

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY SESSION
November 28, 2023

City Building
55 South State Street
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

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

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Summer Palmer, Public Works Director Adam Favero, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Services Deputy Director Curtis Dickson, Community Development Director Spencer Brimley, Communications Manager Shaundra Rushton, Parks & Open Spaces Manager Benji Frye, City Clerk Nancy Dean, Deputy City Recorder Chersty Titensor, Judge Brian Brower, Dispatch Manager Wendy Brimhall

VISITORS: Dakota Wurth, Cole Ross, Megan Ratchford

Mayor Shepherd called the meeting to order at 7:00 p.m.

Councilmember Roper led the opening ceremonies.

APPROVAL OF MINUTES

November 14, 2023 – work session

November 14, 2023 – policy session

Councilmember Kent Bush moved to approve the minutes for the November 14, 2023, work session and the November 14, 2023 policy session; and authorized the Mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: **Passed [5 to 0]**

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

NO: None

RECOGNITION OF ACHIEVEMENTS OF THE CLEARFIELD UTE FOOTBALL LEAGUE

Mayor Shepherd explained that the Council wanted to take time on a regular basis to acknowledge members of the community who had made significant contributions to the community. Councilmember Peterson had requested they take time to recognize the achievements and sacrifices made by the families and players of the Clearfield Ute Football League. Coach Munford recognized the parents and staff and expressed appreciation for the

support of the City. Brittany Dicus, Ute Conference President, expressed appreciation to the Council, the Parks & Recreation staff, and the crew running concessions. She explained the value of the football program in the players' lives. Benji Frye, Parks & Open Space Manager, expressed his support for the game and offered congratulations. Mayor Shepherd and Councilmember Peterson handed out the championship rings to the players and coaches.

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF RESOLUTION 2023R-11 REQUESTING RECERTIFICATION OF THE CLEARFIELD CITY MUNICIPAL JUSTICE COURT

Stuart Williams, City Attorney explained that every four years the Justice Court was required to get re-certified by providing documentation to the Administrative Office of the Courts verifying that the court met the minimum standards of its Class 2 classification which was based on the monthly filings. He stated a resolution certifying the Justice Court was required with the documentation.

Judge Brian Brower informed the Council that the Court had been working on its Security Plan update prior to submission. He explained that the documentation would first be reviewed by the Board of Justice Court Judges and then to the Judicial Council for review. He stated that while the purpose of running a court wasn't motivated by financial gain, the most recent financial update for the first quarter reflected that all indications seemed to reflect that the court would be in a fiscal-neutral position; meaning that the revenue being generated from fines and forfeitures offset the costs of running the court.

Councilmember Peterson moved to approve Resolution 2023R-11 requesting recertification of the Clearfield Municipal Justice Court and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: Passed [5 TO 0]

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

NO: None

APPROVAL OF RESOLUTION 2023-12 APPROVING THE INTERLOCAL AGREEMENT BY AND BETWEEN CLINTON CITY, CLEARFIELD CITY, SUNSET CITY, AND WEBER BASIN WATER CONSERVANCY DISTRICT (WBWCD) FOR THE 800 NORTH ROADWAY AND UTILITY IMPROVEMENTS

Adam Favero, Public Works Director, presented the Interlocal Agreement between Clinton City, Clearfield City, Sunset City and Weber Basin Water Conservancy District for road and utility improvements to 800 North between 450 West to 1000 West. He reminded the Council that Clinton City had been awarded Third Quarter Sales Tax funding in the amount of approximately \$1.5M to be applied to the project. He stated the Interlocal Agreement contained the

responsibilities for each city and would guide the financing of the project. It was anticipated that the bid process would start in December. He said the funds were available to cover the match amount in the FY24 budget. Councilmember Bush asked if the 20% match would be split between the participating cities. Mr. Favero explained that the percentage was split between the cities in proportion to the roadway within each city. He said Weber Basin Water was a party in the agreement because they had a waterline in the roadway. Weber Basin Would be funding its own utility work. The utility work would be funded through the City's Enterprise Fund. Mr. Favero said they anticipated starting construction in the spring and should be completed by fall 2024.

Councilmember Phipps moved to approve Resolution 2023-12 approving the Interlocal Agreement by and between Clinton City, Clearfield City, Sunset City and Weber Basin Water Conservancy District (WBWCD) for the 800 North Roadway and Utility Improvements and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush.

RESULT: Passed [5 TO 0]

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

NO: None

OVERVIEW OF THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY (MIDA)

Mayor Mark Shepherd sat on the Board for the Military Installation Development Authority (MIDA) and wanted to present information to the Council to explain its origination, structure and purpose. He explained that legislation had been passed to create MIDA in response to the Base Realignment and Closures (BRAC) to create a better defense against future BRAC actions. He said it was a mechanism to utilize federal property for public good to benefit the military. He explained the Enhanced Use Lease (EUL) method for funding construction or renovations which allowed a private developer to lease underutilized land, with rent paid by the developer in the form of cash or in-kind services. He said Falcon Hill Research Park was part of MIDA at Hill Air Force Base.

He said MIDA was a quasi-governmental agency but thought it was more so a quasi-municipality. He explained the mission, roles and responsibilities and governance behind MIDA. He said the funding came from the recapture of seventy-five percent (75%) of the property tax. The land was vacant, so the property tax base was zero. Prior to Falcon Hill there was no benefit to the land. Every other taxing entity, Fire District, Sewer District, recaptured their twenty-five percent (25%) of taxes except for Clearfield City. The City gave its twenty-five percent (25%) back to MIDA, then bills MIDA for municipal services. He thought there was more than likely more money going into MIDA than going back to Clearfield City. He said there was no paperwork supporting the accounting of the arrangement but that would be changing in the coming year.

He explained the goal at Falcon Hill was to get rid of older buildings and replace them with new

buildings on Hill Air Force Base. He discussed the barriers that had prevented the project from moving forward as intended. He said in the long-term it should be very good for Clearfield City, but the arrangement would be analyzed after having had experience prior to signing the next Interlocal Agreement to verify all impacts to the City were covered. He reviewed the potential growth available from the federal property at Falcon Hill. He said MIDA was working in Clearfield, Tooele, Dugway, and in the past the Hill Haus. He explained the newest project at Deer Valley. The Mayor said he wanted the Council to understand the reach of this unregulated body.

COMMUNICATION ITEMS

MAYOR'S REPORT

Mayor Mark Shepherd

- Expressed his appreciation to the Youth Commission and staff for their help with the Lighting Ceremony.
- He reported he would attend “Lunch with the Mayor” with Colonel Holland Wednesday, November 29, 2023.
- He reported he had attended good meetings with the National League of Cities (NLC) where he had been elected to the Board. He was informed that there had not been a member of the board in Utah since Ralph Becker.

CITY COUNCIL'S REPORTS

Councilmember Bush

- He had attended a luncheon at Weber Basin Job Corps where he had been informed that some of their students had been to Island View Park to perform service.
- Exciting news from the Sewer District: Wednesday, November 29, 2023 at 9:00 a.m. the last section of pipe for the new outfall line would be laid. They were waiting to finish the pump house which would be done some time next year.

Councilmember Peterson

- She expressed her appreciation for the community band, youth choir, and the NDFD for providing the sled for Santa for the Tree Lighting Ceremony.
- She was sad to see the darkness in the dispatch area and expressed her appreciation to Dispatch as they had relocated to Layton City.

Councilmember Thompson

- He reported on his recent trip to the National League of Cities (NLC) conference. He shared a video showing some of his experiences and the sites he toured.

Councilmember Roper

- Nothing to report

Councilmember Phipps

- He reported that each city affected by the plume had a community representative and a city representative on the Hill Air Force Base Environmental Restoration Advisory Board. He had been on the board as the City's representative and had been told that now that he was ending his

term of office the mayor would need to find his replacement. He said the mayor could reappoint him. He reported the next meeting was the third Thursday in January and the City would need a new representative. He said he had been on the board twelve years and did not mind if the mayor wanted to reappoint him.

- He said that at the last meeting they had spent \$23M on the plume mitigation that affected Clearfield City.
- The Restoration Advisory Board was responsible for a document called the “Community Involvement Plan” that defined how communities would be involved. There would now be a climate and economic justice screening tool that would be added which included climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. They were uncertain as to what it did.
- The Restoration Advisory Board presented information about the PFAS Plume which was the contaminant that was a result of firefighter foam. They knew where the plumes were and said they didn’t affect Clearfield City but after looking at the map, Councilmember Phipps pointed out that it did affect Clearfield City at the northeast corner by the well. The presenter didn’t realize it was part of Clearfield. He said the groundwater contamination there now was reasonably mitigated by natural means through exposure to air. PFAS had to be extracted from the water and there was an experiment site at Hill Air Force Base. They were trying to figure out how to extract and what to do with it once extracted.

CITY MANAGER'S REPORT

JJ Allen, City Manager

- He expressed kudos to all involved in the Tree Lighting Ceremony: Parks, Recreation, Arts, and the Youth Commission.
- Many thanks to Wendy Brimhall and her team in Dispatch. Today was the day they transferred completely to the new Layton Center. He offered his sincere thanks to Wendy Brimhall for how she and the other staff had handled the difficult transitioning process over the last year to merge with Layton Dispatch.

STAFF REPORTS

Nancy Dean, City Recorder

- December 5, 2023 – Work session
- December 6, 2023 – Canvass of the Election at 6:00 p.m.
- Last meeting of the year December 12, 2023. Plans to recognize the outgoing councilmembers
- January 2, 2024 – Oath of Office ceremony tentatively scheduled at 12:00 p.m.

Kelly Bennett, Police Chief

- After talking about virtual consolidation and physical consolidation for so long, acknowledged, and expressed gratitude to the Council for its support.
- He gave a brief update of the final aspects of the transfer process for dispatch.
- He commended the dispatchers for their decades of service to the community. He acknowledged Wendy Brimhall’s 30 years of service and the extra hours she devoted during extremely difficult staffing issues. He said the transfer was the biggest change the City had ever seen and would be felt in the long-term. He publicly thanked Layton City for accepting and welcoming the staff into their center. He said one of the dispatchers, Brandon Kennard, had created a commemorative coin which would be distributed.

Wendy Brimhall

- She expressed appreciation to Chief Bennett and to Clearfield City for their support over the last thirty years.

Councilmember Bush moved to adjourn the work session at 8:25 p.m., seconded by Councilmember Roper.

RESULT: Passed [5 TO 0]

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

NO: None

**APPROVED AND ADOPTED
This 13th day of February 2024**

/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, November 28, 2023.

/s/ Nancy R. Dean, City Recorder