



CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
October 10, 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 Bush

APPROVAL OF MINUTES:

September 12, 2023 – work session
September 12, 2023 – policy session
September 26, 2023 – work session
September 26, 2023 – policy session

PRESENTATIONS:

1. **PRESENT WINNERS OF THE YARD OF THE YEAR CONTEST**

BACKGROUND: The Parks & Recreation Commission has selected the winners of the annual “Yard of the Year Contest” and staff and Council are pleased to recognize and award these residents for their efforts in doing their part and beautifying the community.

- First Place Winner: April Seidel
- Runners Up: Phyllis Bouwhuis and Damion T. & Yun-Hui Englen

SCHEDULED ITEMS:

2. **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.

3. CONSIDER APPROVAL OF ORDINANCE 2023-21 APPROVING A TEMPORARY LAND USE REGULATION FOR FLAG LOT SUBDIVISIONS

BACKGROUND: The City is anticipating more infill development applications for flag lots due to the State's crisis regarding available housing stock and the overall economy of the State as it relates to housing development. Therefore, based on the City's lack of open and undeveloped land the City has a legitimate, substantial, and compelling interest in encouraging appropriate patterns of development in the community to minimize the negative impacts of certain types of land use and development. There is growing interest in flag lot development and the City sees a need to ensure that flag lot subdivisions within it are well placed and constructed in order to promote the health, safety, and welfare of the community and to serve the best interests of Clearfield's residents. The intent of Clearfield City Ordinance 2023-21 is not to reduce, limit, or eliminate the ability to approve or construct a flag lot subdivision. Staff is seeking this moratorium to allow for an in-depth analysis of the current codes and standards to come into compliance with State mandated changes to the Title 12 (subdivisions) of the Land Use Ordinance and to review and to establish an ordinance in line with State regulations and the City's vision for development more fully.

RECOMMENDATION: Approve Ordinance 2023-21 approving a Temporary Land Use Regulation for Flag Lot Subdivisions 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 October 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
September 12, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Tim Roper, Councilmember Kent Bush, Councilmember Vern Phipps, Mayor Mark Shepherd

ABSENT: Councilmember Karece Thompson, Councilmember Nike Peterson

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

VISITORS: Jenna Nelson, Kathryn Murray, Cole Ross, Dakota Wurth, Megan Ratchford

DISCUSSION ON THE AGREEMENT WITH LAYTON CITY TO PROVIDE DISPATCH SERVICES TO CLEARFIELD CITY

Kelly Bennett, Chief of Police, told Council the virtual consolidation of dispatch services with Layton City would go live October 17, 2023. He said the physical consolidation date was anticipated to be October 30, 2023. He reviewed the steps that had been taken to prepare employees for the physical consolidation of the dispatch center. Additionally, he reviewed the fiscal impact of the consolidation to the FY24 budget. He discussed the future work the Advisory Board, which consisted of the two Police Chiefs, the two Fire Chiefs and two City Managers, would address.

Councilmember Bush asked about the process for directing emergency phone calls to Clearfield City Police after the consolidation. Chief Bennett explained the coordination with Motorola, Utah Communications Authority and the Vesta phone system to engineer the incoming calls from Clearfield to be navigated to the new center. JJ Allen, City Manager, explained that Layton City would then dispatch Clearfield Police Officers to Clearfield incidents. Chief Bennett thought the only difference was the key question the dispatchers would ask which was from what city they were calling. Mr. Allen anticipated further clarification would be needed for addresses on Layton/Clearfield borders. Chief Bennett verified with Council that the item could be added to the next policy session for approval. Councilmember Bush asked whether equipment could be sold. Chief Bennett said the equipment was owned by the State and the City would need to pay to have them transported to Layton City.

Mr. Allen asked him to update the Council on the current staffing situation at the dispatch center. Chief Bennett explained that there had been a recent resignation of the part-time position that had been taking much of the overtime load. He said the employees were covering 60-100 hours of overtime each week.

DISCUSSION OF THE CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (C.A.P.E.R)

Allison Barnes, CBDG Coordinator, reviewed the Consolidated Annual Performance Evaluation Report (CAPER). She reported that the City had received \$202,657 last year and the monies were used as follows:

- \$29,924.55 for public service
 - Open Doors \$9,974.85
 - Safe Harbor \$9,974.85
 - Davis Community Learning Center \$9,974.85
- \$16,500 Down Payment Assistance
- \$32,592.06 Housing Rehabilitation
- \$34,896.46 CDBG Administration

The fund used a total of \$113,913.07 and had \$88,743.93 remaining. She said 559 households had been served.

Councilmember Bush asked if HUD penalized the City for not utilizing the full amount of funding. Stuart Williams, City Attorney, said fifty-percent (50%) could be carried over into the next year before any penalties were imposed. Ms. Barnes said the Agency did an annual timeliness report and the City had cleared that report this year. Ms. Barnes said the remaining funds could be reprogrammed if needed. She said the Housing Rehabilitation Program was not part of the current year budget rather the funding would be used to purchase a lot instead.

DEPARTMENT UPDATES

Patrol Vehicle Curveballs

Kelly Bennett, Police Chief, reported on the non-injury accident that occurred in a police vehicle and the subsequent costs to repair or replace the 2019 Ford Interceptor. He said the total repair would be approximately \$20k – \$25k. He explained the barriers of purchasing new patrol vehicles from Ford. He had completed research on the Dodge Durango Pursuit vehicle and discovered it was more accessible and less expensive. He recommended the damaged 2019 Ford Interceptor replacement be included with the other five vehicles that had been planned in the FY24 budget. He anticipated the need for a budget amendment for an additional \$84,000. He said the vehicles could be ordered immediately. Mr. Allen asked if there were any objections with the understanding a budget amendment would need to be approved at a later date. No objections.

