRAFT DEVELOPMENT AGREEMENT WITH FALCON CORNERS LLC FOR FALCON CORNER TOWNHOMES LOCATED AT APPROXIMATELY 1215 SOUTH 1000 EAST**

Brad McIlrath, Senior Planner, explained the Development Agreement for the Falcon Corner Townhome Subdivision had been drafted to address two issues: fencing and the rear façade of the building facing 1000 East.

Councilmember Bush asked about the 25-foot distance for the fencing from the western and eastern corners of the property frontage at 1225 South. Mr. McIlrath explained the distance was needed to comply with clear vision standards because of the shared driveway. He continued the Development Agreement required a 6-foot fence except in the clear vision areas where it dropped to a 3-foot requirement. He stated the developer intended to install a regular vinyl fence.

Councilmember Bush asked about the term of the agreement expiring in August 2019. Mr. McIlrath explained that date was specific to the draft but would be changed before the Council considered approval of the agreement. Stuart Williams, City Attorney, added a Development Agreement was typically enforced until completion of the development. Councilmember Bush asked if the developer would be responsible if the fence were damaged after its completion. Councilmember Thompson asked if it was in the City Code that the property line needed to be secured. Mr. McIlrath responded a fence was not required by City Code so if a fence came down the property owner could choose not to replace it. Chad Buck, developer, stated the fence was not required but he agreed to install it because of the rear property facing 1000 East.
DISCUSSION ON A FINAL SUBDIVISION PLAT FOR THE MASONIC TEMPLE SUBDIVISION FOR THE PROPERTY LOCATED AT APPROXIMATELY 452 EAST 700 SOUTH

Brad McIlrath, Senior Planner, informed the Council that the Masonic Temple Subdivision was located at approximately 452 East 700 South and was recently rezoned to Town Commerce (TC). He reviewed the plans for the subdivision. He stated the applicant planned to keep the Masonic Temple on one lot, build a commercial building with 10,000 to 20,000 square feet on the second lot with frontage, and build townhomes on the rear lot. He continued the developer had been given a copy of the Form Based Code and was aware the development would need to meet the standards in that Code.

Councilmember Bush asked if the lot intended for residential use would only have one access out. Mr. McIlrath responded that was likely. He also explained the North Davis Fire District (NDFD) indicated fire code mandated at least two accesses or each unit would need to have fire sprinklers so the developer would need to decide which was preferred for the development.

DISCUSSION AND REVIEW OF THE CITY’S SANITARY SEWER MANAGEMENT PLAN

Scott Hodge, Public Works Director, informed the Council that every City maintaining a sewer system was required to have a plan addressing how it would manage its system. He stated the North Davis Sewer District had established its plan so the City took that plan and adapted it for the City’s needs. He explained the plan helped to evaluate the City’s system, identify capacity, and show how the system would be maintained. He said it was a guideline to follow rather than a regulatory document and would help negotiate the day to day operations of the system.

Councilmember Thompson asked if there were any anticipated pitfalls as the City continued to improve its sewer infrastructure. Mr. Hodge responded there would likely be times when a developer proposed to put more sewage in the system than the existing lines were capable of holding. He explained impact fees were established to help mitigate those circumstances.

Councilmember Phipps commented it appeared the North Davis Sewer District was responsible for the management of the grease, oil and sand contamination. Mr. Hodge responded that was correct.

DISCUSSION ON THE AWARD OF BID FOR THE CITY HALL ROOF REPLACEMENT PROJECT

Eric Howes, Community Services Director, informed the Council that the roof at City Hall needed to be replaced. He stated bids were solicited and four bidders responded. He recommended the bid be awarded to Lifetime Roofing, lowest responsible bidder, with a bid amount of $99,999. He stated the total budget for the project was $145,000 and he would like to keep the additional $45,001 held for contingency because the roof was in such poor shape and leaks had been seen on the inside of the building, which may mean additional costs for unexpected conditions. Mr. Howes stated the bidder recently completed the replacement of the Layton City roof as well.
Councilmember Bush asked how long it would take to complete the project. Mr. Howes expected the project to be complete within 30 to 60 days.

**DISCUSSION ON THE AWARD OF BID FOR THE MABEY POND WATER SUPPLY IMPROVEMENT PROJECT**

Eric Howes, Community Services Director, informed the Council that the City recently solicited bids for the Mabey Pond Water Supply Improvement Project. He stated only one bid was received and the bid was double the established budget for the project. He explained the original plan assumed there was an outfall line near the pond but it was discovered no outfall line existed causing the original estimate to increase by approximately $100,000. He suggested the bid be rejected and staff would seek additional budget funding likely from impact fee revenue. He anticipated that funding would need to be addressed through a proposed budget amendment so the project could be rebid at a later date.

Councilmember Peterson commented the timing didn’t appear to be urgent and the City had experienced positive results on a previous project by rebidding in the late fall. Mr. Howes commented the water level at Mabey Pond continued to fall and would until the project was addressed. He stated there was sufficient time to address the problem even if the City rebid the project later.

Councilmember Phipps asked if using impact fees for the project would disrupt any long term planning for other projects. Mr. Howes responded impact fee revenue continued to grow as more development occurred. He stated there were limited areas where impact fees could be used and the Mabey Pond area was an appropriate use of those funds. He informed the Council that staff would be updating the Park Capital Facilities Plan within the next six months and the future project list would expand.

Councilmember Bush asked if park impact fees had to be used within a certain time period. Mr. Howes responded there was a time limit but there was no danger of losing any of those funds because those nearing that limit were already allocated to a specific project.

Councilmember Roper moved to adjourn at 7:41 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.
CLEARFIELD CITY COUNCIL AND PLANNING COMMISSION
JOINT MEETING MINUTES
6:00 P.M. WORK SESSION
July 31, 2018

PRESIDING: Mark Shepherd Mayor

PRESENT: Kent Bush Councilmember
Nike Peterson Councilmember
Vern Phipps Councilmember
Karece Thompson Councilmember

PRESENT VIA TELEPHONE: Tim Roper Councilmember

STAFF PRESENT: JJ Allen City Manager
Summer Palmer Assistant City Manager
Stuart Williams City Attorney
Brie Brass Assistant City Attorney
Scott Hodge Public Works Director
Kelly Bennett Assistant Police Chief
Spencer Brimley Community Development Director
Brad McIlrath Senior Planner
Trevor Cahoon Communications Coordinator
Rose Long Marketing
Curtis Dickson Community Services Deputy Dir.
Nancy Dean City Recorder

PLANNING COMMISSION MEMBERS: Brady Jugler - Chair, Chris Uccardi, Kathryn Murray, Robert Browning, Michael Britton, Ruth Jones, Nicole Bigelow

VISITORS: Jared Hadley, Kevin Leo – UTA, Paul Drake – UTA, Steve Meyer – UTA, Ray Whitchurch – IBI Group, Lance Tyrrell – IBI Group

UPDATE AND DISCUSSION ON CLEARFIELD STATION AREA PLAN

Spencer Brimley, Community Development Director, explained the City partnered with the Utah Transit Authority (UTA) to hire a consultant to design the Clearfield Station Area Plan for the 60 acres owned by UTA at the Frontrunner station. He continued IBI Group was hired for the project and staff as well as UTA had been working with them on the plan. He stated IBI Group would be presenting a concept plan and proposed themes for the site.

Ray Whitchurch, IBI Group, expressed his opinion the UTA property was a prime piece of property. He explained the City had been awarded a federal opportunity zone grant to create the Clearfield Station Area Plan, which would provide tax benefits for investors wanting to put money into developing the property.
He provided an update on the process to date. He mentioned there had been public outreach regarding the development of the plan as well as meetings with Mayor Shepherd and staff. He commented input from those groups had been incorporated into the plan’s development thus far. He explained some design theme options had been developed and the project was at a point where more discussion was needed from the stakeholders so the plan could be finalized with recommendations that would affect the economics of developing the site.

Lance Tyrrell, IBI Group, presented some building and site theme design options that included Industrial, Contemporary, Traditional, Bright and Eclectic, as well as the option of no specific theme where other features were the common element such as color, wood, brick, landscape, or furniture.

Councilmember Peterson expressed her appreciation for the presentation but wondered why the discussion was starting with identifying a design theme for the site. She commented it seemed preemptive given the Council had not even seen a concept plan yet. She expected the presentation to start with information from the market analysis to learn what the reality was for development of the site. Mr. Whitchurch responded the design theme and street patterns were important because they would help guide the market study and the implementation of those issues was expensive. Councilmember Peterson acknowledged the approach was similar to when the City developed the Form Based Code and its placemaking focus, but the Clearfield Station Area Plan was meant to govern a single 60-acre site. She wanted to know what the market would sustain, what would support the City, and be profitable for UTA. She suggested the infrastructure and cost were ancillary to the core that could create excitement about the development. Mr. Whitchurch explained the concept plans would be presented shortly.

Mayor Shepherd agreed with Councilmember Peterson. He said it was difficult to look at what it could look like before understanding what would drive the market. He stated he liked the idea of creating an industrial feel for the site because Clearfield was an industrial based community and it would be unique outside of Salt Lake City. He added the design for the site needed to be so unique it did not just blend in with everything else. He stated elsewhere in the City there was a lot of new development taking place but the City’s original expectation was UTA’s site would lead development, but that appeared to be the opposite of what was actually taking place. He expressed his opinion that the focus needed to be creating a place that stood alone, yet stood out as a destination. Mr. Whitchurch commented a lot of the comments appeared to center around the identity of the development. He stated the development pattern was also important.

