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. CDRA WORK SESSION
Discussion on the Creation of the Lifetime Community Reinvestment Area

**ADJOURN AS THE CDRA AND IMMEDIATELY RECONVENE AS THE CITY COUNCIL IN A WORK SESSION**

CITY COUNCIL WORK SESSION
Discussion on Participation with the Gardner Food Pantry Located at 245 North 1000 West

Discussion on the Public Art Ordinance

(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 Peterson
APPROVAL OF MINUTES: July 10, 2018 – Work Session
July 31, 2018 – Work Session
August 7, 2018 – Work Session
August 14, 2018 – Policy Session
August 16, 2018 – Neighborhood Party

PUBLIC HEARINGS:
1. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST TO REZONE PROPERTY LOCATED AT APPROXIMATELY F STREET AND 3RD STREET IN THE FREEPORT CENTER FROM M-1 (MANUFACTURING) TO P-F (PUBLIC FACILITIES)

BACKGROUND: Syracuse City is in need of replacing its existing water towers that are located in the Freeport Center due to growth demands. To do so, Syracuse needs additional land and will be preforming a lot line adjustment with a portion of property to the east of the current water
tower property in order to have a larger, buildable area. Syracuse 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 will allow greater flexibility and greater heights for the towers subject to conditional use permit approval and is consistent with the land use of the property. The Planning Commission held a public hearing on August 1, 2018 and is recommending approval.

RECOMMENDATION: Receive public comment.

2. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST TO REZONE PROPERTY LOCATED AT 788 SOUTH 2000 EAST FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

BACKGROUND: This property is located north of the AAA office building and east of the Sundowner Condominiums along State Route 193. The applicants intend to develop a mixed use project which would include high density residential and a commercial office space. The property’s current C-2 zone would not permit a mixed use component so the D-R zone would be more appropriate. The Planning Commission held a public hearing on August 1, 2018 and is recommending approval.

RECOMMENDATION: Receive public comment.

3. PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REQUEST TO AMEND TITLE 11, CHAPTER 11D OF THE CLEARFIELD CITY CODE TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE M-1 ZONE UNDER CERTAIN CONDITIONS

BACKGROUND: The applicant has an existing property in the M-1, Manufacturing, zone that has a residence and an auto repair shop. According to the applicant, the use of the property for those purposes was previously allowed as legal non-conforming prior to a sewer line flood that caused a disruption in that activity. The applicant is requesting a text amendment to the manufacturing zone that would permit the use. The Planning Commission held a public hearing on August 1, 2018 and is recommending approval by a split vote with the Chair breaking the tie.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEMS:

4. 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.

5. CONSIDER APPROVAL OF ORDINANCE 2018-12 REZONING PROPERTY LOCATED AT APPROXIMATELY F STREET AND 3RD STREET IN THE FREEPORT CENTER FROM M-1 (MANUFACTURING) TO P-F (PUBLIC FACILITIES)

RECOMMENDATION: Approve Ordinance 2018-12 rezoning property located at approximately F Street and 3rd Street in the Freeport Center from M-1 (Manufacturing) to P-F (Public Facilities) and authorize the Mayor’s signature to any necessary documents.

6. CONSIDER APPROVAL OF THE FINAL SUBDIVISION PLAT FOR WATER TOWER SUBDIVISION LOCATED AT APPROXIMATELY F STREET AND 3RD STREET IN THE FREEPORT CENTER

BACKGROUND: Syracuse City is proposing to adjust a lot line on its property where its water tower currently sits to expand its operations. Syracuse would be constructing two new water towers to service the needs of its residents. The Planning Commission heard this item on August 1, 2018 and is recommending approval with conditions.

RECOMMENDATION: Approve the Final Subdivision Plat for Water Tower Subdivision located at approximately F Street and 3rd Street in the Freeport Center with the conditions as recommended by the Planning Commission on August 1, 2018; and authorize the Mayor’s signature to any necessary documents.

7. CONSIDER APPROVAL OF ORDINANCE 2018-13 REZONING PROPERTY LOCATED AT 788 SOUTH 2000 EAST FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT)

RECOMMENDATION: Approve Ordinance 2018-13 rezoning property located at 788 South 2000 East from C-2 (Commercial) to D-R (Downtown Redevelopment) and authorize the Mayor’s signature to any necessary documents.

8. CONSIDER APPROVAL OF 2018-14 AMENDING TITLE 11, CHAPTER 11D OF THE CLEARFIELD CITY CODE TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE M-1 ZONE UNDER CERTAIN CONDITIONS

RECOMMENDATION: After careful consideration of the information presented, the Clearfield City Council moves to:

1. Approve Ordinance 2018-14 amending Title 11, Chapter 11D of the Clearfield City Code to allow for single family residential dwellings in the M-1 zone under certain conditions.
2. Deny Ordinance 2018-14 amending Title 11, Chapter 11D of the Clearfield City Code to allow for single family residential dwellings in the M-1 zone under certain conditions.
3. Table consideration of Ordinance 2018-14 amending Title 11, Chapter 11D of the Clearfield City Code to allow for single family residential dwellings in the M-1 zone under certain conditions and set additional time to consider the request.
CONSIDER APPROVAL OF THE FINAL SUBDIVISION PLAT FOR CLEARFIELD JUNCTION LOCATED AT APPROXIMATELY 52 SOUTH MAIN, 17 NORTH MAIN, 75 NORTH MAIN, AND 101 NORTH MAIN

BACKGROUND: The applicant is requesting final subdivision plat approval for the proposed 5-lot subdivision titled Clearfield Junction. The proposed subdivision will rearrange the existing properties and rededicate property lines and utility easements for future phased development. The Planning Commission heard this item on August 1, 2018 and is recommending approval with conditions.

RECOMMENDATION: Approve the Final Subdivision Plat for Clearfield Junction located at approximately 52 South Main, 17 North Main, 75 North Main, and 101 North Main with the conditions as recommended by the Planning Commission an August 1, 2018; and authorize the Mayor’s signature to any necessary documents.

CONSIDER APPROVAL OF RESOLUTION 2018R-11 APPROVING AMENDMENT #2 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN CLEARFIELD CITY AND UCAN (UTAH COMMUNICATIONS AGENCY NETWORK) ALLOWING T-MOBILE TO CO-LOCATE ON THE UCAN TOWER EAST OF THE CLEARFIELD COMMUNITY ARTS CENTER

BACKGROUND: Clearfield City owns land east of the Clearfield Community Arts Center that is used by UCAN (Utah Communications Agency Network) for a radio tower and all the associated equipment. T-Mobile wishes to co-locate on the radio tower to improve its service to customers. Amendment #2 allows that to take place and sets forth how revenues will be shared.

RECOMMENDATION: Approve Resolution 2018R-11 approving Amendment #2 to the Interlocal Cooperation Agreement between Clearfield City and UCAN allowing T-Mobile to co-locate on the UCAN tower east of the Clearfield Community Arts Center 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 AND RECONVENE AS THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA)**

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) AGENDA

CONSIDER APPROVAL OF THE MINUTES FROM JUNE 19, 2018 WORK SESSION AND THE JUNE 26, 2018 POLICY SESSION
2. CONSIDER APPROVAL OF RESOLUTION 2018R-03 DESIGNATING THE PROPOSED LIFETIME PRODUCTS COMMUNITY REINVESTMENT PROJECT AREA (CRA), AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY REINVESTMENT PROJECT AREA PLAN AND BUDGET, AND AUTHORIZING AND DIRECTING ALL NECESSARY ACTION BY THE AGENCY CONSULTANTS, STAFF AND COUNSEL

BACKGROUND: In October 2017 staff presented an option for incentivizing Lifetime Products to build its new proposed distribution center in Clearfield. The CDRA Board instructed staff to pursue the creation of a new Community Reinvestment Area (CRA) so a tax increment incentive could be offered to Lifetime. The attached resolution authorizes preparation of the project area plan and budget for the CRA.

RECOMMENDATION: Approve Resolution 2018R-03 designating the proposed Lifetime Products Community Reinvestment Project Area (CRA), authorizing the preparation of a draft Community Reinvestment Project Area Plan and budget, and authorizing and directing all necessary actions by the agency consultants, staff, and counsel; and authorize the Chair’s signature to any necessary documents.

**ADJOURN AS THE CDRA**

Dated this 22nd 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.
I. RECOMMENDED ACTION

Approve Resolution

II. DESCRIPTION / BACKGROUND

In October 2017 staff presented an option for incentivizing Lifetime Products for building their new proposed distribution center in Clearfield. (See attached 10-10-17 staff report) The CDRA Board instructed staff to pursue the creation of a new CRA and pursue a tax increment incentive for Lifetime.

Staff contracted with Lewis Young Robertson & Burningham Inc. (“LYRB”) to complete the project and together we meet with the Davis County School District in January 2018. At that time we received initial support for the project from the school board.

Now that the mapping of the project area is complete, we are bringing the attached Resolution to you for consideration and approval so the project plan and budget can be completed as well.

III. IMPACT

a. FISCAL

Currently, the undeveloped land is contributing very little tax increment. If an incentive is offered to Lifetime, the CDRA and taxing entities would receive new revenue. These details would be provided in the CRA Plan and Budget to be finalized by LYRB.

IV. SCHEDULE / TIME CONSTRAINTS

Once the resolution is approved, LYRB will finalize the CRA Plan and Budget documents, and we will notice the necessary property owners and taxing entities of the Public Hearing scheduled for October 8, 2018.

V. LIST OF ATTACHMENTS

• Staff Report 10-10-2017
• Resolution Authorizing Creation of Plan and Budget for Lifetime Products CRA
TO:            CDRA Board of Directors
FROM:          JJ Allen, Assistant City Manager
MEETING DATE:  October 4, 2017
SUBJECT:       Lifetime Products – potential expansion

I. RECOMMENDED ACTION
   No action – discussion only.

II. DESCRIPTION / BACKGROUND

   Lifetime Products employs approximately 2,000 people in Utah – mostly in Clearfield. For its production and distribution needs, the business occupies 34 buildings in the Freeport Center. It also has facilities in Tennessee and China.

   The growth of the company has brought it to the point that it needs a more efficient and centralized distribution center. In the current configuration, trucks pull into the Freeport Center and visit multiple buildings depending on the products being shipped. A distribution center would allow trucks to stop only at one building to get loaded, and then be back on the road.

   Lifetime has identified approximately 40 acres on the north side of the Freeport Center as a potential site for a distribution center.
The new building would be 425,000 SF, and the value of the land, building, and equipment would be approximately $30,000,000. As a consequence of the new distribution center, space currently used for warehousing and distribution would be freed up for expansion of Lifetime’s production lines. We are also hopeful that Lifetime would relocate their retail store out to the corner of SR-193 / 775 West as a component of the distribution center project.

Unfortunately, the land at the Freeport Center is much more expensive than the other alternatives under consideration. Lifetime would like to locate the distribution center in Clearfield (this is HQ, after all), but doing so must make financial sense. Consequently, they are requesting a tax increment incentive to close the gap.