Fisher Park Shed

Eric Howes, Community Services Director, provided information regarding the shed that had been destroyed by fire in Fisher Park. He informed the Council that the shed was not salvageable

and presented the options to rebuild or replace the shed. He said the insurance payout was \$40,780.35 which the City had already received. Summer Palmer, Assistant City Manager, said the coverage on the building was \$64,000 and anticipated that even if the shed was rebuilt the remaining balance would not exceed that amount. Mr. Howes said the estimate to repair the shed was between \$90,000 – \$105,000. He explained the challenges the City faced to rebuild the shed due to the shed being built before the sidewalk around it which resulted in a 4-6 inch step up to the building and the difficulty in getting equipment into the building due to the size of the doors. He reviewed the possibility of replacing the building with a precast storage building which would allow them to add an additional 8ft in the length of the building to house the utility vehicle and equipment year round. He thought the site preparation for replacement would cost \$15k– \$20k. He believed the precast storage building would cost between \$75k – \$100k.

Councilmember Bush asked if the fire had damaged the floor. Mr. Howes said the floor was not damaged but reiterated that it had been installed before the surrounding area so it was lower than the surrounding cement. Councilmember Phipps asked if the floor had to be raised. Mr. Howes explained the precast buildings had a floor with a 4” thickness but could potentially need to add material to bring the current cement floor up to the correct elevation. Mayor Shepherd asked how the additional eight feet would impact the dimensions of the building. He said the building was currently 12 feet long which would make the new building 20 feet. Mr. Howes did not have enough information to ask for a specific amount but would do further investigation to get specific information back to Council. Ms. Palmer said they wouldn’t know the payout from insurance until the rebuild was done.

PARAT Tax Reallocation

Eric Howes, Community Services Director, said the PARAT Tax would be back on the ballot in 2024. He said any outstanding projects needed to be completed by this time next year to be able to demonstrate to the public the benefits of the PARAT tax. He reported that at the end of FY23 the PARAT Tax generated almost \$2.4M revenue which was more than anticipated. He said \$2.2M was spent and had approximately \$160k net balance. He anticipated another \$370k for FY24 and another \$275k by end of March 2025 which made a net available amount \$805,319. He reviewed a list of projects they had created earlier in the year they projected being able to complete based on the remaining funds available:

- Canal Trail 200 South – 300 North – design was almost completed. He explained the funding challenges with the project. He had planned for \$30k from PARAT and applied for Wasatch Front Regional Council Grant in the amount of \$130k but still didn’t know the timing for the awarding of the grant. The project had been estimated at \$204k in 2020 which left a shortfall of \$44k. Current projections came in closer to \$330k. The City had reached out to WFRC for additional funding but did not have a firm answer. Any delays would make it difficult to complete the project before next year. Mr. Howes suggested pushing the project off to be able to complete other projects.
- Bike Park & Trails Chelemes – Mr. Howes said they had been waiting on UTA all summer for a Uniform Agreement. He heard that UTA would permit the project due to its delay, and he was confident it could be completed Spring 2024. The estimated cost increased from \$20k to \$30k
- Park Pavilion Replacements – Included replacement of the small pavilions in Bicentennial Park, Kiwanis Park, and Train Watch Park. Replacement of the large

pavilion at Kiwanis Park, and new pavilions at Island View and Steed Pond. The estimated costs increased from \$225k to \$300k.

- Skate Park Improvements – estimated cost increased from \$150k to \$200k
- Bicentennial Playground – This was the largest park without a playground. The project would include the creation of a new playground pit and the purchase and installation of the playground. He said there was a long lead time for the equipment but still time before the deadline of next year. Estimated project cost increase from \$150k to \$200k
- Fish Cleaning Station at Steed Pond – \$45k – Mr. Howes expressed concern about this project due to all the vandalism currently impacting the park. He was afraid of any items being thrown into the cleaning station that could damage the station.
- Dog Park Phase 2 – \$45k – Mr. Howes said users of the park were requesting the bigger area be left open.

Councilmember Phipps recommended placement of signs informing the residents that the PARAT tax revenues were used to improve the parks. Mr. Howes pointed out the projects he thought were priorities. He suggested bumping the Canal Trail project and choosing either the Fish Cleaning Station or the Dog Park Phase 2, but his recommendation was to bump the fish cleaning station and start on the dog park. Council was in agreement.

Hardin-Willson Subdivision

Brad McIlrath, Senior Planner, informed the Council of a three lot subdivision with two flag lots off 100 North. He explained the development standards for Flag Lots in the R-1-8 zone. He thought the flag lot standards were out of date and would be updating them with the Subdivision Ordinance changes to address the concerns. Councilmember Bush made some recommendations as to width of the driveway. Mr. McIlrath said staff was suggesting always having 28 feet with landscaping on either side of the driveway to accommodate storm water runoff. He reiterated some concerns presented by the public at the Planning Commission meeting. Councilmember Bush thought this was better use of the deep properties instead of them being overrun by weeds.