Councilmember Phipps expressed his opinion that the development needed an element of livability and destination. He understood the concept of the design driving things, but he believed the exact look and feel of the development was not as relevant as having a nice place to stay that was walkable, livable, pleasant, and did not feel like high density residential. Mayor Shepherd agreed it was the livability coupled with creating a destination that was important. Mr. Whitchurch suggested it was important to remember and consider that there was a commuter rail station on the edge of the property. He agreed the goal was to create a pleasant place. Paul Drake, UTA, commented Clearfield Station was intended to be a gateway piece and an introduction of the identity of the City. He suggested there was some advantage to addressing what that look and feel should be prior to other elements so the focus would be on what message the City wanted to give to those arriving on the train. Mr. Tyrrell agreed the livability of the development needed to come first. He stated public comment had given a lot of insight into the hope that the development be a destination place with a unique identity. He suggested the identity and aspirational look could be addressed in tandem. Planning Commissioner Browning expressed his opinion that starting with the design made sense because the site was unique from other developments because it was vacant property that really could be anything.
Mr. Drake explained the process that would take place before the property could be developed. He stated creating the Clearfield Station Area Plan was one of the initial steps and the one that would guide every decision moving forward.

Councilmember Bush suggested considering different architecture for different areas of the site given its size. Mayor Shepherd cautioned that multiple themes on the site might be detrimental to the flow of the site. Mr. Tyrrell commented there needed to be a good balance for a unifying theme. He added not every street and building needed to look exactly the same. Councilmember Phipps expressed concern about the continuity of the project if it was done in phases. Mayor Shepherd agreed. He stated it was crucial to create a theme from the beginning. Mr. Whitchurch commented it needed to be unique to attract quality developers and investors.

Planning Commissioner Bigelow suggested it made sense to design an industrial look for the development given its proximity to the Freeport Center. Mr. Whitchurch commented flexibility could be built into an industrial design and theme. The consensus from the City Council and Planning Commission was to design the site with an industrial theme.

Mr. Whitchurch explained early market analysis suggested the site could sustain 200,000 square feet of office space and 40,000 square feet of retail, which would mean sixty percent of the site would be a residential use. He commented UTA felt like the development of the site was about people per acre not units per acre. He stated there was a common ratio for transit-oriented development based on a study performed by the University of Utah. He continued that ratio was sixty percent residential, 30 percent office, and ten percent retail and lent itself to the best walkable formula to supported transit.

Mr. Tyrrell presented two alternative concept plans for the site. The first was a downtown block feel with office at the heart of the station including a boulevard with some shops and retail surrounded by residential. He stated the site would include recreational destination items on the south of the property. He suggested that layout created a consistent nighttime and daytime population because of the mix of uses.

Councilmember Peterson asked what the walking distance was from the platform to the recreational facilities since walkability was driving the design. She also asked how much of the site would be used for surface parking. Mr. Whitchurch responded the recreational facilities were over a quarter-mile from the platform. He suggested those facilities were not really a transit-oriented use because not many people would take the train to participate in those activities. Mr. Tyrrell described the surface and structured parking areas planned in the design.

Councilmember Peterson asked how much housing was driving ridership in other TODs in the State. Mr. Drake explained the numbers were different for different types of stations. He stated UTA was seeing an uptick in ridership where people lived near the station. Councilmember Peterson commented the site was large and often felt like a transit adjacent project rather than a true TOD. Mayor Shepherd commented on Farmington Station. He stated people did not ride the train to shop at Farmington Station. He suggested the Farmington rail site was more of a shuttle stop for commuters not a destination. Mr. Drake stated it was still an area that was primarily residential. He added some stations were primarily commercial stops and the best TODs were trying to create thirty-three percent ridership. He admitted that percentage was lower in Utah.

Councilmember Peterson expressed her opinion that the capacity of the site was exciting to consider. She hoped as much care went into taking advantage of importing riders as well as exporting them. She believed the two could be mutually beneficial for the site and the City.
The second concept plan for the site was presented. Mr. Whitchurch described the plan as truly transit-oriented because all roads led to the platform. It incorporated the same elements as the first plan but was more efficient and provided a unique identity for the site. There was consensus from the City Council and the Planning Commission that the second layout was the preferred design.

Mayor Shepherd asked if the office, retail, residential calculations were being based on a 60-acre project or a 70-acre project. Mr. Whitchurch stated the calculations were based on a 60-acre project. Mayor Shepherd stated those calculations should be based on a 70-acre project because the Thackeray Garn apartments currently under construction were part of the development. Mr. Whitchurch agreed. He expressed his opinion that a planning perspective would encourage looking at the other side of State Street in those calculations as well. He acknowledged the reality was the market study indicated the site could only sustain about 200,000 square feet of office space leaving the rest of the site for residential development.

Planning Commissioner Jones asked if the residential component would be apartments and/or condominiums because the uses were very different in their nature. Mayor Shepherd responded it would need to be both uses. Commissioner Jones expressed her opinion that condominium living often brought pride of ownership and a better long-term feel while at the same time building community. She continued it was important to consider the desires of the current residents of the City and long-term ownership was important. She stated what the development looked like in twenty years mattered. Mayor Shepherd agreed. He commented the finish level for condominiums was higher end because of ownership.

Mayor Shepherd expressed concern the proposed locations for retail in either plan was too far away from the recreational facility. Mr. Whitchurch agreed to look at that as the plan moved forward. Mayor Shepherd also expressed concern that the street coming into the site on the south end of the property would become a thoroughfare, especially if 1000 East Street were eliminated. He stated that should be considered as the location for some retail as a way to monopolize on the exposure.

Councilmember Bush moved to adjourn the joint work session and reconvene in City Council Special Session at 7:00 p.m., seconded by Councilmember Thompson. All voting AYE.
CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. SPECIAL SESSION  
July 31, 2018

PRESIDING:   Mark Shepherd  Mayor

PRESENT:   Kent Bush   Councilmember  
Nike Peterson   Councilmember  
Vern Phipps   Councilmember  
Karece Thompson  Councilmember

EXCUSED:   Tim Roper   Councilmember

STAFF PRESENT:  JJ Allen   City Manager  
Summer Palmer  Assistant City Manager  
Stuart Williams  City Attorney  
Kelly Bennett  Assistant Police Chief  
Scott Hodge  Public Works Director  
Spencer Brimley  Community Development Director  
Brad McIlrath  Senior Planner  
Curtis Dickson  Community Services Deputy Dir.  
Rich Knapp  Finance Manager  
Trevor Cahoon  Communications Coordinator  
Rose Long  Marketing  
Nancy Dean  City Recorder

VISITORS: Virgil N. Zaugg, Bernice N. Zaugg, Tiner Lokham, Bob Bercher, Kirt Nalder, Jo Hamblin, Marcia Hamblin, Larry Hamblin, Chad Buck, Alex Buck, Kathryn Murray, Brady Jugler – Planning Commission Chair, Ruth Jones, Jason Goddard, Marcy Goddard, Kevin Porter, Greg Day, Kyle Weaver

Mayor Shepherd called the meeting to order at 7:05 p.m.

Mayor Shepherd informed the members of the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Thompson led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE MAY 8, 2018 WORK SESSION; MAY 15, 2018 WORK SESSION; MAY 22, 2018 WORK SESSION; JUNE 5, 2018 WORK SESSION; JUNE 12, 2018 POLICY SESSION; JUNE 12, 2018 WORK SESSION; JUNE 19, 2018 WORK SESSION; JUNE 21, 2018 NEIGHBORHOOD PARTY; AND THE JUNE 26, 2018 POLICY SESSION

Councilmember Bush moved to approve the May 8, 2018 work session; May 15, 2018 work session; May 22, 2018 work session; June 5, 2018 work session; June 12, 2018 policy session; June 12, 2018 work session; June 19, 2018 work session, June 21, 2018
Neighborhood Party; and the June 26, 2018 policy session; as written, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO REZONE PROPERTIES LOCATED AT APPROXIMATELY 741, 767, AND 813 WEST 300 NORTH FROM A-1 (AGRICULTURAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL)

Brad McIlrath, Senior Planner, informed the Council that CW Land Company made application to rezone properties located at approximately 741, 767, and 813 West 300 North from A-1 (Agricultural) to R-1-8 (Single Family Residential). He stated the request was consistent with the City’s General Plan, which designated a residential land use for the properties and the surrounding properties were all a single family residential use as well. He informed the Council that the Planning Commission held a public hearing on the request on July 11, 2018 and recommended approval.

Mayor Shepherd declared the public hearing open at 7:12 p.m.

PUBLIC COMMENT

Opposed

Virgil Zaugg, adjacent property owner, commented he realized developing farmland was considered progress. He said all the best land that produced food was disappearing. He expressed his concern that the residential development being proposed would not be good neighbors for his agricultural use. He worried about garbage being thrown over the fence into his fields. He asked that the residents be told that was against City ordinance. He said he did not want two story houses on the property because they would shade his crops. He continued he did not want trees within twenty feet of the fence because of overhang and shade. He wanted to make sure the fences for the properties were built inside the homeowners’ property lines. He stated the developer needed to address the plan for the Smith property and the Weber Basin right-of-way in that area. He continued he would not agree to grant an easement for the sewer line to run across his property. He also asked that the development be built six inches higher on its western border so there was no chance the water from his fields would go into the yards of the properties in the development.

Marsha Hamblin, adjacent property owner, agreed there needed to be garbage control in the development and the Weber Basin right-of-way. She explained there was a ditch on the east side of the property that supplied irrigation water to the agricultural properties. She stated the ditch needed to be piped so access to that water was still available for her property as well as for the safety of children that might live in the development. She also said there needed to be a private and secure fence between the development and the surrounding agricultural uses so that those living in the development did not disturb or harm the animals. She commented the property was very near the Rail Trail and she regularly saw people trespassing to look and disturb the animals.
Mayor Shepherd acknowledged there were issues that would need to be resolved by the developer as he moved through the development process. He explained none of that could happen until a decision on the rezone was made and then staff and the Planning Commission would work with the developer to resolve those issues.

_In Favor_

None.

