



CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
August 08, 2023 - POLICY SESSION

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.

55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY SESSION

CALL TO ORDER:

Mayor Shepherd

OPENING CEREMONY:

Pledge of Allegiance
Solemn Moment of Reflection
Council Member Phipps

APPROVAL OF MINUTES:

July 11, 2023 – work session
July 11, 2023 – policy session
July 25, 2023 – work session
July 25, 2023 – policy session

SCHEDULED ITEMS:

1. **OPEN COMMENT PERIOD**

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

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

2. CONSIDER APPROVAL OF RESOLUTION 2023R-08 AUTHORIZING THE INTERLOCAL AGREEMENT WITH DAVIS SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

BACKGROUND: The Clearfield Police Department provides a school resource officer for Clearfield High School and North Davis Jr. High. The officers work full time in their assigned school during the school year. Subsequent to the passing of 2023 Utah H.B. 61, the Davis School District was required to update the Interlocal Agreement for School Resource Officers in Clearfield City.

RECOMMENDATION: Approve Resolution 2023R-08 authorizing the Interlocal Agreement with Davis School District for School Resource Officers; and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

- A. Mayor's Report
- B. City Council's Reports
- C. City Manager's Report
- D. Staffs' Reports

****ADJOURN AS THE CITY COUNCIL****

Dated this 4th day of August 2023

/s/Chersty Titensor, Deputy 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 801-525-2714, giving her 48-hour notice.

The complete public notice is posted on the Utah Public Notice Website - www.utah.gov/pmn/, the Clearfield City Website - clearfield.city, and at Clearfield City Hall, 55 South State Street, Clearfield, UT 84015. To request a copy of the public notice or for additional inquiries please contact **Nancy Dean** at Clearfield City, Nancy.dean@clearfieldcity.org & 801-525-2714.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 PM WORK SESSION
July 11, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Karece Thompson, Councilmember Nike Peterson, Councilmember Tim Roper, Councilmember Kent Bush, Councilmember Vern Phipps, Mayor Mark Shepherd

STAFF PRESENT: Community Development Director Spencer Brimley, Community Services Director Eric Howes, Police Chief Kelly Bennett, City Manager JJ Allen, Assistant City Manager Summer Palmer, Senior Planner Brad McIlrath, Public Works Director Adam Favero, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor, Assistant City Attorney Shawn Robinson, Assistant Police Chief Devin Rogers

VISITORS: Megan Ratchford, Kathryn Murray

Mayor Shepherd called the meeting to order at 6:05 p.m.

DISCUSSION ON THE ADOPTION OF WATER AND SEWER IMPACT PLANS, REPORTS, AND FEES

Adam Favero, Public Works Director, reviewed the proposed development impact fees for water and sewer and addressed a concern from the previous work session about the reason for the annual increases. Rich Knapp, Finance Director explained that as the bond was paid down, less could be used against it so impact fees increased. Historically, the City adopted the first number and did not make increases each year. Councilmember Bush asked if the City would get behind since if it didn't increase each year. Mr. Knapp said less money had been available for projects but wasn't a significant amount. Mr. Allen pointed out the increases wouldn't be considered significant from year-to-year but if the current fee was compared to the potential fee, especially for water, it could be considered a significant impact. Councilmember Phipps asked why the implementation date was October 2023. Nancy Dean, City Recorder, explained new impact fees required a 90-day waiting period after it was adopted.

Mr. Favero pointed out the new way to compute impact fees for Industrial/Manufacturing applications. He explained that the impact fee would be based on the drainage fixture unit (DFU) count to better estimate the daily flows since some developers had installed smaller meters to avoid higher impact fees. The new guideline would assess the impact fee based on DFU count. He explained that twenty-one (21) DFU counted as one equivalent residential unit (ERU) which equated to 236 gallons per day. He pointed out that a note had been added to clarify that Industrial/Manufacturing applications fee would be assessed based on size of line and

gallons/day usage to arrive at the impact fee. Mr. Favero took some time to explain that single family home developments would not be impacted by the DFU count and pointed out that multi-family units were measured at 82 percent of ERU based on traditional water use.

Councilmember Bush asked how impact fees would be assessed for properties that had meters that were used specifically for landscaping in commercial or townhome situations where there were no DFUs. After a brief discussion, Mr. Favero determined he would request guidance from the analysts to determine how irrigation meters were traditionally administered. Councilmember Thompson suggested staff evaluate the sewer and water impact fees again in 2027 to ensure adequacy of the fees and then present to the City Council. Mr. Favero said there would be future reevaluations due to the many variables involved that could impact the fees.

Mr. Allen said he thought there was a majority to impose the proposed impact fees two weeks ago and asked where the Council's comfort level was currently. Councilmember Bush said he didn't want to go lower and ask current residents to pay for new development impacts. Council appeared to be in favor of the increases.

DISCUSSION ON A GENERAL PLAN AMENDMENT FOR THE FUTURE LAND USE MAP FROM COMMERCIAL TO RESIDENTIAL AND A REZONE REQUEST FROM C-2 (COMMERCIAL) TO R-3 (RESIDENTIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 982 WEST 1600 SOUTH

Brad McIlrath, Senior Planner, presented information for the requested General Plan amendment and zoning map amendment to allow residential units. Staff recommendation to the Planning Commission was a denial based on being inconsistent to the current General Plan and being adjacent to residential uses along 1000 West. The Planning Commission forwarded a recommendation of denial to Council. Mr. McIlrath explained the reasons for denial from the Planning Commission. The Council had a discussion about its standing on the placement of multi-family housing and all agreed the location in the current matter was not consistent with the vision for Clearfield City.

DISCUSSION ON THE DRAFT SUBSEQUENT REPORT FOR THE CLEARFIELD CITY MODERATE INCOME HOUSING PLAN

Spencer Brimley, Community Development Director, spoke on the 2023 Moderate Income Housing Subsequent Report which was required by State Statute to be submitted by August 1, 2023. He explained that this report was an update to the Moderate Income Housing Plan, reporting on what was being done based on the established plan. He said staff had already started on the report and had received positive feedback from the State; they just asked for additional detail and vetting. He asked Council to provide any feedback prior to staff submitting the report.

Councilmember Peterson pointed out the first strategy, "Rezone for densities necessary to facilitate the production of moderate income housing"; Action Item #3: Clearfield City will support a mix of housing options within the same neighborhood. She suggested edits to the wording because Council had authorized mixes of housing types within a section of town, but not a mixed-use neighborhood. She thought the use of the word "neighborhood" was too specific but suggested they say region or area instead.

Councilmember Peterson addressed the strategy titled, “Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.” She pointed out the current wording did not address the question and suggested it outline administrative changes that had been implemented to support the permitting process for accessory dwelling units (ADU) in the City.