The property is currently within the boundaries of RDA 6. However, after 2023, the School District will no longer be participating in RDA 6. Therefore, under the existing parameters of RDA 6, we would not be able to hit the financial target for Lifetime’s needs. There are a couple of options:

A. Work with the taxing entities to extend the life of RDA 6.
   a. Pros: The RDA would continue to operate under the old statute and the original plan and budget, which are very flexible and favor the CDRA (as opposed to the taxing entities).
   b. Cons: This would be a tough sell to the taxing entities, as there is a negative perception that RDA’s never die. Also, Davis County has already hinted that they would be apprehensive of this approach. Moreover, the process to achieve an extension isn’t much less complicated than to create a new project area. The provisions for use of the “haircut recapture” also muddy the water.

B. Modify the RDA 6 boundary by removing this property, and then create a new Community Reinvestment Area (CRA) specifically for this project.
   a. Pros: This approach should likely be an easy sell to the taxing entities (job creation / economic development; no residential component). The CRA structure is what State law currently calls for, so we would not be perpetuating the use of antiquated tools, but implementing today’s system. Also, we could create the CRA so that it matches exactly the needs of Lifetime’s project.
   b. Cons: There may be a little more administrative work involved, as we’d have to amend RDA 6 and create a new project area from scratch. That said, the political aspect would likely be simpler. Also, the CRA statute requires that at least 10% of the tax increment collected be allocated to “income targeted housing.” There are a variety of ways these funds can be used, including infrastructure improvements that benefit qualifying housing projects / residential areas. The housing funds can be kept and used locally, or sent elsewhere (e.g. to the Olene Walker Housing Loan Fund). They do not have to be spent within the project area.
Before discussions with taxing entities can really move forward, the CDRA needs to decide 1) if it wants to pursue a tax increment incentive for this project, and 2) which option it prefers (extension of RDA 6 or creating a new CDRA).

III. IMPACT

a. FISCAL

Since the land is currently undeveloped, it is contributing virtually no tax increment to RDA 6. If an incentive is offered and Lifetime locates its distribution center in Clearfield, then the CDRA would receive new revenue, as would the taxing entities. However, the amounts, percentages, timing, etc. have yet to be analyzed in much detail, and depend on the chosen approach.

b. OPERATIONS / SERVICE DELIVERY

This project is consistent with the Strategic Plan and Policy Priorities. Not only would it enhance the local economy, it would also beautify a stretch of one of the City’s main corridors.

The project would not significantly impact the City’s daily operations. Truck volume on SR-193 should not be much more than it is already. Rather, with a distribution center, those trucks would no longer have to navigate the internal streets of the Freeport Center.

IV. ALTERNATIVES

- Pursue an extension of the existing RDA 6.
- Pursue the creation of a new CRA specific to the Lifetime project.
- Do not pursue any incentive to persuade Lifetime Products to expand in Clearfield.

V. SCHEDULE / TIME CONSTRAINTS

While this potential project came to Staff’s attention more than a year ago, Lifetime’s efforts have primarily been on other pending matters. Now that those are complete, Lifetime is ready to move forward to get their new distribution center under construction. They are aware that the public processes will require some time, but they hope to move as expeditiously as possible.

VI. LIST OF ATTACHMENTS

- None
RESOLUTION 2018R-03

A RESOLUTION DESIGNATING THE PROPOSED LIFETIME PRODUCTS COMMUNITY REINVESTMENT PROJECT AREA, AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY REINVESTMENT PROJECT AREA PLAN AND BUDGET, AND AUTHORIZING AND DIRECTING ALL NECESSARY ACTION BY THE AGENCY, CONSULTANTS, STAFF, AND COUNSEL.

WHEREAS the City of Clearfield, Utah (the “City”), created the Clearfield Community Development and Renewal Agency (the “Agency”) pursuant to the provisions of, and the Agency continues to operate under, Title 17C of the Utah Code, known as the Community Reinvestment Agencies Act (the “Act”), for the purposes of conducting community reinvestment activities within the City, as contemplated by the Act; and

WHEREAS the Agency, having made a preliminary investigation and conducted initial studies and inquiries, desires now to conduct community reinvestment activities in the area depicted on the map attached hereto as Exhibit A and incorporated herein by this reference (the “Proposed Project Area”), pursuant to Section 17C-5-104(3) of the Act; and

WHEREAS the Agency desires to begin the process of adopting a project area plan for the proposed Project Area by adopting this Resolution authorizing the preparation of a draft Project Area Plan, pursuant to Section 17C-5-103(1) of the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AS FOLLOWS:

1. The Agency designates the proposed Project Area as the Lifetime Products Community Reinvestment Project Area, the boundaries of which are depicted on the map attached hereto as Exhibit A;

2. Agency consultants, counsel, and staff, as appropriate, are authorized and directed:
   a. to prepare a draft Community Reinvestment Project Area Plan as provided under Section 17C-5-104(3) and 17C-5-105 of the Act;
   b. to prepare a draft Community Reinvestment Project Area Budget as provided under 17C-5-302 and 17C-5-303 of the Act; and
   c. to take all other actions under the Act which may be necessary or proper for the successful establishment of the proposed Project Area, including, without limitation, discussions with taxing entities, the preparation for all necessary hearings, the preparation, publication, and/or mailing of statutorily required
notices, and the preparation, presentation, and negotiation of all interlocal cooperation agreements and related documents.

3. This resolution takes effect upon adoption.

APPROVED AND ADOPTED this _____ day of August 2018.

______________________________
Chair

Attest:

______________________________
Secretary
EXHIBIT A
MAP OF PROPOSED PROJECT AREA BOUNDARIES

CLEARFIELD CITY LIFETIME CRA

Proposed CRA

Legend:

PROPOSED CRA

Legend:

PROPOSED CRA

Legend:

PROPOSED CRA

Legend:
TO: Mayor Shepherd and the Clearfield City Council
FROM: JJ Allen, City Manager
MEETING DATE: August 28, 2018
SUBJECT: Gardner Food Pantry

RECOMMENDED ACTION
Discussion only.

DESCRIPTION / BACKGROUND
Dan and Nancy Gardner live at 245 North 1000 West (see attached image). About five years ago, when Dan was serving in an ecclesiastical capacity, they received a donation of food with instruction to distribute it among the needy members of their congregation. From that simple beginning, this effort has grown into a veritable food pantry that serves hundreds every week, year round.

Members of the community who are not able to purchase their own groceries can visit the Gardner’s food pantry once a week and obtain a wide variety of fresh produce, frozen meats, canned goods, baked goods, milk and juices, etc. In return, they are asked to volunteer at the pantry. Money is not changing hands or involved in the process at all.

Shipments of food come in throughout the week to the Gardners as surplus from Wal-Mart, WinCo, the LDS Bishop’s Storehouse, and other sources. They operate the pantry on their own property, and the growth of the operation has caused them to consider site improvements that will allow for a more efficient operation. Those site improvements (e.g. the construction of a small building where patrons will “shop,” installation of an asphalt driveway, concrete work, etc.) will be reviewed by the Community Development Department for the necessary approvals.

There are also financial costs that the Gardners are bearing. Their power bills have increased due to the numerous coolers and freezers. They spend about $200/month at the landfill to dispose of the food that goes to waste. They also have the cost of fuel to pick up the donated food.

The Gardners’ desire is to have some financial support from the City, as the pantry is a grass-roots community effort.

IMPACT

a. FISCAL

The Gardners have not requested any specific amount—just some participation from the City. One possibility is to access the “Council Donations” line item in the FY19 budget. This
account has a budget of $2,500. In FY18, nothing was charged to this account. In FY17, just $200. And in FY16, $940. This is an account that can be used at the Council’s discretion.

Another possible option is to have the Gardners apply for CDBG funding. As the Council is aware, we make a portion of our CDBG funds available to organizations that serve our community (e.g. Davis Community Learning Center, Open Doors, and Safe Harbor). The Gardners have created an association to be the legal entity operating the pantry, and it’s possible that this association could be an eligible applicant for CDBG funds. While CDBG funding may be a good source of some level of ongoing / annual revenue for the pantry, the timing would not be in the current CDBG plan year.

Providing vouchers for the Gardners to use at the landfill might be an option, but using that tool for this type of ongoing operation is different than our recent practice of providing each resident with a voucher during spring/fall cleanup. If there is interest in supporting the pantry by providing vouchers, it would be advisable to set a limit (annually or monthly).

b. OPERATIONS / SERVICE DELIVERY

The pantry has not had a notable negative impact on the City’s operations or service delivery. During peak times, there may be a temporary parking or traffic issue, but that has not been a problem that we’ve had to address in the past.

To the contrary, the pantry likely contributes to the “community building” concept that we’ve been discussing throughout the year. There are many in the Clearfield community who have needs that this pantry is helping to address. The location may not be ideal, but it has worked.

ALTERNATIVES

The Council is under no obligation to provide financial assistance to the pantry. But if there is interest in doing so, there are a few options (as described above), but the amount is at the Council’s discretion. Moreover, the Council should keep in mind the precedent that would be set, and how to handle requests from others in the future.

SCHEDULE / TIME CONSTRAINTS

There is no deadline for this item, but the Gardners are requesting assistance as soon as it can be provided.

LIST OF ATTACHMENTS

- 1000 West vicinity image
Parcel ID: 120240017

Owner: GARDNER, DAN C & NANCY
Street Address: 245 N 1000 WEST
Mailing Address: 245 NORTH 1000 WEST
Mailing City: CLEARFIELD
Mailing State: UT
Mailing ZIP: 84015
Acres: 1.52

Property Description
Property Tax Information

Zoom to ***
TO: Mayor Shepherd and City Council Members
FROM: Trevor Cahoon and Brie Brass
MEETING DATE: 08/28/2018
SUBJECT: Art Mural Ordinance

RECOMMENDED ACTION

Staff has incorporated the changes and suggestions discussed for the Original Art Mural Ordinance introduced and proposed at the August 7, 2018 City Council meeting and is seeking approval of the Original Art Mural Ordinance to be adopted as Title 15.

DESCRIPTION / BACKGROUND

As part of the August 7, 2018 work session, staff addressed council regarding the proposed Original Art Mural Ordinance and council made comments and suggestions for staff to implement in order to prepare the ordinance for adoption.

Staff has made those changes and has attached the new proposed ordinance. As staff began making those changes; however, staff found a court case on the west coast where a city had adopted a municipal ordinance similar to the ordinance proposed and the court determined the City was making content-based decisions because the city had different standards for murals and signs. The court had determined that because the city treated murals with commercial speech as signs and imposed different standards than as murals with noncommercial speech, that the city ordinance was unconstitutional.

Due to staff finding this case, staff has also included for council a proposed original art mural ordinance that allows for text as well. Staff recognizes council’s desire to prohibit text within the city’s mural ordinance and therefore Staff has included both in order for council to determine which ordinance council would like to adopt.

Original Art Mural
As discussed, the Original Art Mural will be adopted in a new title, Title 15. The proposed ordinance describes the purpose, scope and interpretation of original art murals, along with definitions and what murals are allowed and what are prohibited. The proposed ordinance sets forth an application process and the enforcement process for murals, including the abatement process for nonconformance with the ordinance.