Spencer Brimley, Community Development Director, said one potential option would be to discuss the implementation of a temporary land use regulation to limit flag lots until the subdivision code could be finalized. The councilmembers were interested in implementing the temporary land use regulation. Mr. Brimley anticipated review of the temporary land use regulation at a Council meeting by the first part of October. Mr. McIlrath said that the regulations for public improvements relied upon the subdivision code for projects that weren't part of a subdivision. Staff assured Council it would be addressed in the Land Use Title as well as the Subdivision Title to allow the legal ability to require bonding and warranty.

Councilmember Bush recommended they work closely with Public Works. Mr. Brimley confirmed Staff was working with them and they had done an initial review. Mr. McIlrath said the City's consultant, Jones & Associates had also reviewed it and provided comments. Mr. Allen reminded the Council that none of the anticipated changes would impact the approval of the current project.

UHB 246 Mixed Use

Brad McIlrath, Senior Planner, presented a new project that had been approved by the Planning

Commission at 246 East 200 South. He explained it was within the U-C (Urban Core Commerce) where Mixed-Use buildings were allowed subject to the development standards of the Downtown Form Based Code (FBC). He pointed out an access that would be shared by a property owner with a home with frontage on State Street. He explained that the proposed project included two commercial spaces with approximately 2,500 square feet of retail space. There would be six studio units, four one-bedroom units, and two, two-bedroom units. He said there would be amenities on the roof level as well. He outlined some of the amenities of the project.

Justice Court WebEx Cubicle

Summer Palmer, Assistant City Manager, informed the Council of a new service for patrons of the Justice court. Through grant money, the Clearfield Justice Court added a WebEx kiosk for patrons to join court sessions if they do not have access to equipment to connect to their court hearing. It offered semi-private booths for individuals to interact with the court virtually. It was equipped with a computer, webcam and speakers for attending remote hearings and accessing court programs. The court was the second Justice Court in Davis County to receive a kiosk.

Councilmember Bush moved to adjourn the work session and reconvene in a policy session at 6:53 p.m., seconded by Councilmember Roper.

RESULT: Passed [3 TO 0]

YES: Councilmember Roper, Councilmember Bush, Councilmember Phipps

NO: None

**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, September 12, 2023.

/s/ Nancy R. Dean, City Recorder

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
September 12, 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, City Clerk Nancy Dean, Deputy City Recorder Chersty Titensor, Public Works Director Adam Favero, City Attorney Stuart Williams, Police Chief Kelly Bennett, Assistant Police Chief Devin Rogers, Community Services Director Eric Howes, Community Development Director Spencer Brimley, Senior Planner Brad McIlrath, Communications Manager Shaundra Rushton

VISITORS: Megan Ratchford, Jennika Sheldon, Debbie Peck, Joyce Sheldon, Chris Reed, Leighton Reed, London Reed, Kaebrie Reed, Emily Bouwhuis, Jaylee Bouwhuis, Heather Olson, Alyssa Haltli, Ben Peterson, Ian Barlow, Addison Adams, Annie Barlow, Keith Barlow, James Barlow, Dakota Wurth, Cole Ross, Kathryn Murray, Steve Rasmussen, Mark Stoker

Mayor Shepherd called the meeting to order at 7:01 p.m.

Revisions to House Bill 179, effective May 3, 2023, declared the month of September as American Founders and Constitution Month and encouraged local governments to observe the occasion. The Clearfield Police Honor Guard was invited to present the colors. The Clearfield City Community Band was invited to sing, "The Star-Spangled Banner." Youth Commission Members led the Pledge of Allegiance.

Councilmember Roper read the Proclamation declaring September 2023 as American Founders and Constitution Month in the City of Clearfield.

Mayor Shepherd shared some remarks from Benjamin Franklin after the Constitutional Convention.

Councilmember Peterson moved to approve the Proclamation declaring September 2023 as American Founders and Constitution Month, seconded by Councilmember Thompson.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVAL OF MINUTES

August 22, 2023 – work session minutes

August 22, 2023 – policy session minutes

Councilmember Roper moved to approve August 22, 2023 work session; August 22, 2023 policy session, seconded by Councilmember Bush.

RESULT: Passed [4 TO 0]

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

NO: None

SWEARING IN OF THE CITY'S 2023-2024 YOUTH COMMISSION MEMBERS

Mayor Shepherd administered the Oath of Office to the Youth Commission Members and the advisor Jenna Nelson. The members were Kaebrie Reed, Jaylee Bouwhuis, Ashlyn Peterson, Addison Adams, Ian Barlow, and Alyssa Haltli. Youth Commission Member not present: Samuel Bradshaw.

SWEARING IN OF NEW CLEARFIELD CITY POLICE OFFICER NESTOR G BEAS

Police Chief Kelly Bennett introduced Officer Beas. He appreciated the support of Officer Beas' family in his desire to pursue a career with the police department. Chief Bennett expressed gratitude for Officer Beas' decision to join Clearfield City.