_Councilmember Bush moved to close the public hearing at 7:22 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote._

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO REZONE PROPERTY LOCATED AT 90 WEST 200 SOUTH FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)

Brad McIlrath, Senior Planner, explained a request had been made to rezone the property located at 90 West 200 South from R-1-8 (Single family Residential) to R-3 (Multi-family Residential). He stated the City’s General Plan Future Land Use Map designated the property as a residential land use, which might support R-3, but other areas of the Plan indicated otherwise. He commented the City recently adopted the Form Based Code concentrating density in the downtown area east of the railroad tracks. He explained a multi-family development needed to have easy access to public transportation and well-connected pedestrian ways to be successful. He explained the property proposed for multi-family development was fairly isolated, which would create a burden for the development and surrounding single family residences. The Planning Commission held a public hearing on July 11, 2018, and recommended denial.

Mayor Shepherd declared the public hearing open at 7:25 p.m.

PUBLIC COMMENT

_In Favor_

_Kirk Nalder and Kyle Weaver_, developers of the property, explained the property was a unique piece because it was surrounded by railroad tracks and had Freeport Center at its back door. He suggested developing it as three or four single family residences did not make financial sense. They proposed to build townhomes on the property. They suggested they might have had a different outcome at the Planning Commission had they prepared a concept plan. They also commented the property had good access to SR 193. They asked the Council to table consideration of the request until a concept plan could be presented.

_Opposed_

None.
Councilmember Peterson moved to close the public hearing at 7:28 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO TITLE 11, CHAPTER 9, ARTICLE B OF THE CITY CODE REDUCING THE LOT WIDTH FOR CORNER LOTS AND THE FRONT AND REAR YARD SETBACKS

Brad McIlrath, Senior Planner, explained CW Land Company proposed amendments to the R-1-8 Zone regulations as part of its intent to develop the properties at 741, 767, and 813 West 300 North. He continued the developer was requesting reductions to the required lot width and front and rear yard setbacks as a way of accommodating larger homes on the lots. He reviewed the proposed feet and distance requirements for lot width and front and rear yard setbacks and shared neighboring cities’ criteria for lot width and front and rear yard setbacks. He indicated the amendment would also provide an opportunity for the expansion or improvement of existing homes in the R-1-8 zone in an effort to improve the standard of living for homeowners. He reported the Planning Commission held a public hearing on July 11, 2018, and recommended approval.

Mayor Shepherd declared the public hearing open at 7:32 p.m.

PUBLIC COMMENT

In Favor

Marcy Goddard, resident, commented she had recently finished her basement and found she could not get large furniture into the house because of the angle on her exterior basement stairs caused by current lot width requirements. She expressed her support for the proposed amendment because it would give her an opportunity to expand the yard and straighten those stairs so the basement would be more usable space for her family.

Opposed

None.

Councilmember Thompson moved to close the public hearing at 7:34 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.
Brad McIlrath, Senior Planner, informed the Council that the City’s clear vision regulations were currently larger than what was needed for life safety standards. He proposed reducing the requirement from 60 feet to 30 feet for corner lots and from 25 feet to 10 feet for driveways. He provided a visual example of the proposed changes and their effect on properties. He explained the Planning Commission discussed the requirements at work session in December 2017, January 2018, and a public hearing was held on July 11, 2018. He noted the Planning Commission recommended approval.

Mayor Shepherd declared the public hearing open at 7:37 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

Councilmember Thompson moved to close the public hearing at 7:38 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

Brad McIlrath, Senior Planner, informed the Council that there appeared to be a market demand for more flexibility on design standards for the planned commercial center signs. He commented the current standards limited the type of sign to centers that are greater than ten acres in size and only one freestanding sign was allowed per street frontage in excess of 300 feet. He continued the sign area was limited to 150 feet and the sign could not exceed 25 feet in height. He added the signs had to be located 200 feet from an intersection and reader boards or electronic messages were limited to 50 percent of the sign area. He reviewed other cities’ regulations for freestanding signs with the Council.

Mr. McIlrath reviewed the proposed amendments with the Council. He stated one freestanding sign would be allowed per 300 feet of street frontage rather than in excess of, the total sign area would be increased to 300 feet, and sign height would increase to 35 feet. He continued centers with more than one sign would need to space the signs a minimum of 200 feet. He added that the electronic message centers would still be limited to 50 percent of the total sign. He reported the Planning Commission held a public hearing on the proposed amendment on July 11, 2018 and recommended approval.

Mayor Shepherd declared the public hearing open at 7:43 p.m.

Mayor Shepherd asked for public comments.
There were no public comments.

**Councilmember Thompson moved to close the public hearing at 7:44 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.**

**OPEN COMMENT PERIOD**

There were no public comments.

**APPROVAL OF ORDINANCE 2018-09, REZONING PROPERTIES LOCATED AT APPROXIMATELY 741, 767, AND 813 WEST 300 NORTH FROM A-1 (AGRICULTURAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL)**

Councilmember Bush expressed his appreciation that the proposed development would be a single-family use. He commented the adjacent residents brought up some good points that would need to be worked out through the development process. Greg Day, developer, responded it was the intent of his company to be respectful and neighborly to the adjacent property owners. He stated he had made notes of the residents’ concerns so they could be addressed. He commented the development was in the early stages and the first step was to apply for the rezone. Councilmember Phipps added there was a process in place through the Planning Commission to address the concerns by placing conditions on the development.

**Councilmember Peterson moved to approve Ordinance 2018-09, rezoning properties located at approximately 741, 767, and 813 West 300 North from A-1 (Agricultural) to R-1-8 (Single Family Residential), seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.**

**DENIAL OF ORDINANCE 2018-10, REZONING PROPERTY LOCATED AT 90 WEST 200 SOUTH FROM R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL)**

Councilmember Bush explained the Council had worked hard to determine a vision for the City and had introduced new zoning opportunities for multi-family development in specific areas. He stated that property at 90 West 200 South was not in an area designated for such a use. He expressed his opinion that a multi-family use on that property would be detrimental to the surrounding single-family uses. He added the transportation options were also limited for that property, which would be detrimental for those living in the development. He commented the developer mentioned developing townhomes on the property but that was still a multi-family use.

**Councilmember Bush moved to deny Ordinance 2018-10, rezoning the property located at 90 West 200 South from R-1-8 (Single Family Residential) to R-3 (Multi-family Residential). Councilmember Peterson asked Stuart Williams, City Attorney, if the Council had an obligation to table consideration of the rezone because the developer requested it. Mr. Williams responded it was an option for the Council to consider or it could choose to move
forward. **Seconded by Councilmember Peterson.** Councilmember Peterson expressed her opinion that the issue had been properly vetted by the Planning Commission and the analysis appeared to verify it was not a good location for a multi-family use. She added the particulars of what that might look like were irrelevant because it had been determined to be inconsistent to the adjacent uses. Councilmember Bush added staffs’ recommendation indicated it was not a consistent use for the location. Councilmember Phipps agreed and expressed his respect for the Planning Commission and staff. He wondered if the Council should acknowledge the developer’s request and table the consideration until after a concept plan could be created for the site. Councilmember Bush commented the use would still be multi-family and not consistent with the uses on adjacent properties. Councilmember Peterson expressed concern with the entitlement created by zoning the property R-3, which allowed a maximum of sixteen units per acre. She commented that type of density was inconsistent with the City’s General Plan for that area. She expressed her opinion that the request did not meet the City’s standard. Councilmember Phipps expressed appreciation for the responses from members of the Council.

**The motion carried upon the following vote:** Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

**APPROVAL OF ORDINANCE 2018-11, AMENDING THE LOT WIDTH FOR CORNER LOTS AND THE FRONT AND REAR YARD SETBACKS IN TITLE 11, CHAPTER 9, ARTICLE B OF THE CITY CODE; AMENDING CLEAR VISION REGULATIONS IN TITLE 11, CHAPTER 13, SECTION 10 OF THE CITY CODE; AND, AMENDING ON PREMISES FREESTANDING SIGN REGULATIONS IN TITLE 11, CHAPTER 15, SECTION 8, PARAGRAPH C OF THE CITY CODE**

Councilmember Phipps moved to approve Ordinance 2018-11, amending the lot width requirements and front and rear yard setbacks in Title 11, Chapter 9, Article B of the City Code; amending the clear vision regulations in Title 11, Chapter 13, Section 10 of the City Code; and, amending on premises sign regulations in Title 11, Chapter 15, Paragraph C of the City Code; and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

**APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE FALCON CORNER SUBDIVISION LOCATED AT 1215 SOUTH 1000 EAST**

Brad McIlrath, Senior Planner, reviewed the specifics of the subdivision plat for the Falcon Corner Townhome project. He reminded the Council that the property was recently rezoned to R-3 (Multi-family Residential) with a required development agreement as one of the conditions for approval. He stated the proposal included subdividing the property into eight (8) individual townhome lots with a common private drive located in the middle of the property to provide vehicular access to the townhomes. He reported the Planning Commission reviewed the plat at its meeting on July 11, 2018, and recommended approval with conditions.
Councilmember Peterson commented the letter from the City Engineer on issues that needed to be addressed appeared quite lengthy. She asked what the timeframe was addressing those issues. Mr. McIlrath responded the applicant’s engineer had been working with the City Engineer on those items and they were close to a resolution for all of them. He added most of the comments were directed at minor corrections for the plat itself.

Councilmember Bush expressed his opinion that the townhome project was a good fit in the proposed location. He commented there were apartments already adjacent to the development. He expressed appreciation for Mr. Buck and his willingness to work with the City by adding amenities that benefit the City and the development.

Councilmember Bush moved to approve the Final Subdivision Plat for the Falcon Corner Subdivision located at 1215 South 1000 East, with the conditions as recommended by the Planning Commission on July 11, 2018, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

APPROVAL OF THE DEVELOPMENT AGREEMENT WITH FALCON CORNERS LLC FOR THE CONSTRUCTION OF THE FALCON CORNER TOWNHOMES LOCATED AT 1215 SOUTH 1000 EAST

Brad McIlrath, Senior Planner, expressed appreciation to Mr. Buck for his willingness to work with the City. He stated the main requirements of the Development Agreement were to provide fencing as a sufficient buffer along 1000 East and 1215 South and to have the rear façade modified to meet the design standards in the land use ordinances. He shared a visual representation of the fencing and rear façade. He reported the Planning Commission reviewed the development agreement on July 11, 2018, and recommended its approval.