See attached ordinances.
Application Process
As discussed, there will be an application process administered by staff similar to land use applications. The applicant will be required to submit:

- Copies of the site plan
- Building elevations with proposed mural
- Details of how the mural is to be affixed to the façade
- Written description of materials being used
- Stamped and addressed envelopes to be sent to the adjacent property owners providing notice of the proposed mural

This application will have a checklist of items that are to be reviewed by City Staff to ensure all portions of the application are complete.

IMPACT

a. FISCAL
   There will be the inclusion of a permit fee of $50 which will cover administration costs.

b. OPERATIONS / SERVICE DELIVERY
   Customer service staff will be responsible of the administration of the application process, with code compliance responsible for enforcement. The Clearfield Building Official will need to review application method of murals.

SCHEDULE / TIME CONSTRAINTS

N/A

LIST OF ATTACHMENTS

Attachment 1 – Original Art Mural (Text Prohibited)

Attachment 2 – Original Art Mural (Text Allowed)
Title 15

Chapter 1

ORIGINAL ART MURALS

15-1-1: PURPOSE:
The purpose of this Title and the policy of Clearfield City is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals confer unique purposes and benefits, including: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime.

15-1-2: SCOPE:
The intent of this chapter is to permit the placement of original art murals. Any mural not expressly allowed by this chapter is prohibited.

15-1-3: INTERPRETATION:
In interpreting and applying the provisions of this chapter, the mural regulations contained herein are declared to be the maximum allowable for the purposes set forth. If the City Manager or Designee determines that an application needs further interpretation, he or she may request further review of the proposal.

15-1-4: DEFINITIONS:
A. Alterations. Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. “Alteration” does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute “alteration” of the Permitted Original Art Mural within the meaning of this Title. This can include
slight and unintended deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

B. Changing image mural. A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

C. Compensation. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. “Compensation” does not include:
   1. goodwill; or
   2. an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.

D. Original art mural. An original work of visual art which is tiled; computer generated print or images including digitally printed vinyl; or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original Art Mural does not include:
   1. Murals containing electrical or mechanical components; or
   2. Changing image murals.

E. Permitted original art mural. An original art mural for which a permit has been issued by Clearfield City pursuant to this Title.

15-1-5 ALLOWED ORIGINAL ART MURALS

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

A. No mural shall be affixed on the front-facing façade of a building.
B. No mural shall extend more than 6 inches from the plane of the wall upon which it is tiled or hand-painted or to which it is affixed.
C. The mural shall remain in place, without alterations, for a period of five years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.

15-1-6 PROHIBITED MURALS:

The following are prohibited:

A. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another’s property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

B. Murals which would result in a property becoming out of compliance with the provisions of Title Eleven, Use, or land use conditions of approval for the development on which the mural is to be located.

C. Murals which depict obscene or other material, not constitutionally protected under the First Amendment.

15-1-7 PERMIT PROCESS:

Permit Required: Except as otherwise provided in this Title, it shall be unlawful for any person to affix an original art mural on any property located within the city without first obtaining a permit from the city. A fee for the permit shall be paid by the applicant in accordance with the city’s current fee schedule.

Original Art Mural Permit Application Process:

A. The City Manager or Designee shall approve any application for an original art mural that fully complies with these standards.

B. Completed “Original Art Mural” application form, including the signature of the property owner and mural artist.

C. Three 8.5x11 inch copies of a concept plan drawn to scale, suitable for photocopying, that identifies:
   a. Property lines
   b. Building location and façade on which the mural will be located
   c. Names of street that abut site
   d. North arrow

D. Three 8.5x11 inch copies of building elevations, drawn to scale, suitable for photocopying, that identifies:
   a. Location and dimensions of existing and proposed mural
b. The building eave/cornice and roof line

E. Details about how the mural is affixed to building façade

F. Written description of material(s) used for the mural

G. Stamped and addressed envelopes provided to the city for the properties adjacent to the proposed mural location with notice of the proposed mural and concept plan

H. Original Art Mural Permit Fee in accordance with the city’s current fee schedule

15-1-8 ENFORCEMENT:

The City Manager or Designee shall enforce all rules and regulations necessary to the operation and enforcement of this chapter. The City Manager or Designee shall be empowered and directed to:

A. Issue Permits: Issue permits for original art murals that conform to the provisions of this title. The expiration date for such permits shall be one hundred eighty (180) days from the time the permit is issued. Permitted original art murals must be completed within sixty (60) days from the date the first tile, image or paint is affixed to the building façade.

B. Determine Conformance: Ensure that all murals are executed in conformance with this Title. Clearfield City will perform:

1. Initial Inspection after mural application: The City Manager or Designee may make an initial inspection upon the completion of the application of the original art mural.

2. Re-inspection (When Necessary): The City Manager or Designee may perform a re-inspection of any mural for which a permit was issued but which upon primary inspection was not affixed in conformance with the regulations of this Title.

C. Legal Action: The City Manager or Designee shall institute any appropriate action or proceeding in any case where any mural is illegally affixed, altered, repaired, converted, or maintained, or in any case where any mural is tiled or hand-painted in violation of any city ordinance including, but not limited to, the provisions of this title by:

1. Issuing Notices of Violations and Citations: The City Manager or Designee may issue a written notice of violation to the person having charge or control or benefit of any mural found to be unsafe or dangerous or in violation of this code, particularly when the city is contemplating removal of said mural. Such official may also issue civil citations and swear to information against violators.

2. Abating and Removing Illegal Murals:

   a. Murals tiled, affixed, or painted on private property in violation of this Title shall be brought into conformance within thirty (30) calendar days of written notice by the city, either through removal of the mural or by obtaining a mural permit. Any mural not brought into compliance within the time period given in the notice may at once be abated and removed by the City Manager or Designee. The person responsible for any such illegal mural shall be liable for the cost incurred in the removal thereof, and the city is authorized to effect the collection of said cost.
b. Any murals tiled, affixed, or painted upon public property may be removed by the city without notice.

3. Abating and Removing Non-maintained, or Abandoned Mural: The City Manager or Designee shall require each non-maintained or abandoned mural to be removed from the building or premises when such mural has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within forty five (45) calendar days after written notice has been given to the owner, person having control, or person receiving benefit of such structure.

D. Failure To Remove Or Abate Any Illegal Mural: In no case shall failure to remove or abate any illegal murals constitute approval by the city of such mural.
Title 15

Chapter 1

ORIGINAL ART MURALS

15-1-1: PURPOSE:
The purpose of this Title and the policy of Clearfield City is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime.

15-1-2: SCOPE:
The intent of this chapter is to permit the placement of original art murals, which are separate and distinct from wall signs as defined in 11-15-8. Murals containing text, logos, slogans, or advertising messages of any kind are considered wall signs that must comply with the requirements under Title 11, Chapter 15. Any mural not expressly allowed by this chapter is prohibited.

15-1-3: INTERPRETATION:
In interpreting and applying the provisions of this chapter, the mural regulations contained herein are declared to be the maximum allowable for the purposes set forth. If the City Manager or Designee determines that an application needs further interpretation, he or she may request further review of the proposal.

15-1-4: DEFINITIONS:

A. Alterations. Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. “Alteration” does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which
result from the maintenance or repair of the Permitted Original Art Mural shall not constitute “alteration” of the Permitted Original Art Mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

B. Changing image mural. A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

C. Compensation. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. “Compensation” does not include:
   1. goodwill; or
   2. an exchange of value that a building owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the building owner or leaseholder, and the building owner or leaseholder fully controls the content of the mural.

D. Original art mural. An original work of visual art which is tiled; computer generated print or images including digitally printed vinyl; or painted by hand directly upon, or affixed directly to an exterior wall of a building. Original Art Mural does not include:
   1. Murals containing electrical or mechanical components; or
   2. Changing image murals.

E. Permitted original art mural. An original art mural for which a permit has been issued by Clearfield City pursuant to this Title.

15-1-5 ALLOWED ORIGINAL ART MURALS

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

A. No mural shall be affixed on the front-facing façade of a building.
B. No mural shall contain any text, logos or trademarks.
C. No mural shall extend more than 6 inches from the plane of the wall upon which it is tiled or hand-painted or to which it is affixed.
D. The mural shall remain in place, without alterations, for a period of five years. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.

15-1-6 PROHIBITED MURALS:

The following are prohibited:

A. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another’s property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
B. Murals which would result in a property becoming out of compliance with the provisions of Title Eleven, Use, or land use conditions of approval for the development on which the mural is to be located.
C. Murals which depict obscene or other material, not constitutionally protected under the First Amendment.

15-1-7 PERMIT PROCESS:

Permit Required: Except as otherwise provided in this Title, it shall be unlawful for any person to affix an original art mural on any property located within the city without first obtaining a permit from the city. A fee for the permit shall be paid by the applicant in accordance with the city’s current fee schedule.

Original Art Mural Permit Application Process:

A. The City Manager or Designee shall approve any application for an original art mural that fully complies with these standards.
B. Completed “Original Art Mural” application form, including the signature of the property owner and mural artist.
C. Three 8.5x11 inch copies of a concept plan drawn to scale, suitable for photocopying, that identifies:
   a. Property lines
   b. Building location and façade on which the mural will be located
   c. Names of street that abut site
   d. North arrow
D. Three 8.5x11 inch copies of building elevations, drawn to scale, suitable for photocopying, that identifies:
   a. Location and dimensions of existing and proposed mural
   b. The building eave/cornice and roof line
E. Details about how the mural is affixed to building façade
F. Written description of material(s) used for the mural
G. Stamped and addressed envelopes provided to the city for the properties adjacent to the proposed mural location with notice of the proposed mural and concept plan
H. Original Art Mural Permit Fee in accordance with the city’s current fee schedule

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C. Legal Action: The City Manager or Designee shall institute any appropriate action or proceeding in any case where any mural is illegally affixed, altered, repaired, converted, or maintained, or in any case where any mural is tiled or hand-painted in violation of any city ordinance including, but not limited to, the provisions of this title by:

   1. Issuing Notices of Violations and Citations: The City Manager or Designee may issue a written notice of violation to the person having charge or control or benefit of any mural found to be unsafe or dangerous or in violation of this code, particularly when the city is contemplating removal of said mural. Such official may also issue civil citations and swear to information against violators.

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the cost incurred in the removal thereof, and the city is authorized to effect the collection of said cost.

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D. Failure to Remove or Abate Any Illegal Mural: In no case shall failure to remove or abate any illegal murals constitute approval by the city of such mural.
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 not certain 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 Integrated 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 Integrated 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.

Mr. Rich reported the District currently had a seven percent landfill diversion rate consisting of green waste and landfill recycling, which was similar to the rest of Utah. He explained most of that seven percent result from the District’s green waste recycling program that streamed about 25,000 to 35,000 tons annually. He commented the seven percent landfill diversion rate was not consistent with the District’s mission statement nor was it sustainable. He also suggested it did not maximize the lifetime value of the landfill, address odor issues, or address traffic issues.