Nancy Dean, City Recorder, administered the Oath of Office to the new Clearfield Police Officer Nestor G Beas.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE REZONE REQUEST FOR THE PROPERTIES LOCATED AT 1196 EAST AND 1198 EAST 1450 SOUTH (09-22-0033, 09-22-0019, & 09-022-0162) FROM R-1-9 (RESIDENTIAL) TO C-2 (COMMERCIAL)

Brad McIlrath, Senior Planner, offered information about the rezone request for two residential properties located at 1196 and 1198 East 1450 South from R-1-9 (Residential) to C-2 (Commercial). Mr. McIlrath showed the location of the subject properties. He explained the current General Plan Future Land Use Map designation for the properties was commercial. He confirmed the request for rezone was consistent with the General Plan. He said the purpose for the request was to allow the property owners a better opportunity to sell their properties. He pointed out that the two properties were the only residential properties on the south side of 1450 South and all the properties surrounding the properties were commercial. The zoning to the east of the properties were C-2 and the west side was C-1. The Planning Commission forwarded a recommendation of approval to the City Council. The vote was 6-1 based on opposition due to concerns presented by the public regarding traffic along 1450 South.

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

Steve Rasmussen, resident living across the street from the two homes, asked if the Council

knew what Tanner Clinic was doing with all the property it purchased. Mayor Shepherd said their intention was to build a clinic similar to the others in the area. He said they intended to use every bit of the land for the clinic and its required parking. It would be similar to what was around the corner at the other clinic. Mr. Rasmussen was concerned about the amount of traffic diverted onto 1450 South from the signal at the intersection of 1450 South and State Street. He asked if there were any plans to widen the street. He said Commissioner Bloomfield's opposition was because of the narrowness of the street making almost impossible to have two cars pass at that corner. They were concerned about the amount of traffic coming considering the width of the road. He wanted to know what the City would do. He was concerned that even taking the curb out would only give eight feet of street which still would not be adequate. He said Tanner Clinic anticipated building a mental health facility on the adjacent property and would maintain regular office hours. Mayor Shepherd said they had not been conversations about widening the road at the time.

Mark Stoker, resident, thought they needed to recognize that the southside had a buried drainage ditch and the north side houses were only eight feet off the road. He presented issues that needed to be considered on both sides of the road. He was concerned that assuming it would all work out in the end was a plan for failure. He was concerned about the speed of the vehicles. Mr. Stoker understood the reason for the request but was concerned about zoning more commercial without widening the street.

Councilmember Thompson moved to close the Public Hearing at 7:46 p.m., seconded by Councilmember Bush.

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.

APPROVAL OF ORDINANCE 2023-20 REZONING THE PROPERTIES LOCATED AT APPROXIMATELY 1196 EAST AND 1198 EAST 1450 SOUTH (09-022-0033, 09-022-0019, & 09-022-0162) FROM R-1-9 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY

Councilmember Thompson addressed the impact of traffic on major and minor collector streets when commercial was developed near residential areas. He expressed his concern about balancing growth and impacts on traffic through neighborhoods. He pointed out the City's recent increase in police officers. He asked the Council if there was a way to address the traffic in the area.

Mr. McIlrath said the widening of the road couldn't be addressed with the present rezone application but assured him that the public works standards were being updated which would delineate the standard widths, and speed limits. He said 1450 South was not designated as a

collector street; however, as connection was made to Clearfield Station he anticipated it would become a collector street. He said this would be the appropriate time to designate and identify any needed changes based on traffic volumes and speed limits. He assured the residents that staff would take all the comments into consideration, and acknowledged it was important information the staff would need to update the City's standards.

JJ Allen, City Manager, said the Public Works Director estimated the width of the asphalt on the street to be thirty-six (36) feet, acknowledging that the adequacy of that width would need to be studied. He said that a Transportation Master Plan was included in the 2024 fiscal year budget, where it could be studied further. He said the data needed to be collected and studied to make informed decision. Regarding the Tanner Clinic project, he said that property zoning had been in place and it would be developed according to that zoning. He said the smaller properties were a different order of magnitude.

Councilmember Peterson asked when the Transportation Master Plan was anticipated to start and how long it would take. Mr. Allen thought it would take at least a year. Adam Favero, Public Works Director, informed them that he hoped that Jones & Associates, who was the contracted engineer, would perform the study and thought it would take about a year but hoped to begin the process in about a month. Councilmember Peterson clarified that they anticipated one year to get the Transportation Plan completed. Councilmember Phipps pointed out that the traffic would exist whether the action was taken or not. He said all items mentioned would impact traffic and it would be an issue that needed to be solved no matter the immediate action on the zoning change.

Councilmember Thompson seemed conflicted because he understood the zoning policy but wanted clarification about the ability Council had to restrict commercial development due to the fact that property owners had certain rights. Mayor Shepherd said it was already designated commercial in the General Plan so to have a resident apply to rezone their property to the designation in the General Plan was the reason the Planning Commission approved the zoning amendment. Councilmember Peterson stated where the General Plan already had the designation, it would be a difficult position for the City to withhold approval. However, the impact on the surrounding properties was something that needed to be considered. She was reassured that there was an imminent plan for the evaluation of the transportation needs.

Mr. Rasmussen asked about another section of ground that was for sale that would greatly impact traffic if apartment buildings were added. He asked how soon the City would be able to do something about the traffic, assuming the property would end up apartment complexes. Mayor Shepherd assured Mr. Rasmussen that the City had been approached for apartments in that area and the requests had been denied because that use did not fit in the General Plan for that area. Councilmember Peterson explained that the decisions for the location of apartments around the City were deliberate and that the intention was to keep the density along the corridor. She informed him the zoning was for medical or office use only.

Councilmember Peterson moved to approve Ordinance 2023-20 rezoning the properties located at approximately 1196 East and 1198 East 1450 South (09-022-0033, 09-022-0019, & 09-022-0162) from R-1-9 (Residential) to C-2 (Commercial) and amending the Clearfield City Zoning Map accordingly, seconded by Councilmember Thompson.