Councilmember Peterson moved to approve the Development Agreement with Falcon Corners LLC, addressing the construction of the Falcon Corner Townhomes located at 1215 South 1000 East and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE MASONIC TEMPLE SUBDIVISION LOCATED AT APPROXIMATELY 452 EAST 700 SOUTH

Brad McIlrath, Senior Planner, informed the Council that the Masonic Temple Subdivision was located at approximately 452 East 700 South and was recently rezoned to Town Commerce (TC). He reviewed the plans for the subdivision. He stated the applicant planned to keep the Masonic Temple on one lot, build a commercial building with 10,000 to 20,000 square feet on the second lot with frontage, and build townhomes on the rear lot. He continued the developer had been given a copy of the Form Based Code and was aware the development would need to
meet the standards in that Code. He reported the Planning Commission reviewed the proposed Final Subdivision Plat on July 11, 2018, and recommended its approval with conditions.

Councilmember Thompson moved to approve the Final Subdivision Plat for the Masonic Temple Subdivision located at approximately 452 East 700 South, with the conditions as recommended by the Planning Commission, and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

APPROVAL OF THE AWARD OF BID FOR THE CITY HALL ROOF REPLACEMENT PROJECT TO LIFETIME ROOFING

Curtis Dickson, Deputy Director, stated the budget allocated funds to replace the roof at City Hall. He stated the roof was twenty years old and at the end of its life. He continued there were leaks impacting the interior of the building. He explained four bids were received for the project, and Lifetime Roofing was the lowest responsible bidder with a bid amount of $99,999. He stated the budget allocation for the project was $145,000 and staff was requesting $45,001 in contingency because there was no way to tell what damage had been done by leaks until the roof was removed.

Councilmember Phipps asked if the bidders were given an opportunity to look at the roof before submitting their bids. Mr. Dickson responded there was a mandatory pre-bid meeting for the bidders that allowed them to inspect the roof.

Councilmember Thompson moved to approve the award of bid for the City Hall Roof Replacement Project to Lifetime Roofing, with a bid amount of $99,999; approving funding for the bid amount with a project contingency of $45,001 for a total project cost of $145,000; and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.

APPROVAL OF THE CLEARFIELD CITY SANITARY SEWER MANAGEMENT PLAN

Scott Hodge, Public Works Director, informed the Council that every City maintaining a sewer system was required by the State to have a plan addressing how it would manage its system. He explained the plan helped to evaluate the City’s system, identify capacity, and show how the system would be maintained. He said it was a guideline to follow rather than a regulatory document and would help negotiate the day to day operations of the system.

Councilmember Phipps moved to approve the Clearfield City Sanitary Sewer Management Plan (SSMP) and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.
COMMUNICATION ITEMS

Mayor Shepherd
1. Reported Hill Air Force Base had finished its Air Installation Compatible Use Zone Study. It addressed the noise issues and flight patterns and asked municipalities to consult the Air Force when planning development in flight path areas.
2. Recommended a publication called Business Council’s Best Practices Report. He stated it highlighted quality projects that had been accomplished in different municipalities throughout the country. He offered to email it to the members of the Council for ideas in efforts to move the City forward.

Councilmember Bush – reported he attended the showing of the movie Wonder in the park. He stated he liked the movie. He quoted from the movie, “When given the choice between being right and being kind, choose kind.”

Councilmember Peterson
1. Thanked Bob Bercher who had represented the Veterans Association in inviting the Council to attend the event highlighting the recently erected Vietnam Veterans memorial in Layton. She commented the memorial was a replica of the wall in Washington DC and it was impressive. She expressed her gratitude to those who had served.
2. Thanked staff for all the hard work at the Fourth of July festivities.

Councilmember Phipps – nothing to report.

Councilmember Thompson
1. Commented it had been a great summer for Clearfield. He thanked Jared Hadley Real Estate for contributions made to the boxing program at the Aquatic Center. He commented he enjoyed seeing the competitive nature of such young, great people.
2. Met with the Governor’s Office of Economic Development and the Utah African American Chamber of Commerce. He reported the meeting discussed how to expand and improve the State. He commented Utah was losing out on some of the economic opportunities because there was a perception that the State was not diverse enough. He continued Clearfield was an industrious and diverse city and people should know more about it. He encouraged the City to attract those opportunities.
3. Expressed appreciation for the giving spirit in the City. He recognized the Hope Center for its backpack event and a local barber shop for giving free haircuts to children 14 years and younger.

STAFF REPORTS

JJ Allen, City Manager – commented it had been a busy summer. He reminded the Council that there was a Neighborhood Pop-up Party on August 1, 2018 at 6:00 p.m. in Jacobsen Park. He also reminded the Council the Mid-year Retreat was on August 23, 2018.

Summer Palmer, Assistant City Manager – reported on the closure of the Clearfield Mobile Home Park. She stated four tenants still remained on the premises and had made arrangements to leave in the next few days and the other two tenants were moving their belongings to storage units and would be gone within a few weeks. She explained all the remaining tenants had families in the area or had been given financial assistance to help them relocate. She reported barricades would be going up at the main entrance and the west gate would be locked. She continued the next step was to remove the trailers from the property or have them demolished and the property manager was assisting with that task. She mentioned that SWAT and the police department were conducting some training exercises on the property. Mayor Shepherd
expressed appreciation to staff for the professional handling of the project. JJ Allen, City Manager, expressed appreciation to Ms. Palmer for her significant efforts on the project.

*Nancy Dean, City Recorder* – reviewed the Council’s schedule:

- **Work Session on August 7, 2018**
- **Work and Policy Session on August 14, 2018**
- **No meeting currently planned for August 21, 2018**
- **Work Session and Policy Session on August 28, 2018**
- **Work Session on September 4, 2018**
- **Policy Session on September 11, 2018**

Councilmember Peterson presented a thank you video from Mayor Shepherd and the members of the Council to all the staff who helped make the Fourth of July festivities an amazing experience.

Councilmember Bush moved to adjourn policy session and reconvene in work session at 8:49 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, and Thompson. Voting NO – None. Councilmember Roper was not present for the vote.
CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. NEIGHBORHOOD PARTY  
AUGUST 1, 2018

PRESENT: Kent Bush Councilmember

EXCUSED: Mark Shepherd Mayor  
Nike Peterson Councilmember  
Vern Phipps Councilmember  
Tim Roper Councilmember  
Karece Thompson Councilmember

STAFF PRESENT: JJ Allen City Manager  
Summer Palmer Assistant City Manager  
Scott Hodge Public Works Director  
Mark Baird Deputy Public Works Director  
Brad Wheeler Street Superintendent  
Kelly Bennett Police Assistant Chief  
Devin Rogers Police Lieutenant  
Brody Warren Police Sergeant  
Denise Hernandez Police Officer  
Jayden Stevens Police Officer  
Heather Arnell Police Detective  
Curtis Dickson Community Services Deputy Dir.  
Trevor Cahoon Communications Coordinator  
Jen Wiggins Marketing Intern

NEIGHBORHOOD POP UP PARTY HELD AT JACOBSEN PARK LOCATED AT 1045 SOUTH 1350 WEST

As a means of community outreach, Councilmember Bush and staff participated with neighborhood residents at a pop up neighborhood party held at Jacobsen Park. Residents were able to play on the City’s newly installed playground equipment in addition to mingling with neighbors and various representatives of the City while exploring some of the vehicles on scene from Police, Fire, Parks, and Public Works.

The neighborhood party adjourned at 7:00 p.m.
TO: Mayor Shepherd and City Council Members  
FROM: Scott Hodge, Public Works Director  
MEETING DATE: August 14, 2018  
SUBJECT: Consider approval of the award of bid for the 1425 West Street, Roadway Improvement Project

RECOMMENDED ACTION
Approve the award of bid for the 1425 West Street, Roadway Improvement Project to Marsh Construction for the bid amount of $458,363.65; approve funding for the project for the bid amount of $458,363.65 with contingency and engineering costs of $98,399.00 for a total project cost of $556,762.65; and authorize the Mayor’s signature to any necessary documents.

DESCRIPTION / BACKGROUND
The city received bids from seven contractors for the 1425 West Roadway Improvement Project. The work consists of installing a new 8 inch culinary water line to replace the existing 6 inch water line, two new fire hydrants and new water service line from the new water main to each water meter will also be installed. A new 15 inch storm water pipeline will be installed at the street intersection of 975 South and 1425 West. Damaged sections of curb, gutter and sidewalk will be replaced and a new asphalt pavement surface will be installed the full width and length of 1425 West Street.

IMPACT
FISCAL

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a. OPERATIONS / SERVICE DELIVERY

SCHEDULE / TIME CONSTRAINTS
Bid documents specify that construction is to be substantially completed by October 31, 2018.
LIST OF ATTACHMENTS

- Bid Documents; Bid Results, Bid Tabulation and Engineers Letter of Recommendation
- Construction Drawings
11 July 2018

Clearfield City
55 South State Street
Clearfield, Utah 84015

Attn: Mayor Mark Shepherd and City Council
Proj: 1425 West Street Roadway Improvement Project
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mark Shepherd and Council Members,

The “Bid Opening” for the above referenced project was conducted on Tuesday, July 10th, 2018. The lowest responsible bidder is Marsh Construction of North Ogden, Utah.

Enclosed are the “Bid Results” and “Bid Proposal Tabulation”. Marsh Construction’s bid was reviewed and found to meet the bidding conditions required in the Contract Documents.

Since Marsh Construction’s bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of $458,363.65 to Marsh Construction Company.