Mr. Rich presented two options for improving the facility’s services thereby extending the life of the landfill. He explained one option was to build a waste transfer station for approximately five million dollars, which was already underway, that would transfer waste to Bayview Landfill in Utah County. He stated that option could improve the diversion rate with a moderate increase to costs due to transportation costs. He indicated an additional option would include building a mixed waste processing facility for approximately fifteen million dollars. The cost of the facility would be financed through bond proceeds. He continued the District currently had the funds to pay for the waste transfer facility but would seek reimbursement of those costs through the bonding, if approved. He explained the two facilities would provide a lot more options that would help diversify the District’s system protecting the future capacity of the landfill to as much as 35 years. He felt like the improvements could be made, including the bonding and financing costs, with an approximate $1.00 per can per month increase. He suggested that
included, as part of the bond issue, the City delivering its curbside recyclable items to the District just like it delivered its solid waste items to help with the financial underpinning of the program.

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.

Mayor Shepherd asked if the District would expect the City to pick up recyclables in the same manner when the base fee was increased. Mr. Rich explained his current financial model was based on bringing just residential waste to the facility. He indicated if Wasatch Integrated was able to get the curbside recyclables as well it would improve revenue. He hoped Wasatch Integrated would get Weber County’s curbside recyclables once the new facility was built. He proposed the City might want to consider, sometime in the future, bringing its curbside recyclable material to Wasatch Integrated as well. He proposed the fee for dropping off curbside recyclables would be included in the household use fee. He explained there was an issue of parity to consider because only half of the District’s cities had curbside recycling programs. Mr. Knapp asked if it would be better for the City to get rid of the curbside recycling program. Mr. Rich responded if the City wanted to continue its curbside recycling program, it would be cheaper to take those recyclables to the District once the proposed improvements were made to the facility.

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 year 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.
Mayor Shepherd called the meeting to order at 8:56 p.m.

Councilmember Peterson moved to close the meeting for the purpose of having a strategy session to discuss pending or reasonably imminent litigation, 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.

The minutes for the closed session are kept in a separate location.

The Council reconvened in work session and Councilmember Roper joined the meeting via telephone at 9:35 p.m.

RECAP AND DISCUSSION ON THE FOURTH OF JULY

Trevor Cahoon, Communications Coordinator, recapped the Fourth of July festivities. He informed the Council that a new URL, ccJuly4.com, was added specifically for those seeking information about the festivities. He commented the site saw a lot of traffic as the Fourth of July festivities became imminent. He hoped next year it would see an increase in access because people would be more aware of it.
Paint the Bridge

Mr. Cahoon commented the Paint the Bridge activity was successful and had 75 to 85 participants. He stated it was a new activity and staff learned some things that would improve the quality of the event for next year. Rose Long, marketing, commented it added value to the festivities and was a good event that showed what Clearfield is all about. Mayor Shepherd expressed his opinion that the event was a big community builder and money well spent.

Patriotic Concert

Mr. Cahoon reported the patriotic concert had about 250 participants. He suggested keeping both the Community Band and Community Choir as parts of the event. He commented the traffic noise from State Street was a distraction to the event and suggested it be moved to another location for next year. Mayor Shepherd suggested Bicentennial Park might be a good option. Councilmember Phipps suggested it could be a little shorter because some people were leaving early.

Pool Party and Watermelon Drop

Mr. Cahoon reported the pool party had about 275 participants with eight watermelon drop entries. Ms. Long explained the pool party was a ticketed event for the first time. She added the event was advertised heavily so people would know to get tickets in advance. She commented it felt quieter than last year but the employees found it much easier to manage.

Mr. Cahoon reported on the watermelon drop. He commented there had been discussion about whether to continue to hold that event as part of the Fourth of July festivities. He stated the event drew about 70 spectators. There was a discussion about how to improve the event. It was determined to move the event to Celebrate Clearfield Week in April with the hope of increasing participation.

Movie Night in the Park

Mr. Cahoon reported there were about 200 participants at the movie night. He commented July was a hard month to hold movie nights because it didn’t get dark until late. He suggested the City try to operate concessions as opposed to food trucks. He stated it had been discussed to have some sort of entertainment before the movie. Ms. Long expressed a desire to make it a unique event possibly featuring different genres of movies.

Freedom Run

Mr. Cahoon reported about 350 people participated in the Freedom Run. Councilmember Peterson suggested using some sort of promotion for the event to help fund the veterans’ memorial. Councilmember Bush suggested using the trail and Steed Pond for a possible route for the run in the future.

Pancake Breakfast

Mr. Cahoon reported there about 515 people who participated in the pancake breakfast. He commented there were a lot of leftovers from the breakfast. JJ Allen, City Manager, commented
the event was a lot of work for very little money. Councilmember Phipps expressed concern that the event took a lot of staff time to make it successful. He commented the Council was able to show up and everything was ready to go, which he appreciated, but wondered if the amount of staff time was a burden. Mr. Allen suggested the value of staff time was best evaluated by determining what the purpose of the event was. He expressed his opinion he was comfortable with staff time if the event positively built the feeling of community. Councilmember Phipps suggested focusing on it as a community event rather than a fundraiser. Mayor Shepherd suggested the members of the Council could serve food right from the grills so they could interact more personally with the participants.

**Parade**

Mr. Cahoon reported the parade had 62 entries and about 10,000 to 15,000 spectators. He mentioned the lack of a color guard and explained three were lined up but none showed up. Mayor Shepherd suggested it might have been merely a lack of communication. Councilmember Bush suggested the City needed to better promote the event to Clearfield businesses. Mayor Shepherd commented some of the businesses were contacted and said they could not participate. Mr. Cahoon informed the Council that staff would work more closely with Layton City in the future to coordinate the timing for parades so participants could possibly do both parades. Councilmember Peterson stated she had comments from individuals wanting to watch the live stream of the parade but there wasn’t one. Mr. Cahoon explained there was no dedicated photographer for the event and it was decided staff time was needed elsewhere. Mayor Shepherd suggested allocating funds in the future for a float contest to encourage a higher quality parade.

**Festival at Fisher Park**

Mr. Cahoon reported about 20,000 to 25,000 people attended the festivities at Fisher Park. He commented attendance suggested people did not come to Clearfield for a music festival so instead of five performances there would likely be only two in the future. Councilmember Bush suggested approaching Clearfield performance groups to participate as entertainment and that would draw more families to the event. The Council agreed.

Mayor Shepherd stated he had been given suggestions to add more patriotism to the festival. He suggested the City needed to make a point of recognizing the military and possibly having the crowd sing the national anthem or some other patriotic song. Mr. Allen agreed and suggested having an emcee that was paying attention to those details would enhance the patriotic influence. Councilmember Bush suggested more patriotic music with the fireworks.

Mayor Shepherd commented the biggest hindrance to the Fourth of July festivities at Fisher Park was the lack of shade in the park. He stated it negatively affected vendors. He also suggested having more food trucks participate because the few that were there were overwhelmed. Councilmember Phipps added the best food trucks had long lines and it was hot for those in line. Mayor Shepherd recommended having a wing or barbeque competition and a beer garden in the future. Councilmember Roper stated he had received comments about including the sale of alcohol during the festivities. He commented he was not opposed to the idea of a beer garden. Councilmember Peterson stated she was not opposed either. Mayor Shepherd suggested the beer
garden would likely pay for the festival. Councilmember Phipps commented Ogden City used to have a beer garden at its street festival but did away with it because families wouldn’t come to the event because of the beer sales. He cautioned there would be a tradeoff. Mayor Shepherd commented beer was already being brought to the park on the Fourth of July. Councilmember Roper commented beer sales were allowed at other types of activities that were family friendly. Councilmember Phipps commented people did bring alcohol to the park with them but that was different than offering sales. Councilmember Thompson liked the idea of having a barbeque competition and beer garden. Mayor Shepherd suggested it was worth a try and if it didn’t produce the desired effects the City could stop it in the future.

Councilmember Peterson expressed concern that the skate park lights were left on during the fireworks. Councilmember Bush expressed concern about making sure all the trash was picked up especially on the church parking lot and grounds. Councilmember Peterson commented she received a lot of positive feedback about the free bounce houses. Mayor Shepherd suggested some adult friendly activities might be a valued addition, like a mechanical bull or corn hole competition. The Council expressed appreciation about the quality of the fireworks display. Mayor Shepherd commented the marketing for the event was phenomenal. Mr. Cahoon reported on the different types of marketing used to advertise the festivities.

Mayor Shepherd asked if the billboards had been an effective way to advertise the event. Mr. Cahoon responded someone had to be in the right place at the right time to see the billboards. Councilmember Peterson expressed concern about the need for advertising the event regionally. She stated her first priority was to spend money for the members of the Clearfield community. Mayor Shepherd commented the Fourth of July festivities were the one big event that could highlight the City to a larger audience. He suggested he wanted people to see what the City had to offer as it continued to make changes through planned development. Mr. Cahoon commented the advertising brought awareness for the event and legitimized it to some degree. He expressed his opinion that the different types marketing seemed effective overall.

Ms. Long expressed her opinion that the marketing team was stretched quite thin on the day of the event. Councilmember Peterson agreed and suggested it was necessary to hire a photographer specifically for the event. She commented she would like to see the Council be more involved in the planning process. She asked that a member of the City Council be included on the planning committee for the coming year.

Mr. Cahoon also reported the costs for the event were substantially less than last year.

Councilmember Thompson moved to adjourn at 11:00 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.
Mayor Shepherd called the meeting to order at 6:03 p.m.

DISCUSSION ON THE BID AWARD FOR THE 1425 WEST STREET ROADWAY IMPROVEMENT PROJECT

Scott Hodge, Public Works Director, stated the City recently bid a project to replace a waterline on 1425 West. He indicated other work for the project included installing two new fire hydrants; a new water service line from the new water main to each water meter; a new storm drain at the street intersection of 975 South and 1425 West; repairing damaged sections of curb, gutter, and sidewalk; and adding new asphalt pavement surface the full width and length from 725 South to 975 South on 1425 West. Mr. Hodge reported seven bids were received with the low bid of $458,363.65 coming in below the engineer’s estimate of $515,000. He identified Marsh Construction as the lowest responsible bidder and indicated the City had worked with that contractor previously.

Councilmember Bush wondered about the current storm water flow. Mr. Hodge responded currently the storm water surface flowed to the intersection then the radius turned and it went into a box across the street. He explained a storm drain would now be installed at the intersection to circumvent the flow and get it over to Jacobsen Park.
Councilmember Bush wondered if a start date had been established. Mr. Hodge indicated the City had been in communication with Marsh Construction but a start date would not be determined until after the bid was awarded; however, the City would like to have the asphalt completed prior to November. He continued it was planned for the Council to consider the award of bid on August 14, 2018. He added afterward the preconstruction meeting would be scheduled promptly so the work could begin as soon as possible to meet the desired time schedule.

Councilmember Bush asked if there would be a neighborhood meeting scheduled. Mr. Hodge answered the City already held a neighborhood meeting a few weeks ago. He noted before the project began notices would be delivered to all the residents in the project area with construction dates and contact information.

Councilmember Phipps wondered about the process for determining which areas of curb, gutter, and sidewalks were to be replaced. Mr. Hodge responded staff had walked the project area and damaged areas were determined. He explained the City only removed trees when it was a nuisance and the root system was disruptive causing damage to the existing curb, gutter, and sidewalk. He added there were some trees which would be removed and the property owners had been notified. Mr. Phipps stated he was glad residents had been contacted and would not be surprised by the removal of trees.

