

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
July 10, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Lee Naylor	Accountant
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder
EXCUSED:	JJ Allen	City Manager
	Spencer Brimley	Community Development Director

VISITORS: Nathan Rich – Wasatch Integrated Waste Management District, Jared Hadley, Chad Buck

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 its 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.**

**APPROVED AND ADOPTED  
This 28<sup>th</sup> day of August, 2018**

**/s/Mark R. Shepherd, Mayor**

**ATTEST:**

**/s/Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, July 10, 2018.

/s/Nancy R. Dean, City Recorder