Should you have any questions or desire additional information concerning the contractor or his bid, please feel free to contact our office at your earliest convenience.

Sincerely,

CEC, Civil Engineering Consultants, PLLC.

R. Todd Freeman, P.E.
City Engineer

cc: Scott Hodge – Clearfield City Public Works Director
    Kamilla Schultz – Clearfield City Staff Engineer
# BID RESULTS

## 1425 West Street Roadway Improvement Project

**OWNER:** CLEARFIELD CITY  
**ENGINEER:** CEC, CIVIL ENGINEERING CONSULTANTS, PLLC.

**BID DATE:** 10\textsuperscript{th} July 2018  
**TIME:** 2:30 PM  
**BID LOCATION:** Clearfield City Offices  
55 South State Street; 3\textsuperscript{rd} Floor  
Clearfield, Utah 84015

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<th>ADDENDUM</th>
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## BID PROPOSAL TABULATION

**1425 West Street Roadway Improvement Project**

**BID DATE:** July 10th, 2018  
**OWNER:** CLEARFIELD CITY  
**PUBLIC WORKS DIRECTOR:** SCOTT HODGE

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</tr>
<tr>
<td></td>
<td><strong>Schedule A: Roadway Improvements</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>A2.</td>
<td>Saw cutting, removal and disposal of asphalt surfacing and roadbase to sub-base grade (approximately 5,550 square yards).</td>
<td>1</td>
<td>ls.</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
<td>$47,000.00</td>
<td>$47,000.00</td>
<td>$66,863.25</td>
<td>$66,863.25</td>
</tr>
<tr>
<td>A3.</td>
<td>Removal and disposal of sidewalk.</td>
<td>1,090</td>
<td>lf.</td>
<td>$2.10</td>
<td>$2,289.00</td>
<td>$9.20</td>
<td>$10,028.00</td>
<td>$4.50</td>
<td>$4,905.00</td>
</tr>
<tr>
<td>A4.</td>
<td>Removal and disposal of concrete flatwork.</td>
<td>2,275</td>
<td>sf.</td>
<td>$1.00</td>
<td>$2,275.00</td>
<td>$2.80</td>
<td>$6,370.00</td>
<td>$1.20</td>
<td>$2,730.00</td>
</tr>
<tr>
<td>A5.</td>
<td>Removal and disposal of concrete waterway.</td>
<td>805</td>
<td>sf.</td>
<td>$1.00</td>
<td>$805.00</td>
<td>$3.60</td>
<td>$2,898.00</td>
<td>$1.75</td>
<td>$1,408.75</td>
</tr>
<tr>
<td>A6.</td>
<td>Removal and disposal of existing curb and gutter.</td>
<td>1,240</td>
<td>lf.</td>
<td>$1.00</td>
<td>$1,240.00</td>
<td>$9.00</td>
<td>$11,160.00</td>
<td>$6.00</td>
<td>$7,440.00</td>
</tr>
<tr>
<td>A7.</td>
<td>Remove existing tree and grind roots at 940 South.</td>
<td>1</td>
<td>ea.</td>
<td>$300.00</td>
<td>$300.00</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
<td>$800.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>A8.</td>
<td>Remove existing trees and grind roots at 834 South.</td>
<td>1</td>
<td>ea.</td>
<td>$850.00</td>
<td>$850.00</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
<td>$800.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>A9.</td>
<td>Remove existing trees and grind roots at 1379 West.</td>
<td>2</td>
<td>ea.</td>
<td>$200.00</td>
<td>$400.00</td>
<td>$1,200.00</td>
<td>$2,400.00</td>
<td>$800.00</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>A10.</td>
<td>Remove existing trees and grind roots at 1435 West.</td>
<td>3</td>
<td>ea.</td>
<td>$400.00</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
<td>$3,600.00</td>
<td>$800.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>A11.</td>
<td>Remove existing trees and grind roots at 787 South.</td>
<td>3</td>
<td>ea.</td>
<td>$400.00</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
<td>$3,600.00</td>
<td>$800.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>A12.</td>
<td>Furnish and install 4-foot wide 4-inch thick sidewalk.</td>
<td>1,000</td>
<td>lf.</td>
<td>$18.00</td>
<td>$18,000.00</td>
<td>$36.00</td>
<td>$36,000.00</td>
<td>$24.00</td>
<td>$24,000.00</td>
</tr>
<tr>
<td>A13.</td>
<td>Furnish and install 4-foot wide 6-inch thick sidewalk.</td>
<td>90</td>
<td>lf.</td>
<td>$35.00</td>
<td>$3,150.00</td>
<td>$37.00</td>
<td>$3,330.00</td>
<td>$30.00</td>
<td>$2,700.00</td>
</tr>
<tr>
<td>Bid Item</td>
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<td>Unit</td>
<td>Unit Price</td>
<td>Total Amount</td>
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</tr>
<tr>
<td>A14.</td>
<td>Furnish and install 4-inch thick concrete flatwork.</td>
<td>1,730</td>
<td>sf.</td>
<td>$5.60</td>
<td>$9,688.00</td>
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<tr>
<td>A15.</td>
<td>Furnish and install 6-inch thick concrete flatwork.</td>
<td>545</td>
<td>sf.</td>
<td>$9.00</td>
<td>$4,905.00</td>
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<tr>
<td>A16.</td>
<td>Furnish and install concrete waterway.</td>
<td>515</td>
<td>sf.</td>
<td>$10.00</td>
<td>$5,150.00</td>
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<tr>
<td>A17.</td>
<td>Furnish and install concrete curb and gutter.</td>
<td>1,240</td>
<td>lf.</td>
<td>$32.00</td>
<td>$39,680.00</td>
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<tr>
<td>A18.</td>
<td>Furnish and install handicap ramp (yellow in color).</td>
<td>6</td>
<td>ea.</td>
<td>$310.00</td>
<td>$1,860.00</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>A19.</td>
<td>Furnish and install untreated roadbase materials - 8&quot; thick.</td>
<td>2,750</td>
<td>ton.</td>
<td>$20.00</td>
<td>$55,000.00</td>
<td></td>
<td></td>
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<tr>
<td>A20.</td>
<td>Sub-grade excavation disposal and replacement with crushed pit run material.</td>
<td>1,500</td>
<td>ton.</td>
<td>$35.00</td>
<td>$52,500.00</td>
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<td></td>
</tr>
</tbody>
</table>

**Option A**

| A21.     | Furnish and install bituminous asphalt paving materials - 3" thick (APWA 2017, Class II, PG 58-28, 15% - 30% RAP Content, 75 Gyration). | 1,175 | ton.   | $69.00 | $81,075.00  |

**Option B**

| A21.     | Furnish and install bituminous asphalt paving materials - 3" thick (APWA 2017, Class II, PG 58-28, 15% - 30% RAP Content, 50 Blow Marshall). | 1,175 | ton. | $66.00 | $77,550.00  |
| A22.     | Adjust manhole ring and cover to finish grade.                                                | 7      | ea.   | $475.00 | $3,325.00  |
| A23.     | Adjust valve box ring and cover to finish grade.                                              | 7      | ea.   | $475.00 | $3,325.00  |
| A24.     | Remove and replace all landscaping improvements, public/private damaged during construction.  | 1      | ls.   | $9,800.00 | $9,800.00 |

Subtotal: Schedule A with Asphalt Option A $329,517.00 $499,941.00 $456,657.00
Subtotal: Schedule A with Asphalt Option B $325,992.00 $490,776.00 $456,657.00
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<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Remove and salvage fire hydrant.</td>
<td>1</td>
<td>ea.</td>
<td>$730.00</td>
<td>$730.00</td>
</tr>
<tr>
<td>B2</td>
<td>Furnish and install 8-inch diameter C-900 DR-18 pvc culinary waterline.</td>
<td>1,290</td>
<td>lf.</td>
<td>$53.00</td>
<td>$68,370.00</td>
</tr>
<tr>
<td>B3</td>
<td>Furnish and install 8-inch gate valve.</td>
<td>3</td>
<td>ea.</td>
<td>$2,200.00</td>
<td>$6,600.00</td>
</tr>
<tr>
<td>B4</td>
<td>Furnish and install fire hydrant.</td>
<td>2</td>
<td>ea.</td>
<td>$5,800.00</td>
<td>$11,600.00</td>
</tr>
<tr>
<td>B5</td>
<td>Construct waterline connection at Sta 0+12.95 RT 6.66'.</td>
<td>1</td>
<td>ls.</td>
<td>$5,500.00</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>B6</td>
<td>Construct waterline connection at Sta 10+47.88 RT 13.54' &amp; Sta 10+50.22 RT 1.88'.</td>
<td>1</td>
<td>ls.</td>
<td>$5,900.00</td>
<td>$5,900.00</td>
</tr>
<tr>
<td>B7</td>
<td>Furnish and install copper water service lateral piping (3/4&quot; diameter).</td>
<td>365</td>
<td>lf.</td>
<td>$40.00</td>
<td>$14,600.00</td>
</tr>
<tr>
<td>B8</td>
<td>Furnish and install water meter yoke (3/4&quot; diameter).</td>
<td>16</td>
<td>ea.</td>
<td>$130.00</td>
<td>$2,080.00</td>
</tr>
<tr>
<td>B9</td>
<td>Furnish and install angle dual check valve (3/4&quot; diameter).</td>
<td>31</td>
<td>ea.</td>
<td>$235.00</td>
<td>$7,285.00</td>
</tr>
<tr>
<td>B10</td>
<td>Furnish and install locking angle meter valve (3/4&quot; diameter).</td>
<td>16</td>
<td>ea.</td>
<td>$335.00</td>
<td>$5,360.00</td>
</tr>
<tr>
<td>B11</td>
<td>Reconnection of the culinary water service lateral to the main line - west side meter.</td>
<td>14</td>
<td>ea.</td>
<td>$700.00</td>
<td>$9,800.00</td>
</tr>
<tr>
<td>B12</td>
<td>Reconnection of the culinary water service lateral to the main line - east side meter.</td>
<td>17</td>
<td>ea.</td>
<td>$675.00</td>
<td>$11,475.00</td>
</tr>
<tr>
<td>B13</td>
<td>Furnish clean import material for trench backfill.</td>
<td>1,900</td>
<td>ton.</td>
<td>$16.00</td>
<td>$30,400.00</td>
</tr>
</tbody>
</table>