RESULT: Passed [5 TO 0]

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

NO: None

COMMUNICATION ITEMS

Mayor Mark Shepherd

- Expressed his appreciation for those that attended the Utah League of Cities and Towns (ULCT) conference.
- He informed the Council that he would be attending his first meeting with the Clearfield High School student leadership which would be held quarterly.
- He said he had met with Colonel Holland and Robbie Kinghorn who was taking over the “Community Schools” effort. He said that one of the military representatives would be in attendance at all the “Lunch With the Mayor” events to tie into their “Project One” efforts.
- He reminded the Council that he would be out of town next week for the Housing Supply Accelerator Meetings.
- He announced that Thursday, September 14, 2023 was “Night Out Against Crime” at Steed Park 6:00 p.m. to 8:00 p.m.
- He reminded the Council that September 23 through October 1, 2023 was the Blue Star Families Welcome week.

CITY COUNCIL'S REPORTS

Councilmember Bush

- Reported that he enjoyed the interesting discussions at the ULCT conference.

Councilmember Peterson

- She echoed the comments already made regarding the ULCT meetings and enjoyed having the Planning Commission members in attendance as well. She gave kudos to Mr. McIlrath and Nancy Dean, City Recorder, for their presentations at the event.
- She wished an early happy birthday to established resident Don Bush, who would be turning 100 years old.
- She announced that September 29, 2023. was “Military Appreciation Night” at Clearfield High School. It would be the last home game and senior night would be doing a program acknowledging the military.
- She expressed congratulations to the Youth Commission.

Councilmember Thompson

- He encouraged the Youth Commission to learn more about people and appreciate their life experience and who they are despite the color of their skin or culture. He encouraged them to reach out to their fellow students and set the tone for the culture at their school.

Councilmember Roper

- He expressed his appreciation for the patriotic program earlier in the meeting.
- Congratulated the Youth Commission for their service.
- He announced that Pioneer Adult Rehabilitation Center (PARC) would be the sole recipient of “Falcons are Fabulous” award.

Councilmember Phipps

- Nothing to report

CITY MANAGER'S REPORT

JJ Allen, City Manager

- He informed the Council that the Quarterly Report had been emailed to them for their review.
- He expressed his congratulations to the Youth Commission and the newest member of the Police Department, Officer Beas.
- He said he would have a meeting next week with Wasatch Integrated Waste Management District to discuss curbside recycling.

STAFF REPORTS

Nancy Dean, City Recorder

- No meeting on September 19, 2023.
- There would be a work and policy session on September 26, 2023.
- Unsure whether there would be a meeting on October 3, 2023.
- Work and policy session on October 10, 2023.

Kelly Bennett, Police Chief

- Invited the Council to attend the upcoming “Night Out Against Crime” on Thursday, September 14, 2023. He said they would be cooking hot dogs and that the Youth Commission, Davis Behavioral Health, Safe Harbor, and various vendors would be in attendance.
- He invited the Council to the national “Faith & Blue” event on October 7, 2023 from 10:00 a.m. to 12:00 p.m. He explained it was their second year participating in the nationwide event that facilitated inclusive relationships with the community through a faith based organization. This year they would team up with Nations for Christ and would be having a food and coat drive.

Councilmember Peterson moved to adjourn the policy session at 8:12 p.m., seconded by Councilmember Roper.

RESULT: Passed [5 TO 0]

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

NO: None

**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, September 12, 2023.

/s/ Nancy R. Dean, City Recorder

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 PM WORK SESSION
September 26, 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 Vern Phipps, Mayor Mark Shepherd

ABSENT: Councilmember Kent Bush

STAFF PRESENT: Community Development Director Spencer Brimley, Community Services Director Eric Howes, City Attorney Stuart Williams, Police Chief Kelly Bennett, City Manager JJ Allen, Community Relations Director Shaundra Rushton, Finance Manager Rich Knapp, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor.

VISITORS: Chris Uccardi, Megan Ratchford, Cole Ross, Dakota Wurth

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON CLEARFIELD CITY'S DRAFT SOCIAL MEDIA POLICY

Shaundra Rushton, Communications Manager, presented and reviewed the Proposed Elected Officials Social Media Policy with the Council. The Proposed Elected Officials Social Media Policy was 27 pages. As such, Staff presented, reviewed, or discussed the following selected general topics:

- Staff presented four options for the Elected Officials to consider which were intended to address the legal requirement to archive elected officials' social media accounts.
- Staff reviewed a draft "best practices" for elected officials posting on social media.
- Staff discussed and explained what political activities are prohibited on Council social media accounts based on the "Political Activities of Public Entities Act" found in State Code and the Clearfield City Council Rules of Order and Procedure.
- Staff discussed which government or nonprofit content was allowed and reviewed guidelines for third-party content that would or would not be allowed.
- Staff gave a recommendation in the event a councilmember wanted to promote a commercial business to include a comment of "Views are my own."
- Staff reviewed the terms of use for public comments.
- Staff presented and provided a recommended action for Council to take if a councilmember determined any comments on their social media accounts violated the terms of use and they wanted to hide or block the message.
- She discussed the First Amendment rights of individuals posting on City social media accounts and encouraged Council to be careful hiding or deleting comments to ensure that the City didn't violate First Amendment rights.