Councilmember Peterson asked to review the strategy titled, “Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers” and focused on Action Item #2: Clearfield City will ensure zoning designations allow for higher density and/or moderate-income housing development in the mixed-use Downtown, near Clearfield Station, and adjacent to commercial and employment centers. She wanted to make sure the wording did not imply that subsidizing developers was the policy the City was using to implement the strategy.

Councilmember Peterson then pointed out Action Item #3 of the same strategy, “Clearfield City will support a mix of housing options within the same neighborhood.” She thought the last sentence inferred a policy that hadn’t yet been implemented by Council.

Councilmember Peterson pointed out the strategy titled, “Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors” and specifically Action Item #3: “Clearfield City will support a mix of housing options within the same neighborhood.” She was concerned that the wording, “as well as allowed for several townhome projects in existing single family areas of the City” contradicted the City’s current position.

Within the same strategy, she pointed out item #3 “Describe how any land use regulations or land use decisions support the municipality’s efforts to implement the strategy.” She was concerned that the current wording would imply the current way was a barrier and disagreed with that notion. Mr. Brimley clarified that Clearfield City had tried to respond to the issues relative to affordable housing but had been met by barriers and impediments by the State regulations and changes. Councilmember Peterson thought that needed to be said in the report, but Mayor Shepherd didn’t recommend that approach. Councilmember Peterson thought the wording needed to be revised to not indicate something was cued up and was still pending since it was not.

DISCUSSION ON THE MOTOROLA WATCHGUARD VIDEO SYSTEM

Kelly Bennett, Police Chief, presented information for Council to consider entering into a lease agreement with Motorola Solutions Incorporated to purchase the WatchGuard in-car camera and body worn camera (BWC) system. He reviewed the various issues the police department had historically experienced with the Panasonic cameras since purchase and implementation. After reviewing different systems, he recommended a system that integrated with the City’s CAD system, the Motorola WatchGuard. He said every agency in Davis County except two were using WatchGuard successfully. He explained the terms and advantages of the

lease program. He explained the first year would require a \$173,243 investment with an ongoing cost of \$80,616 for the annual subscription. The group discussed the potential cost savings from changing from the current UDE System.

Chief Bennett said the police department would have to continue use of the UDE System through June of 2024 which would cost \$8k annually. The access to the UDE System was needed when the information was transferred. He anticipated some unknowns such as an additional charge to transfer data, and whether metadata that would be transferred would be searchable. If not, the data would not be useful. He anticipated that it would take until June 2024 to fully implement this system in the cars, but was hopeful that body worn cameras could be deployed by late October 2023. Councilmember Thompson wanted to know how the new system would be different than the current to prevent the current issues from happening again. Chief Bennett explained the deficiencies from the start that prevented the videos being tagged by officers to allow compliance with the retention schedule for videos. He said at this point, all videos were filed as permanent because the tagging capability was not working. He stated that the system was cloud based and the vendor assured that the retention schedules would be set up as retention buckets, unlimited data.

JJ Allen, City Manager mentioned that other agencies were not experiencing problems with the Watchguard system. Nancy Dean, City Recorder, said as she had served on the State Records Committee, she noticed that the Utah Highway Patrol had the same issues with the UDE System not being able to redact or access as the City was experiencing. Mr. Allen asked if the Council was okay with moving forward with the purchase, acknowledging there would have to be a future budget amendment. Councilmember Phipps said he saw three key benefits: compatible, established customer base, maintainability, and the leasing option. He said those components were critical for containing costs and avoiding unexpected issues. He thought it was a wise move.

Councilmember Peterson motioned to adjourn and reconvene in Policy Session at 7:02 p.m., seconded by Councilmember Thompson.

The work session reconvened at 7:15 p.m.

DISCUSSION ON AMENDMENTS TO CITY CODE TITLE 1, CHAPTER 10 GOVERNMENT RECORDS ACCESS AND MANAGEMENT

Nancy Dean, City Recorder, explained proposed changes to the City Code relating to records access and management, which referred to State Code so that when State Code changed the City Code wouldn't need to be updated. She explained that she wanted to keep certain elements within the City Code such as the necessity to submit a written records request and better instructions as to how to submit a records request. She also clarified how long the City had to respond to records request. She explained that by law the procedure to file an appeal was included in the response to a records request and the State recently changed the time to ten business days to respond instead of five.

MONTHLY DEPARTMENT UPDATES

Final Plat Process

Brad McIlrath, Senior Planner, informed the Council that SB174 was effective May 5, 2023 and specified that the Planning Commission could be the authority on preliminary plats, but staff was the authority on final plats. Cities were also required to update their subdivision ordinances by February 2024. He said there were new items in State Code about review cycles and other timelines that were not typically included in subdivision ordinances that he needed to review in the City Code. There was a discussion about City road width standards being incorporated into City ordinance. Mr. McIlrath assured the Council that the Community Development department would make it a priority to update City Council on projects that had been reviewed by the Planning Commission, so it was aware of developments.

Mr. McIlrath gave an update on the Antelope Cottages (aka Antelope Edge – Clearfield) development. Mr. Brimley informed the Council that SB174 was being questioned and likely would change in the upcoming legislative session.

Station Area Plan

Brad McIlrath reported on the Open House held to obtain public feedback for the Station Area Plan Update. The State Legislature made the Station Area Plan Update required for any City that had a fixed guideway station mandating that the City had to plan for ½ mile out from the station if it were a Frontrunner Station. He informed the Council that the three different concepts created by the consultant, Landmark Design, were on display at an open house for the public from June 28 – July 5th. He explained one was a commercial retention design that did not reflect a whole lot of change with residential growth but was focused more on commercial development on State Street. The second design had a residential focus; providing more affordable housing within walking distance from the Station. The third design was a mixed use focus. He said public comment indicated that the affordable housing was disliked by most. commercial retention 50/50, mixed use overwhelmingly liked. He met with Landmark Design to review public response and they were working on bringing the public comments together while finding a way to meld mixed use with commercial retention. He said there was concern from the staff and the public about high density encroaching on single family residential properties. They were also looking at cemetery uses around the cemetery that was respectful of the use. There was a discussion on the number of responses received from the open house and on social media.

MOC Phase 3 Storage Building Changes

Adam Favero, Public Works Director, updated the Council saying that the original plans for the MOC Storage Building would not work based on building code and other challenges with fire ratings, snow and snow drift loads, setbacks, and grading restraints. The architect proposed to remove the existing building and design a new building in its place. He presented the financial implications of the change.

Arts Center Landscaping

Eric Howes, Community Services Director, reviewed updates to the landscaping at the Arts Center.

Councilmember Bush asked about when information would be displayed on the newly installed

digital reader boards. Mr. Howes outlined the various issues with pad installations at Steed Park and City Hall. Once those corrections were made it would be used.

Recent Grant Awards – Police Department

Kelly Bennett, Police Chief, outlined the recent grants awarded to the police department.