Subtotal: Schedule B $179,700.00 $168,975.00 $168,606.00
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<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
<th>Unit Price</th>
<th>Total Amount</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1.</td>
<td>Remove and dispose of storm water catch basin box.</td>
<td>1</td>
<td>ea.</td>
<td>$730.00</td>
<td>$730.00</td>
<td>$860.00</td>
<td>$860.00</td>
<td>$825.00</td>
<td>$825.00</td>
</tr>
<tr>
<td>C2.</td>
<td>Furnish and install 15-inch diameter rep storm water pipe.</td>
<td>130</td>
<td>lf.</td>
<td>$93.00</td>
<td>$12,090.00</td>
<td>$95.00</td>
<td>$12,350.00</td>
<td>$59.00</td>
<td>$7,670.00</td>
</tr>
<tr>
<td>C3.</td>
<td>Furnish and install a cast-in-place hooded storm water inlet catch basin box with troughs.</td>
<td>1</td>
<td>ea.</td>
<td>$6,700.00</td>
<td>$6,700.00</td>
<td>$5,100.00</td>
<td>$5,100.00</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>C4.</td>
<td>Furnish and install a cast-in-place combination manhole and hooded storm water inlet catch basin box.</td>
<td>3</td>
<td>ea.</td>
<td>$5,700.00</td>
<td>$17,100.00</td>
<td>$7,400.00</td>
<td>$22,200.00</td>
<td>$3,400.00</td>
<td>$10,200.00</td>
</tr>
<tr>
<td>C5.</td>
<td>Furnish 3/4&quot; diameter clean gravel pipe bedding materials.</td>
<td>50</td>
<td>ton.</td>
<td>$19.00</td>
<td>$950.00</td>
<td>$11.00</td>
<td>$550.00</td>
<td>$32.00</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>C6.</td>
<td>Furnish clean import material for trench backfill.</td>
<td>50</td>
<td>ton.</td>
<td>$16.00</td>
<td>$800.00</td>
<td>$18.00</td>
<td>$900.00</td>
<td>$12.50</td>
<td>$625.00</td>
</tr>
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</table>

Subtotal: Schedule C $38,370.00 $41,960.00 $23,420.00

TOTAL BID PROPOSAL AMOUNT WITH ASPHALT OPTION A: $547,587.00 $710,876.00 $648,683.00
TOTAL BID PROPOSAL AMOUNT WITH ASPHALT OPTION B: $544,062.00 $701,711.00 $648,683.00

Surety Company
- Zurich American Insurance Co.
  - Schaumburg, Illinois 5%
- Travelers Casualty & Surety Company of America
  - Salt Lake City, Utah 5%
- Travelers Casualty & Surety Company of America
  - Hartford, Connecticut 5%

City, State
- Surety Company
  - Bid Security - Bid Bond Amount
    - Contractor's License Number
      - 8698462-5551
      - 239696-5501
      - 230926-5501
## BID PROPOSAL TABULATION

### 1425 West Street Roadway Improvement Project

**BID DATE:** July 10th, 2018  
**OWNER:** CLEARFIELD CITY  
**PUBLIC WORKS DIRECTOR:** SCOTT HODGE

### Schedule A: Roadway Improvements

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Mobilization, SWPPP &amp; traffic control.</td>
<td>1</td>
<td>ls.</td>
<td>$66,279.00</td>
<td>$66,279.00</td>
</tr>
<tr>
<td>A2</td>
<td>Saw cutting, removal and disposal of asphalt surfacing and roadbase to sub-base grade (approximately 5,550 square yards).</td>
<td>1</td>
<td>ls.</td>
<td>$44,000.00</td>
<td>$44,000.00</td>
</tr>
<tr>
<td>A3</td>
<td>Removal and disposal of sidewalk.</td>
<td>1,090</td>
<td>lf.</td>
<td>$7.00</td>
<td>$7,630.00</td>
</tr>
<tr>
<td>A4</td>
<td>Removal and disposal of concrete flatwork.</td>
<td>2,275</td>
<td>sf.</td>
<td>$2.00</td>
<td>$4,550.00</td>
</tr>
<tr>
<td>A5</td>
<td>Removal and disposal of concrete waterway.</td>
<td>805</td>
<td>sf.</td>
<td>$3.50</td>
<td>$2,817.50</td>
</tr>
<tr>
<td>A6</td>
<td>Removal and disposal of existing curb and gutter.</td>
<td>1,240</td>
<td>lf.</td>
<td>$8.00</td>
<td>$9,920.00</td>
</tr>
<tr>
<td>A7</td>
<td>Remove existing tree and grind roots at 940 South.</td>
<td>1</td>
<td>ea.</td>
<td>$850.00</td>
<td>$850.00</td>
</tr>
<tr>
<td>A8</td>
<td>Remove existing trees and grind roots at 834 South.</td>
<td>1</td>
<td>ea.</td>
<td>$1,100.00</td>
<td>$1,100.00</td>
</tr>
<tr>
<td>A9</td>
<td>Remove existing trees and grind roots at 1379 West.</td>
<td>2</td>
<td>ea.</td>
<td>$850.00</td>
<td>$1,700.00</td>
</tr>
<tr>
<td>A10</td>
<td>Remove existing trees and grind roots at 1435 West.</td>
<td>3</td>
<td>ea.</td>
<td>$850.00</td>
<td>$2,550.00</td>
</tr>
<tr>
<td>A11</td>
<td>Remove existing trees and grind roots at 787 South.</td>
<td>3</td>
<td>ea.</td>
<td>$850.00</td>
<td>$2,550.00</td>
</tr>
<tr>
<td>A12</td>
<td>Furnish and install 4-foot wide 4-inch thick sidewalk.</td>
<td>1,000</td>
<td>lf.</td>
<td>$20.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>A13</td>
<td>Furnish and install 4-foot wide 6-inch thick sidewalk.</td>
<td>90</td>
<td>lf.</td>
<td>$24.00</td>
<td>$2,160.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
</table>
| Leon Poulsen Construction  
1675 South 1900 West  
Ogden, Utah 84401 | Leon Poulsen Construction  
1675 South 1900 West  
Ogden, Utah 84401 | Unit Price | Total Amount | Unit Price | Total Amount | Unit Price | Total Amount |
<p>| A1       | Mobilization, SWPPP &amp; traffic control. | 1 | ls. | $66,279.00 | $66,279.00 | $27,000.00 | $27,000.00 | $18,000.00 | $18,000.00 |
| A2       | Saw cutting, removal and disposal of asphalt surfacing and roadbase to sub-base grade (approximately 5,550 square yards). | 1 | ls. | $44,000.00 | $44,000.00 | $30,500.00 | $30,500.00 | $39,000.00 | $39,000.00 |
| A3       | Removal and disposal of sidewalk. | 1,090 | lf. | $7.00 | $7,630.00 | $5.00 | $5,450.00 | $13.25 | $14,442.50 |
| A4       | Removal and disposal of concrete flatwork. | 2,275 | sf. | $2.00 | $4,550.00 | $1.40 | $3,185.00 | $3.75 | $8,531.25 |
| A5       | Removal and disposal of concrete waterway. | 805 | sf. | $3.50 | $2,817.50 | $2.15 | $1,730.75 | $7.00 | $5,635.00 |
| A6       | Removal and disposal of existing curb and gutter. | 1,240 | lf. | $8.00 | $9,920.00 | $8.00 | $9,920.00 | $10.50 | $13,020.00 |
| A7       | Remove existing tree and grind roots at 940 South. | 1 | ea. | $850.00 | $850.00 | $350.00 | $350.00 | $800.00 | $800.00 |
| A8       | Remove existing trees and grind roots at 834 South. | 1 | ea. | $1,100.00 | $1,100.00 | $800.00 | $800.00 | $800.00 | $800.00 |
| A9       | Remove existing trees and grind roots at 1379 West. | 2 | ea. | $850.00 | $1,700.00 | $300.00 | $600.00 | $560.00 | $1,120.00 |
| A10      | Remove existing trees and grind roots at 1435 West. | 3 | ea. | $850.00 | $2,550.00 | $425.00 | $1,275.00 | $275.00 | $825.00 |
| A11      | Remove existing trees and grind roots at 787 South. | 3 | ea. | $850.00 | $2,550.00 | $500.00 | $1,500.00 | $275.00 | $825.00 |
| A12      | Furnish and install 4-foot wide 4-inch thick sidewalk. | 1,000 | lf. | $20.00 | $20,000.00 | $18.22 | $18,220.00 | $18.00 | $18,000.00 |
| A13      | Furnish and install 4-foot wide 6-inch thick sidewalk. | 90 | lf. | $24.00 | $2,160.00 | $30.50 | $2,745.00 | $27.00 | $2,430.00 |</p>
<table>
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<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
<th>Unit Price</th>
<th>Total Amount</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A14.</td>
<td>Furnish and install 4-inch thick concrete flatwork.</td>
<td>1,730</td>
<td>sf.</td>
<td>$5.00</td>
<td>$8,650.00</td>
<td>$4.95</td>
<td>$8,563.50</td>
<td>$5.00</td>
<td>$8,650.00</td>
</tr>
<tr>
<td>A15.</td>
<td>Furnish and install 6-inch thick concrete flatwork.</td>
<td>545</td>
<td>sf.</td>
<td>$6.00</td>
<td>$3,270.00</td>
<td>$6.83</td>
<td>$3,722.35</td>
<td>$7.50</td>
<td>$4,087.50</td>
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<tr>
<td>A16.</td>
<td>Furnish and install concrete waterway.</td>
<td>515</td>
<td>sf.</td>
<td>$12.50</td>
<td>$6,437.50</td>
<td>$11.20</td>
<td>$5,768.00</td>
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</tr>
<tr>
<td>A17.</td>
<td>Furnish and install concrete curb and gutter.</td>
<td>1,240</td>
<td>lf.</td>
<td>$24.00</td>
<td>$29,760.00</td>
<td>$24.15</td>
<td>$29,946.00</td>
<td>$23.50</td>
<td>$29,140.00</td>
</tr>
<tr>
<td>A18.</td>
<td>Furnish and install handicap ramp (yellow in color).</td>
<td>6</td>
<td>ea.</td>
<td>$1,700.00</td>
<td>$10,200.00</td>
<td>$900.00</td>
<td>$5,400.00</td>
<td>$1,250.00</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>A19.</td>
<td>Furnish and install untreated roadbase materials - 8&quot; thick.</td>
<td>2,750</td>
<td>ton.</td>
<td>$22.00</td>
<td>$60,500.00</td>
<td>$19.80</td>
<td>$54,450.00</td>
<td>$21.25</td>
<td>$58,437.50</td>
</tr>
<tr>
<td>A20.</td>
<td>Sub-grade excavation disposal and replacement with crushed pit run material.</td>
<td>1,500</td>
<td>ton.</td>
<td>$22.00</td>
<td>$33,000.00</td>
<td>$18.00</td>
<td>$27,000.00</td>
<td>$29.00</td>
<td>$43,500.00</td>
</tr>
</tbody>
</table>