- Staff discussed with Council the option to turn off all comments on a post in very select situations and the processes that are recommended to be followed.
- Staff recommended that Council err on the side of leniency toward the poster and to contact the Communications Manager for guidance on violations and to notify Staff if an individual is blocked, or postings are removed.

The Council generally supported the need for a policy or best practices for Elected Officials and acknowledged the legal requirements of the Government Records Access and Management Act (GRAMA). However, the Council was not supportive of the Proposed Elected Officials Social Media Policy in its entirety, as presented by Staff. After carefully listening to Staff's presentation, the Council expressed a number of concerns, some of which are as follows:

- Council questioned the origin of the Proposed Elected Officials Social Media Policy, as drafted.
- Council and Staff discussed whether the draft policies were entirely based on law, or if the policies were more staff recommendations, which as drafted, felt more like directives.
- Council expressed concern about the archival process and which social media accounts would be affected, i.e., personal accounts, personal pages, city pages, etc.
- Council expressed concern regarding the potential for third-party access into the archival program.
- Council expressed that the policies may be perceived as an attempt by staff to control the lines of communication with their constituents who elected them.
- Council expressed concern that the policies, as drafted and presented felt like an over-step between the branches of government.
- Council expressed concern that the bulk of the Proposed Elected Officials Social Media Policy was too broad and gave staff the ability to regulate officials' behavior and dictate the elected officials' responses to residents.
- Council expressed a concern that the policies would negatively impact their ability to express their positions on various topics, or at the very least, limit their ability to communicate their positions effectively with residents.
- Council was discouraged and rejected the proposed limit of three social media accounts to be created by the City.
- Council questioned whether adopting this Proposed Elected Officials Social Media Policy, or any policy or best practice would mitigate bad behavior.
- Council questioned whether the existing social media controls outlined in the Council Rules and Procedures were adequate and whether more policy was needed.
- Council requested that Staff look closely at the legal liability section of the Proposed Elected Officials Social Media Policy, specific to the term "Hostile Work Environment."
- Council was displeased with the discussion regarding potential increase of individual liability to each councilmember when the same level of risk existed with phone usage.
- Council was displeased with and rejected the proposed signing of a waiver by each councilmember acknowledging that they might not be individually protected under the Utah Governmental Immunities Act for future acts found to be in violation of the Proposed Elected Officials Social Media Policy.

- Council and Staff discussed the lack of any such same or similar waiver with any other city employee, and engaged in a more robust discussion regarding the general indemnification process that is in place for all employees, not just elected officials.

JJ Allen, City Manager, clarified that the intent behind creating the policy was not to be heavy-handed and impose policies that would limit the councilmembers' positions. He told them Staffs' job was to research best practices and present policies that were well thought out and sound and in the best interest of the organization and the community. He said the Staff had identified areas where the organization had exposure and the proposed policy was their professional recommendation on how to best mitigate it, while still giving some options with some wiggle room. He posed the driving question behind the policy was how much risk the City was willing to tolerate.

Stuart Williams, City Attorney, informed the Council that the Proposed Elected Officials Social Media Policy was primarily taken from the International Municipal Lawyers Association (IMLA) template that was being used throughout the United States and that the Communications Manager stated that she reviewed and integrated a few other local cities policies and attempted to make the proposed draft unique to the needs of Clearfield. Mr. Williams reiterated the message of the City Manager, that he did not think the intent of the proposed policy was to stifle any communication coming from the Council, but for the City to ensure that there was an automatic archival process to capture and store the communication. In response to prior Council comments regarding personal accountability for violations of proposed social media policies or GRAMA laws resulting in residents voting a councilmember out of office, Mr. Williams explained that as Staff, the Proposed Elected Officials Social Media Policy was intended to protect the entity, the City itself, and not an individual councilmember. Mr. Williams explained the usual process of determining if an employee (or councilmember) was provided indemnification in the event a lawsuit being filed against a councilmember and the City. Councilmember Peterson expressed that there needed to be a consistent liability policy for the entire workforce and not only elected officials, which was why she, as well as the other councilmembers expressed a strong objection to the proposed waiver related to indemnification and the Utah Governmental Immunities Act.

Council rejected the Proposed Elected Officials Social Media Policy as drafted, and provided Staff with valuable information and feedback to readdress this topic in the future.

Councilmember Peterson moved to adjourn the work session and reconvene in the policy session at 7:00 p.m., seconded by Councilmember Thompson.

RESULT: Passed [4 TO 0]

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

NO: None

ABSENT: Councilmember Kent Bush

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, September 26, 2023.

/s/ Nancy R. Dean, City Recorder

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
September 26, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mark Shepherd Mayor

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

ABSENT: Councilmember Kent Bush

STAFF PRESENT: City Manager JJ Allen, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Services Director Eric Howes, Community Development Director Spencer Brimley, Communications Manager Shaundra Rushton, City Clerk Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Megan Ratchford, Dakota Wurth, Cole Ross

Mayor Shepherd called the meeting to order at 7:04 p.m.

Councilmember Thompson led the opening ceremonies.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF THE INTERLOCAL AGREEMENT WITH LAYTON CITY TO PROVIDE DISPATCH SERVICES FOR CLEARFIELD CITY

Kelly Bennett, Police Chief, reminded the Council that the agreement was a culmination of efforts to begin the process of consolidating the City's Public Service Answering Point (PSAP) with Layton City's dispatch center. It was in preparation for the bigger physical consolidation of a new PSAP facility being built by Layton City. Chief Bennett pointed out the "Acknowledgment of Formal Dispatch Cut Over" form at the end of the agreement which would be signed once the exact date of consolidation became known. He informed the Council of some setbacks which required the consolidation to be moved tentatively to November 28, 2023. He said the virtual consolidation was live but the IT group found some bugs that needed to be worked out before the agencies were consolidated.