Councilmember Thompson questioned what led to fire hydrants needing to be replaced. Mr. Hodge indicated the existing hydrants were over 30 years old; consequently, with the installation of a new 8-inch waterline to replace the 6-inch line it would be best to replace hydrants to meet fire standards. He stated the hydrants would be salvaged but any working parts would be reused.

**DISCUSSION ON AN AMENDMENT TO THE UTAH COMMUNICATIONS AGENCY NETWORK (UCAN) AGREEMENT**

JJ Allen, City Manager, stated there was an existing communications tower which was on City land but was owned, maintained, and operated by Utah Communications Agency Network (UCAN). He explained UCAN was a public entity which used the tower for emergency communications. He mentioned the City also had some equipment on the tower for its own network. Mr. Allen reviewed the history of negotiations between the former City Manager, Adam Lenhard, UCAN, and T-Mobile to allow for co-location of T-Mobile’s equipment on the tower and a portion of the monthly rent to be provided to the City. He indicated the amendment sent by UCAN for approval needed a few corrections. He identified the amendment should be numbered as two because there was already an amendment to the original agreement. Mr. Allen commented once the corrections were made the agreement would need to be considered in an upcoming policy session.

Councilmember Bush wondered about the payment calculations and if it had been decided whether rent would be paid monthly or annually. Mr. Allen explained the rent would be escalated with a two percent increase annually. He noted annual payments would be easier, but acknowledged it had not yet been discussed with UCAN.
DISCUSSION ON ESTABLISHING REGULATIONS FOR PUBLIC ART PROJECTS

Brie Brass, Assistant City Attorney, stated an ordinance was drafted regarding public art and murals following a previous discussion by the Council. She indicated a mural ordinance had been prepared since the Council had previously discussed and seemed favorable to allowing murals but was uncertain if there was enough support for a public art ordinance. She explained the discussion was planned so staff could receive feedback on the drafted language, its placement in code, and whether or not there was support for having the ordinance.

Ms. Brass reviewed the mural ordinance along with its proposed application and permit process which included having a public opinion notice and City staff administering the application, similar to its process for a sign application. She noted the public opinion would simply be for public awareness and involving the public in the process. She acknowledged previously the Council expressed an interest in limiting text on murals and wondered if that was still its desire.

Trevor Cahoon, Communications Coordinator, commented the application administration could be done in various ways; however, the main difference between having the mural ordinance under Title 11 or in a new title would be the involvement of the Planning Commission. Ms. Brass noted similar to a sign application, a mural application could be appealed. Councilmember Bush wondered how a mural application could be appealed. Ms. Brass shared the example of an application getting denied and explained there would be a process in place which allowed the Planning Commission to review the application process to determine if procedurally it had met all the requirements. There was a discussion about the possible options, concerns, and advantages of having the mural ordinance subject to land use regulations if it were added to Title 11 or the possibility of creating a new title for the mural ordinance. Councilmember Bush expressed his opinion that a mural ordinance should not be included with Title 11 Land Use.

Councilmember Peterson expressed her concern about requiring a public meeting as part of the application process. She noted unrealistic expectations could be set, especially if its purpose was only for notification rather than the possibility of changing the outcome. She felt it would be a disservice to invite input that would not be able to influence a decision. Mayor Shepherd agreed if a mural was a legal authorized use and it met the requirements of the law, then the application could be handled administratively and notification made to the Council by staff. There was a discussion about the notification process and purpose for it. Councilmembers Bush and Peterson expressed an interest in requiring notifications be made to surrounding neighbors, but did not favor holding a public meeting for mural announcement nor think it was necessary.

Councilmember Bush stated it had been discussed previously if murals would be allowed in all areas of the City. He asked if a resident were to paint a scene on their barn, shed or detached garage would he/she be required to follow an application process. Ms. Brass indicated currently there was not a process in place; however, if the mural ordinance was codified then, yes, there would be a process to follow. Councilmember Bush had questions about sections of the drafted ordinance which initiated a discussion about murals, its application process and ramifications as noted:

- Locations – the Council talked about acceptable locations and whether or not it would be possible to delineate areas where murals should be allowed or restricted. Councilmember
Petererson expressed her feeling she would rather have murals be in commercial areas rather than residential. Councilmember Bush mentioned he did not have a problem with them anywhere.

- **Fees** - there was dialog about whether or not an application fee could be waived, specifically for residential murals.

- **Applications** – the Council conversed about the purpose of the application process and if the proposed steps were desired both for residential and commercial murals. Mayor Shepherd commented he thought the application process was necessary for all murals because it allowed the City to know what was coming whether it was commercial or residential. Councilmember Roper agreed he was fine having an application process for murals whether it was residential or commercial property.

- **Notification area** – it was discussed whether or not the proposed 300 feet notification area was too large. Councilmember Bush recommended residential areas should have mural notification limited to adjacent properties; yet, agreed for commercial areas 300 feet seemed reasonable.

- **Extreme cases** – there was conversation about instances where a mural could be considered offensive such as political figures, hidden messages, acts of violence, or obscenity. Ms. Brass suggested the State limited some content; however, public figures referenced in an unfortunate light or violent scenes which did not incite immediate violence might not be considered obscene and would be protected by the First Amendment.

- **Text restrictions** – there was dialog about restricting text on murals and the impacts it would have on the mural planned for the Americold building. Councilmember Bush asked if a signature of the artist and the date of the work would be considered text. Ms. Brass suggested language could be drafted to restrict text except for a signature and date by the artist. Mr. Cahoon commented if text was restricted, the mural planned for Americold could not include the City’s logo or be a welcome to Clearfield sign.

- **Materials** – mural materials, proper applications, and preferred distances from the surface were discussed. Ms. Brass stated the proposed ordinance was written to allow for hand-painted or tiled surfaces. She offered the language could be rewritten to limit material types, allow them with restrictions for safety, or specify the manner in which those materials would be applied. Councilmember Peterson requested the ordinance be written in such a way to allow for administrative review by the City’s building inspector if materials were used other than paint or a tiled surface. Ms. Brass asked if the Council was in favor of allowing other materials to be used for mural art. Councilmembers Roper, Peterson and Bush all commented favorably about allowing other materials in art murals. Councilmember Bush suggested he would be comfortable allowing art materials to protrude up to 6 inches rather than the proposed 3 inches, if the building inspector was comfortable with its installation and there were no safety concerns.

- **Longevity** – the term for maintenance or upkeep of a mural in the draft ordinance was specified as five years. There was a discussion about the length of time a mural should remain and consequences if it was dilapidated or removed before the five years was over. There was no consensus on whether or not five years was too long of a time period. Councilmember Peterson expressed her desire that language be included to allow for remediation or removal of a mural if it were abandoned or rundown. Ms. Brass noted the abatement process could also be included with the application.
• **Site plan** – staff and Council reviewed the proposed language which specified that full sized copies of the site plan were required in the permit application section. Councilmember Bush suggested the words full sized should be removed and ask for copies that were scaled to size. Spencer Brimley, Community Development Director, indicated site plans were typically 24-inch by 36-inch and he did not need that size of a site plan for a mural; however something drawn to scale would be preferred. There was a discussion about the purpose and need for various copies of a site plan. Mr. Cahoon explained the site plan was to provide an aerial view of the project area. He noted it was important to know the façade planned for the mural because front facing facades were being restricted.

• **Concept plan** – Ms. Brass realized a mockup of the mural may need to be required and had not been listed as part of the application process. Mayor Shepherd felt it should be included. Mr. Cahoon mentioned a written description was requested; however, a mockup had not been mandated as part of the application process. Councilmember Phipps remarked it could be problematic and eliminate some of the artist’s creativity if a proposed draft was required beforehand. Mr. Cahoon indicated a concept plan would be a fair thing to ask from the artist rather than a mockup. Councilmember Phipps agreed that would be a better option.

• **Public meetings** – the consensus of the Council was to not have any public meetings to receive comments about proposed murals; rather, adjacent neighbors would receive notification.

• **Method of public notification** – there was a discussion about the method of public notification and what the City would require as proof that neighbors had been notified properly. Councilmember Peterson suggested the applicant could be required to provide copies of flyer notifications along with stamped addressed envelopes for staff to mail.

• **Completion dates** – it was recommended the City specify a time period and or deadline for mural completion. Mr. Cahoon mentioned typically weather would prevent murals from being painted between the months of November and March. There was a discussion about an acceptable time period. The consensus of the Council was to allow 60 days for a project to be completed.

• **Language clarifications** – there were minor language references and formatting changes requested by the Council in the abatement section and on the application.

Councilmember Phipps wondered if there was a need to have an Arts Commission. Mr. Cahoon stated when drafting a public art ordinance was discussed previously with the Council, the possibility of having an Arts Commission had been mentioned. He explained an Arts Commission was typically effective when public art funding was available or made possible by municipalities. He continued staff felt the mural application process could be handled administratively; however, if the Council wanted to create a fund for art in the future by ordinance or policy then an Arts Commission could be established. There was a discussion about the purposes and roles of an Arts Commission. The consensus of the Council was to not create a commission at this time and allow the mural application process to be handled administratively.

Councilmember Phipps asked if there was an exemption from the application process if the City were to desire to place a mural on City owned property. JJ Allen, City Manager, advised there had been an artist contact the City desiring to paint a mural on its trail tunnel. There was a
discussion about the application process and its relevance for the City and if the Council should be the body to provide final approval of art on its own properties. Ms. Brass recommended if the City was the property owner, it should go through the application process to have the artwork applied to its property, whether by its own means or through an artist. She added that way the City would be aware and able to provide approval for the art, because it would be the property owner’s responsibility to maintain it.

There was an additional discussion about the purposes of an Arts Commission and the funding methods. Mr. Cahoon stated there was a wide range of options available for setting up a fund and even possibilities for grant matching which could be considered if it were desired.

Councilmember Bush wondered if the mural ordinance should be limited to murals or if statues should also be included as art types. Mr. Cahoon answered if the mural ordinance were drafted in its own title then it could be updated or changed in the future with other forms of art. He continued the title could be named Public Arts and Beautification which could govern all public art type ordinances or funding methods.

Councilmember Thompson questioned if limiting text would cover any or all languages. Ms. Brass replied yes all characters would be limited except a signature line.

Ms. Brass asked if the Council would prefer to have the mural ordinance be in its own title. The consensus of the Council was to create a new title for the mural ordinance. Mr. Allen wondered when the ordinance would be ready for the Council to review and consider. Ms. Brass indicated it could be ready for a discussion at the next available meeting.

Councilmember Bush moved to adjourn at 7:16 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.
Mayor Shepherd called the meeting to order at 7:03 p.m.

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

Councilmember Bush led the opening ceremonies.


Mayor Shepherd indicated the July 10, 2018 work session minutes were removed from the agenda for the Council’s consideration.

Councilmember Phipps moved to approve the minutes from the July 31, 2018 joint work session, the July 31, 2018 Special Session, and the August 1, 2018 Neighborhood Party, as
written, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

OPEN COMMENT PERIOD

Mike LeBaron, resident, apologized he was not able to complete the form but his contact information was listed. He indicated he was in favor of the resolution the City Council would be considering later in the evening which would adopt and certify the tax rate for the North Davis Fire District. He expressed his admiration for fire fighters and police officers and the service they rendered. He stated those serving the Fire District deserved cost of living raises and the tax increase would allow those salaries and benefit increases.

Mayor Shepherd thanked Mr. LeBaron for his comments. He recognized the County Commissioners in attendance and asked if there was anything they would like to share.

Randy B. Elliott, Davis County Commission Chair, reported the commissioners desired to visit with each City and its residents, receive feedback about County needs, and work collaboratively with the City. He expressed his appreciation to the Council and mentioned the visits and serving on boards together had afforded good interactions thus far. He volunteered to meet with any interested residents following the meeting.

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

Scott Hodge, Public Works Director, reported the City solicited bids for the 1425 West Roadway Improvement Project. He stated the project was to install a new waterline from approximately 725 South to 975 South along 1425 West. He explained it was a residential area and the waterline had been servicing the area for approximately 35 years. He added it was undersized so the plan was to replace the existing 6-inch culinary waterline with a new 8-inch waterline. He continued the road pavement would also be replaced along with a small amount of curb, gutter, and sidewalk in damaged areas and a small section of storm drain would be added on the south end of the project area.

Mr. Hodge stated the City received seven bids and the lowest responsible bidder was Marsh Construction with a bid amount of $458,363.65. He acknowledged the City’s engineers had reviewed the bids and recommended it be awarded to Marsh Construction. He noted the City had previously done work with the contractor and there was a good working relationship.

Councilmember Phipps wondered if the waterline fed the entire subdivision or what area would benefit from the increased water flow. Mr. Hodge responded the primary beneficiaries would be those residents along 1425 West. He indicated the City’s long range goals were to replace all the waterlines within the subdivision but only some had been replaced to date. Mr. Hodge reported there had been water leaks along 1425 West over the past few years; therefore, to reduce future problems a new waterline needed to be installed.
Mayor Shepherd asked about the timing of the project. Mr. Hodge said the City hoped it could be completed this fall but the timeline would be dependent upon the arrival of winter weather.

Councilmember Thompson moved to 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, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

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

Mark Becraft, North Davis Fire District (NDFD) Chief, stated he was directed by the NDFD Board to conduct a wage study. He noted statewide there had been a struggle with retaining those working in public safety especially police and fire. He indicated NDFD had a large amount of disparity in wages from other districts and as a result lost several firefighters during the last year. Chief Becraft acknowledged a local wage study was completed and in an effort to bring the District in line with other local districts and those in the Salt Lake Valley, the tax increase would be necessary. He mentioned the increase would only cover salary and benefit increases. He continued the District also had increases to its liability and health insurance costs during the past year, similar to the City. He added there were other budget cuts made so the tax increase would only be covering the cost of increased wages.

Mayor Shepherd elaborated funding for the Fire District came from property tax revenues. He mentioned there had not been enough growth in the District’s area comprised of Clearfield and West Point to allow for additional property tax revenues. He noted NDFD had not had a property tax increase before. He commented cuts were made in some areas of the budget; however, a property tax increase was still needed because of the disparity in the District’s salaries and the significant escalation of insurance costs. Mayor Shepherd added the increase would go directly towards salary and benefit increases for the firefighters. Chief Becraft noted ambulatory revenues were also down statewide and the District’s main revenue stream was from a percentage of property tax. Mayor Shepherd stated he did not like to raise taxes but felt after an in depth review of the budget it was necessary to provide the wage increases so the District could retain qualified and trained staff by providing the deserved cost of living increases.

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. Mayor Shepherd commented as the governing body for the North Davis Fire District, the City Council would need to consider adopting and certifying the tax rate for the District’s 2018 tax year and asked if there were any concerns.

Councilmember Phipps expressed his opinion fire personnel were underpaid for the work and services they provided. He indicated if the wage study showed the District was at the low end of an underpaid profession, then it should be resolved. He reasoned it would also be presumptuous
to overrule something that the District had adopted after all its efforts in conducting a wage study and budget adjustments.

Councilmember Roper recognized the NDFD worked hard, ran on a lean budget, and stated the Board based its decisions with the safety of the firefighters in mind. He added he was not a fan of tax increases, but the proposed increase would go directly where it mattered which was to the firefighters.

Mayor Shepherd noted he sat on the Board and had an opportunity to review the average salaries and it was disheartening to see how little firefighters get paid for their efforts to keep the community safe. He said they chose their profession because they loved it.

Councilmember Roper moved to 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, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

COMMUNICATION ITEMS

Mayor Shepherd
1. Looked at a different style of housing option as he attended a tour in Salt Lake City earlier with Commissioner Elliott. He explained it was a unique concept of turning shipping containers into housing units. He stated there was pressure statewide to find affordable housing options and this was a new proposal. He commented it would be available to see at the Utah State Fair in September.
2. Planned to attend a tour of the Army Depot on August 15, 2018 with the Utah Defense Alliance.
3. Spoke at the Hope Center’s annual backpack giveaway on August 11, 2018.

Councilmember Bush
1. Attended the pop up party at Jacobsen Park on August 1, 2018.
2. Watched the Tour of Utah as it passed through the City quickly.
3. Attended the Hope Center’s annual backpack giveaway on August 11, 2018. He expressed his opinion Pastor Brown did a great job in providing help to children in the community.

Councilmember Phipps
1. Met with the Restoration Advisory Board for its quarterly meeting. He explained the committee dealt with ground water contamination from Hill Air Force Base. He explained there was a methane issue on 200 West which was a good problem. He elaborated the process used for mitigation created methane gas; however, even though it was not dangerous there was methane accumulating in the area. He reported it had been verified the methane had not permeated the roadbase or into any properties. He indicated the engineers were looking towards a mitigation plan. He expounded on the methods being considered to vent the gas and notified there could be construction in the area. He acknowledged the community was safe. He noted the Air Force took ground water contamination very seriously and were making strides to mitigate the issue. He recognized the problem was only in a small area of the City and other neighboring cities had larger areas impacted. He stated he would be happy to share more details with anyone interested.
2. Mentioned a recent news article had reported a code enforcement officer had lost her life while on duty. He commented the tragedy helped him appreciate what people working in municipal government
did each day for the public and the risks that were taken. He expressed his appreciation for staff and those that represented the City to the community.

Councilmember Peterson
1. Attended the Hope Center’s annual backpack giveaway on August 11, 2018, as well, and appreciated the remarks made previously about Pastor Brown for the fellowship and work put into the event assisting children in the community to get ready for school.
2. Expressed condolences to Draper Fire Department and the Utah fire department family as a whole for the loss of a fireman reported earlier. She conveyed her appreciation for the services provided by local police and fire to the community.

Councilmember Roper
1. Thanked the County Commissioners for attending the meetings.
2. Expressed gratitude to the Fire Chief Mark Becraft and Deputy Chief John Taylor who were in attendance.
3. Reported receiving comments from residents who expressed appreciation to him that the City would bring a pop up neighborhood party to their area. He stated he was unable to attend on August 1, 2018 when it was at Jacobsen Park but heard it was appreciated by those in the neighborhood.

Councilmember Thompson – updated the Council on mosquito abatement efforts. He indicated there was a new mosquito species that was a mammal feeder and laid “smart” eggs. He explained the eggs could be dormant in water for several years until it was warm enough and then they would hatch with the right depth and warmth of water. He cautioned these mosquitoes would feed all day long and could affect horses and agricultural growth; however, it was not found to carry the West Nile virus.

STAFF REPORTS

JJ Allen, City Manager
1. Expressed thanks to the County Commissioners for attending the meetings and mentioned it had been a pleasure to work with each of them.
2. Reported staff was preparing for the mid-year retreat planned for Thursday, August 23, 2018.
3. Commented he cheered on the cyclists as the Tour of Utah passed through the City on August 9, 2018.
4. Reported he distributed the monthly report last week.

Nancy Dean, City Recorder – reviewed the Council’s schedule:
- Work Session on August 21, 2018
- Neighborhood Party on August 22, 2018 at North Steed Park
- Midyear Retreat on August 23, 2018
- Reminded about Utah League of Cities and Town meetings on September 12-14, 2018 and asked for notification from those planning to attend.

Trevor Cahoon, Communication Coordinator – reviewed upcoming events inviting the Council to attend the Neighborhood Party at Train Watch Park on Thursday, August 16, 2018, the Neighborhood Party at North Steed Park on Wednesday, August 22, 2018 both held from 6:00 p.m. to 7:00 p.m., and the ribbon cutting ceremony for the City’s Maintenance and Operations Center at 497 South Main on Wednesday, August 16, 2018 beginning at 9:00 a.m.
There being no further business to come before the Council, **Councilmember Peterson moved to adjourn the policy session and reconvene in work session at 7:34 p.m.**, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.
CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. NEIGHBORHOOD PARTY
August 16, 2018

PRESENT:   Kent Bush   Councilmember
Vern Phipps   Councilmember
Tim Roper   Councilmember

EXCUSED:   Mark Shepherd  Mayor
Nike Peterson   Councilmember
Karece Thompson  Councilmember

STAFF PRESENT:  Summer Palmer  Assistant City Manager
Scott Hodge   Public Works Director
Brad Wheeler   Street Superintendent
Greg Krusi   Police Chief
Kelly Bennett   Police Assistant Chief
Jayden Stevens   Police Officer
Jeremiah Drumm   Police Officer
Eric Howes    Community Services Director
Curtis Dickson  Community Services Deputy Dir.
Ryan Hamblin   Parks Maintenance Specialist III
Trevor Cahoon   Communications Coordinator
Jenn Wiggins   Marketing Intern

NEIGHBORHOOD POP UP PARTY HELD AT TRAIN WATCH PARK LOCATED AT 200 WEST 250 NORTH

As a means of community outreach, members of the City Council and staff participated with neighborhood residents at a pop up neighborhood party held at Train Watch 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: Brad McIlrath, Senior Planner
MEETING DATE: August 28, 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.

**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 “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 28, 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**

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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 “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
GENERAL PLAN: FUTURE LAND USE MAP

ZONING MAP

Hill AFB

Residential

Mixed Use

Commercial

R-1

R-3

C-2

A-1

R-19
CLEARFIELD CITY ORDINANCE 2018-12

AN ORDINANCE REZONING A PORTION OF THE PROPERTY LOCATED AT APPROXIMATELY F STREET AND 3RD STREET IN FREEPORT CENTER FROM M-1 (MANUFACTURING) TO P-F (PUBLIC FACILITIES) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY.

PREAMBLE: This Ordinance rezones a portion of the property located at approximately F Street and 3rd Street in Freeport Center from M-1 (Manufacturing) to P-F (Public Facilities) and amends the City’s Zoning Map to reflect the change. The new zoning designation enacted by this ordinance will maintain consistency between the City’s Land Use Ordinance and the General Plan.