**Option A**

| A21.     | Furnish and install bituminous asphalt paving materials - 3" thick (APWA 2017, Class II, PG 58-28, 15% - 30% RAP Content, 75 Gyration). | 1,175 | ton. | $68.00      | $79,900.00   | $71.07      | $83,507.25   | $65.00      | $76,375.00   |

**Option B**

| A21.     | Furnish and install bituminous asphalt paving materials - 3" thick (APWA 2017, Class II, PG 58-28, 15% - 30% RAP Content, 50 Blow Marshall). | 1,175 | ton. | $66.00      | $77,550.00   | $64.37      | $75,634.75   | $65.00      | $76,375.00   |
| A22.     | Adjust manhole ring and cover to finish grade. | 7 | ea.  | $900.00     | $6,300.00    | $400.00     | $2,800.00    | $560.00     | $3,920.00    |
| A23.     | Adjust valve box ring and cover to finish grade. | 7 | ea.  | $603.00     | $4,221.00    | $325.00     | $2,275.00    | $800.00     | $5,600.00    |
| A24.     | Remove and replace all landscaping improvements, public/private damaged during construction. | 1 | ls.  | $40,000.00  | $40,000.00   | $4,000.00   | $4,000.00    | $11,100.00  | $11,100.00   |

Subtotal: Schedule A with Asphalt Option A $448,345.00 $330,707.85 $377,403.75
Subtotal: Schedule A with Asphalt Option B $445,995.00 $322,835.35 $377,403.75
**Bid Tabulation**

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
<th>Unit Price</th>
<th>Total Amount</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Remove and salvage fire hydrant.</td>
<td>1</td>
<td>ea.</td>
<td>$1,100.00</td>
<td>$1,100.00</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
<td>$1,215.57</td>
<td>$1,215.57</td>
</tr>
<tr>
<td>B2</td>
<td>Furnish and install 8-inch diameter C-900 DR-18 pvc culinary waterline.</td>
<td>1,290</td>
<td>ft.</td>
<td>$54.00</td>
<td>$69,660.00</td>
<td>$25.27</td>
<td>$32,598.30</td>
<td>$59.25</td>
<td>$76,432.50</td>
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<tr>
<td>B3</td>
<td>Furnish and install 8-inch gate valve.</td>
<td>3</td>
<td>ea.</td>
<td>$2,100.00</td>
<td>$6,300.00</td>
<td>$1,700.00</td>
<td>$5,100.00</td>
<td>$2,325.00</td>
<td>$6,975.00</td>
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<tr>
<td>B4</td>
<td>Furnish and install fire hydrant.</td>
<td>2</td>
<td>ea.</td>
<td>$6,200.00</td>
<td>$12,400.00</td>
<td>$4,900.00</td>
<td>$9,800.00</td>
<td>$6,800.00</td>
<td>$13,600.00</td>
</tr>
<tr>
<td>B5</td>
<td>Construct waterline connection at Sta 0+12.95 RT 6.66’.</td>
<td>1</td>
<td>ls.</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
<td>$8,250.00</td>
<td>$8,250.00</td>
</tr>
<tr>
<td>B6</td>
<td>Construct waterline connection at Sta 10+47.88 RT 13.54’ &amp; Sta 10+50.22 RT 1.88’.</td>
<td>1</td>
<td>ls.</td>
<td>$9,200.00</td>
<td>$9,200.00</td>
<td>$5,300.00</td>
<td>$5,300.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>B7</td>
<td>Furnish and install copper water service lateral piping (3/4&quot; diameter).</td>
<td>365</td>
<td>ft.</td>
<td>$35.00</td>
<td>$12,775.00</td>
<td>$27.00</td>
<td>$9,855.00</td>
<td>$38.50</td>
<td>$14,052.50</td>
</tr>
<tr>
<td>B8</td>
<td>Furnish and install water meter yoke (3/4&quot; diameter).</td>
<td>16</td>
<td>ea.</td>
<td>$150.00</td>
<td>$2,400.00</td>
<td>$95.00</td>
<td>$1,520.00</td>
<td>$165.00</td>
<td>$2,640.00</td>
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<tr>
<td>B9</td>
<td>Furnish and install angle dual check valve (3/4&quot; diameter).</td>
<td>31</td>
<td>ea.</td>
<td>$235.00</td>
<td>$7,285.00</td>
<td>$145.00</td>
<td>$4,495.00</td>
<td>$260.00</td>
<td>$8,060.00</td>
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<tr>
<td>B10</td>
<td>Furnish and install locking angle meter valve (3/4&quot; diameter).</td>
<td>16</td>
<td>ea.</td>
<td>$235.00</td>
<td>$3,760.00</td>
<td>$160.00</td>
<td>$2,560.00</td>
<td>$250.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>B11</td>
<td>Reconnection of the culinary water service lateral to the main line - west side meter.</td>
<td>14</td>
<td>ea.</td>
<td>$435.00</td>
<td>$6,090.00</td>
<td>$300.00</td>
<td>$4,200.00</td>
<td>$475.00</td>
<td>$6,650.00</td>
</tr>
<tr>
<td>B12</td>
<td>Reconnection of the culinary water service lateral to the main line - east side meter.</td>
<td>17</td>
<td>ea.</td>
<td>$435.00</td>
<td>$7,395.00</td>
<td>$300.00</td>
<td>$5,100.00</td>
<td>$475.00</td>
<td>$8,075.00</td>
</tr>
<tr>
<td>B13</td>
<td>Furnish clean import material for trench backfill.</td>
<td>1,900</td>
<td>ton.</td>
<td>$12.00</td>
<td>$22,800.00</td>
<td>$17.00</td>
<td>$32,300.00</td>
<td>$13.25</td>
<td>$25,175.00</td>
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</tbody>
</table>

**Subtotal: Schedule B**

<table>
<thead>
<tr>
<th>Leon Poulsen Construction</th>
<th>Marsh Construction</th>
<th>Post Asphalt</th>
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<tbody>
<tr>
<td>$168,665.00</td>
<td>$117,528.30</td>
<td>$185,125.57</td>
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<tr>
<td>Bid Item</td>
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<td>Quantity</td>
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<tr>
<td>----------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>C1.</td>
<td>Remove and dispose of storm water catch basin box.</td>
<td>1</td>
</tr>
<tr>
<td>C2.</td>
<td>Furnish and install 15-inch diameter rcp storm water pipe.</td>
<td>130</td>
</tr>
<tr>
<td>C3.</td>
<td>Furnish and install a cast-in-place hooded storm water inlet catch basin box</td>
<td>1</td>
</tr>
<tr>
<td>C4.</td>
<td>Furnish and install a cast-in-place combination manhole and hooded storm water inlet catch basin box</td>
<td>3</td>
</tr>
<tr>
<td>C5.</td>
<td>Furnish 3/4&quot; diameter clean gravel pipe bedding materials.</td>
<td>50</td>
</tr>
<tr>
<td>C6.</td>
<td>Furnish clean import material for trench backfill.</td>
<td>50</td>
</tr>
</tbody>
</table>

Subtotal: Schedule C               $22,710.00 $18,000.00 $24,850.00

TOTAL BID PROPOSAL AMOUNT WITH ASPHALT OPTION A: $639,720.00 $466,236.15 $587,379.32
TOTAL BID PROPOSAL AMOUNT WITH ASPHALT OPTION B: $637,370.00 $458,363.65 $587,379.32

Surety Company
City, State
Bid Security - Bid Bond Amount
Contractor's License Number

The Guarantee Company of North America USA
Southfield, Michigan 5%
84-244670-5501

Western Surety Company
Sioux Falls, South Dakota 5%
376752-5501

The Guarantee Company of North America USA
Southfield, Michigan 5%
321927-5501
# BID PROPOSAL TABULATION

1425 West Street Roadway Improvement Project

**BID DATE:** July 10th, 2018  
**OWNER:** CLEARFIELD CITY  
**PUBLIC WORKS DIRECTOR:** SCOTT HODGE

## Schedule A: Roadway Improvements

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Mobilization, SWPPP &amp; traffic control.</td>
<td>1</td>
<td>Is.</td>
<td>$30,000.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>A2</td>
<td>Saw cutting, removal and disposal of asphalt surfacing and roadbase to sub-base grade (approximately 5,550 square yards).</td>
<td>1</td>
<td>Is.</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>A3</td>
<td>Removal and disposal of sidewalk.</td>
<td>1,090</td>
<td>If.</td>
<td>$6.00</td>
<td>$6,540.00</td>
</tr>
<tr>
<td>A4</td>
<td>Removal and disposal of concrete flatwork.</td>
<td>2,275</td>
<td>Sf.</td>
<td>$4.00</td>
<td>$9,100.00</td>
</tr>
<tr>
<td>A5</td>
<td>Removal and disposal of concrete waterway.</td>
<td>805</td>
<td>Sf.</td>
<td>$4.00</td>
<td>$3,220.00</td>
</tr>
<tr>
<td>A6</td>
<td>Removal and disposal of existing curb and gutter.</td>
<td>1,240</td>
<td>If.</td>
<td>$5.00</td>
<td>$6,200.00</td>
</tr>
<tr>
<td>A7</td>
<td>Remove existing tree and grind roots at 940 South.</td>
<td>1</td>
<td>Ea.</td>
<td>$375.00</td>
<td>$375.00</td>
</tr>
<tr>
<td>A8</td>
<td>Remove existing trees and grind roots at 834 South.</td>
<td>1</td>
<td>Ea.</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>A9</td>
<td>Remove existing trees and grind roots at 1379 West.</td>
<td>2</td>
<td>Ea.</td>
<td>$500.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>A10</td>
<td>Remove existing trees and grind roots at 1435 West.</td>
<td>3</td>
<td>Ea.</td>
<td>$500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>A11</td>
<td>Remove existing trees and grind roots at 787 South.</td>
<td>3</td>
<td>Ea.</td>
<td>$500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>A12</td>
<td>Furnish and install 4-foot wide 4-inch thick sidewalk.</td>
<td>1,000</td>
<td>If.</td>
<td>$18.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>A13</td>
<td>Furnish and install 4-foot wide 6-inch thick sidewalk.</td>
<td>90</td>
<td>If.</td>
<td>$31.00</td>
<td>$2,790.00</td>
</tr>
</tbody>
</table>

---

*Wardell Brothers Construction, Inc.*  
427 East 100 North  
Morgan, Utah 84050

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CEC, Civil Engineering Consultants, PLLC
<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A14.</td>
<td>Furnish and install 4-inch thick concrete flatwork.</td>
<td>1,730</td>
<td>sf.</td>
<td>$6.00</td>
<td>$10,380.00</td>
</tr>
<tr>
<td>A15.</td>
<td>Furnish and install 6-inch thick concrete flatwork.</td>
<td>545</td>
<td>sf.</td>
<td>$7.50</td>
<td>$4,087.50</td>
</tr>
<tr>
<td>A16.</td>
<td>Furnish and install concrete waterway.</td>
<td>515</td>
<td>sf.</td>
<td>$14.00</td>
<td>$7,210.00</td>
</tr>
<tr>
<td>A17.</td>
<td>Furnish and install concrete curb and gutter.</td>
<td>1,240</td>
<td>lf.</td>
<td>$26.00</td>
<td>$32,240.00</td>
</tr>
<tr>
<td>A18.</td>
<td>Furnish and install handicap ramp (yellow in color).</td>
<td>6</td>
<td>ea.</td>
<td>$850.00</td>
<td>$5,100.00</td>
</tr>
<tr>
<td>A19.</td>
<td>Furnish and install untreated roadbase materials - 8&quot; thick.</td>
<td>2,750</td>
<td>ton.</td>
<td>$16.00</td>
<td>$44,000.00</td>
</tr>
<tr>
<td>A20.</td>
<td>Sub-grade excavation disposal and replacement with crushed pit run material.</td>
<td>1,500</td>
<td>ton.</td>
<td>$21.00</td>
<td>$31,500.00</td>
</tr>
<tr>
<td></td>
<td><strong>Option A</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A21.</td>
<td>Furnish and install bituminous asphalt paving materials - 3&quot; thick (APWA 2017, Class II, PG 58-28, 15% - 30% RAP Content, 75 Gyration).</td>
<td>1,175</td>
<td>ton.</td>
<td>$63.00</td>
<td>$74,025.00</td>
</tr>
<tr>
<td></td>
<td><strong>Option B</strong></td>
<td></td>
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</tr>
<tr>
<td>A21.</td>
<td>Furnish and install bituminous asphalt paving materials - 3&quot; thick (APWA 2017, Class II, PG 58-28, 15% - 30% RAP Content, 50 Blow Marshall).</td>
<td>1,175</td>
<td>ton.</td>
<td>$61.00</td>
<td>$71,675.00</td>
</tr>
<tr>
<td>A22.</td>
<td>Adjust manhole ring and cover to finish grade.</td>
<td>7</td>
<td>ea.</td>
<td>$700.00</td>
<td>$4,900.00</td>
</tr>
<tr>
<td>A23.</td>
<td>Adjust valve box ring and cover to finish grade.</td>
<td>7</td>
<td>ea.</td>
<td>$600.00</td>
<td>$4,200.00</td>
</tr>
<tr>
<td>A24.</td>
<td>Remove and replace all landscaping improvements, public/private damaged during construction.</td>
<td>1</td>
<td>ls.</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
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</table>

Subtotal: Schedule A with Asphalt Option A $334,367.50
Subtotal: Schedule A with Asphalt Option B $332,017.50
<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1.</td>
<td>Remove and salvage fire hydrant.</td>
<td>1</td>
<td>ea.</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>B2.</td>
<td>Furnish and install 8-inch diameter C-900 DR-18 pvc culinary waterline.</td>
<td>1,290</td>
<td>lf.</td>
<td>$31.00</td>
<td>$39,990.00</td>
</tr>
<tr>
<td>B3.</td>
<td>Furnish and install 8-inch gate valve.</td>
<td>3</td>
<td>ea.</td>
<td>$1,400.00</td>
<td>$4,200.00</td>
</tr>
<tr>
<td>B4.</td>
<td>Furnish and install fire hydrant.</td>
<td>2</td>
<td>ea.</td>
<td>$4,800.00</td>
<td>$9,600.00</td>
</tr>
<tr>
<td>B5.</td>
<td>Construct waterline connection at Sta 0+12.95 RT 6.66'.</td>
<td>1</td>
<td>ls.</td>
<td>$4,900.00</td>
<td>$4,900.00</td>
</tr>
<tr>
<td>B6.</td>
<td>Construct waterline connection at Sta 10+47.88 RT 13.54' &amp; Sta 10+50.22 RT 1.88'.</td>
<td>1</td>
<td>ls.</td>
<td>$8,400.00</td>
<td>$8,400.00</td>
</tr>
<tr>
<td>B7.</td>
<td>Furnish and install copper water service lateral piping (3/4&quot; diameter).</td>
<td>365</td>
<td>lf.</td>
<td>$15.00</td>
<td>$5,475.00</td>
</tr>
<tr>
<td>B8.</td>
<td>Furnish and install water meter yoke (3/4&quot; diameter).</td>
<td>16</td>
<td>ea.</td>
<td>$60.00</td>
<td>$960.00</td>
</tr>
<tr>
<td>B9.</td>
<td>Furnish and install angle dual check valve (3/4&quot; diameter).</td>
<td>31</td>
<td>ea.</td>
<td>$130.00</td>
<td>$4,030.00</td>
</tr>
<tr>
<td>B10.</td>
<td>Furnish and install locking angle meter valve (3/4&quot; diameter).</td>
<td>16</td>
<td>ea.</td>
<td>$130.00</td>
<td>$2,080.00</td>
</tr>
<tr>
<td>B11.</td>
<td>Reconnection of the culinary water service lateral to the main line - west side meter.</td>
<td>14</td>
<td>ea.</td>
<td>$725.00</td>
<td>$10,150.00</td>
</tr>
<tr>
<td>B12.</td>
<td>Reconnection of the culinary water service lateral to the main line - east side meter.</td>
<td>17</td>
<td>ea.</td>
<td>$1,080.00</td>
<td>$18,360.00</td>
</tr>
<tr>
<td>B13.</td>
<td>Furnish clean import material for trench backfill.</td>
<td>1,900</td>
<td>ton.</td>
<td>$14.00</td>
<td>$26,600.00</td>
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</tbody>
</table>

Subtotal: Schedule B $136,745.00
<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1.</td>
<td>Remove and dispose of storm water catch basin box.</td>
<td>1</td>
<td>ea.</td>
<td>$600.00</td>
<td>$600.00</td>
</tr>
<tr>
<td>C2.</td>
<td>Furnish and install 15-inch diameter rcp storm water pipe.</td>
<td>130</td>
<td>lf.</td>
<td>$60.00</td>
<td>$7,800.00</td>
</tr>
<tr>
<td>C3.</td>
<td>Furnish and install a cast-in-place hooded storm water inlet catch basin box</td>
<td>1</td>
<td>ea.</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>C4.</td>
<td>Furnish and install a cast-in-place combination manhole and hooded storm</td>
<td>3</td>
<td>ea.</td>
<td>$4,100.00</td>
<td>$12,300.00</td>
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<tr>
<td></td>
<td>water inlet catch basin box.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C5.</td>
<td>Furnish 3/4&quot; diameter clean gravel pipe bedding materials.</td>
<td>50</td>
<td>ton.</td>
<td>$25.00</td>
<td>$1,250.00</td>
</tr>
<tr>
<td>C6.</td>
<td>Furnish clean import material for trench backfill.</td>
<td>50</td>
<td>ton.</td>
<td>$25.00</td>
<td>$1,250.00</td>
</tr>
</tbody>
</table>

Subtotal: Schedule C $26,200.00

TOTAL BID PROPOSAL AMOUNT WITH ASPHALT OPTION A: $497,312.50
TOTAL BID PROPOSAL AMOUNT WITH ASPHALT OPTION B: $494,962.50

Surety Company
The Guarantee Company of North America USA
City, State
Southfield, Michigan
Bid Security - Bid Bond Amount
5%
Contractor's License Number
5521203-5501