He said the agreement set the costs for dispatch services, guidelines for the advisory board, process, and responsibilities regarding the transfer of personnel, and the City's expectations of PSAP responsibilities. He asked for the Council approval of the agreement for Mayor's signature.

Councilmember Phipps remembered years ago asking about the possibility of combining dispatch centers and acknowledged the amount of work it had taken to achieve the current results. He questioned a section of the agreement that mentioned a follow-up agreement no later than December 31, 2026 and asked if the current agreement was an interim agreement. Chief Bennett said it was a permanent agreement with Layton City until that date, but the date mentioned was the anticipated date that another formal agreement would be presented once other cities joined the dispatch center, requiring a new agreement. Chief Bennett recognized the City Council and other key players that had a role in the current agreement.

Councilmember Thompson moved to approve Resolution 2023-09 authorizing the Interlocal Agreement with Layton City to provide dispatch services for Clearfield City and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson.

RESULT: Passed [4 TO 0]

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

NO: None

ABSENT: Councilmember Bush

APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2022-2023 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

The Council was provided a copy of the 2022/2023 Community Development Block Grant Consolidation Annual Performance Evaluation Report (CAPER). The report was an overview of the accomplishments that were met during the previous program year. Residents were given the opportunity to review the plan at the Customer Service Center from August 25, 2023 to September 25, 2023. To date no comments were received.

Allison Barnes, CDBG Coordinator, reviewed the income and expenditures as outlined in the Staff Report. She reviewed suggestions for improvements she received and the updates made to the CAPER based on those suggestions.

Councilmember Peterson moved to approve the Community Development Block Grant 2022-2023 Consolidated Annual Performance Evaluation Report and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: Passed [4 TO 0]

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

NO: None

ABSENT: Councilmember Bush

COMMUNICATION ITEMS:

Mayor Mark Shepherd

- Mayor Shepherd reported he had a positive and enlightening trip to Washington D.C. where he met with members of the Appropriations Committee in both the House and Senate to discuss the

impact on local government of an imminent government shutdown. He said initially the League of Cities and Town's explanation centered around various cities using "American Rescue Plan Act" (ARPA) funds and without guidance from the Treasury in a shutdown, projects could be halted. They then explained the impact of a shutdown on a military community. He met with Colonel Holland who had been working on contingency plans to help airmen save for the possibility of not getting paid. He discussed the various impacts on various local programs.

- He reported on the Housing Supply Accelerator meeting which had focused on policy. He thought Utah was leading the way in policy making. He reported on a "Missing Middle" ordinance in Arlington County.
- He met with the League and they reported that there was a general consensus that the Legislature needed to leave things with housing where it was for now. Mayor Shepherd said he asked the League to take a message back to the Governor that due to the current difficulties in financing there wouldn't be a lot of development and to give things a chance to cool down. They also asked them to inform the Legislature that if they were going to require small lots they probably needed to make the housing size requirements smaller.
- He said the crew from the USS Utah submarine was in Utah for Navy Week and he was able to attend a reception held at HAFB.
- He reported that he had a great meeting with the Clearfield City student body leadership and Clearfield City Youth Commission.

CITY COUNCIL'S REPORTS

Councilmember Peterson

- She reminded the Council of the Military Appreciation evening at Clearfield High School this Friday, September 29, 2023 at 7:00 p.m. Admission was free to military families to recognize and celebrate the positive things that were happening in the community.

Councilmember Thompson

- Recently co-hosted an online forum with Representative Matt Gaetz from Florida discussing government shutdown. Mr. Thompson presented the statistic that the city of Clearfield had eleven percent (11%) of its population living in poverty. He thought as great as the forum was, Congress had a responsibility that they were not meeting. Mr. Thompson expressed his concern for the residents.

Councilmember Roper

- Nothing to report.

Councilmember Phipps

- Referring to the report from the Mayor regarding to the impact of a government shutdown on military communities, he informed the Council that contractors do not usually get retroactively paid as do the military members. He empathized with those who could be impacted.
- He encouraged the Council to get the word out about the Halloween Decorating Contest being facilitated by the Parks & Recreation commission. He urged them to submit recommendations for homes that they thought should be nominated.

STAFF REPORTS

JJ Allen, City Manager

- He expressed his gratitude to Chief Bennett for his efforts in bringing the dispatch agreement to fruition.
- He reported to the Council that he recently held a Quarterly All-employee Meeting.
- He notified the Council that he and Summer Palmer, Assistant City Manager, would be out of town the upcoming weekend through Wednesday, October 4, 2023 at the ICMA conference. They would be available by phone.

Nancy Dean, City Recorder

- No meeting on Tuesday, October 3, 2023.
- Work and policy session on Tuesday, October 10, 2023.
- No meeting on Tuesday, October 17, 2023.
- Work and policy session on Tuesday, October 24, 2023.

Councilmember Thompson moved to adjourn the policy session at 7:39 p.m., seconded by Councilmember Phipps.