WHEREAS, pursuant to an application received by the City’s Community Development office, the City Council must consider a change in the zoning a portion of the property located at approximately F Street and 3rd Street in the Freeport Center; and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended to the Clearfield City Council that the rezone be approved; and

WHEREAS, following proper notice, as set forth by state law and the City’s Land Use Ordinance, the City Council held a public hearing on the application for a change in the zoning for the properties and allowed for public comment thereon; and

WHEREAS, after the public hearing, the City Council carefully considered any comments made during the public hearing, the developer’s/landowner’s position, as well as the Planning Commission’s recommendations regarding the proposed rezone; and

WHEREAS, following its public deliberation, the City Council has determined that the zoning change listed below is in the best interests of Clearfield City and its residents and will most effectively implement the City’s planning efforts while allowing the subject property to be put to its highest and best use;

NOW, THEREFORE, be it ordained by the Clearfield City Council that:

Section 1. Zoning Changes: The zoning for a portion of the property located at approximately F Street and 3rd Street in the Freeport Center and described as part of the west half of Section 11, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and being described as follows:

Beginning at a point being S 00^28’16” W, the basis of bearings, 198.13 feet along the west line of said Section 11 and S 89^31’44” E 1326.39 feet from the west quarter corner of said Section 11; Thence as follows:
N 00^20'49" E 200.55 feet; thence N 00^20'53" E 329.56 feet; thence N 13^27'11" W 212.00 feet; thence N 58^23'49" E 145.20 feet to a brass cap; thence N 58^20'47" E 55.44 feet; thence along a line running parallel with and 10.00 feet perpendicularly westerly of the centerline of the railroad tracks the following two (2) courses:

1) S 31^58'15" E 130.37 feet; (2) S 31^40'57" E 520.41 feet; thence S 58^20'30" W 203.92 feet; thence S 58^20'30" W 344.85 feet to the point of beginning

Contains 5.295 acres,

in Clearfield City, Davis County, Utah, is hereby changed from M-1 (Manufacturing) to P-F (Public Facilities).

Section 2. Amendments to Zoning Map: The Clearfield City Zoning Map is hereby amended to reflect the changes in zoning outlined in Section 1 above and the City Planner is hereby directed to have a new Zoning Map prepared showing said rezoning.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

Dated this 28th day of August, 2018, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

___________________________________
Mark R. Shepherd, Mayor

ATTEST

_________________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 28, 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>
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<tr>
<td>Owner</td>
</tr>
<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Land Use Classification</td>
</tr>
<tr>
<td>Gross Site</td>
</tr>
</tbody>
</table>

ZONING/LOCATION MAP
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
2.445 Acres to be purchased from 12-065-0050 and combined with 12-065-0049.
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’ 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
CLEARFIELD CITY ORDINANCE 2018-13

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 788 SOUTH 2000 EAST FROM C-2 (COMMERCIAL) TO D-R (DOWNTOWN REDEVELOPMENT) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY.

PREAMBLE: This Ordinance rezones the property located at 788 South 2000 East from C-2 (Commercial) to D-R (Downtown Redevelopment) and amends the City’s Zoning Map to reflect the change. The new zoning designation enacted by this ordinance will maintain consistency between the City’s Land Use Ordinance and the General Plan.

WHEREAS, pursuant to an application received by the City’s Community Development office, the City Council must consider a change in the zoning for the property located at 788 South 2000 East; and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended to the Clearfield City Council that the rezone be approved; and

WHEREAS, following proper notice, as set forth by state law and the City’s Land Use Ordinance, the City Council held a public hearing on the application for a change in the zoning for the properties and allowed for public comment thereon; and

WHEREAS, after the public hearing, the City Council carefully considered any comments made during the public hearing, the developer’s/landowner’s position, as well as the Planning Commission’s recommendations regarding the proposed rezone; and

WHEREAS, following its public deliberation, the City Council has determined that the zoning change listed below is in the best interests of Clearfield City and its residents and will most effectively implement the City’s planning efforts while allowing the subject property to be put to its highest and best use;

NOW, THEREFORE, be it ordained by the Clearfield City Council that:

Section 1. Zoning Changes: The zoning for the property located at 788 South 2000 East in Clearfield City, Davis County, Utah, is hereby changed from C-2 (Commercial) to D-R (Downtown Redevelopment).

Section 2. Amendments to Zoning Map: The Clearfield City Zoning Map is hereby amended to reflect the changes in zoning outlined in Section 1 above and the City Planner is hereby directed to have a new Zoning Map prepared showing said rezoning.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.
Dated this 28th day of August, 2018, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

___________________________________
Mark R. Shepherd, Mayor

ATTEST

___________________________________
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 28, 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 approval to the City Council. The recommendation vote was 4-3 with the chair needing to break the tie. For the commission members that voted to deny the text amendment, their reasons centered around no foundational backing from the General Plan for this type of amendment and that there shouldn’t be an ordinance amendment of this sort that is not in line with the purpose of the M-1 Zone. Those members also did not see it as good policy to change a zone to accommodate a nonconforming use. For the commission members that voted to approve the amendment, they felt that the proposed standards were narrow enough to not expand the scope of residential into the M-1 zone, but resolve an issue for this property. There were also thoughts by those members that if the sewer backup had not occurred, the residential use may have been continued as a legal nonconforming use without a break in occupancy.

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 &/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 existing 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>
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<th>Staff Analysis</th>
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<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>
CLEARFIELD CITY ORDINANCE 2018-14

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11, Chapter 11, Article D, Section 2 – Manufacturing Zone M-1 of the Clearfield City Code to allow single family residential use under certain conditions.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 11, Article D, Section 2, Paragraph C as presently written, - Permitted and Conditional Uses is hereby amended to be renumbered as Paragraph D.

Title 11, Chapter 11, Article D, Section 2, Paragraph C - Permitted and Conditional Uses is hereby amended to read as follows:

C. Single-family residential dwellings are 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 &/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 existing prior to 1999.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 28th day of August, 2018.

CLEARFIELD CITY CORPORATION

_______________________________
Mark R. Shepherd, Mayor

ATTEST:

_________________________________
Nancy R. Dean, City Recorder
VOTE OF THE COUNCIL

AYE:

NAY:
TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: August 28, 2018
SUBJECT: Discussion Item – FSP 1807-0003, 5-Lot Subdivision for the Clearfield Junction mixed use project.

DESCRIPTION / BACKGROUND

<table>
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<td><strong>Applicant</strong></td>
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<tr>
<td><strong>Land Use Classification</strong></td>
</tr>
<tr>
<td><strong>Gross Site</strong></td>
</tr>
</tbody>
</table>
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.

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 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.

WORK SESSION DISCUSSION
This item was reviewed and discussed by the City Council at the August 14, 2018 work session meeting. During that discussion, the city-owned properties that are part of the street right-of-ways and are adjacent to this project were brought up. It was agreed upon that this subdivision should include the dedication of those parcels as right-of-way in order to clean up the parcels in the area. Although this was not discussed by the Planning Commission, it is an appropriate condition to add in order to improve property locations and boundaries in the area.

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.

5) The final subdivision plat shall be revised to include the dedication of the city-owned properties that cross Center Street and Main Street as right-of-way.

**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 resubmittal 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
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 the Clearfield City Council
FROM: JJ Allen, City Manager
MEETING DATE: August 28, 2018
SUBJECT: UCAN Lease Amendment

RECOMMENDED ACTION

Approve Resolution 2018R-11, approving Amendment #2 to the Lease Agreement between Clearfield City and the Utah Communications Agency Network, allowing T-Mobile to co-locate on the communications tower, and providing Clearfield City with a portion of the rent paid by T-Mobile.

DESCRIPTION / BACKGROUND

The communications tower that is the subject of this agreement sits east of the Community Arts Center, on City property. The tower is owned by UCAN, though the City participated in the initial financing of the facility, and was constructed in approximately 1999/2000.

When the City learned of UCAN’s intentions of allowing T-Mobile to co-locate on the tower, staff negotiated for a portion of the monthly rent that UCAN would be collecting from T-Mobile. Amendment #2 will provide for that co-location and the City’s share of the rent proceeds. UCAN sent a signed copy which was incorrectly titled Amendment #1. The corrected amendment has not yet been received; however, UCAN agreed to make the change to the title and in essence will be the same as the attached document Amendment #1.

IMPACT

a. FISCAL

$300 / month in revenue, with a 2% annual increase (General Fund revenues)

b. OPERATIONS / SERVICE DELIVERY

The co-location of T-Mobile’s equipment will not negatively impact the City’s use of the communications tower. Moreover, the additional T-Mobile equipment will provide better coverage to City staff and to the general area.

ALTERNATIVES

The former city manager negotiated the revenue-sharing in good faith, and current staff sees no reason to recommend any modification to or rejection of the terms of the Amendment.
SCHEDULE / TIME CONSTRAINTS

T-Mobile is prepared to move forward with their installation in the near future, once the Amendment has been executed.

LIST OF ATTACHMENTS

- Amendment #2
- UCAN Agreement and Amendment #1
- Resolution 2018R-11
Utah Communications Authority

Clearfield City Lease agreement

Amendment #1

Clearfield City, UCA and T-Mobile USA Inc. have come to an agreement that will allow T-Mobile to install cellular equipment on the UCA tower and inside the UCA communications shelter located at the Clearfield facility.

It is required that T-Mobile install, or have installed their own commercial power meter at the facility, and pay all power bills associated with their operation directly to Rocky Mountain Power.

T-Mobile has provided a structural analysis study of the tower which has proven the tower is fully capable of supporting the additional cellular antennas and feed lines, as well as future growth that UCA or Clearfield City may require.

UCA and Clearfield City has agreed on a $300.00 per month fee with a 2% annual increase paid by UCA to Clearfield City for the co-location agreement with T-Mobile at the facility. Payments may be made monthly or in annually in advance at the option of Clearfield City. The payments from UCA to Clearfield City will continue as long as the lease between UCA and T-Mobile is active.

This amendment is dated this __________ day of _______________ 2018.

UTAH COMMUNICATIONS AUTHORITY

BY: [Signature]

TITLE: [Signature]

DATE: 05/2/18

CLEARFIELD CITY

BY: [Signature]

TITLE: [Signature]

DATE: ___________________________
AMENDMENT TO AGREEMENT FOR CONSTRUCTION AND INSTALLATION OF A RADIO TOWER AND ASSOCIATED STRUCTURES AND EQUIPMENT

On August 26, 1999, Utah Communications Agency Network (UCAN) and Clearfield City, a Municipal Corporation, entered into an agreement for construction and installation of a radio tower and associated structures and equipment.

In paragraph 5, the City and UCAN set forth a provisions regarding maintenance of equipment. Paragraph 5 is amended to add the following to the end of the present paragraph.

It is understood by this paragraph that UCAN will maintain at its sole expense and cost, both the UCAN and City radio and microwave equipment located in the storage building on the radio tower site which is located on Clearfield City property, all of the equipment in the storage building on the radio tower site, included is Clearfield City dispatch console and equipment, and any wiring, antennas, and other equipment which are installed in the main city building and in the fire department located at 88 East Center Street, and all connections between the above locations.

As part of this paragraph, UCAN will pay all of the electrical utilities incurred in the small building on the radio tower site.

All other terms and conditions of the agreement shall remain as presently constituted.

Dated this 20 day of July, 2000.

UTAH COMMUNICATIONS AGENCY NETWORK

BY: ______________________
TITLE: EVENTU DIRECTOR
DATE: 7-20-00

CLEARFIELD CITY CORP.

BY: ______________________
TITLE: Mayor
DATE: 5-9-00

ATTEST:

BY: ______________________
TITLE: Deputy Recorder
AGREEMENT FOR CONSTRUCTION AND INSTALLATION OF A RADIO TOWER AND ASSOCIATED STRUCTURES AND EQUIPMENT

This agreement is made by and between the Utah Communications Agency Network (UCAN), an Agency of the State of Utah and Clearfield City (City), a Utah municipal corporation.

WHEREAS, the City owns land upon which UCAN wishes to construct and install a radio tower, a building to house radio equipment, and associated equipment as part of its statewide network; and,

WHEREAS, UCAN desires to lease the site from the City after the construction and installation are complete; and,

WHEREAS, the City has agreed to share in the costs for the construction and installation; and,

WHEREAS, the City has agreed to share the costs because the City has certain equipment that it wants to install on the tower and in the building on the site.

NOW, THEREFORE, in consideration of the rights and obligations hereunder the parties agree as follows:

1. UCAN will install a radio tower, equipment building, foundations, concrete pads, fencing around the site and grounding for the tower.

2. The City will provide conduit to the tower site and the building to house the radios.

3. The City will pay Thirty-One Thousand Five Hundred Fifty-Six and no/100ths Dollars ($31,556.00) to UCAN to pay for the City’s portion of the construction and installation costs. UCAN shall pay all other costs of the construction and installation.

4. UCAN shall provide an uninterruptable power source and an auxiliary power source for the site to service both parties’ equipment including, but not limited to, the City’s dispatch radios and the tower site.

5. UCAN shall maintain at its expense all UCAN radio and microwave equipment, all in-building equipment including, but not limited to, repeaters, speakers or other equipment used to operate the UCAN communications network at the City Municipal/Public Safety building and the Fire Station. Other equipment to be maintained by UCAN is lines, cabling, antennas, grounding and connections in the communications building on the Tower site, on the
tower, in conduit or passageway to other City buildings.

6. UCAN shall provide upgraded equipment for the Tower site, communications building on the Tower site, and dispatch console radios as required to keep the system current and in good working order.

7. The City shall be allowed to construct upon the radio tower and house within the communication building on the Tower site radio and other equipment provided that such equipment does not interfere with UCAN's operations. The City shall obtain prior approval from UCAN before such construction or use is commenced. UCAN shall not unreasonably restrict the City from making such use of the property.

8. Neither party shall restrict the other from having access to the Tower, the communications building on the Tower site, conduits, other buildings or grounds associated with the operation of the parties' systems.

9. The City shall be responsible for regular clean up for the exterior of the Tower site and UCAN shall be responsible for providing clean up and maintenance for the communications building and the fence around the Tower site.

10. The City shall monitor the site for security purposes. If UCAN installs alarms, video cameras, or other security devices, the City shall monitor such devices.

11. If UCAN determines that they no longer to use the Tower site, the City shall have the right to take possession of the Site and the related structures by giving notice thereof to UCAN. If the City does not exercise its right hereunder, UCAN shall be responsible to remove all buildings and equipment including the Tower from the site.

12. This agreement is the entire agreement of the parties. All other representations including oral representations except those contained herein are null and void. This agreement may be amended only by an agreement in writing executed by both parties.

13. Notices required hereunder shall be given as follows:

UCAN

Steven Proctor
(name of contact person)
4101 S. 2700 W. Bx 141775
(street address)
Salt Lake City, Utah 84114-1775
(city, state and zip code)

CLEARFIELD CITY

Steven Layton
(name of contact person)
140 E. Center Street
(street address)
Clearfield, Utah 84015
(city, state and zip code)
Executive Board,
Utah Communications Area Network

June 9, 1998

As you are well aware, Clearfield City’s has been a part of the Utah Communication Agency Network from its inception, and the City Council has previously enacted a resolution in support of UCAN.

Clearfield City will participate in the Utah Communications Agency Network as long as the system is set up as anticipated under the legislated mandate. Clearfield City will initially purchase 130 radio units which will be placed on the system with maximum UCAN costs to Clearfield City to be $25.00 per month, per radio unit. As growth dictates, other radios may be added to the system with the anticipation that the UCAN costs per radio not exceed this same rate.

Clearfield City will initially be a part of the funding mechanism that will be set-up by UCAN to finance the infrastructure and to equitably be a partner in both the benefits and obligations associated with the financing and operation of the UCAN System.

Clearfield City intends to come "on-line" with the system as soon as the equipment and capability are in place which is anticipated to be Fall of 1999. This implementation will be for all government operations provided by Clearfield City.

Thomas C. Waggoner
Mayor

cc: Emergency Services Director
cc: City Recorder
CLEARFIELD CITY RESOLUTION 2018R-11

A RESOLUTION APPROVING AMENDMENT #2 TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN CLEARFIELD CITY AND UCAN (UTAH COMMUNICATIONS AGENCY NETWORK) ALLOWING T-MOBILE TO CO-LOCATE ON THE UCAN TOWER EAST OF THE CLEARFIELD COMMUNITY ARTS CENTER AND PROVIDING FOR THE SHARING OF REVENUE BETWEEN THE TWO AGENCIES FROM THE RENT PROCEEDS

WHEREAS, Clearfield City owns land east of the Clearfield Community Arts Center that is being used by UCAN (Utah Communications Agency Network) for a radio tower and all the associated equipment; and,

WHEREAS, the City has an interest in the radio tower because it shared in the costs for the construction and installation of said infrastructure; and,

WHEREAS, T-Mobile desires to co-locate on the radio tower to improve its service to its customers and performed a structural analysis study of the tower proving it was fully capable of supporting additional cellular antennas and fee lines; and,

WHEREAS, the City, UCAN, and T-Mobile have come to an agreement that will allow T-Mobile to co-locate and install its equipment; and,

WHEREAS, the City and UCAN have agreed to share the revenue from the rent proceeds negotiated as part of the agreement; and,

WHEREAS, the Parties are authorized to enter into an Interlocal Cooperation Agreement pursuant to the Interlocal Cooperation Act, Utah Code Ann. Section 11-13-101 et seq.

NOW, THEREFORE, be it resolved by the Clearfield City Council that the attached Interlocal Cooperation Agreement is approved and the Mayor is authorized to execute the agreement.

DATED this 28th day of August, 2018.

ATTEST: CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder  Mark R. Shepherd, Mayor
VOTE OF THE COUNCIL

AYE:

NAY:
DISCUSSION ON AMENDMENTS TO THE FISCAL YEAR 2017/2018 BUDGET

Rich Knapp, Finance Manager, explained there were two items where budget amendments were necessary prior to the end of the fiscal year. He stated the increment received from the Economic Development Area (EDA) 3 was $217,000; consequently, ATK qualified for 82 percent of the increment value. He noted the first proposed amendment was $180,000 to adjust for the EDA 3 developer increment expenditure and revenue from increased tax increment.

Mr. Knapp indicated the second proposed amendment resulted from a loan the CDRA had from the Enterprise Funds about 15 years ago for approximately $1,000,000. He acknowledged the CDRA was charged interest from the funds on the loan at the same rate as the funds received in
reserve. He noted the interest rate had increased over the years and the increase was under budgeted; consequently, the amendment would reflect the increase of $14,000 to cover the debt service interest and be transferred to the Enterprise Funds.

Director Peterson moved to adjourn at 8:30 p.m., seconded by Director Thompson. The motion carried upon the following vote: Voting AYE – Directors Peterson, Phipps, Roper, and Thompson. Voting NO – None. Director Shepherd was not present for the vote.

**The City Council work session minutes are in a separate location.**
Chair Bush called the meeting to order at 7:29 p.m.

APPROVAL OF THE MINUTES FROM JUNE 12, 2018 POLICY SESSION

Director Peterson moved to approve the minutes from the June 12, 2018 policy session, as written, seconded by Director Roper. The motion carried upon the following vote: Voting AYE – Directors Peterson, Phipps, Roper, and Thompson. Voting NO – None. Director Shepherd was not present for the vote.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE AMENDMENTS TO THE FISCAL YEAR 2017/2018 BUDGET

Rich Knapp, Finance Manager, stated there were two amendments being proposed. He explained Economic Development Area 3 (EDA 3) received $217,000 in increment; therefore, ATK qualified for 82 percent of the increment value. He noted the first proposed amendment was $180,000 to adjust for the EDA 3 developer increment expenditure and revenue from increased
tax increment. Mr. Knapp indicated the second proposed amendment resulted from a loan the CDRA had from the Enterprise Funds about 15 years ago for approximately $1,000,000. He acknowledged the CDRA was charged interest on the loan at the same rate as the funds received in reserve which had increased over the years; consequently, the budget amendment would reflect the increase of $14,000 to cover the debt service interest.

Chair Bush opened the public hearing at 7:30 p.m.

Chair Bush asked if there were any public comments.

There were no public comments.

Director Roper moved to close the public hearing at 7:31 p.m., seconded by Director Peterson. The motion carried upon the following vote: Voting AYE – Directors Peterson, Phipps, Roper, and Thompson. Voting NO – None. Director Shepherd was not present for the vote.

APPROVAL OF RESOLUTION 2018R-02 AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2017/2018 BUDGET

Director Peterson moved to approve Resolution 2018R-02 authorizing amendments to the fiscal year 2017/2018 budget and authorize the Chair’s signature to any necessary documents, seconded by Director Thompson. The motion carried upon the following vote: Voting AYE – Directors Peterson, Phipps, Roper, and Thompson. Voting NO – None. Director Shepherd was not present for the vote.

APPROVAL OF THE GROUND LESSOR’S CONSENT, NONDISTURBANCE, ATTORNMENT AND ESTOPPEL AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA), CLEARFIELD 888, LLC, AND KEYBANK NATIONAL ASSOCIATION RELATING TO THE PROPERTY LOCATED AT 888 SOUTH UNIVERSITY PARK BOULEVARD

Chair Bush explained this item was discussed during the City Council policy session and was a similar document, except it was an agreement with the CDRA.

Director Phipps moved to approve the Ground Lessor’s Consent, Nondisturbance, Attornment and Estoppel Agreement between CDRA, Clearfield 888, LLC, and KeyBank National Association relating to the property located at 888 South University Park Boulevard, and authorize the Mayor’s signature to any necessary documents, seconded by Director Peterson. The motion carried upon the following vote: Voting AYE – Directors Peterson, Phipps, Roper, and Thompson. Voting NO – None. Director Shepherd was not present for the vote.
There being no further business to come before the Board, **Director Thompson moved to adjourn at 7:34 p.m., seconded by Director Peterson.** The motion carried upon the following vote: Voting AYE: Directors Peterson, Phipps, Roper, and Thompson. Voting NO – None. Director Shepherd was not present for the vote.

**The City Council policy session minutes are in a separate location.**