- Violence Against Women Act (VAWA) \$74,400 – awarded each year for a two year period.
- State of Utah Mental Wellness – \$12,900 (one time)
- Beer Tax Grant (Alcohol Enforcement Grant) – \$35,000 which was based on population. Used to pay for equipment, partial salaries and overtime for DUI enforcement and park patrols for alcohol.
- Internet Crimes Against Children (ICAC) \$12,000 – provides overtime for task force as well as training and supplies
- Bulletproof Vest Partnership (BVP) – \$4,000 (1/2 match) protective vests
- Alcohol Drug Free Committee (ADF) – \$5,000 – helps buy body worn cameras, portable breathalyzers, or in-car cameras.
- Jason Reed Foundation – \$2,000 – Named in honor of a former Centerville police officer who was killed in the line of duty. The Foundation gives back to law enforcement each year.
- Justice Assistance Grant (JAG) – \$5,000 – a Federal Grant that was managed through the State that is used to buy equipment.

Summer Palmer, Assistant City Manager, asked if the beer tax grant was from tax on alcohol. Chief Bennett said there were different items that were taxed and then distributed to cities based on population but came from the sale of alcohol in the State, as well as impound fines and forfeitures. Any amount leftover at the end of the year was required to be zeroed out each year so it was also used to offset salary.

Recent Grant Awards – Legal

Shawn Robinson, Assistant City Attorney, outlined the grant awarded to the City from the Victims of Crime Act (VOCA) Grant.

- VOCA 2023-2025 grant requested and was awarded in the amount of \$302,765.08
 - \$151,382.54 each year for two years for crime victim services including \$51,000 for housing assistance each year.
- This award would go toward serving 800 victims each year and 42 housing assistance awards.

Councilmember Phipps moved to adjourn and enter into a Closed Session for the purpose of a strategy session to discuss pending or reasonably imminent litigation (*Utah Code Ann. §52-4-205(1)(c)*), seconded by Councilmember Peterson.

RESULT: Passed [5 TO 0]

YES: Councilmember Thompson, Councilmember Peterson, Councilmember Roper, Councilmember Bush, Councilmember Phipps

NO: None

The minutes for the Closed Session are in a separate location

**APPROVED AND ADOPTED
This day of August 2023**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, July 11, 2023.

/s/ Nancy R. Dean, City Recorder

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
July 11, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mark Shepherd Mayor

PRESENT: Councilmember Kent Bush, Councilmember Nike Peterson, Councilmember Vern Phipps, Councilmember Tim Roper, Councilmember Karece Thompson

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Summer Palmer, Assistant City Attorney Shawn Robinson, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Megan Ratchford, Kathryn Murray

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

PUBLIC HEARING ON THE ADOPTION OF WATER AND SEWER IMPACT FEE STUDIES, REPORTS, AND FEES

Mayor Shepherd explained the public hearing would be opened but then extended to be addressed again on July 25, 2023.

Mayor Shepherd declared the public hearing open at 7:06 p.m.

No public comments.

Councilmember Phipps moved to continue the public hearing to July 25, 2023, seconded by Councilmember Roper.

RESULT: Passed [5 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper, Councilmember Thompson

NO: None

OPEN COMMENT PERIOD

There were no public comments.

COMMUNICATION ITEMS

Mayor Shepherd

- Mayor Shepherd expressed his appreciation to the staff for their efforts in preparing great events and to the residents for their participation in the Fourth of July activities. He commented that the Bicentennial amphitheater was filled to capacity and expressed appreciation to the band and choir for their performances. He thought all the activities were phenomenal and was a great way to

celebrate Independence Day. He remarked that the introduction to the fireworks by Ronald Reagan was impressive and chosen by Curtis Dickson. He said he wanted to speak with Curtis to thank him directly.

- He mentioned that the Air Force VIPs were touched and thrilled with the VIP events and told him that Clearfield City needed to stop saying they were the 2nd biggest firework show and just say we're great.
- Mayor Shepherd said he would be out of town next week for National League of Cities meetings.

Councilmember Bush

- Nothing but appreciation for the Fourth of July celebration events.

Councilmember Peterson

- She echoed the Mayor's appreciation for the Fourth of July celebrations.

Councilmember Thompson

- Appreciated the great Fourth of July celebrations.

Councilmember Roper

- Nothing to report
- Reported he would be out of town on July 25, 2023.

Councilmember Phipps

- He was very impressed and touched by the patriotic music and fireworks during the Fourth of July celebration.
- Reported he would be out of town for the meetings on Tuesdays, July 25, 2023 and Tuesday, August 1, 2023.

CITY MANAGER'S REPORT

JJ Allen

- He congratulated all involved in the fantastic Fourth of July festivities.

STAFF REPORTS

Nancy Dean, City Recorder

- No meeting on July 18, 2023.
- Work and policy session would be held July 25, 2023.

Councilmember Thompson moved to adjourn the policy session and reconvene in the work session at 7:12 p.m., seconded by Councilmember Bush.

RESULT: Passed [5 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Phipps, Councilmember Roper, Councilmember Thompson

NO: None

**APPROVED AND ADOPTED
This day of July 2023**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, July 11, 2023.

/s/ Nancy R. Dean, City Recorder

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 PM WORK SESSION
July 25, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Karece Thompson, Councilmember Nike Peterson,
Councilmember Kent Bush, Mayor Mark Shepherd

ABSENT: Councilmember Tim Roper, Councilmember Vern Phipps

STAFF PRESENT: Community Services Director Eric Howes, City Attorney Stuart Williams, Police Chief Kelly Bennett, City Manager JJ Allen, Community Relations Director Shaundra Rushton, Public Works Director Adam Favero, Community Services Deputy Director Curtis Dickson, Finance Manager Rich Knapp, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Dakota Wurth, Ben Peterson, Megan Ratchford

DISCUSSION ON SHARED EMERGENCY PREPAREDNESS COORDINATOR

JJ Allen, City Manager, referred to the information contained in the staff report as he explained the possibility of sharing an Emergency Preparedness Coordinator with Clinton City and West Point City. He explained that the FY24 budget included an amount for a part-time position but if Council determined they wanted to proceed with a shared position, the budget would need to be increased. He explained that Clearfield City would be the host city for the position and would provide the employee's wages, benefits, vehicle, computer, phone, other office equipment and professional development. He explained that while the details needed to be finalized, the idea was for the coordinator to physically spend time on a proportional basis at each city, which meant they would be at Clearfield City about half the time.

Councilmember Peterson liked the time allocation of the position mentioned in the staff report which proposed that during a two-week pay period, the employee would equate to spending five days working for Clearfield City, three days for Clinton City, and two days for West Point City. Mr. Allen pointed out it was a good rule of thumb but was not a perfect system if the employee's schedule adjusted to a 9/80 or 4/10 schedule. Councilmember Bush asked if the salary was based on the needs of the three participating cities at this point and if more cities came on would the salary be increased. Mr. Allen said the amount was based on the market place. If more cities came on, he thought they would consider adding an additional position. Councilmember Peterson pointed out the difficulty in hiring the position as a part-time position.

Councilmember Thompson asked how the grant funding would be applied when the position

was shared between three cities. Mr. Allen admitted he was not completely familiar with the Emergency Management Performance Grant (EMPG) but since Clearfield City had gotten it in the past, he knew that the grant funds could be applied to wages and benefits and thought since it was a collaborative effort it might be an advantage in being awarded the funds and in a greater amount than the City received alone. Kelly Bennett, Police Chief, thought the amount had been \$11-\$15k in the past. Mr. Allen believed the City would be able to get \$25-30k for the group combined. Chief Bennett explained one of the determining factors of the amount of the grant was based on the population served by the Emergency Manager. Councilmember Thompson clarified whether creating the position was dependent on receiving the grant. Mr. Allen described the next steps in crafting the interlocal agreement, begin recruitment process and once have the actual wages and benefit amounts then budgets could be adjusted, and respective shares invoiced to the participating cities. Councilmember Thompson clarified the timing of the possibility of being awarded the grant and how it would impact budgeting for the position. Mr. Allen said the applications for the EMPG were made in the spring and the City wouldn't have grant funding until next year. Mr. Allen anticipated being awarded the grant but said worst-case scenario if the grant was not awarded then the City would need to budget for a full year in FY25. Mr. Allen thought there was a decent chance Syracuse City would eventually join as well. The Council agreed to have him pursue the agreement.

DISCUSSION OF THE INTERLOCAL AGREEMENT WITH DAVIS SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

Kelly Bennett, Police Chief, reviewed the updated Interlocal Agreement for School Resource Officers with Davis School District that had been revised due to language changes from HB61. He informed the Council that the amount paid by the School District was not included in the agreement but historically the School District had provided approximately forty percent (40%) of the combined wages. Councilmember Peterson asked if recent legislation made it easier for the officers to do their job. Chief Bennett explained the limitations to referring offending juveniles to juvenile court. Councilmember Thompson asked whether the policies which gave students multiple chances were increasing educational gaps. Chief Bennett could not speak to the question of educational gaps, but responded saying Clearfield High School was very responsive in removing a juvenile if there was a safe school issue. He said that the evidence-based program was helping the students that officers interacted with one time. He said the officers would continue to deal with repeat offenders.

DISCUSSION TO OFFER FEEDBACK ON FOURTH OF JULY CELEBRATIONS

Curtis Dickson, Deputy Community Services Director, requested feedback on recent events leading up to the Fourth of July event, including Paint the Bridge, Search the City, Movie in the Park, Patriot Concert, Pool Bash, Fun Run, 4th of July Parade, Park Festival and the Fireworks. Councilmember Peterson commented that it had been one of her favorite years yet. There was a discussion for each of the events where councilmembers offered recommendations, observations, and praise.

Mr. Dickson expressed appreciation to Council for its support and efforts.

APPROVED AND ADOPTED
This day of 2023

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, July 25, 2023.

/s/ Nancy R. Dean, City Recorder

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
July 25, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mark Shepherd Mayor

PRESENT: Mayor Mark Shepherd, Councilmember Kent Bush, Councilmember Nike Peterson, Councilmember Karece Thompson

ABSENT: Councilmember Vern Phipps, Councilmember Tim Roper

STAFF PRESENT: City Clerk Nancy Dean, Deputy City Recorder Chersty Titensor, Public Works Director Adam Favero, City Manager JJ Allen, City Attorney Stuart Williams, Police Chief Kelly Bennett, Deputy Public Works Director Braden Felix, Community Services Director Eric Howes, Community Services Deputy Director Curtis Dickson, Senior Planner Brad McIlrath, Finance Manager Rich Knapp, Communications Manager Shaundra Rushton

VISITORS: Dakota Wurth, Megan Ratchford, Steve Ruf – Oz Development, Jared Forsyth - RAD

Mayor Shepherd called the meeting to order at 7:03 pm.

Councilmember Peterson led the opening ceremonies.

APPROVAL OF MINUTES

June 9, 2023 – retreat work session

June 20, 2023 – joint work session with Parks & Recreation Commission

June 27, 2023 – work session

June 27, 2023 – policy session

Councilmember Peterson moved to table the June 9, 2023 retreat work session minutes for further review; and approve June 20, 2023 joint work session with Parks & Recreation Commission minutes; June 27, 2023 work session minutes and June 27, 2023 policy session minutes, as written, seconded by Councilmember Bush.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A REQUEST TO AMEND THE CITY'S GENERAL PLAN DESIGNATING THE PROPERTY LOCATED AT 982 WEST

1600 SOUTH (TIN: 12-391-0010) FROM COMMERCIAL TO RESIDENTIAL

Brad McIlrath, Senior Planner, identified the property in question as the current location of Willy Wash Car Wash and noted the current General Plan designation was Commercial and zoning was C-2 (Commercial). The developer requested a change to the General Plan designation from Commercial to Residential and a rezone request for the property from C-2 (Commercial) to R-3 (Residential) for the purpose of redeveloping the property with a townhome community. He explained that the R-3 zone would allow a maximum of 16 units per acre which would yield 12 townhomes on the site. He showed an aerial view of the property pointing out the properties adjacent as commercial and single-family residential. He presented the concept plan for the site. Mr. McIlrath presented the reasons for staff's recommendation of denial for the amendment and rezone request. He outlined the inconsistencies with the existing General Plan as well as the uses of the adjacent properties. He explained that maintaining and prioritizing the revitalization of existing commercial properties and new residential developments was supported by the Clearfield City General Plan. He explained it was the Planning Commission's position that any change to zoning of the site only be considered in the future after the Wilcox Farms subdivision was completed and the Commission could evaluate the viability of the commercial. The Planning Commission recommended a denial.

Mayor Shepherd opened the public hearing at 7:10 p.m.

Steve Ruf, Oz Development, informed the Council that if the application was denied the property would not remain a car wash but would look at the approved uses within the C-2 zone list to choose a development. He expressed his desire to develop townhomes on the property because he felt that use was the highest and best use considering the location of Wilcox Farm subdivision around it as well he considered it the best looking project for the area.

Mayor Shepherd asked if there were any public comments. There were no public comments.

Councilmember Bush moved to close the public hearing, seconded by Councilmember Peterson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON REZONING THE PROPERTY
LOCATED AT 982 WEST 1600 SOUTH (TIN: 12-391-0010) FROM C-2 (COMMERCIAL)
TO R-3 (RESIDENTIAL)

Mr. McIlrath had included the rezone request background with the previous request to amend the City's General Plan.

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

Mayor Shepherd asked if there were any public comments. There were no comments.

Councilmember Peterson moved to close the public hearing, seconded by Councilmember Bush.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE ADOPTION OF WATER AND SEWER IMPACT FEE STUDIES, REPORTS, AND FEES (CONTINUED)

Braden Felix, Deputy Public Works Director, explained that impact fees imposed by cities were in accordance with State Code and were intended to reduce the financial burden on residents for the cost of expanding and improving public infrastructure. He explained that JUB Engineers was contracted to complete the studies of the City's water and sewer system and Susie Becker with Zions Public Finance assisted in establishing the new fee schedule. He stated that the fees for water and sewer would be increasing but the increases were justified by the numbers from the studies. He explained the process that would be used to calculate the future impact fees.

Mayor Shepherd opened the public hearing at 7:15 p.m.

Councilmember Bush moved to close the public hearing, seconded by Councilmember Thompson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

OPEN COMMENT PERIOD

There were no public comments.

DENIAL OF ORDINANCE 2023-14 AMENDING THE CLEARFIELD CITY GENERAL PLAN FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT APPROXIMATELY 982 WEST 1600 SOUTH (TIN: 12-391-0010) FROM COMMERCIAL TO RESIDENTIAL

Councilmember Bush commented that the General Plan and zoning were two items that were discretionary to the City Council and that there were no policies in place which mandated that either be changed. He explained that it was for that reason that the City sought out input from residents in the creation of the General Plan. He emphasized the need for consistency as the Council contemplated the developer's requests for amendments to the General Plan and zoning for multi-family projects. He expressed his opinion that the property should never be modified for

multi-family use due to the adjacent property uses.

Councilmember Peterson welcomed the developers to the City. She explained that as the City Council looked to revitalize the City's downtown corridor. She explained the Council made a promise to residents that as multi-family became a part of the solution to the current housing challenges the City faced, it was not the only way out of it. They had determined that density would stay in the downtown corridor, and that residents would have very distinctive places to live and a range of housing options. She said the Council was clear on where multi-family housing units would go and where it would not go to preserve commercial viability. She explained that the property in question was a property that currently had a commercial designation. She explained that in evaluating General Plan amendments and zoning change requests, the determining factor was whether there was compelling evidence that the designation had failed, was antiquated, or something not considered previously that would tip the scales to change the designation. In the absence of those terms, she felt the General Plan designation was appropriate.

Councilmember Thompson pointed out that the multi-family projects seen along the corridor were based on an economic plan for the City that was intended to support the viability of the City in the future. He encouraged the developer to consider a commercial use that would offer jobs in the community instead of a warehouse. He expressed his desire to see people live, work, and play in Clearfield City.

Councilmember Peterson moved to deny the request amending the City's General Plan Future Land Use Map designating the property located at 982 West 1600 South (TIN: 12-391-0010) from Commercial to Residential, seconded by Councilmember Thompson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

DENIAL OF ORDINANCE 2023-15 REZONING THE PROPERTY LOCATED AT APPROXIMATELY 982 WEST 1600 SOUTH (TIN: 12-391-0010) FROM C-2 (COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY

Councilmember Bush moved to deny the request to rezone the property located at approximately 982 West 1600 South (TIN: 12-391-0010) from C-2 (Commercial) to R-3 (High Density Residential) and amend the Clearfield City Zoning Map accordingly, seconded by Councilmember Peterson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

APPROVAL OF ORDINANCE 2023-12 AMENDING CITY CODE TITLE 1, CHAPTER 10, GOVERNMENT RECORDS ACCESS AND MANAGEMENT

Nancy Dean, City Recorder, explained the proposed changes to records access and management in the City Code would bring it into compliance with State Code and gave a brief outline of the changes which would document some of the City's updated procedures for accessing public records.

Councilmember Thompson moved to approve Ordinance 2023-12 amending City Code, Title 1, Chapter 10, Government Records Access and Management and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

APPROVAL OF ORDINANCE 2023-11 ENACTING A CULINARY WATER IMPACT FEE FACILITIES PLAN AND SANITARY SEWER IMPACT FEE FACILITIES PLAN, PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES, PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Braden Felix, Deputy Public Works Director, addressed a question brought up in the last discussion about how impact fees would be calculated for landscaping meters. Most cities had a secondary system that would have a separate impact fee analysis, but in Clearfield City, there was no secondary water system and landscaping was watered with the culinary water system. He had contacted the consultant and they recommended further investigation into the matter and anticipated an amendment to address the issue in the future. Councilmember Bush asked if there had been any public comment. Mr. Felix was not aware of any public comment. Councilmember Peterson agreed with the impact fee increase because the growth needed to be borne by those that chose to build in the City.

Councilmember Thompson moved to approve Ordinance 2023-11 enacting a Culinary Water Impact Fee Facilities Plan and Sanitary Sewer Impact Fee Facilities Plan, providing for the calculation and collection of such fees, providing for appeal, accounting, and severability of the same, and other related matters; providing for repealer; providing for severability; and providing for an effective date; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

APPROVAL OF ORDINANCE 2023-13 AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE TO ADJUST THE DEVELOPMENT IMPACT FEES

Councilmember Peterson moved to approve Ordinance 2023-13 amending the City's Consolidated Fee Schedule to adjust the Development Impact Fees; and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

COMMUNICATION ITEMS

Mayor Mark Shepherd

- Mayor Shepherd reported on the recent meetings he had with the leadership of the National League of Cities in Tacoma, Washington.
- He participated in the recording of the monthly podcast with Clarence Anthony, the CEO of the National League of Cities, called "City Speak." It was the first episode of the second year of the podcast.
- He said he had a meeting with Rob White from UDOT regarding multiple projects in the City where he asked them to come up with solutions to challenges being introduced in Clearfield City due to future road configurations required by UDOT. The parties decided to hold a bi-monthly meeting with staff and UDOT to ensure all parties were on the same page. Mr. White said he would meet with the School District to ensure the board was supporting and understanding of what was trying to be accomplished at 1000 East.
- He shared an email of appreciation from a Clearfield resident for repairing the storm drain in front of their house.

Councilmember Bush

- He asked Mayor Shepherd if the National League of Cities was aware of the challenges cities faced due to the legislatures taking away cities' rights. Mayor Shepherd confirmed that preemption was their biggest concern of all.
- He reported that the Outfall Line at the Sewer District was over 90% complete and would soon be crossing Antelope Drive at the east end to bring it to the pump house under construction.

Councilmember Peterson

- Nothing to report.

Councilmember Thompson

- He expressed his appreciation to Mayor Shepherd for speaking with UDOT about the school crossing at 1000 East.
- He offered his wishes for all to continue to have a safe summer.

CITY MANAGER'S REPORT

JJ Allen, City Manager

- He stated that he and Mayor Shepherd would be meeting with legislators for breakfast next week and asked the Council to inform them if there was anything it would like them to take back to

them.

- He extended his appreciation to staff for the professionalism and competence they demonstrated in their various responsibilities.

STAFF REPORTS

Nancy Dean, City Recorder

- No meeting next week
- Work session and policy session on August 8, 2023 and the August 22, 2023.

Councilmember Thompson moved to adjourn at 7:48 p.m., seconded by Councilmember Peterson.

RESULT: Passed [3 TO 0]

YES: Councilmember Bush, Councilmember Peterson, Councilmember Thompson

NO: None

ABSENT: Councilmembers Phipps and Roper

**APPROVED AND ADOPTED
This day of 2023**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, July 25, 2023.

/s/ Nancy R. Dean, City Recorder



STAFF REPORT

TO: Mayor Shepherd and City Council Members
FROM: Chief Kelly Bennett
MEETING DATE: July 25, 2023
SUBJECT: Interlocal Agreement for School Resource Officers in Clearfield City

RECOMMENDED ACTION

Approve Resolution 2023R-08 approving an Interlocal Agreement between Clearfield City and the Davis County School District for school resource officers in Clearfield City.

DESCRIPTION / BACKGROUND

The Clearfield Police Department provides a school resource officer for Clearfield High School and North Davis Jr. High. The officers work full time in their assigned school during the school year. Both officers are assigned to the Administrative Services Division; however, during the summer they work several patrol shifts as well as fulfill other community policing assignments. Subsequent to the passing of 2023 Utah H.B. 61, the Davis School District was required to update the Interlocal Agreement for School Resource Officers in Clearfield City. The updates address the following changes:

- The option of teaching a vocation law enforcement class at North Davis Jr. High School and Clearfield High School.
- Language specific to H.B. 61 recognizing the shared purposes of maintaining safe schools, improving school climate, and supporting educational opportunities for students.
- Including school administration in the selection of school resource officers and feedback during an annual performance evaluation.
- Training requirements for both the school resource officer and the school principal.
- Procedures relevant to investigating students committing low level crimes on school property and evidence-based alternative intervention services.
- Procedures relevant to searches, questioning, arrests, and information privacy as described in District Policy as well as State and Federal law.
- Signature of the new President of the Board of Education of Davis School District.

HEDGEHOG ANALYSIS

The Hedgehog Analysis score was 18 (high value).

CORRESPONDING POLICY PRIORITY (OR PRIORITIES)

Providing this service meets the three policy priorities; 1) Providing Quality Municipal Services, 2) Improving Clearfield's Image, Livability, and Economy, and 3) Maintain a Highly Motivated and Well-Trained Workforce.

FISCAL IMPACT

The Davis School District is evaluating the school resource officers wages and will provide an updated reimbursement amount. In the past the Davis School District has provided approximately a 40% reimbursement of the combined wages. As of December 2022, the combined compensation for the two Clearfield Police School Resource Officers was approximately \$240,000. I can provide an update to the council once the reimbursement amount is finalized. However, the reimbursement is not defined in the Interlocal Agreement.

ALTERNATIVES

Separate from the interlocal agreement and only have patrol officers respond to the schools when there is a need for a police response. This alternative will remove the presence of an officer inside of the school, delay response times, and create a lack of communication with the school administrators relevant to supporting staff and students with a safe learning environment.

SCHEDULE / TIME CONSTRAINTS

The adoption of the interlocal agreement is scheduled for the August 8, 2023, policy session.

LIST OF ATTACHMENTS

Resolution 2023R-08

Interlocal Agreement for School Resource Officers in Clearfield City (final copy)

INTERLOCAL AGREEMENT
for
SCHOOL RESOURCE OFFICERS
in
CLEARFIELD CITY

THIS AGREEMENT is made and entered into this _____ day of _____, 2023, by and between the BOARD OF EDUCATION OF DAVIS SCHOOL DISTRICT, of Farmington City, Davis County, State of Utah, (hereinafter referred to as the “District”), and CLEARFIELD CITY CORPORATION, located in Clearfield, Davis County, State of Utah, (hereinafter referred to as the “City”), as follows:

RECITALS

- I. The District is a School District organized and existing pursuant to and in accordance with the Constitution and statutory laws of the State of Utah.
- II. The City is a Municipal Corporation organized and existing pursuant to and in accordance with the Constitution and statutory laws of the State of Utah.
- III. The District owns educational facilities and provides educational services to children residing within the boundaries of Davis County.
- IV. The City employs trained law enforcement officers qualified to act as School Resource Officers (SROs).
- V. The District has need for SROs to perform law enforcement related services in connection with its facilities and programs.
- VI. The City and the District are desirous of entering into an Interlocal Cooperation Agreement for their mutual benefit and for the further purpose of more efficiently and effectively providing SROs on District property and in connection with District programs.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions as hereinafter set forth, the District and the City hereby agree as follows:

1. DURATION OF AGREEMENT

This Agreement shall continue and remain in full force and effect for a period of five (5) years, unless terminated by the mutual consent of both parties or terminated in accordance with the termination provisions contained herein.

2. ANNUAL REVIEW, COSTS AND SERVICES

Representatives of each party shall meet annually to review the continued applicability of the provision of services and the associated reimbursements outlined in this Agreement. The District shall annually compensate the City for the services provided hereunder, as agreed to annually, no later than January 15th of each calendar year for the current school year.

In the event that the parties are unable to agree upon the continued applicability of the provision of services and the reimbursements associated therewith during the Annual Review, this Agreement may be terminated by either party as outlined in Section 17 below.

3. NO SEPARATE ENTITY

No separate legal entity is created by the terms of this Agreement. There shall be no personal property acquired jointly by the parties as a result of this Agreement and nothing contained herein shall be construed to create any fiduciary relationship between the parties. The respective managers of the City and the District are hereby appointed and empowered to take such cooperative action or undertaking as necessary to administer this Agreement and to carry out the terms hereof.

4. PURPOSE

The purpose of this Agreement is to provide a legal means for the parties to more efficiently and effectively provide SROs to District facilities and programs to accomplish the following:

A. To foster educational programs and activities that will increase students' knowledge of and respect for the law and the function of law enforcement agencies;

B. To provide for and maintain a safe, healthy, and productive learning environment in a school; act as a positive role model to students; work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the District; emphasize the use of restorative approaches to address negative behavior; and at the request of the District, teach a vocational law enforcement class;

C. To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school; and

D. To cooperate with law enforcement officials in their investigations of criminal offenses which occur off campus.

E. To increase cooperation between the City and the District for the shared purposes of maintaining safe schools; improving school climate; and supporting educational opportunities for students.

5. DESIGNATION OF SCHOOL RESOURCE OFFICERS

A. The City shall designate and/or assign two (2) of its law enforcement officers to act as and provide SRO's services during the term of this Agreement as follows:

Clearfield High School – One full-time SRO; and

North Davis Junior High School – One full-time SRO.

B. Both Parties agree to jointly discuss SRO applicants. SROs shall at all times remain employees of the City and shall be subject to the administration, supervision and control of the City, except as outlined in this Agreement;

C. The City will, at least annually seek out and accept feedback from the District about an SRO's performance. The City, in its sole discretion, shall have the power and authority to hire, discharge and discipline SRO's. The City shall hold the District harmless and indemnified from and against any and all claims, suits or causes of action, or employment practices brought by SROs;

D. In the event an SRO is absent from work, the City agrees upon request from the District to make reasonable efforts to assign a substitute SRO to provide necessary services to that campus during the regularly assigned SRO's absence; and

E. Special circumstances occur from time to time beyond the control of the City. Special circumstances may temporarily remove the SROs from the schools as listed herein without replacing the officers for the duration of the special circumstances. In such instances, the City will respond to emergency situations or criminal acts in a reasonable manner.

6. BASIC QUALIFICATIONS OF SCHOOL RESOURCE OFFICERS

In designating and/or assigning law enforcement officers to act as SROs pursuant to this Agreement, the City shall take the following qualifications and factors into consideration:

- A. Shall be a sworn law enforcement and should have at least two years of law enforcement experience;
- B. Shall possess a sufficient knowledge of the applicable federal and state laws, City and County ordinances, and Board of Education policies and regulations as applicable to SROs;
- C. Shall be capable of conducting in-depth criminal investigations;
- D. Shall possess even temperament and set a good example for students; and
- E. Shall possess communication skills which would enable the officer to function effectively within the school environment.

7. DUTIES OF SCHOOL RESOURCE OFFICERS

SROs are intended to provide the following services pursuant to the terms of this Agreement.

- A. To protect lives and property for the citizens and public school students of the District;
- B. To enforce federal, state, and local criminal laws and ordinances within their jurisdiction;
- C. Shall not enforce school administrative regulations. Infractions of school rules should be handled at the school level. SROs should be available to the school for advice, assistance, and consultation. School administrators should handle issues that are the exclusive concern of school officials and do not constitute a violation of the law;
- D. To investigate criminal activity committed on or adjacent to school property;

E. To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or the principal's designee or by the parents of a student;

F. To answer questions that students may have about Utah criminal or juvenile laws;

G. To assist other law enforcement officers with outside investigations concerning students attending the school(s) to which the SRO is assigned;

H. To assist in providing security for special school events or functions at the request of the principal or the principal's designee;

I. To provide traffic control and enforcement at schools when deemed necessary for the safety and protection of students and the general public;

J. To notify his/her immediate supervisor and the school principal or the principal's designee when absent from work due to illness, training, vacation, or an agency emergency;

K. To notify his/her immediate supervisor and the School Safety Coordinator of any event that could cause media representatives to inquire about a newsworthy incident;

L. To submit all incidents and arrest reports to the SRO's agency according to their departmental policy;

M. To maintain communications with supervisors, school administration, and school safety personnel through assigned radios, pagers, voicemail, and cellular phones. Voicemail and e-mail should be checked each working day for any broadcast messages;

N. To assist the administration and faculty in formulating criminal justice programs if implemented in the assigned school; and

O. To formulate educational crime prevention programs designed to reduce the opportunity for crimes to occur.

8. CHAIN OF COMMAND

As employees of the City, SROs shall follow the chain of command as set forth in the Clearfield City Police Department Policies and Procedure Manual. In the performance of their duties, SROs shall coordinate and communicate with the principal or the principal's designee of the school to which they are assigned.

9. TRAINING

Both the SRO and the Principal or his/her designee will jointly complete the SRO training described in UCA 53G-8-702.

Training of SROs for the purpose of maintaining their law enforcement certification shall be at the direction of the City.

The District may also provide training in Board of Education Policies, regulations, and procedures.

10. DRESS CODE

Dress for the SRO will be the uniform of the day, as set forth by the SRO's agency.

11. SUPPLIES AND EQUIPMENT

The City agrees to provide each SRO with the following equipment:

A. Motor vehicles. The City shall provide a standard patrol vehicle for each SRO. In addition, the City agrees to provide all maintenance for such vehicles and purchase and maintain comprehensive general auto liability insurance on the said vehicles in an amount not less than the coverage recommended by the Risk Manager for the City;

B. Weapons and ammunition. The City agrees to provide the standard issue pistol and rounds of ammunition for each SRO;

C. Office Supplies. The City agrees to provide each SRO with the usual and customary office supplies and forms required in the performance of their duties;

D. Communication. The City agrees to provide SROs with the necessary communication equipment; and

E. The school should provide the SRO with a desk, chair, computer; office work area; and keys for school access.

12. DUTY HOURS

Specific SRO duty hours at a particular school shall be set by mutual agreement between

the City and the principal or the principal's designee of the school to which the SRO is assigned.

13. INVESTIGATION, INTERROGATION, SEARCH AND ARREST PROCEDURES

A. The protections afforded an individual suspected of wrongdoing are different for law enforcement officials than for school administrators. It is the responsibility of the SRO to assure that his/her actions regarding involvement in investigations and searches complies with the applicable standards to assure any evidence obtained is admissible in a court of law;

B. When investigating an allegation that a student may have committed an offense that is a class C misdemeanor, an infraction, a status offense on school property, the SRO may refer the student to a prosecuting attorney or a court of law only if the minor allegedly committed the same offense on school property on two previous occasions; and the minor was referred to an evidence-based alternative intervention, or early intervention youth services, as described in UCA 53G-8-211(3).

C. Notwithstanding section 13B, when investigating an alleged traffic offense that is an infraction, the SRO may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense without referral to evidence-based alternative interventions, or early intervention youth services.

D. An SRO shall notify the school principal or the principal's designee before removing a student from campus who has been placed into temporary custody.

E. Students are entitled to the rights regarding searches, questioning, arrests, and information privacy as described in District Policy 5S-100, and as otherwise outlined in State and Federal law.

14. ACCESS TO EDUCATION RECORDS

A. SROs shall be designated as "law enforcement units" for the purposes of school records as required by the Family Educational Rights and Privacy Act, 20 USCA § 1232g (FERPA). Schools may freely share information about students with their SROs for the purpose of maintaining safe schools;

B. Records or files which the SRO creates and maintains for a law enforcement

purposes rather than school disciplinary purposes are not student education records and are not protected by FERPA. These law enforcement unit records may be disclosed to third parties without parental consent in accordance with applicable provisions of law;

C. Law enforcement officials other than the SRO may inspect and copy any public records maintained by the school including student directory information such as yearbooks. However, these law enforcement officials may not inspect and/or copy confidential student education records except in emergency situations;

D. If information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to other law enforcement officials that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence; and

E. If confidential student records information is needed, but no emergency situation exists, the information may be released to other law enforcement officials only upon the issuance of a search warrant or subpoena to produce the records, with written consent of the student's parent or guardian, or as otherwise provided by law.

15. ACCESS TO SECURITY FEED

A. To provide faster response times to emergencies in our communities, the District shall provide limited, cost free, live access to its closed caption security cameras (hereinafter "Security Feed") to the City's Police Department employees. The District will maintain all software related to the transmission of this Security Feed to the City and will provide password-protected accounts to City employees by which they can access the Security Feed;

B. The City may not allow its employees to view Security Feeds of schools located outside their City's jurisdiction. The City may not allow employees to use another employee's account. The City must report to the District any security concern as soon as possible; and

C. The District reserves the right to suspend or cancel the City's access to the Security Feed unilaterally for cause or not for cause.

16. LIABILITY AND INDEMNIFICATION

The District and the City shall each be responsible for conducting their respective activities provided for and contemplated herein, and each waives all claims against the other in connection with any claim arising out of or connected with the conduct of any of the activities contemplated by this Agreement, including the right to contribution for loss or damage by reason of injury to persons or damages to property arising out of or in any way connected with or incident to the activity of such party as contemplated by this Agreement. Furthermore, each party agrees to indemnify and hold the other party harmless for any claim, injury, or damage arising out of or connected with the actions of such other party in connection with any activity contemplated by this Agreement. Each party agrees to maintain public liability insurance coverage during the term of this Agreement with coverage in an amount recommended by the party's insurance carrier.

17. TERMINATION PROVISIONS

This Agreement may be terminated at any time by either party giving written notice to the other party of its intent to terminate this Agreement, which notice shall be given not less than ninety (90) days prior to termination.

18. ASSIGNMENT

Neither party hereto may assign this Agreement or any interest therein without first obtaining the written consent of the other party. Any attempt to assign any right or privilege connected with this Agreement without the prior written consent of the other party shall be void.

19. BINDING

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective officers, agents, employees, representatives, successors, and assigns.

20. AMENDMENTS

This Agreement may be amended only in writing signed by the parties hereto. A copy of each amendment shall be given to each of the parties and attached to and incorporated into this Agreement as an Addendum with the date of applicability corresponding with the fiscal year of the District.

21. NO WAIVER OF IMMUNITY

Officers and employees performing services pursuant to this Agreement shall be deemed to be officers and employees of the party employing their services even if performing functions outside of the territorial limits of such party, and shall be deemed officers and employees of such party under the provisions of the Utah Governmental Immunity Act. Nothing herein shall be construed to waive any of the privileges and immunities available to either party and their employees under the Government Immunity Act as set forth in *Utah Code Ann. Title 63G, Chapter 7* as amended.

22. NO THIRD PARTY BENEFICIARIES

This Agreement is not intended to benefit any party or person not named as a party hereto.

23. SEVERABILITY

If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

24. APPROVAL BY GOVERNING BODY

This Agreement shall not be effective until approved by Resolution of the governing body of each party and filing of duplicate originals with the official keeper of records of each party.

25. ENTIRE AGREEMENT

The parties hereto agree that this document contains the entire agreement and

understanding between the parties and constitutes their entire agreement and supersedes any and all oral representations and agreements made by either party prior to the date hereof and is binding upon the successors of the respective parties.

26. APPROVAL OF AGREEMENT BY AUTHORIZED ATTORNEY

As required by UCA § 11-13-202.5, prior to and as a condition precedent to this Agreement's entry into force, it shall be submitted to an authorized attorney who shall approve the Agreement upon finding that it is in proper form and compatible with the laws of the State of Utah.

27. DISPUTE RESOLUTION

The parties agree to make good faith efforts in resolving any dispute arising out of or in relation to this Agreement. In attempting to resolve any disputes, the Davis School District Security Coordinator and Clearfield City Chief of Police shall be involved.

Should the parties be unable to resolve a dispute and the services of an attorney are required to enforce this Agreement, the defaulting party agrees to pay reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties hereto have signed this Interlocal Cooperation Agreement the day and year first above written.

BOARD OF EDUCATION OF
DAVIS SCHOOL DISTRICT

CLEARFIELD CITY

ELIZABETH MUMFORD
President

MARK SHEPHERD
Mayor

ATTEST:

CRAIG CARTER
Business Manager

JJ ALLEN
City Manager

APPROVED AND REVIEWED AS TO
PROPER FORM AND COMPLIANCE
WITH APPLICABLE LAW:

APPROVED AND REVIEWED AS TO
PROPER FORM AND COMPLIANCE
WITH APPLICABLE LAW:

BENJAMIN ONOFRIO
General Counsel

STUART WILLIAMS
City Attorney

STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

On the _____ day of _____, 2021, personally appeared before me ELIZABETH MUMFORD and CRAIG CARTER, who being by me duly sworn did say, each for himself, that she, Elizabeth Mumford, is the President of the Board of Education of Davis School District, and he, Craig Carter, is the Business Administrator of the Board, and that the foregoing instrument was signed on behalf of the Board by authority of the Board and Elizabeth Mumford and Craig Carter each duly acknowledged to me that the Board executed the same and that the seal affixed is the seal of the Board.

NOTARY PUBLIC
Residing at:
My Commission Expires:

STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

On the _____ day of _____, 2023, personally appeared before me, MARK SHEPHERD and JJ ALLEN, who being by me duly sworn did say, each for himself, that he, Mark Shepherd, is the Mayor, and that he, JJ Allen, is the City Manager, and that the foregoing instrument was signed on behalf of Clearfield City and each did duly acknowledge that Clearfield City executed the same and that the seal affixed is the seal of Clearfield City Corporation.

NOTARY PUBLIC
Residing at:
My Commission Expires:

CLEARFIELD CITY RESOLUTION 2023R-08

A RESOLUTION APPROVING AN UPDATED INTERLOCAL AGREEMENT WITH THE DAVIS COUNTY SCHOOL DISTRICT TO FURNISH SCHOOL RESOURCE OFFICERS FOR NORTH DAVIS JUNIOR HIGH SCHOOL AND CLEARFIELD HIGH SCHOOL.

WHEREAS, Clearfield City and the Davis County School District have negotiated an updated Interlocal Agreement whereby the City will provide school resource officers for North Davis Junior High School and Clearfield High School; and,

WHEREAS, an Interlocal Agreement is required for this arrangement; and,

WHEREAS, the Clearfield City Council has reviewed the attached updated Interlocal Agreement and finds that it is beneficial to enter into the Agreement.

NOW, THEREFORE, be it resolved by the Clearfield City Council that the attached updated Interlocal Agreement with the Davis School District for the provision of school resource officers for North Davis Junior High School and Clearfield High School is approved and the Mayor is authorized to execute the Agreement.

Dated this 8th day of August, 2023

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED: