

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
September 4, 2018

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Greg Krusi	Police Chief
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

VISITORS: Ed Green – Canterbury Court Townhomes, Vaughn Covington – Canterbury Court Townhomes, Michael LeBaron

Mayor Shepherd called the meeting to order at 6:08 p.m.

DISCUSSION ON THE CANTERBURY COURT DEVELOPMENT AGREEMENT FOR THE TOWNHOME DEVELOPMENT LOCATED AT APPROXIMATELY 1230 WEST 300 NORTH

Brad McIlrath, Senior Planner, recognized Ed Green and Vaughn Covington, developers of Canterbury Court Townhomes, who were in attendance. He identified the property area was located west of Winegars and east of Kings Storage at approximately 1230 West 300 North. He noted the property was rezoned R-3 (Residential Multi-family) in November of 2017 and one of the conditions of the rezone was to enter into a development agreement for the proposed townhome project. Mr. McIlrath explained staff had been working with the developers to prepare the development agreement. He stated some of the site constraints made it difficult to layout the number of units the developer wanted; however, if the Council was willing to consider an alteration in the setbacks staff was proposing some considerations be given to the developers for enhancing the project.

He reviewed the proposed layout and landscape plans which included an access on the east side, private street circulation, a total of 30 townhomes units, along with a tot lot and pavilion for the open space. Mr. McIlrath noted the plans showed a 33-foot wide right-of-way dedication for 300 North. Councilmember Bush asked if the dedication of the right-of-way would line up with the

Winegars property to the east. Mr. McIlrath responded the right-of-way would line up with a portion of the Winegars property and continue west gradually shifting to line up with the adjacent parcel known as King Storage.

Councilmember Peterson wondered if there were plans to widen 300 North in the future. Mr. McIlrath answered he was not aware of any plans. Spencer Brimley, Community Development Director, added the City owned 300 North and he was not aware of any plans to widen the road even though it was an east to west corridor. He continued 300 North was not considered a main access road after the State Road 193 expansion to the west. JJ Allen, City Manager, agreed there were not any current plans to expand or widen 300 North.

Mr. McIlrath reviewed the current setbacks required by the R-3 Zone and the proposed development setbacks. He mentioned the developer requested changes to the front yard setbacks from 25 feet to 20 feet and in the rear yard asked from 30 feet to 18 feet. He stated there would not be any changes to side yard or corner side yard setbacks. Mr. McIlrath noted if the property were planned with the required setbacks there would be a significant loss in the number of units.

Councilmember Bush questioned if the townhomes would be for sale units with a homeowner association (HOA). Mr. McIlrath confirmed it would be a for sale product with the required HOA.

Mr. McIlrath stated staff, when reviewing the setback requests, looked for ways to improve the appeal of the development and increase safety issues. He commented the first recommendation for the developer would be to provide fencing along the property frontage of 300 North to buffer the residential townhomes from the traffic and noise of the street. He indicated the fencing should be six feet tall except in areas that needed to be reduced to comply with clear vision ordinances standards. Mr. McIlrath continued the proposed development agreement specified the fencing be constructed of masonry, post and panel, or other non-penetrable material to protect the units and open space of the project from noise or vehicular accidents. He added the buffer fencing would need to be set back five feet from the sidewalk to provide buffer landscaping between the fence and sidewalk with shrubbery and trees. He mentioned the developer had desired to put in vinyl fencing, but the City was requesting it be high-quality material which was sturdy.

Councilmember Bush expressed his concern that vinyl fencing could be easily damaged and he did not want it left with holes or broken parts which were not repaired. Mr. Green responded he owned several HOA projects and if there were problems with damage or graffiti the HOA addressed those problems through insurance claims to quickly mitigate any repairs. He commented a retaining wall might also be necessary and there was the possibility of putting the fencing on top so the yards could be leveled off a bit while still providing the necessary six feet tall protection. Mr. Green requested latitude where possible and offered to be receptive while working with staff on the site plans and elevations. Councilmember Phipps expressed his concern the fencing should be easily replicated to provide continuity with surrounding neighbors. Mr. McIlrath wondered if the Council would be comfortable with language updates to the development agreement allowing for more suitable design and materials for the fencing that could be attached as an exhibit to the agreement. There was consensus from the Council to

provide high quality buffering or a retaining wall similar and in conformity with an attached approved exhibit.

Mr. McIlrath acknowledged another obligation for the developer called out in the development agreement was to provide an interior pedestrian walkway that would provide connectivity between all of the residential units, open space, and public sidewalk. Mr. Green added a sidewalk could potentially loop around the units facing north but suggested the width be four feet, which would allow access to the open space, yet not use up to much of the green space in the area. Mr. McIlrath noted sidewalk access to the public streets would be desirable to aid future tenants' accessibility to local parks, trails, stores, and other nearby amenities. Councilmember Peterson asked if staff was recommending that the mutually acknowledged requests regarding sidewalks be specified in the development agreement so the focus remained intact. Mr. McIlrath answered yes and staff would recommend that the pedestrian walkway connect to the open space and public sidewalks.

Councilmember Peterson asked how much narrower private streets were in comparison to public neighborhood streets. Mr. McIlrath said the plans showed widths that were slightly smaller but very close to the size of neighborhood streets. Councilmember Peterson wondered if the City would acquire the private roads at some point and then need to maintain them. There was a discussion about the HOA providing maintenance for private roads and concrete, the project across the street along 300 North which also had private roads, and the need for City standards to be met otherwise it would likely not be included with City streets.

Councilmember Phipps referred to the plan asking if the west end was planned for a retaining wall. Mr. Green responded there was chain link fencing with slats along the west side of the property and there should not be a need for a retaining wall. Councilmember Bush wondered if the east property lines had slats in the fencing also. Mr. Green stated it did and for the most part was in good shape; however, some slats might need to be repaired.

Councilmember Bush asked what the distance was between the side yard of unit 26 and the rear yard of unit 27. Mr. McIlrath responded it was 19.82 feet between property lines which included the patio space. Councilmember Bush questioned if the units would have garages and if there would be adequate parking. Mr. Green answered each unit would have a two car garage plus the driveway space for two additional cars.

Councilmember Bush wondered if North Davis Fire District would approve only one access. Mr. McIlrath indicated the Fire District had not reviewed the site plan yet. He noted the Planning Commission would review the details at its meeting in October. He added in previous projects the Fire District had required 26 feet in width for a turning radius, so he thought the proposed road would be sufficient.

Councilmember Bush questioned if street lights would be installed throughout the area to eliminate any dark areas. Mr. Green responded he had previously installed photocells along each side of the garage on other projects which turned on at night to provide adequate lighting rather than having street lamps and there had not been any complaints.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE FREEPORT CENTER 700 WEST SUBDIVISION LOCATED AT APPROXIMATELY 775 WEST STATE ROAD (SR) 193

Brad McIlrath, Senior Planner, stated the Planning Commission would be reviewing the preliminary subdivision plat for Freeport Center 700 West Subdivision at its meeting on September 5, 2018. He noted the Planning Commission's recommendation could potentially be ready for the Council's consideration at its next policy session on September 11, 2018. He explained the request was to create a two lot industrial subdivision for the properties located at the northwest corner of the Freeport Center near 700 West. Mr. McIlrath acknowledged the smaller properties located along 1000 West were rezoned from A-1 (Agricultural) to M-1 (Manufacturing) in April 2018 to prepare for the subdivision request. He commented the proposed subdivision would combine the smaller properties and a portion of the larger property located between 775 West and 1000 West to create Lot 1. He continued the remaining area of the larger parcel located east of 775 West would be created as Lot 2.

Mr. McIlrath indicated the City's engineer had reviewed the request and made some redlined comments which would need to be addressed. He noted one of the main issues to be addressed with the revisions of the plat included providing a public utility easement around the perimeter of the subdivision as required by ordinance. JJ Allen, City Manager asked if 700 West was a private street. Mr. McIlrath stated it was; however, the plat would need to identify that road as a right-of-way.

DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE 2017/2018 CDBG PROGRAM YEAR

Brad McIlrath, Senior Planner, stated the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER) was a reporting of what had been done during the 2017/2018 year in regards to program goals, objectives, the five-year action plan, and survey data from the sub-recipients. He indicated the review and preparation of the CAPER was both educational and informational. He mentioned the drafted CAPER had been included with the agenda packet and invited any comments or questions.

Mayor Shepherd noted on page 22 it inaccurately reflected the amount of inventory of homes in the City under a given value and it should be updated. Mr. McIlrath responded he had prepared the draft using data from previous years and had failed to make that specific update which he would correct.

Councilmember Phipps commented on page 23 there was mention of a pedestrian bridge and he was not aware that it was still planned. Mr. McIlrath responded he did not know the funding was no longer planned for the pedestrian bridge between the FrontRunner station and Freeport Center; however, in reviewing that section he would make the necessary updates. Mr. Brimley, Community Development Director, interjected he had spoken with Councilmember Peterson earlier in the day about language included in the CAPER that was concerning to her. He stated it was realized that many of the concerns from Councilmember Peterson had been

addressed in length during the CAPER preparation process the previous year; however, the current document was drafted using an older version which did not contain the edits from last year's discussions. He informed the Council that after comparing the concerns which Councilmember Peterson had brought to his attention with last year's final CAPER, he found almost all had been addressed. Mr. Brimley stated the CAPER would be revised based on any feedback and using last year's approved CAPER as a guide to eliminate any errors and make the necessary language adjustments. He proposed sending out the edited version as quickly as possible so it could be ready for the Council to consider for adoption at its next policy meeting. Mr. McIlrath indicated the final CAPER would need to be adopted before the end of the month and sent to HUD.

Mayor Shepherd asked if there were any additional questions or feedback. He stated it was an enlightening report and was good to learn how the funds were utilized by the sub-recipients.

DISCUSSION ON THE PROPOSED ORDINANCE TO REGULATE SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Spencer Brimley, Community Development Director, mentioned a proposed zoning text amendment to enact a wireless communication facilities ordinance had been discussed during the work session on August 14, 2018. He noted after the discussion, the drafted ordinance was reviewed by staff and found to be complex and unnecessary in comparison to the objective of its creation. He continued Stuart Williams, City Attorney, drafted a new version to regulate small wireless facilities within the public rights-of-way because the City already had a Wireless Communications Code which addressed many of the other items included with the original proposed ordinance.

Mr. Brimley stated in the proposed ordinance the fees were referenced in the City's Consolidated Fee Schedule. He explained the fee structure included in the Consolidated Fee Schedule was based on State Statute. He added the franchise fee also needed to be recognized; consequently, some adjustments to the franchise portion of the Code in Chapter 8 were necessary. Mr. Brimley identified the Wireless Communications Code would also be reviewed to see what updates would be necessary in order to remain consistent.

Councilmember Phipps wondered if the language used in the definitions was consistent with other references in the City's Code specifically identifying major and minor collector streets as terms. Mr. Brimley responded staff could review it and determine if the terms were consistent. JJ Allen, City Manager, commented the street types called out in the definitions were standard terms within the industry, but it would be important to make sure those streets were identified in the same way by the City's engineer. Councilmember Phipps agreed consistency would be important. Mr. Brimley said he would verify the terms and definitions with the City's Public Works Director.

Councilmember Phipps asked if new poles would be allowed and not just additions to existing poles in the public rights-of-way. Mr. Brimley answered new poles would be allowed but it was not the preferred method. He continued there was a process provided for how a new pole would need to be requested and the associated limitations. There was a discussion about the denial of an

application, franchise agreements and its purposes, as well as the deference to a municipality which was included in the State's Code to regulate small wireless facilities desiring to locate on existing poles or installed on a new pole within an area along a state road.

Nancy Dean, City Recorder, explained the Consolidated Fee Schedule would need to be amended to adopt the fees if the Council approved the proposed ordinance. She indicated the proposed fees were included in the agenda packet and wondered if there were any concerns with the recommended amounts. Councilmember Phipps asked if those recommended fees were based on State Code. Mr. Brimley confirmed the fees were based on those allowed by the State.

Councilmember Bush asked if there would be a meeting scheduled for September 18, 2018. Ms. Dean answered there would not be a meeting on that day or the week following on September 25, 2018. Councilmember Bush requested a copy of a City map be provided to him and any other members of the Council that desired one by next week. He announced he wanted to begin identifying where he thought the small area neighborhoods should be. Mr. Brimley stated he would provide a map and discussions could be held at a future date.

Councilmember Thompson moved to adjourn at 6:51 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

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

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, September 4, 2018.

/s/Nancy R. Dean, City Recorder