RESULT: Passed [4 TO 0]

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

NO:

**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, September 26, 2023.

/s/ Nancy R. Dean, City Recorder



STAFF REPORT

TO:	Mayor Shepherd and City Council Members
FROM:	Spencer Wayne Brimley, Community Development Director
MEETING DATE:	October 10, 2023
SUBJECT:	Temporary Land Use Regulation for Flag Lot Subdivisions

RECOMMENDED ACTION

Staff is recommending the adoption of Ordinance 2023-21 enacting a temporary (up to six-months) land use regulation prohibiting the approval of applications for, development, erection, construction, reconstruction, installation, alteration, licensing, or relocation of any flag lot subdivision on any property throughout the City.

DESCRIPTION / BACKGROUND

A. General Information:

Most of the open parcels of land to be developed have been accomplished or are intended to be developed. The remaining opportunities for residential development would consist of infill parcels. The most recent discussions with developers have indicated a desire to develop flag lots.

A recent request for a flag lot subdivision has reminded staff of the need to update the current standards and regulations for this process, and to do so before a potential flood of flag lot applications. Given that we are in the process of updating the subdivision code, it makes sense to also update the flag lot code. Staff believes there is a compelling public interest to review and amend the current flag lot regulations to ensure that flag lot subdivisions within the City are well placed and constructed in order to promote the health, safety, and welfare of the community and to serve the best interests of Clearfield's residents. This flag lot update is separate from the updates to the subdivision code (which are required by the State), but there is enough overlap that it makes sense to have it be timed concurrent with the subdivision update.

B. Intent:

The intent of Clearfield City Ordinance 2023-21 is not to reduce, limit, or eliminate the ability to approve or construct a flag lot subdivision. Rather, this temporary land use regulation will allow time for an in-depth analysis of the current codes and standards to come into compliance with State mandated changes to the Title 12 (subdivisions) and to more fully promote the City's vision for



development.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy
- Providing Quality Municipal Services

Staff believes the adoption of Clearfield City Ordinance 2023-21 is consistent with the City's Policy Priorities of "Improving Clearfield's Image, Livability and Economy," as well as "Providing Quality Municipal Services," through necessary zoning ordinance updates.

HEDGEHOG SCORE

Not considered

FISCAL IMPACT

Negligible

ALTERNATIVES

1. Enact Clearfield City Ordinance 2023-21 as proposed.
2. Deny Clearfield City Ordinance 2023-21 as proposed.
3. Modify (with alternative direction / language) and then enact Clearfield City Ordinance 2023-21.

SCHEDULE / TIME CONSTRAINTS

Pursuant to Utah State Code Ann. §10-9a-504 regarding temporary land use regulations, the City "shall establish a period of limited effect for the ordinance not to exceed 180 days." Staff expects that this temporary land use regulation will necessitate less than the 180 days allowed by law, including the state requirement that Cities update their subdivision codes by February 1, 2024, or March 12, 2024.

LIST OF ATTACHMENTS

- Proposed Ordinance - Clearfield City Ordinance 2023-21

CLEARFIELD CITY ORDINANCE 2023-21

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE ANN. § 10-9a-504 REGARDING FLAG LOT SUBDIVISIONS WITHIN THE CITY'S GEOGRAPHIC BOUNDARIES

WHEREAS, Utah Code Ann. § 10-9a-504 allows a municipality to enact an ordinance establishing a temporary land use regulation for any part or all of the area within a municipality if the municipal legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, the City anticipates an influx of proposed infill development applications for flag lot development based on the City's lack of open and undeveloped land, coupled with the state's crisis regarding available housing stock and the economy of the State (and region) as it relates to housing development; and

WHEREAS, the City supports the highest and best use of property within the City, including well thought out and deliberate infill development within the City through the subdivision of property; and

WHEREAS, the City has a legitimate, substantial, and compelling interest in encouraging appropriate patterns of development in the community which minimize the negative impacts of certain types of land uses, and

WHEREAS, the City has a legitimate, substantial, and compelling interest in promoting economic investment in the community; and

WHEREAS, the City finds a compelling, countervailing public interest to review and amend the current flag lot regulations to ensure that flag lot subdivisions within the City are well placed and constructed in order to promote the health, safety, and welfare of the community and to serve the best interests of Clearfield's residents, visitors, property and business owners; and

WHEREAS, the City finds that a temporary land use regulation is needed at this time to ensure the City's best interest in encouraging and supporting the orderly and well thought out subdivision of land for flag lot development within the City.

NOW, THEREFORE, Pursuant to Utah Code Ann. § 10-9a-504 *et. seq.*, and for the reasons stated above, the Clearfield City Council, Clearfield, Utah hereby adopts, passes, and publishes the following:

NOW THEREFORE BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Based on the City Council's finding of a compelling, countervailing public interest as enumerated above, and pursuant to Title 10, Chapter 9a, Section 504 of the Utah Municipal Code, this Clearfield City Ordinance 2023-21 is hereby enacted to establish a temporary land use regulation prohibiting the approval, development, erection, construction, reconstruction, installation, alteration, licensing, of a flag lot subdivisions on any property throughout the City;

Section 2. Period of Effect:

Pursuant to state law, the temporary land use regulation enacted by this ordinance shall be in effect until it is either repealed by the Clearfield City Council, or until a period of six-months has passed from this 10th day of October, 2023.

Section 3. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Passed and adopted by the Clearfield City Council this 10th day of October, 2023.

ATTEST:

CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Mark Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY: