



CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
August 13, 2024 - 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

**7:15 P.M. POLICY SESSION**

***CALL TO ORDER:***

Mayor Shepherd

***APPROVAL OF MINUTES:***

June 18, 2024 – Work Session  
June 25, 2024 – Work Session  
June 25, 2024 – Policy Session  
July 9, 2024 – Work Session  
July 9, 2024 – Policy Session  
July 30, 2024 – Work Session

***PUBLIC HEARINGS:***

1. PUBLIC HEARING FOR AN AMENDMENT TO THE LAKESIDE APARTMENTS DEVELOPMENT AGREEMENT (DA) TO CLARIFY THE PERMITTED SUCCESSORS AND ASSIGNS FOR THE DEVELOPMENT OF THE PROPERTY LOCATED AT APPROXIMATELY 325-375 SOUTH STATE STREET (TIN: 12-003-0283)

**BACKGROUND:** The applicant, Chuck Cowley, plans to construct a mixed-use project with three (3), six story, mixed use buildings on the north side of a new private street named Waterfront Way. This development will include 296 residential units and approximately 27K square feet of commercial/retail space. The development agreement for this project was executed in February of 2023, and was preceded by the site plan review that was granted approval on December 21, 2022, with conditions. The development team has been finalizing plans to submit for and obtain final land use approval. They are also preparing final plans for permit submission. During this preparation the developer discovered an issue that was missed when adopting the DA. This oversight applies to how successors or assigns were provided for in the event the need should arise. The developer is requesting an amendment to the executed DA to address this issue and provide the needed clarity for their team. No other sections, except

those shown in the DA amendment and listed below will be impacted as a product of this request.

RECOMMENDATION: Receive public comment.

2. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED FISCAL YEAR 2025 INTER-FUND TRANSFERS**

BACKGROUND: Staff is requesting a transfer of monies from several Enterprise Funds into the City's General Fund for the cost of providing services necessary for each individual fund to operate, and the transfer of resources from the Water Fund to the City's General Fund. Pursuant to Utah Code Ann. § 10-5-107 and § 10-6-135, the City will hold a public hearing to receive public comment on the transfers.

RECOMMENDATION: Receive public comment.

3. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE FINAL BUDGET FOR CLEARFIELD CITY FOR FISCAL YEAR 2025, BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025**

BACKGROUND: Before each budget year begins, local governments are to adopt a budget. Major funds include (a) the general fund, (b) special revenue funds, (c) debt service funds, (d) capital project funds, (e) proprietary funds, and any other fund or funds deemed significant. The budget for each fund shall contain estimates of all anticipated revenues and all appropriations for expenditures. With Truth in Taxation, the final budget needs approval before September 1.

RECOMMENDATION: Receive public comment.

***SCHEDULED ITEMS:***

4. **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](mailto:nancy.dean@clearfieldcity.org).

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

5. **CONSIDER APPROVAL OF RESOLUTION 2024R-16 PROVIDING NOTICE OF THE CITY'S INTENT TO OBTAIN A LOAN FROM THE STATE INFRASTRUCTURE BANK FOR WATER AND SEWER PROJECTS**

BACKGROUND: In 2021, the City completed a Utility Rate Study that projected future costs and outlined the necessary revenues to cover those costs. However, all costs have since risen beyond the study's projections. The most significant increases have been in the cost of large projects essential for system maintenance. Additionally, Weber Basin Water has raised their water charges to the City, and these rates are expected to continue rising for at least the next three years, exceeding our original utility rate study projections and affecting the City's ability to complete necessary infrastructure projects. This resolution will initiate the process to borrow

from the State Infrastructure Loan (SIB). The parameters are broad to cover various possibilities, which is why the amount, term, and interest rate might appear higher than previously discussed and are listed as "not to exceed" amounts. These parameters represent a "worst-case scenario." We plan to borrow approximately \$9.5 million with an anticipated interest rate of 3.59% over a 15-year term.

**RECOMMENDATION:** Approve Resolution 2024R-16 providing notice of the City's intent to obtain a loan from the State Infrastructure Bank for water and sewer projects and authorize the mayor's signature to any necessary documents.

6. **CONSIDER APPROVAL OF ORDINANCE 2024-14 AMENDING THE LAKESIDE APARTMENTS DEVELOPMENT AGREEMENT (DA) WITH LAKESIDE DEVELOPMENT PARTNERS LLC FOR THE DEVELOPMENT OF THE PROPERTY LOCATED AT APPROXIMATELY 325-375 SOUTH STATE STREET (TIN: 12-003-0283)**

**RECOMMENDATION:** Approve Ordinance 2024-14 approving an amendment to the Development Agreement with Lakeside Development Partners, LLC for the Lakeside Square Development located at approximately 325-375 South State Street (TIN: 12-003-0283) and authorize the mayor's signature to any necessary documents.

7. **CONSIDER RATIFICATION OF THE NEW NATIONAL OPIOID SETTLEMENT WITH KROGER CO. (SMITH'S GROCERY IN UTAH)**

**BACKGROUND:** The City previously joined a national opioid settlement with all 50 states, Washington D.C., and five U.S. territories as part of a \$26 billion dollar settlement agreement with the nation's three major pharmaceutical distributors — Cardinal, McKesson and AmerisourceBergen — along with Johnson & Johnson, which manufactured and marketed opioids (\$271 million was earmarked for the state of Utah). This New National Opioid Settlement with Kroger Co. will pay up to \$1.4 billion over 11 years nationally, with up to \$1.2 billion for state and local governments where it operates and \$36 million to Native American tribes. It is anticipated that the proposed settlement will return at least \$44 million to Utah, if all cities and counties participate in the settlement.

**RECOMMENDATION:** Ratify the mayor's signature to the new Opioid Settlement with Kroger Co. (Smith's Grocery in Utah).

8. **CONSIDER APPROVAL OF RESOLUTION 2024R-15 SETTING THE CERTIFIED TAX RATE FOR REAL AND PERSONAL PROPERTY FOR FISCAL YEAR 2025 AT 0.001209**

**RECOMMENDATION:** Approve Resolution 2024R-15 setting the certified tax rate for real and personal property tax rate for fiscal year 2025 and authorize the mayor's signature to any necessary documents.

9. **CONSIDER APPROVAL OF ORDINANCE 2024-13 ADOPTING THE FISCAL YEAR 2025 BUDGET**

**RECOMMENDATION:** Approve Ordinance 2024-13 adopting the fiscal year budget for 2025 and authorize the mayor's signature to any necessary documents.

10. CONSIDER APPROVAL OF THE CITY MANAGER'S APPOINTMENT OF SPENCER BRIMLEY AS THE ASSISTANT CITY MANAGER

***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 August 7, 2024.

/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/](http://www.utah.gov/pmn/), the Clearfield City Website - [clearfield.city](http://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](mailto:Nancy.dean@clearfieldcity.org) & 801-525-2700.

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 PM WORK SESSION  
June 18, 2024

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Karece Thompson, Councilmember Nike Peterson, Councilmember Tim Roper, Councilmember Megan Ratchford, Mayor Mark Shepherd, Councilmember Dakota Wurth

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Summer Palmer, Community & Economic Development Director Spencer Brimley, Community Services Director Eric Howes, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Relations Director Shaundra Rushton, Public Works Director Adam Favero, Finance Manager Rich Knapp, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor, Senior Accountant Lee Naylor

DISCUSSION ON PROPOSED LOCATIONS FOR A CODE BLUE WARMING SHELTER

Mayor Shepherd said he had been asked by the County for the City to provide at least one suitable location for warming shelters in Clearfield on Code Blue days. JJ Allen, City Manager, provided the required criteria: available October 15 through April 30, specifically during the night when the temperature dropped below eighteen degrees Fahrenheit, access to bathroom facilities, and enough space to accommodate at least sixteen cots. Mayor Shepherd said the County wanted to use all three Davis County Senior Centers and rotate their use. He asked Council for thoughts on any other locations that might be suitable. He emphasized that the timeframe needed for sheltering would be after a facility was closed. Mr. Allen said the County wanted a response by June 28, 2024.

Councilmember Peterson said she had heard rumor that a concern was that as each City identified locations and they came online, the location would become a permanent facility. Mayor Shepherd said no; the shelters would not be made into a permanent location, nor did the County want a permanent shelter. He said they had considered Fremont Elementary, but the cost was beyond the County's ability.

Councilmember Peterson liked the idea of it being a County building to utilize County management, but in the center of Clearfield City was not consistent with the future development of the City. Mayor Shepherd asked councilmembers to remember that it was to be used as a warming center and that it would not be a visible use, a bus would drop them off and pick them up in the morning, and it was anticipated there would be 16 people on the high end needing the services. Councilmember Peterson understood and wanted County residents without homes to be taken care of; however, she expressed her opinion that Clearfield had carried the social services load in a disproportionate manner in the County for decades. She expressed an additional concern that even though it was under the guise of a County-wide effort, Clearfield was asked to identify a location as it continued to be a leader in the efforts, and thought it was time to

respectfully ask neighboring cities to join Clearfield in helping the most vulnerable in the community. Mayor Shepherd informed the Council of other locations that had been discussed.

Councilmember Wurth pointed out that the County had been giving homeless individuals hotel and motel vouchers, and had been sending them to the Charin Inn, located in Clearfield City. He pointed out that they would not find a perfect location, but what was beneficial was that it would be rotational and would rarely be the same place multiple times. Mayor Shepherd added that under the proposed model, the Charin Inn would not be utilized as often and would only be used for homeless families. Councilmember Wurth said it was his understanding that fiscally, the County considered the Davis County Senior Centers as good candidates because they were County facilities near the needed resources; and there was a public safety element, and the County could provide security support. Mayor Shepherd informed the Council that the intention was to verify that the patrons that got on the bus would return to the bus in the morning. Councilmember Peterson emphasized her desire for them to be safe and well taken care of.

Councilmember Thompson expressed his opposition for using the Davis County Senior Centers because of the potential exposure of senior participants to communicable diseases. He did not want the Code Blue warming shelter to be in any senior center. He would like to see partnerships to utilize older buildings in the City that had gone out of business, possibly renting them. Councilmember Roper asked if there was anything to prevent the County from using its own buildings. Mayor Shepherd said there was nothing to stop them. Councilmember Thompson wanted his opposition to be on record.

Councilmember Wurth thought it was important to bring that issue to the County's attention so they took the expressed concerns into consideration. He struggled with thinking of any other location that would work, especially since this was an unfunded mandate with zero dollars available. Councilmember Wurth explained that the County had considered utilizing the senior centers because either the organizations that had been helping had been doing so with very little funding and were stretched thin, or because some cities were more willing and others less willing to participate in the solution. The County had to have a plan in place to meet the legislative deadline of August 1, 2024.

Councilmember Peterson asked if there would be a re-evaluative phase. Mayor Shepherd said Commissioner Stevenson had brought it up and said if a location was not working, a different solution would be found. Councilmember Peterson asked if there was some agreement that could specify a re-evaluation period in writing. Mayor Shepherd said there would not be anything in writing because it was not the City's program. He said the task force got to make the decision, but the County had the authority to do it on their own. Councilmember Wurth said if the City wanted agreements in place, then there needed to be more conversations with their legislators.

Councilmember Peterson acknowledged Councilmember Thompson's concerns about health implications and recommended feedback to the County that there be segregated areas, and safety precautions for Clearfield residents. Councilmember Thompson asked if CDRA funds would be available for the use. Councilmember Roper pointed out the Davis County Senior Centers were the County's building and it could use them the way it wanted. Councilmember Peterson agreed

with him, but she could not think of a place that would work. She mentioned the possibility of figuring out a rental amount for the services the County would be covering, for instance, staffing for security. She suggested asking the County for a plan as to how they would keep the senior citizens safe from health implications. She said it would give the City time to do more due diligence to find an alternative. Councilmember Thompson acknowledged the administrative costs for the program. Mayor Shepherd pointed out that the person who volunteered using the senior center was the head of the health department, who would certainly understand health implications. He further stated he did not want to take on the responsibility by paying Clearfield businesses to rent facilities and did not want to send the County that message because the City was already paying into the mitigation fund to take care of the homeless and he was not sure he wanted to pay additional.

Councilmember Wurth mentioned land behind the center to put up a warming tent. Mayor Shepherd wondered if Lakeside Square would work as a temporary building if the owners would be willing to donate it until it was demolished next year. Councilmember Ratchford asked if there was an apartment complex that multiple cities could cohabit. Mayor Shepherd said there had been an idea for all apartment complexes to put one unit aside for permanent supportive housing that the County would take on. He said there were more issues that made it prohibitive.

#### DISCUSSION ON THE COST SHARE AGREEMENT WITH DAVIS SCHOOL DISTRICT FOR 1<sup>ST</sup> STREET/500 WEST EXTENSION

JJ Allen, City Manager, reminded Council about sharing costs with the Davis School District to create the road to connect with 500 West. He said the bid had come in under budget and the contract had been awarded with construction beginning right away. Adam Favero, Public Works Director, said the preconstruction meeting would be held Thursday, June 20, 2024. Mr. Allen said it was unlikely that it would be completed before the new school year. He said the agreement said the two parties would share cost 50/50 minus the water/sewer improvements but would share surface improvements and storm drain. He said the City had funding from the 3<sup>rd</sup> Quarter Sales Tax monies from Davis County. He said the anticipated net amount was approximately \$240k. He said once the project was completed they would calculate the actual numbers and would invoice the School District with the actual amount. The School District's representative said the School Board would discuss it ion the coming week.

#### DISCUSSION ON FISCAL YEAR 2024 PROPOSED BUDGET AMENDMENTS

Rich Knapp, Finance Manager, reviewed the proposed budget amendments. He explained that the first item was to give budget authority for the State mandated compensation for Judge Brower that had not been budgeted. He explained the need to pay greenbelt rollback taxes. Mr. Allen said it was for The Heights development project at Legend Hills from when the developer dedicated right-of-way to the City. The entirety of the right-of-way was in greenbelt and when it was transferred to the City, by statute, the City was compelled to pay the back taxes. Councilmember Peterson asked if Staff going forward could identify projects with this designation and have it be part of the agreement. Mr. Allen said they could try to exact the amount through a development agreement. Mayor Shepherd said the City needed to require the developer to take care of bringing the property out of greenbelt before transferring to the City.

Councilmember Peterson wondered if the greenbelt tax statute needed to be changed and whether it was prohibitive to development. Mayor Shepherd understood the reasoning behind the statute. Councilmember Peterson thought the statute should be changed to reflect that in that specific situation the greenbelt taxes should be borne by the developer. She wondered if this was a topic that should be queued up in a discussion with the lobbyist, Steve Hiatt. Mr. Knapp said it was part of the farmland code. Councilmember Peterson understood that, but saw it as another reason that cities have a hard time developing.

Mr. Knapp explained the next item was a reallocation of the budget from Planning to CED Administration due to the changes of the Community & Economic Development Director position. The amendment to the Arts item could be stricken because it had been figured out between the Recreation and Arts budgets. To avoid the audit finding, Mr. Knapp reminded Council that monies had been moved at the end of FY23 for the FY24 budget so there would not be an additional transfer for FY24 because it had already happened. He explained that though there was budget authority to make the transfer for FY25 and that it would be done during FY24 to avoid that audit finding. He said that he had looked at the projections and thought they would go over the 35% and asked Council if it was okay for Staff to transfer \$3.9M that was not earmarked for a specific project to Fund 45 for future projects. Councilmember Peterson asked to be informed of any transfer. Council was okay with future project transfer as long as they were notified of the transfer.

He reviewed CDRA Amendments.

#### DISCUSSION ON THE FISCAL YEAR (FY25) BUDGET

Rich Knapp, Finance Manager, reviewed changes since the Tentative Budget had been adopted. He reviewed the Property & Liability Insurance increases which saw an increase IN rates by approximately three-percent (3%) and an additional nine-percent (9%) increase due to exposure, meaning the properties were worth more due to inflation. Mr. Knapp said six different companies had entered bids on the insurance. Councilmember Thompson was not surprised and gave his reasons. Summer Palmer, Assistant City Manager, said there had been decreases in certain lines, such as management liability, but increases in the auto lines. She said it was necessary to take into consideration the current costs of vehicles. Due to the increase in value of vehicles, there was more exposure. Mr. Allen said the insurance on the autos was not comprehensive coverage. Ms. Palmer explained the coverage was just liability but that claims overall were costing more and more. Mr. Allen pointed out that \$5k of the additional \$22k in premiums was optional extra coverage for an active shooter situation. Ms. Palmer said it covered three facilities – the city building, arts building and aquatic center. She was less worried about those buildings compared to other large gathering public spaces, such as Fisher Park, Steed Park, and the Center Street Bridge for community activities. She said she had asked them to get a quote for all public properties. She said it also included coverage for an employee active shooter. She said the budget increase requested was for the lowest level of coverage, the number may be higher once they rebid the broader coverage. Ms. Palmer said this was the first time Staff had seen the line, and explained the voluntary nature, but the intent to protect the City from lawsuits. Ms. Palmer said the rates for Cyber Insurance held steady. She said there was no increase due to the efforts taken since the cyberattack.

Mr. Knapp explained the need to increase the budget to the Arts by a net additional \$13k and make a reduction in the Recreation budget to make the budget more accurate. Mr. Allen pointed out that while the City had been investing more in Arts, revenues had been up as well. Mr. Knapp said the budgeted wage increases would be implemented in the fifteenth pay period of 2024, which would begin Sunday, June 30, 2024. He said that the Truth in Taxation meeting would be set at the next meeting. He said they would set the Truth in Taxation public hearing to August 13, 2024 and indicate the proposed property tax rate at that time.

Mr. Knapp explained the impacts to changes in the Tax Rate on property taxes. He said that the property values in Clearfield City went up by 5.4% which explained why the certified tax rate was lower than last year. However, the amount of TIF/CDRA monies decreased by 17% so there was less to subtract from the top, which resulted in a net increase to taxable value of 9.6%. Mr. Allen said they needed to look at RDA 7 now that it had expired, because all that valuation should come on the rolls as if it were new growth. He said Staff would investigate it to make sure the County had it correct. Mr. Knapp said the new growth was accounted for in the numbers. Mr. Allen recommended moving forward with that assumption, but Staff would report back after looking into it further. Mr. Knapp gave an estimated impact to property taxes for residents.

Mr. Knapp reviewed potential revenue impact on the budget at varying tax rates. Mr. Allen pointed out that if the Council was inclined to go with the line item titled "Tentative Budget Estimated Rate" the increased revenue would essentially buy one new officer position or one full-time parks employee, but not both. He recommended designating where the money would be applied. Mayor Shepherd said he wanted to keep the rate at .001209 due to the increases from all the other taxing entities. He said the City was already getting criticized with water rate increases. He thought if the budget was balanced at .001209 then he wanted to keep it at that rate. Councilmember Roper agreed. Councilmember Peterson acknowledged the need to choose from two lousy options, but for her she thought it was important to stay competitive with current workforce and invest in compensation, but understood the budget could not increase staffing as well. Mr. Allen expressed his appreciation for the support on the wages to stay competitive to retain and be able to recruit. He said that they could not ignore the fact the City was short-staffed.

Councilmember Thompson recalled a conversation about adding an extra officer due to the growth of the City. He advocated for the inclusion of the additional officer position by increasing the tax rate to .001250. He said the decision became one of safety and service, recognizing that either way the City would be facing the same scenario next year. He said looking at inflation and where the economy was headed, he would rather embrace the necessary increases now than come back next year with more increases. Mayor Shepherd said he saw comments online expressing gratitude for the smaller increases and not large increases. Ms. Palmer pointed out that the rate Councilmember Thompson was advocating for would pay for wages and benefits, but not to outfit the positions. Mr. Allen said there were ways to make it work to outfit an officer at that rate.

Councilmember Wurth agreed that the public safety element was needed, but also had the

Clearfield Station Area developing and it was important to have that new development show well. Councilmember Ratchford said once the City approved new apartments there were many individuals that were unsympathetic to accompanying growth needs. She did not want to have to pay for police to cover those apartments. She asked if the Police Department could pull back on any expenses to get another officer position to allow the rate to be maintained. Kelly Bennett, Police Chief, did not think so because a majority of his budget was personnel. He said his department was already not buying any new vehicles in FY25.

Councilmember Thompson asked how much overtime was affecting the police department budget. Chief Bennett acknowledged that overtime was affecting the budget and had already exceeded the current budget in overtime. Mr. Allen clarified Councilmember Thompson's question by asking if more officers were added, would overtime costs be reduced. Chief Bennett was not sure it was significant enough. Ms. Palmer thought maybe \$20k would be saved. She mentioned that the burnout factor was more concerning than the overtime.

Councilmember Ratchford asked if they could go back to the budget to lean it out.

Councilmember Thompson brought up not wanting to cut projects because of potential future costs. Mr. Allen said projects could not be cut to pay for personnel. He noted the difference was between a one-time expense for an ongoing expense. Councilmember Ratchford wondered if there was something in the budget that could be reduced to help pay for an officer.

Councilmember Roper reminded her of the need for any cutback to be sustainable. Mr. Allen said any decrease to the existing budget was a shift in priorities and pointed out it was a question of what service levels the Council was okay with. Councilmember Ratchford thought the main areas with the most wear-and-tear were the parks and police. Mr. Allen said one of the nuances with parks was that there was an opportunity to negotiate with the developers of Clearfield Station for cost-sharing in the maintenance that could off-set a portion of the staffing.

Councilmember Peterson thought UTA involvement in the maintenance for Clearfield Station was a part of the original agreement. Mr. Allen said there was an Exhibit in the MDA which showed which areas were Clearfield City's areas to maintain and brought up the possibility of outsourcing the maintenance.

The Council appeared to agree on maintaining the .001209 rate. There was a discussion of possible increases in revenue for future projects and the possibility of looking at the budget again mid-year. Councilmember Wurth asked if police calls to apartment buildings were disproportionate to calls to single family units. Chief Bennett said it might seem like it, but there were more people living in the apartment buildings and the police were not going to one apartment building, but to different areas. Councilmember Peterson thought it was not higher crime inherently because of density, but just more people that lived there. Councilmember Peterson saw that as a growth issue not a multi-family housing issue. Councilmember Wurth made the point that where the mechanisms to increase revenue was property tax and sales tax, and multi-family housing had a higher tax assessment than single-family housing, then in essence, if they wanted to fund more public safety, it was more cost efficient to fund police officers because more revenue coming from that type of property. Chief Bennett said he understood it was a difficult decision and assured the Council that his department was making evaluations about current positions to review all available options. He said the "plus one" position helped the department prepare for upcoming retirements. Councilmember Peterson

asked where he would place an officer if he was able to hire one person. Chief Bennett said once trained he would utilize the spare car in patrol. Councilmember Peterson mentioned some places where the department had grown in the last five years was specialty positions – with the utilization of grants to help with start-up costs. Chief Bennett said his commitment was to patrol and that specialty positions needed to be put on hold unless there was a full-match grant. Councilmember Ratchford asked if an officer could be cross-trained. Chief Bennett said not in the Police Department.

**Chair Thompson moved to adjourn at 7:21 p.m., seconded by Councilmember Wurth.**

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

YES: Councilmember Thompson, Councilmember Peterson, Councilmember Roper, Councilmember Ratchford, Councilmember Wurth

NO: None

**APPROVED AND ADOPTED**  
**This day of 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, June 18, 2024.

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

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:30 PM WORK SESSION  
June 25, 2024

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

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

ABSENT: Councilmember Megan Ratchford

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Summer Palmer, Community & Economic Development Director Spencer Brimley, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Relations Director Shaundra Rushton, Senior Planner Brad McIlrath, Public Works Director Adam Favero, Community Services Deputy Director Curtis Dickson, Finance Manager Rich Knapp, Senior Accountant Lee Naylor, Deputy City Recorder Chersty Titensor

VISITORS: Lamont King, Circles Graduates, Jenna Nelson, Cole Ross

EMERGENCY MANAGEMENT DISCUSSION

Stockton Trujillo, Emergency Manager, introduced himself to the Council and explained his background and experience. Mr. Trujillo presented three questions for the Council to consider for the discussion: 1) Expectations for the role of Emergency Manager; 2) How the Emergency Manager could best support the Council and City's preparedness efforts; 3) What emergency management resources or training would be most beneficial to them as they considered emergency preparedness. Summer Palmer, Assistant City Manager, said the same questions were asked of the department heads and now Staff wanted to get Council's feedback prior to moving forward with priorities. Councilmember Wurth said his mind went to Active shooter, whether in a park, or an event at various locations in the City, and wanted to know how the City could put a plan in place to mitigate the most damage possible and respond effectively.

6:38 p.m. Councilmember Thompson arrived.

Councilmember Peterson requested information prioritizing the most likely scenarios the Council could expect to face: active shooter, natural disaster, etc., and a five-year plan to inform the Council how they could support the plan financially with enough lead time to be able to act responsibly. She said she would also like to be informed of possible consequences if no action was taken.

Councilmember Roper said Council liked to know exactly what the preparedness plan was.

Mayor Shepherd echoed the same thoughts and pointed out that during an actual emergency event, Council's role falls away, but wanted to know everything that was needed to know before

and during an event. He mentioned communication was crucial so they were not surprised during an event, which included the financial resources that would be needed ahead of time to prepare. He thought training would be helpful to know whose role is where, and what happens should there be an emergency. He mentioned a train derailment situation and how he would like to know Council's role in that specific situation. Councilmember Thompson would like to see the most common emergencies and looking at what cities around the country did and how much they spent to deal with the emergency. He thought an education of types of emergency and cost was important. He mentioned that he thought our local FEMA flood zones were out of date and asked whether they should be updated. JJ Allen, City Manager, said the flood maps had been updated in the last couple of years. Councilmember Thompson agreed that he would like to participate in training and said it had been 5 years since the Council participated in a training with the County. Councilmember Peterson recommended that any training included anything that was required for the City to qualify for FEMA funding, for instance, get the National Incident Management System (NIMS) qualification or whatever needed to be done to prepare to qualify for funding. Mayor Shepherd pointed out that the City's location made it apparent that it would be prone to a natural disaster involving an earthquake but the City was also located near an Air Force Base, train railways, and major freeway. Mr. Trujillo, in response to the comment about qualifying for grants, said he couldn't speak on all grants but in regard to emergency management, he had all the required certifications. He said he thought there were other opportunities for storm water, that the City could easily adopt to be a better candidate to be awarded grants.

## **UNDERSTANDING THE SITUATION**

Mr. Trujillo asked for the Council's feedback to identify the most significant emergency Clearfield City had faced in recent years, what challenges were faced in that emergency, what aspects of the response went well and recommendations for improvement. Mayor Shepherd mentioned the cyberattack. He pointed out recent windstorms, while Clearfield City was not as badly effected as surrounding cities, the City still had some impact. Councilmember Thompson brought up the time when the City's water turned yellow. He thought there was a great communication response. Councilmember Peterson said she could think of heightened incidents, but not necessarily emergencies. She thought communication with residents with reliable information was imperative. She mentioned the recent threat of an Active shooter threat which ended up being a hoax. She said as a parent it was amazing to see how the City organization deployed clear information that outlined what to expect in the response. She remarked that while seeing the coordination, she did not sense any fear or worry in those that were implementing the response, it was calm, orderly and predictable. She wanted to be able to tell residents that if anything were to happen the City would communicate reliable information as immediately as the situation allowed and utilize the network already in place. Mayor Shepherd said that in all the things that had almost happened, there were no events that only effected Clearfield City. He said anything that happened in Clearfield City affected surrounding cities and he wanted to know how the various cities could coordinate with other councils.

Mr. Trujillo asked if there was some type of association of Councils. Mayor Shepherd said there was a Council of Governments (COG) for the Mayors, and the Utah League of Cities, but not an association specifically for Davis County councils. Councilmember Peterson thought COG made

sense to have the mayor be the point person. Mr. Trujillo said it was important to know who was who and who contacts were in the surrounding cities.

Mr. Trujillo said from his perspective it was important to keep the Council informed. Mayor Shepherd thought from training standpoint it would be cool to organize with other emergency managers throughout Davis County to coordinate training with all city councils together. Councilmember Peterson expressed a concern about coordination among the “big “players” (churches, school district, Job Corps, Freeport, etc.) so everyone knew where they could ask for help.

## **CONCERNS**

Mr. Trujillo asked Council about any specific City buildings or infrastructure that were concerning. Mayor Shepherd said bridges were concerning because if they were shut down there would be no East/West ingress or egress. He mentioned that when an earthquake happened, the area would become very divided. Councilmember Peterson said City Hall would be separated from its Public Works buildings due to the train tracks and the bridge.

## **FUTURE INITIATIVES**

Mr. Trujillo asked if there were any other initiatives the Council would like to see implemented besides the training previously suggested. Mayor Shepherd said any training would be good as long as it was consistent. He recommended refresher training courses more consistently. Councilmember Wurth suggested the training not just be for emergency management but emergency anticipation – a proactive approach rather than reactive. Councilmember Thompson said anything that the community could do to help the community prepare would be helpful. Mr. Allen said several years ago the City had prepared a booklet for households as a guide, and suggested maybe that needed to be updated and distributed. Councilmember Peterson recommended starting with partners and getting the relationships established, then getting information to the residents.

**Councilmember Wurth moved to adjourn at 7:00 p.m., seconded by Councilmember Thompson.**

### **RESULT: Passed [4 TO 0]**

YES: Chair Thompson, Director Peterson, Director Roper, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVED AND ADOPTED**  
**This day of 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, June 25, 2024.

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

**DRAFT**

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 PM POLICY SESSION  
June 25, 2024

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 Dakota Wurth

ABSENT: Councilmember Megan Ratchford

STAFF PRESENT: Deputy City Recorder Chersty Titensor, Public Works Director Adam Favero, City Manager JJ Allen, Assistant City Manager Summer Palmer, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Services Deputy Director Curtis Dickson, Senior Planner Brad McIlrath, Finance Manager Rich Knapp, Senior Accountant Lee Naylor, Communications Manager Shaundra Rushton

VISITORS: Lamont Hampton, Genevra Prothero – Davis County Pride, Colleen Mewing – Davis County Pride Board, Jolene Mewing – Davis County Pride Board, Ron Williams, Pam Woods – Job Corps, Hannah Waller – Job Corps, Angel Vecadra – Job Corps, Chris Miller – Job Corps, Ina Castilla – Circles, Brenda Brown – Job Corps, Elijah McCulley – Job Corps, Gregaria Samps – Job Corps, Samuel Soos – Job Corps, Robin Hawkes – Job Corps, Pine Bruce – Job Corps

Mayor Shepherd called the meeting to order at 7:06 p.m.

Councilmember Wurth led the opening ceremonies.

APPROVAL OF MINUTES

May 14, 2024 – work session  
May 21, 2024 – work session  
May 28, 2024 – work session  
May 28, 2024 – policy session  
June 11, 2024 – policy session

**Councilmember Roper moved to approve the May 14, 2024 work session, May 21, 2024 work session, May 28, 2024 work session, May 28, 2024 policy session, June 11, 2024 policy session, seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

### RECOGNITION OF CIRLES/JOB CORPS GRADUATES

Councilmember Roper served on the Board of Directors for Open Doors and introduced the item on the Agenda. He stated that Open Doors were taking a hard look at what Open Doors represented and recognized that the Circles program was crucial. He presented certificates to the graduates of the Circles Program.

### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO BUILDING MATERIALS IN THE DOWNTOWN CLEARFIELD FORM BASED CODE

Brad McIlrath, Senior Planner, reminded the Council that the Form Based Code was updated in 2020 and as part of that update a more precise list of acceptable building materials was created for the downtown area. He said that since that time he saw there was continual evaluation, innovation, and new technologies in building materials that needed to be re-examined to recognize innovations and opportunities to provide high quality product with long-lasting materials. Mr. McIlrath showed the updated language since the prior discussion at the work session on June 11, 2024. He reviewed the primary and secondary building materials listed. He showed pictures of various building materials around the City. He showed commercial uses of foam-insulated metal panels from the manufacturer, KingSpan, from different locations. He said the Planning Commission recommended approval.

Mayor Shepherd opened the Public Hearing at 7:34 p.m.

There were no public comments.

**Councilmember Peterson moved to close the public hearing at 7:34 p.m., seconded by Councilmember Thompson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

### PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A ZONING TEXT AMENDMENT TO AMEND SECTION 11-15-8 D2 OF THE CITY CODE FOR THE FRONTAGE STANDARDS FOR MONUMENT SIGNS

Brad McIlrath, Senior Planner, informed the Council that the application for the zoning text amendment request was submitted by a property owner that wanted to develop within the City. He said the amendment would be to Section 11-15-8 of Clearfield City Code which regulated Monument Signs, specifically outside of the Form Based Code zone. He said the Code

currently required a property to have 100 feet of frontage to have a monument sign. Due to the narrowness of the property (80 feet wide frontage), the applicant requested that the standard remain but the required frontage be reduced from 100 feet to 50 feet. He said another part of the Code required a 100 foot separation between monument sign between properties. He showed an example of the change in the Code. He showed an aerial view of the property as well as the frontage view of the property. Even with the Code change, there was not 100 feet of separation between monument signs. He said the property owner would need to work with adjacent property owner to ask them to relocate their monument signs as well.

Mayor Shepherd asked what the difference was between the two signs on either side of the property. Mr. McIlrath said it was approximately 198 feet between the two signs. He said the Planning Commission recommended approval to the City Council.

Mayor Shepherd opened the public hearing at 7:40 p.m.

There were no public comments.

**Councilmember Thompson moved to close the Public Hearing at 7:40 p.m., seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Thompson, Councilmember Wurth, Councilmember Peterson, Councilmember Roper

NO: None

ABSENT: Councilmember Ratchford

**PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE FISCAL YEAR 2024 (FY24) BUDGET**

Rich Knapp, Finance Manager, presented the proposed budget amendments to the FY24 budget. He pointed out a couple of adjustments and reallocations where he did not have budget authority.

Mayor Shepherd opened the Public Hearing at 7:42 p.m.

There were no public comments.

**Councilmember Roper moved to close the Public Hearing at 7:42 p.m., seconded by Councilmember Thompson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**PUBLIC HEARING TO RECEIVE PUBLIC COMMENT REGARDING THE  
AMENDING OF THE UTILITY FEES FOR WATER, SEWER, STORM WATER,  
AND GARBAGE IN THE CITY'S CONSOLIDATED FEE SCHEDULE**

Rich Knapp, Finance Manager, reviewed the utility rate changes and fee schedule reference corrections and clarifications. He said the average monthly bill would be increased by \$9.78 per month starting July 1, 2024. He said the utility rates included water, sewer and storm rates. He said the increase was a result of increased costs, replacing aging infrastructure, and increases from external providers. He pointed out that the second trash can would be increased by \$6.24 per month and recycle can by \$1 per month.

Mr. Knapp explained that the water, sewer, and storm project costs were much higher than was assumed in the 2021 Rate Study. He said that Weber Basin Water was anticipating 13% annual increases over the next four years, which was much higher than the rate study projections. To deal with those challenges, after discussing several scenarios, Council decided the City needed to take care of the aging infrastructure and were proceeding with a majority of planned projects through rate increases and financing. He explained the changes to the base fees were not a function of conservation or usage but just the cost of having the service available to the property. He said there was more detailed information in the Agenda Packet which showed for most users a \$0.02 per gallon increase to rates based on usage.

Additionally, the contractor for garbage and recycling collection, Waste Management, saw a CPI increase of 5.5% but the City did not increase the first can but the rate for the second can was increased. He pointed out that the City had been subsidizing a portion of the cost of recycling, but the proposed increase would bring the rate to two cents (\$0.02) above the City's cost. The City suggested that residents choose recycling over using additional trash cans due to the lower monthly rate and sustainability objectives.

Councilmember Wurth expressed appreciation to Staff for the level of explanation and the due diligence completed to present the variety of options for the Council to consider.

Mayor Shepherd opened the Public Hearing at 7:48 p.m.

There were no public comments.

**Councilmember Thompson moved to close the Public Hearing at 7:48 p.m., seconded by Councilmember Wurth.**

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

## OPEN COMMENT PERIOD

Genevra Prothero, founder of Davis County Pride, addressed the Council to express her gratitude to Mayor Shepherd and City Councilmembers for being leaders in the community and making history by issuing the proclamation designating June 2024 as Pride month in Clearfield City. She gave her organization's website as daviscountypride.org.

Colleen Mewing told the Council that she graduated from Clearfield High School in 1981 and at that time there were no Gay Straight Alliances (GSA) and was proud that schools now had GSA options available for students. She expressed her appreciation for the Council having the proclamation on the agenda and encouraged them to pass the proclamation. She said she was an employee at Hill AFB and was on the Pride Committee. She told the Council that Commander Jeffrey Holland recently signed a proclamation designating Pride month on Hill AFB.

Mayor Shepherd closed the Public Hearing at 7:54 p.m.

## APPROVAL OF RESOLUTION 2024R-10 APPROVING THE INTERLOCAL COOPERATION AGREEMENT WITH THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY (MIDA)

Stuart Williams, City Attorney, explained that the City had entered an Interlocal Agreement with MIDA in 2016 and had recently updated terms and created a new agreement. He said MIDA was wonderful to work with and was able to compromise to craft the new agreement. He said most of the agreement was the same, but the biggest change was a flat fee for police service which could be readdressed in the future as needs were assessed. He said the business licensing had changed. Each business would be licensed with Clearfield City as any business, but disproportionate fees would be excluded.

**Councilmember Wurth moved to approve Resolution 2024R-10 approving the Interlocal Cooperation Agreement with MIDA and authorize the mayor's signature to any necessary documents, seconded by Councilmember Roper.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

## APPROVAL OF RESOLUTION 2024R-11 APPROVING THE INTERLOCAL AGREEMENT BETWEEN CLEARFIELD CITY, LAYTON CITY, AND DAVIS COUNTY TO CREATE A HOME CONSORTIUM FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM

Councilmember Wurth had recused himself from the vote due to his employment with Davis County.

Councilmember Wurth gave an explanation of the Home Investment Partnership Program through HUD which was a sister program to CDBG that Clearfield City administered. He reminded the Council that Clearfield City received about \$250k per year for low-to-moderate income activities. The proposed program, in conjunction with the County representing thirteen cities and Layton City, who had passed the resolution, would bring a recurring revenue stream into Davis County in the amount of approximately \$550k per year. All administrative requirements fell to Davis County but since Clearfield and Layton were entitlement cities, it was required for them to sign a Consortium Agreement or no entitlement would be granted to the County. He said the County had been working closely with Layton and Clearfield to come together on an agreement that met HUD requirements and was amenable to all parties.

**Councilmember Roper moved to approve Resolution 2024R-11 approving the Interlocal Agreement between Clearfield City, Layton City, and Davis County to create a HOME Consortium for the HOME Investment Partnership Program, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.**

**RESULT: Passed [3 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson

NO: NONE

RECUSED: Councilmember Wurth

ABSENT: Councilmember Ratchford

APPROVAL OF ORDINANCE 2024-10 APPROVING A ZONING TEXT AMENDMENT TO AMEND TITLE 11, CHAPTER 11, ARTICLE G OF THE FORM BASED CODE OF THE CLEARFIELD CITY CODE

**Councilmember Peterson moved to approve Ordinance 2024-10 approving a zoning text amendment to amend Title 11, Chapter 11, Article G of the Form Based Code of the Clearfield City Code, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson,

Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

APPROVAL OF ORDINANCE 2024-11 APPROVING A ZONING TEXT AMENDMENT TO AMEND TITLE 11, CHAPTER 15, SECTION 8, PARAGRAPH D, SUBPARAGRAPH 2 – LAND USE, SIGN REGULATIONS, SIGNS THAT REQUIRE A PERMIT, MONUMENT SIGNS

**Councilmember Thompson moved to approve Ordinance 2024-11 approving a zoning text amendment to amend City Code Title 11, Chapter 15, Section 8, Paragraph D, Sub-paragraph 2 – Land Use, Sign Regulations, Signs that Require a Permit, Monument**

**Signs, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Peterson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVAL OF RESOLUTION 2024R-13 APPROVING THE COST SHARE AGREEMENT WITH DAVIS SCHOOL DISTRICT FOR THE 1ST STREET/500 WEST EXTENSION PROJECT**

JJ Allen, City Manager, explained the proposed resolution was to authorize collaboration on funding for the extension of 500 West along the 1<sup>st</sup> Street alignment to connect the new street with the Davis School District property in Freeport West. Through the agreement, the cost of surface improvements and storm drain would be split 50/50 after the funding from Davis County was backed out. The project had been bid and demolition had commenced.

**Councilmember Thompson moved to approve Resolution 2024R-13 approving the Cost Share Agreement with Davis School District for the 1<sup>st</sup> Street/500 West Extension Project and authorize the mayor's signature to any necessary documents, seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**SET THE PUBLIC HEARING FOR A TRUTH IN TAXATION FOR AUGUST 13, 2024, AT 7:00 P.M. TO CONSIDER A PROPOSED 0.001209 CERTIFIED TAX RATE FOR FISCAL YEAR 2025**

Rich Knapp, Finance Manager, said he had received the tax rate from Davis County but the purpose of current item was to set the date of August 13, 2024 for a Truth in Taxation public hearing.

Mr. Knapp pointed out that last year's rate was 0.001202 but because property values went up, the County reduced the certified tax rate to 0.001153. The City was proposing a rate increase to .001209. He explained that it was less than a percent rate increase from last year and that the average increase from the certified tax rate was \$14.81 for the year. He indicated that the proposed rate would increase property tax revenue for the City by 4.8%. He said the estimated average residential property tax for City services totaled \$320. He showed a representational breakdown of the various agencies' portion of residents' property tax.

**Councilmember Wurth moved to set the Public Hearing for a Truth in Taxation to August 13, 2024 at 7:00 p.m. to consider the proposed 0.001209 certified tax rate for fiscal year 2025 and authorize the mayor's signature to any necessary documents, seconded by Councilmember Roper.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVAL OF RESOLUTION 2024R-12 AUTHORIZING AND ADOPTING AMENDMENTS TO THE FY24 BUDGET AND APPROPRIATING FUNDS FOR THE PURPOSES SET FORTH THEREIN**

**Councilmember Thompson moved to approve Resolution 2024R-12 approving and adopting amendments to the FY24 budget and appropriating funds for the purposes set forth therein and authorize the mayor's signature to any necessary documents, seconded by Councilmember Peterson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVAL OF ORDINANCE 2024-12 AMENDING THE UTILITY FEES FOR WATER, SEWER, STORM WATER, AND GARBAGE IN THE CITY'S CONSOLIDATED FEE SCHEDULE**

**Councilmember Wurth moved to approve Ordinance 2024-12 amending the Utility Fees for Water, Sewer, Storm Water, and Garbage, making minor corrections to code citations for the Parking & Code Enforcement fees and clarifying Building Rental Fees in the City's Consolidated Fee Schedule and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVAL OF A PROCLAMATION DECLARING JUNE 2024 PRIDE MONTH IN CLEARFIELD CITY**

Councilmember Wurth read the proposed Proclamation declaring June 2024 Pride Month in

Clearfield City. Mayor Shepherd expressed his appreciation to Councilmember Wurth's work in writing the proclamation.

**Councilmember Roper moved to approve a Proclamation declaring June 2024 as Pride Month in Clearfield City, and authorize the mayor's signature to any necessary documents, seconded by Councilmember Wurth.**

**RESULT: Passed [3 TO 2]**

YES: Mayor Shepherd, Councilmember Roper, Councilmember Wurth

NO: Councilmember Peterson, Councilmember Thompson

ABSENT: Councilmember Ratchford

## COMMUNICATION ITEMS

### MAYOR'S REPORT

#### *Mayor Mark Shepherd*

- He attended leadership meetings with the National League of Cities (NLC) where he sat on the Board of Directors but was not assigned to any committee. He chose to sit with the Transportation Committee and listened to the DOT's presentation and set policy with NLC on what was important to cities regarding transportation. He summarized the three biggest topics of the meeting: 1) fell to the cities to maintain the amount of money that came through the Infrastructure Investment and Jobs Act (IIJA) which was given to the states enabling grants to the cities to show the federal government that cities could handle money and did not need to flow through the state; 2) Grant more opportunities to the Regional Councils, such as Wasatch Front Regional Council which was a major planning organizations to plan more funding for planning for staffs; 3) Eliminate programs that require funding to states and MPO's to give directly to cities. Programs such as the federal program, Safe Streets for All, which was a grant the City would need to apply for when finishing funding for a pedestrian bridge or a second bridge.
- He visited the County Transportation Center where traffic was monitored. He had done the same thing with UDOT and learned that no signal went untimed or unnoticed. UDOT had the ability to control every signal.
- He extended an invitation to all for the upcoming 4<sup>th</sup> of July activities.
- He reminded the Council of the upcoming Air Show and gave the information for the two meet and greets Thursday and Friday. He said it was for all the performers except Thunderbirds. He would send more information out to the Council.

### CITY COUNCIL REPORTS

#### *Councilmember Nike Peterson*

- Nothing to report

#### *Councilmember Kareece Thompson*

- Nothing to report

#### *Councilmember Dakota Wurth*

- He attended the National Community Development Association conference in Boston where he had seen presentations about programs like the HOME program just authorized. He remarked

on the creative and efficient uses those funds had allowed cities and counties to tailor affordable housing strategies to their locals. He said he was impressed with the presentation given by the City Manager of Cambridge, and gave him a different perspective to think 100 years in the future instead of 10 years. He said Clearfield City could learn a lot from cities all along the east coast.

- He reported that the Mosquito Abatement was accepting the tax rate and was not raising taxes.
- He said he was thrilled to spend 4<sup>th</sup> of July with the Council and Youth Commission this year.
- He expressed appreciation for Councilmember Peterson's family for their Herculean effort on the float.
- He remarked on the split vote on the proclamation tonight. He expressed appreciation to both dissenters and explained that they had both provided rational and respectable reasoning for their objection to him. He acknowledged the need to move forward and teach each other, which was more valuable than dissent. He understood he had a lot to learn.

#### ***Councilmember Roper***

- He said his vote on the proclamation was an acknowledgment that he believed in building bridges. He said disagreement could be okay and he acknowledged the need to come together and support each other and believed in the power of love.
- He announced that the North Davis Fire Station would celebrate its opening with a Hose Cutting on July 29<sup>th</sup> at 2:00 p.m.

#### **CITY MANAGER'S REPORT**

##### ***JJ Allen, City Manager***

- He expressed apologies for the temperature in the room.

#### **STAFF REPORTS**

##### ***Curtis Dickson, Community Services Deputy Director***

- He reminded Council of the events surrounding the 4<sup>th</sup> of July celebrations. He reported that the events kicked off with Search the City activity; Saturday after the Air Show would be showing "Top Gun" at the Movie in the Park event at Steed Park Softball field #3 starting at 9:30 p.m.; Monday, Paint the Bridge party – closing bridge at 9:30-10 a.m. for the day and would start the event at 7:30 p.m. with food trucks and music and painting; Tuesday – Patriotic Concert 7:30 p.m. with the community band and choir at Bicentennial Park; Wednesday was the Pool Bash at the Aquatic Center at 7:30 p.m. \$2 registration; July 4<sup>th</sup> kicking off 7 a.m. 5k run/1 mile walk registration starts at 6 a.m. 9:30 a.m. parade starts. He said there were 55 entries and the scheduled flyover by Hill AFB 419<sup>th</sup> Fighter Wing was at 9:19 a.m. He said the Park Festival would start at 6:00 p.m. at Fischer Park for bands and food trucks. Firework Show would start at 10:00 p.m.. More information could be obtained from website: ccjuly4.com.

##### ***Chersty Titensor, Deputy City Recorder***

- No meetings July 2, 2024.
- Work & Policy session on July 9, 2024.
- No meetings had been scheduled so far for the remaining weeks in July, but would keep the Council posted as we get closer.

**Councilmember Thompson moved to adjourn at 8:29 p.m., seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Roper, Councilmember Thompson,  
Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVED AND ADOPTED**  
**This day of 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, June 25, 2024.

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

**DRAFT**

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 PM WORK SESSION  
July 9, 2024

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Karece Thompson, Councilmember Nike Peterson, Councilmember Megan Ratchford, Mayor Mark Shepherd, Councilmember Dakota Wurth

ABSENT: Councilmember Tim Roper

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Summer Palmer, Community & Economic Development Director Spencer Brimley, City Attorney Stuart Williams, Police Chief Kelly Bennett, 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: Taylor Woodbury – Woodbury Corp., Mike Wagstaff – Falcon Hill Project Area Manager, Mark Dalton – Hunt Companies, Trevor Price – Horrocks Engineering, Kathryn Murray

**PRESENTATION BY THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY (MIDA) ABOUT FUTURE DEVELOPMENT IN FALCON HILL**

Taylor Woodbury, Woodbury Corporation, introduced Mark Dalton, with Hunt Companies and explained that Falcon Hill Development was a joint venture between the Woodbury Family and the Hunt Family out of El Paso, Texas. He introduced the team, Mark Dalton, Construction Manager, Mike Wagstaff, Project Area Manager, and Trevor Price, Horrocks Engineering.

He said one of the constant challenges at Falcon Hill was infrastructure because most of the infrastructure was designed to be behind the Hill Air Force Base (Base) secure perimeter and not meant to be accessed beyond the fence. He explained some common problems they had faced. He said the long term goal of the project was to have development 20% inside the Base fence and 80% outside the Base fence.

He provided an update from their meeting with UDOT. He thought the project was gaining momentum. He showed a mock-up of the proposed new interchange at 1800 North in Sunset. He explained that that project required the cooperation among many entities. He detailed the coordination efforts and parties involved to prepare the area for development. He said that the 90% plans had been reviewed and approved and were moving forward to go out to bid by end of year and they hoped to start construction next year. He said to expect the opening of the new interchange by 2027. State of Utah committed to a few different things in exchange for the military giving up the ground for the interchange. He said one of the key things was that the State of Utah would pay for a new personal vehicle gate at 1800 North to access the Air Force Base which he thought would come online the end 2027-2028, which would be a big deal for traffic on the Base. All the growth on the Base was impacting traffic so the new gate was meant

to ease pressure.

He explained the vision for the frontage road called Falcon Hill Drive that would eventually span from 200 South in Clearfield to 5600 South in Roy. He said plans were done, agreements were underway and parties in the Air Force were amenable. He showed the future plans for the Three Gate Trail and indicated that UDOT would install an overpass pedestrian bridge over 1800 North allowing users to ride, unobstructed from 5600 South to 650 North in Clearfield. He said they needed to figure out 650 North but all land acquisition was complete. He said the timing of the installation of the trail was unsure. He said MIDA had received some money from a federal grant to help with parts of the trail and they were trying to decide where to best spend that money. They would like to start by building the connection from 200 South to 1800 North. He said they would like to find a way to extend the trail at 200 South to connect with the Canal Trail on the other side. He mentioned that the two priorities were to get a bridge at 200 South and 650 North to be able to ride unobstructed through the project. Mr. Dalton pointed out that UDOT was assigning a project manager to the trail. Mr. Woodbury said that UDOT was going to allocate \$300k toward the completion of a study of all the connection points for the trail going all the way to Ogden. He said Hill AFB had engaged people to figure out the trail system on the base so once a bike rider gets on base they would have access to their building. He anticipated these trails being a major transportation amenity for the area. He mentioned that the 1800 North interchange made that vision a reality.

Mr. Woodbury explained that as part of the deal with the Air Force, MIDA was given ground that had not been used for the interchange, and the ground consisted of unused Union Pacific and Bamberger rights-of-way which would help with infrastructure and roads. The land exchange had also given them enough room outside of the Base perimeter to fit a trail and a road.

Mr. Woodbury focused more specifically on the connection point from 200 South to 650 North. He informed the Council that Wasatch Front Regional Council (WFRC) had included the road on their traffic study, but until recently, the road showed on maps as having been built. He said the traffic funding to roads and interchanges, and traffic models assumed the road was in existence and cars were traveling on it over the last ten years. He pointed out the closure of the southwest gate from Hill Air Force Base and how they had zeroed out traffic on that road until 2028. He showed the WFRC's Annual Average Daily Traffic (AADT) Forecast for 2050. He said they had been working for years to make Falcon Hill Road a reality. He showed key connections and plans for building adequate area in front of the Weber State University (WSU) property parking. He gave more details showing the 12 foot trail and road that was split between the Air Force property and the Bamberger Rail property. He showed the fence plan once the road was completed and showed all the ground that would be included in the Falcon Hill property. He said it was approximately 40 acres of ground that was currently within the fence that would come out. He pointed out one area that was a little challenging as it approached 200 South where the road would narrow, providing only one lane in each direction through the area, and a more narrow 10 foot trail with no shoulders. He said the Base had approved setback variances and they had general approval. He explained another challenge in grade changes on 200 South. He explained progress made with a gas line where Marathon said they could drop the pipe's elevation to give adequate room to cross a road in September. He thought they could

solicit bids in the next 2-3 months. Assuming the MIDA Board agreed with their plan, he thought MIDA had enough money to move forward. He said they were not building the trail as part of the project, but would wait until other connection points were done. He acknowledged a general plan as to how it would lay out.

Mr. Woodbury showed the Masterplan for the South-end Development. He said the idea was to maintain the current use which was flex/industrial use. He said one issue with the area was providing utilities and water. After speaking with Weber Basin they anticipated the construction of a new water tank. He said they were looking at building a large water tank on the hill to give water capacity needed to serve the whole project. For the time being, between current water lines and Hill Air Force Base they thought they had enough to complete the blue flex office space and orange retail space. He provided more details about sewer and drainage to the north. He showed a rough massing plan for the South-end Development site. He stated it was not very intensive, but getting road connection was a huge thing for the project and Hill Air Force Base and Clearfield City. He said the project would have a measurable impact on State Street traffic. He anticipated the frontage road would increase traffic to retail spaces.

Mr. Wagstaff said that while the road was designed to accommodate trucks, it was their goal to discourage semi-trucks from using 200 South but instead install signage that would encourage them to use the preferred traffic flow. Mayor Shepherd encouraged their group to work with UDOT to fix the interchange at 700 South and Hwy 193. He said it would take their pressure in addition to the City's to get UDOT to act. Mayor Shepherd worried that with all the car traffic their only way out would be to utilize 200 South to State Street or go through neighborhood roads to make a left turn onto Hwy 193 off a side street. Mr. Woodbury agreed on the necessity to look at the 700 South Hwy 193 interchange. Mr. Woodbury said UDOT said they could obtain a permit to start work in August. Mayor Shepherd said if that road did not change he thought 650 North was seventh on the list of priority. Mr. Woodbury thought that by the end of 2025-2026 they could build the first 500 ft of road off Falcon Hill Drive toward 1800 North. He explained the challenges that would impede progress for the frontage road.

Mr. Allen said his biggest concern was the traffic impact on 200 South. Mr. Woodbury said when they completed a traffic study they anticipated there would be 3,000 cars on Falcon Hill Drive. He said right now a lot of the traffic was coming from the neighborhood down to State Street, then State Street to 650 North. The study showed for traffic traveling northbound the quickest way was to take the frontage road. He said it would change the direction of traffic at different times of day, but the demand would not be to send additional traffic onto 200 South. Mr. Allen commented a lot of that traffic was on State roads and some would shift onto City streets, heavy traffic would cause additional wear and tear. Mr. Woodbury also commented the drop off from the bridge would need some kind of diversion or modification. Mr. Woodbury confirmed there were no contemplative changes to City streets, all proposed changes would be to Air Force ground. Mr. Allen pointed out that Council would need to consider the impacts to the City's infrastructure be mitigated by MIDA. Kelly Bennett, Police Chief, encouraged them to include electric speed signs because it was a straight shot through and would become a raceway.

Mr. Woodbury said they would completely tap out MIDA's funding sources with the current proposal. He said he could not see a way to absorb more project costs outside of the current plan.

Mr. Allen did not think the taxpayers needed to bear the costs of infrastructure for which MIDA would be the only beneficiary. Mr. Woodbury pointed out all the infrastructure would benefit the taxpayers of Clearfield City. Councilmember Thompson said regardless of how it would benefit in the end, the process would be a sacrifice. He was concerned about the impact on 200 South. Councilmember Wurth expressed his appreciation for the presentation and to see the future plans to integrate the community more with the Base.

#### DISCUSSION ON ALLOWING THIRD-PARTY CONCESSION SALES AS PART OF THE FIELD USE POLICY

Mayor Shepherd pointed out that the current topic had been discussed previously but was not sure there had been a consensus. Curtis Dickson, Deputy Community Service Director, explained that the current field use policy did not allow outside sales at City sponsored programs. Mayor Shepherd said when football or AYSO were using fields, it was staff that was required to staff the concession stands. Mr. Allen pointed out that City staff had not been manning concessions. Mr. Dickson pointed out that the football team was the only user asking the City for concessions. Councilmember Peterson said it was a huge burden for staff to coordinate seasonally.

Mr. Dickson pointed out the items that would need to be addressed if Council wished to alter the existing policy. He said on average, it took three hours of staff time, per vendor, to get the information. He pointed out some of the challenges in obtaining the information needed for independent concessions. He asked if the Council wanted to subsidize the cost of permits and whether there would be enforcement and if there would be fees involved. Mayor Shepherd thought it would only be one vendor, the Ute Football League itself, so he should simplify getting the information once per year. He thought that there would be little enforcement and liability would be on the entity, the City would not be doing health inspections.

Mr. Dickson said staff would look at internal contracts, for instance, selling only Pepsi products. Councilmember Peterson recommended that a policy be established in the event of non-compliance. Mayor Shepherd suggested there be stronger disincentives. Mr. Dickson said he anticipated more staff hours due to possible clean up as was needed after the 4<sup>th</sup> of July celebrations.

Mr. Allen asked if the City knew the scope of vending that the Ute Conference was interested in. Councilmember Peterson said industry standard within the recreational leagues in Utah, of which Clearfield City was an outlier, there was a range going from team swag, Gatorade, chips, and candy. She said some served hot food that the parents grilled at the location. She thought what the Ute Football League were asking for, given that they were the only option for Clearfield High School to have a feeder, was going through the Ute Conference. She said they were looking for a way to do what every other league was doing in Salt Lake County and around Utah, while recouping their costs. Councilmember Thompson thought there was too much government involvement. Councilmember Peterson did not think there should be any extra fees. She mentioned that staff had run concessions in the past, but did not want to burden staff time or over-complicate the issue. She thought they could be prudent in their contract, but make explicit requirements to ensure terms of other contracts were upheld. She did not think it was staff's job

to monitor the sales because staff did not monitor any other party who used the fields.

Mr. Allen commented the idea had not been done before in the City. Councilmember Peterson suggested they run it the first season and see what happens. She said if there were issues then the City could respond to those and could guide policy. She did not think it needed to be so complicated, but allowed parents to take the burden off staff to let them run it. She said it felt like requiring permits for kids selling lemonade.

Councilmember Thompson said he thought the discussion was going to apply to third-party vendors, and he was going to suggest copying the State's practice where certified vendors went through a qualification standard. He did not want to discourage the support of the children. He thought the process should be easier for them because it was not a group trying to make money. Councilmember Peterson said the team was just trying to help pay fees for field usage. The number one fee was the field usage. She did not want to discourage the demographic Clearfield City had from participating in the program. Councilmember Ratchford asked if there had always been a cost for field use and wondered how much revenue was generated. Mayor Shepherd said it was not about revenue but cost recovery for damage to the fields.

Councilmember Ratchford verified that with staff time, the fees were not enough, but they were too much for the users. She agreed with limiting the amount of monies taken or performing a study to see if there could be savings. Mayor Shepherd said a study was not needed, that the League had already been established. He said right now the City was paying staff to man concessions and now the proposal was for the City to not man a concession stand but turn it over to the team, which would allow them to offset their fees.

Mr. Dickson asked if the Council wanted to limit the ability to have concession sales to those third parties who were renting the field or open it up completely across the board. The Council appeared to agree it should just be for those renting fields. Councilmember Peterson said it should be a very controlled situation. Mayor Shepherd said anyone else would have to make an application with the City and the vast majority would not want to. Mr. Dickson asked if it should be opened up for food and merchandise. The Council appeared to agree to both food and merchandise. Mayor Shepherd was uncomfortable with people preparing hot food.

Councilmember Peterson was okay with only allowing prepackaged food and merchandise. Mr. Allen said it would simplify the process on both sides. Mr. Dickson stated they would not be able to use the City's concession stand. Councilmember Peterson said parents could bring tents and tables – very self-serve. Mr. Dickson mentioned there was always requests to borrow water/electricity/storage – and all answers would be no. Mr. Allen said they had direction and staff would draft a new policy with changes and bring it back for Council review.

**Councilmember Peterson moved to adjourn work session and reconvene in policy session at 7:04 p.m., seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Thompson, Councilmember Wurth, Councilmember Peterson, Councilmember Ratchford

NO: None

ABSENT: Councilmember Roper

The work session reconvened at 7:42 p.m.

## DEPARTMENT UPDATES

### ***Skate Park Expansion on Pause***

Curtis Dickson, Deputy Community Services Director, informed the Council that due to high bids received, the expansion of the Skate Park was paused. The lowest bid came in at \$130k overbudget. Mr. Dickson said they would meet with the engineers and designer and revisit it at a later date. Mayor Shepherd commented that the cost of concrete currently was very high. Councilmember Ratchford asked if the City could do the project itself. Mr. Allen said Staff was trying to do some concrete work in-house, but the concrete was very expensive. Councilmember Ratchford asked if the project could be scaled back. Mayor Shepherd commented that it was not a massive project to begin with. Mr. Dickson said the new elements were already ordered and almost built and would be shipped and stored until the flatwork could be figured out. He said Staff would come back with some options, for instance, there could be some PARAT Tax revenue but wanted to see if it was approved.

### ***CAFC 2024 Shutdown (Preliminary)***

Mr. Dickson said Staff was looking to alter the dates for the shutdown at the Aquatic Center this year because of the shipments of the tile and time for installation. Preliminarily there would be a soft closure on Sept 3-5. The pools would be kept open, but all other areas would be closed for cleaning.

Dec – Jan: the leisure pool would be closed for tile replacement, but the lap pool would be open. He anticipated the work being completed by Christmas. Then, once Christmas break was over the City would close the lap pool for tile and wall replacement which would take 4-5 weeks. The tiles had been ordered. One pool would always be open. Staff was working with swim teams and the School District to coordinate with swim season.

### ***CDBG Home Construction Update***

Stuart Williams, City Attorney, showed a picture of the lot that was purchased with CDBG funds for \$107,440 for a home. He showed a picture which showed current progress. He anticipated completion in October/November 2024. There was a discussion on the size of the house compared to surrounding properties. Mayor Shepherd pointed out the garage opening was just 16 feet. Councilmember Peterson thought the City had resolved that so it was a true two-car garage. Spencer Brimley, Community & Economic Development Director, said the State had imposed additional limitations requiring a two-car garage for single-family residences.

### ***Signage Education Efforts***

Spencer Brimley, Community & Economic Development Director, reminded Council about the discussion in April to introduce sign enforcement. He explained that by the end of May Code Enforcement had issued citations tied to other property violations. He said right before the 4<sup>th</sup> of July, Code Enforcement started going out twice a week to clean up the corridor and remove snipe signs. He said there were four Notice of Violations (NOV) for signage still pending, but

several NOVs had been brought into compliance. Code Enforcement created a goal to work on 3-5 sign issues per week per officer (6-10) moving forward in their regular efforts throughout the City. Councilmember Ratchford asked the process for continual violation.

***Website Tools for Community Development***

Spencer Brimley, Community & Economic Development Director showed Council all the resources available online for the public. Anyone could see all current projects on Google Earth if they navigated to Business & Development/Current Development Projects/View Map. If the City had a land use application and approval it would be on the website. All Land Use Applications, Building Permits, etc. were available online through Civic Review who was the provider. He showed them there was also a Business Directory available to see what businesses were within the City. Jeff Baker, GIS contractor, recently updated the GIS aerial photos. He showed Council all available information provided on the City's website. He showed the place where fees could be paid. He said for the most part, all resources were online. Mr. Allen told the Council about the information available on the GIS portal.

**Councilmember Thompson moved to adjourn at 8:03 p.m., seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Thompson, Councilmember Wurth, Councilmember Peterson, Councilmember Ratchford

NO: None

ABSENT: Councilmember Roper

**APPROVED AND ADOPTED**  
**This day of 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, July 09, 2024.

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

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 PM POLICY SESSION  
July 9, 2024

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Mayor Mark Shepherd, Councilmember Nike Peterson, Councilmember Kareece Thompson, Councilmember Megan Ratchford, Councilmember Dakota Wurth

ABSENT: Councilmember Tim Roper

STAFF PRESENT: City Clerk Nancy Dean, Deputy City Recorder Chersty Titensor, City Manager JJ Allen, City Attorney Stuart Williams, Community Services Deputy Director Curtis Dickson, Finance Manager Rich Knapp, Communications Manager Shaundra Rushton

VISITORS: Sam Bartling – ACME Pro Pyrotechnics, Kathryn Murray

Mayor Shepherd called the meeting to order at 7:07 p.m.

Councilmember Ratchford led the opening ceremonies.

**APPROVAL OF MINUTES**

April 30, 2024 – work session  
June 11, 2024 – work session

**Councilmember Thompson moved to approve the April 30, 2024 work session minutes and the June 11, 2024 work session minutes, seconded by Councilmember Peterson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

**OPEN COMMENT PERIOD**

Mayor Shepherd introduced the Council to Sam Bartling and told them he had been in charge of the fireworks for the recent 4<sup>th</sup> of July celebration and was the newest councilmember for Sunset City.

Mr. Bartling expressed his appreciation for the City and recognized Curtis Dickson and Benji Frye for their help. He said it was a pleasure to work with the City. He thought the comments

were positive and hoped the Council enjoyed the show.

**APPROVAL OF RESOLUTION 2024R-14 SUBMITTING AN OPINION QUESTION TO CLEARFIELD VOTERS REGARDING THE IMPOSITION OF A LOCAL SALES AND USE TAX TO ASSIST IN FUNDING ITEMS RELATED TO PARKS, ARTS, RECREATION, AQUATICS, AND/OR TRAILS (PARAT)**

Nancy Dean, City Recorder, explained that the City had received notice from Davis County that they would not be pursuing the local option sales tax and so the process to move forward could get started. She said if the resolution was approved, the information would be forwarded to the County and then start the process would begin to inform residents of the opportunity to submit arguments for and against.

**Councilmember Wurth moved to approve Resolution 2024R-14 submitting an opinion question to Clearfield voters regarding the imposition of a local sales and use tax to assisting in funding items related to Parks, Arts, Recreation, Aquatics, and/or Trail and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

**COMMUNICATION ITEMS**

**MAYOR'S REPORT**

***Mayor Mark Shepherd***

- He expressed condolences to the family of Richard Hendrickson in light of his sudden passing.
- He expressed appreciation for all City Staff that had worked during all the 4<sup>th</sup> of July events.
- He said Colonel Holland and General Bell loved the 4<sup>th</sup> of July program. He announced that Colonel Holland was leaving Hill AFB and was inducted into the Big Hat group that had been started in the 1940's by the Weber Chamber of Commerce but now run by TOUMAC. Mayor Shepherd spoke of Colonel Holland's many accomplishments.
- He announced the change of command ceremony for the 388<sup>th</sup> FW.
- He expressed his appreciation to the Peterson family for their attention to detail and hard work for the two parade floats. He was amazed at the work that went into creating the floats. Hats off to the Peterson family. He thanked them for the last 9 years of float making and informed the Council that Councilmember Peterson had submitted her resignation from float creation in the future.

**CITY COUNCIL'S REPORTS**

***Councilmember Peterson***

- She echoed Mayor's sentiment of the 4<sup>th</sup> of July. She said it was fun to show off the City to family from out of state.

- She expressed her appreciation to the public works employees for their help and consideration during the parade float preparations.
- She said Wasatch Integrated was moving ahead and was working with Staff to decide on the City's program.

***Councilmember Thompson***

- Nothing to report.

***Councilmember Ratchford***

- She thought the 4<sup>th</sup> of July felt different this year. She thought the culture of the City being created was inspiring.
- She gave an update to the North Davis Fire District and said the hose cutting would be scheduled for the 29<sup>th</sup> or 30<sup>th</sup>.

***Councilmember Wurth***

- He echoed sentiments expressed about the 4<sup>th</sup> of July and said being a part of it was fantastic. He received great feedback. He expressed his appreciation to Councilmember Peterson and her family for their work. He said the Youth Commission really appreciated the cool tank.

**CITY MANAGER'S REPORT**

***JJ Allen, City Manager***

- He echoed all that had been said of the 4<sup>th</sup> of July events. He expressed appreciation to elected officials and all departments and Staff.
- He expressed his condolences to the Hendrickson family and Lifetime family.
- He announced that the new Fire Station 42 was the location of the upcoming Council Retreat on August 23, 2024.
- He publicly thanked Summer Palmer for her more than 14 years of service at Clearfield City. He said this was her last Council meeting and she would be going to South Ogden City. He said there would be a farewell – more details to come.

**STAFF REPORTS**

***Nancy Dean, City Recorder***

- No meetings the rest of July
- Next meeting August 6, 2024 work session.

**Councilmember Thompson moved to adjourn the policy session and reconvene in work session at 7:33 p.m., seconded by Councilmember Wurth.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth

NO: None

ABSENT: Councilmember Roper

**APPROVED AND ADOPTED**  
**This day of 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, July 09, 2024.

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

**DRAFT**

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 PM WORK SESSION  
July 30, 2024

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Nike Peterson, Councilmember Tim Roper, Councilmember Megan Ratchford, Mayor Mark Shepherd, Councilmember Dakota Wurth

ABSENT: Councilmember Karece Thompson

STAFF PRESENT: Community & Economic Development Director Spencer Brimley, Community Services Director Eric Howes, City Attorney Stuart Williams, Police Chief Kelly Bennett, City Manager JJ Allen, Public Works Director Adam Favero, Finance Manager Rich Knapp, Senior Accountant Lee Naylor, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

NEW NATIONAL OPIOID SETTLEMENT WITH KROGER CO. (SMITH'S GROCERY IN UTAH)

Stuart Williams, City Attorney, said the City had previously signed a similar settlement agreement on the National level. This proposed agreement was another that was coming to Utah for a different entity. The State will receive all settlement money.

DISCUSSION OF AN AMENDMENT TO THE LAKESIDE APARTMENTS DEVELOPMENT AGREEMENT

Spencer Brimley, Community & Economic Development Director, said the request was for an amendment to the Development Agreement for Lakeside Apartments. Chuck Cowley had reached out to request a change in the language for successors but did not change any other elements of the Development Agreement. It did not change anything in the project other than giving the ability to assign within their organization appropriately for them to move forward with the project. He said the red lines in the amendment were suggestions from the Planning Commission which were minor changes.

Mayor Shepherd said the developer's plan set was completely done. Mr. Brimley said the developer had just resubmitted for final land use approval. Mayor Shepherd said they were wrapping up their money and were hoping to break ground by the end of the year. He told the Council that he had given their money man a tour of the City. Councilmember Ratchford asked if he had expressed any concerns. Mayor Shepherd said his only concern was getting retail in the main level space.

## DISCUSSION TO AUTHORIZE A RESOLUTION FOR 2024 UTAH STATE INFRASTRUCTURE BANK LOAN

Rich Knapp, Finance Manager, explained a resolution was needed as the next phase in obtaining the State Infrastructure Bank Loan. The resolution was written as if it were worst case scenarios. The resolution said they were borrowing \$11M, but would likely be \$9.5M, it stated 4% but the interest rate would be closer to 3.59%. The term was stated as 30 years, but it would be 15 years instead. It was presented worse case parameters. He explained the money was for the water/sewer projects and covered costs of issuance. He said the resolution would be presented at the August 13, 2024 policy session because the next meeting with the State for loan approval was August 16, 2024. He said they would have to wait for a 30-day period to notice the intent. He said the debt service was approximately \$800k.

## DISCUSSION ON PROPOSED FY25 BUDGET CHANGES

Rich Knapp, Finance Manager, reviewed the proposed changes to the Tentative Budget. He explained the increases in bank and software fees but explained that the interest earnings at the bank had increased even more. He said the Express Bill Pay Service fees increased and Staff needed to update the numbers since more data was available. Councilmember Peterson asked about the Public Defender contractor and thought it had been a flat fee. Stuart Williams, City Attorney, the contract was a per case fee and had not changed, but more cases were being assigned to them.

Mr. Knapp said most of the changes were because the City was pursuing Truth in Taxation, which delayed the finalization of the Budget. The delay allowed more expense information to be included. He said the rates for natural gas had increased. Previously he had not been sure how to project it until they had gotten more data. A new line item added to the budget was an increase to the Facilities budget. JJ Allen, City Manager, explained that now that the Facilities department was fully staffed, they felt they could have a rotating stand-by person, designated for a week at a time. Eric Howes, Community Services Director, said it gave employees some stability knowing when they were responsible so they could make plans outside of work. Councilmember Peterson said she appreciated there was compensation for that coverage. Mr. Allen said they had been doing it with Public Works and Parks and found it successful.

Mr. Knapp pointed out an addition to the budget for a trailer for the Police Department and explained there had been a miscommunication and money had been removed and it should not have been. Kelly Bennett, Police Chief, said the trailer allowed them to load all equipment in the trailer when called to a crime scene. Mr. Knapp pointed out the non-cash charges for Internal Water had increased due to the increase in water rates. He pointed out the increase for Sewer – Misc Services from North Davis Sewer District and explained it was a high number, but it would be offset by revenues. He said it was just the pass-through portion and not the portion that the City charged for sewer and used for projects. He said it was the North Davis portion only and increased to \$3,350,000 because it had not been updated for growth.

Mr. Knapp reviewed the increase to the Risk Management budget item which was due to rate increases for automobile coverage and the additional active shooter coverage. He indicated that

most of the increase was in the General Fund. Councilmember Ratchford asked for the reason for the increase. Mr. Knapp explained most of the increase was due to the cost of replacement for automobiles.

Mr. Knapp showed the items that had not been completed in the FY24 budget that were rolled over into 2025. He reviewed the Park projects and explained that due to a project that came in under budget, had reallocated funds from that budget for other projects. He said the net effect was zero. Mr. Howes explained that the Slide Project at the Aquatic Center had been bid at a higher amount, but then actual cost came in lower than anticipated.

Mr. Knapp showed the effect of the proposed changes on the Measure of Sustainability which had reduced He explained he would be communicating the available General Fund cash by the end of FY25 was 18% of revenues and 66 days of operating expenses.

**Councilmember Wurth moved to adjourn and reconvene as the Community Development and Renewal Agency at 6:23 p.m., seconded by Councilmember Peterson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Wurth, Councilmember Peterson, Councilmember Ratchford, Councilmember Roper

NO: None

ABSENT: Councilmember Thompson

*\*\*The minutes for the CDRA are in a separate location\*\**

**APPROVED AND ADOPTED**  
**This day of 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, July 30, 2024.

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



# STAFF REPORT

**TO:** Mayor Shepherd and City Council Members

**FROM:** Spencer Wayne Brimley, Community Development Director

**MEETING DATE:** August 13, 2024

**SUBJECT:** Public Hearing, Discussion and Possible Action on DA 2024-0601 for an Amendment to the Lakeside Apartments Development Agreement for the proposed mixed-use project to clarify the Development Agreement's permitted successors and assigns. Location: 325-375 South State Street (TIN: 12-003-0283). Parcel Area: 5.85 Acres. Zone: U-C (Urban Core Commerce). (Legislative Action).

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## RECOMMENDED ACTION

Staff recommends that the Clearfield City Council approve the amendment to the Lakeside Apartments Development Agreement ("DA"), DA 2024-0601, and approved the Mayor's signature to any necessary documents.

## DESCRIPTION / BACKGROUND

The applicant, Chuck Cowley, plans to construct a mixed-use project with three (3), six story, mixed use buildings on the north side of a new private street named Waterfront Way. This development will include 296 residential units and approximately 27K square feet of commercial/retail space. The development agreement for this project was executed in February of 2023, and was preceded by the site plan review that was granted approval on December 21, 2022, with conditions. The development team has been finalizing plans to submit for and obtain final land use approval. They are also preparing final plans for permit submission. During this preparation the developer discovered an issue that was missed when adopting the DA. This oversight applies to how successors or assigns were provided for in the event the need should arise. The developer is requesting an amendment to the executed DA to address this issue and provide the needed clarity for their team. No other sections, except those shown in the DA amendment and listed below will be impacted as a product of this request.

### **Amendment Request**

The applicant is requesting an amendment to the Development Agreement to clarify its language that provides for successors or assigns of the DA. Below, staff provides the language included in the DA and further provides redlines which detail the requested changes.



## Article 1 - Definitions

### 1.3 Definitions:

- The term "Developer" means Lakeside Development Partners, LLC, or any special purpose LLC, its affiliates, successors or assigns as set forth in Section 4.7

## Article 4 – Miscellaneous Provisions

### 4.7 Successors and Assigns of Developer

- 4.7.1. The rights and responsibilities of Developer hereunder may be assigned in whole or in part, by Developer. Developer shall give the City Notice of any assignment within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party. Developer's assignment of all or any part of the Developer's rights and responsibilities hereunder to any entity not "related" to Developer (as defined by regulations of the Internal Revenue Service in Section 165), shall be subject to the City's approval, which shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, any assignment of Developer's rights hereunder to Lakeside Capital Group, LLC or Property Owner for any purpose will not require City approval in any form.
- 4.7.2 Any assignee of all or any part of Developer's rights and responsibilities under this Agreement shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.
- From the included language you will see all affected sections of the DA that are to be amended have been identified in the document as well.

## **PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS**

Similar to a zoning text amendment, a development agreement changes the standards for a specific development and therefore should be subject to the same level of public participation and public process as an ordinance amendment. Therefore, because this development agreement includes modifications from FBC standards, a public hearing must be held with the Planning Commission and with the City Council as part of the review and approval process of the amendment. Notice has been provided on site as well as circulated in accordance with public noticing requirements. No public comment has been received to date.

## **STAFF CONCLUSION**

Staff concludes that the Clearfield City Council can approve the amendment request regarding the



requested clarification for the successors and assigns within the development agreement. This recommendation is based upon the following findings:

1. The proposed development agreement is consistent with the development standards and process of the Downtown Clearfield Form-Based Code.
2. The proposed development agreement complies with the standards for development agreements outlined in City Code.

#### **CORRESPONDING POLICY PRIORITIES**

- Improving Clearfield's Image, Livability, and Economy

Private development in the City is one way Clearfield improve the very fabric of the community. Allowing for high quality development to be completed, requires changes at times to ensure community partners can also find success. This change allows the project to continue forward without any changes to the way it will look or be developed.

#### **HEDGEHOG SCORE**

N/A

#### **FISCAL IMPACT**

#### **ALTERNATIVES**

1. Move to deny DA 2024-0601
2. Move to table DA 2024-0601

#### **SCHEDULE / TIME CONSTRAINTS**

#### **LIST OF ATTACHMENTS**

- DRAFT Amendment to the Development Agreement

RECORDING REQUESTED BY &  
AFTER RECORDING, RETURN TO:

Clearfield City  
Attn: City Recorder  
55 South State Street  
Clearfield, UT, 84015

With a copy to:

Lakeside Capital Group, LLC  
Attn: Chuck Cowley  
578 Washington Blvd., Suite 1197  
Marina del Rey, CA 90292

Tax Parcel Nos.: 12-003-0306, 12-003-0307

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*(space above for Recorder's use)*

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT**  
**Lakeside Square**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this “**Amendment**”) is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_ 2024 (the “**Amendment Effective Date**”), by and between LAKESIDE DEVELOPMENT PARTNERS, LLC, a Utah limited liability company (“**Developer**”), and CLEARFIELD CITY, a body corporate and politic of the State of Utah (“**City**”). The Developer and City shall at times be referred to herein individually as “**Party**” and collectively as “**Parties**.”

**RECITALS**

A. City and Developer entered into that certain Development Agreement approved by the City Council on February 21, 2023, as Ordinance No. 2022-25, which Development Agreement was recorded on February 27, 2023, as Entry No. 3518962, in the office of the Davis County Recorder (the “**Development Agreement**”).

B. The Development Agreement, as amended, affects certain real property located in Davis County, Utah, as legally described in the original Development Agreement incorporated herein by reference (the “**Property**”).

C. City and the Developers now desire to amend the Development Agreement as provided for herein.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree to amend the Development Agreement as follows:

1. **Recitals; Defined Terms.** The recitals above are hereby incorporated herein by this reference as if fully set forth in this Section. All capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Development Agreement.

2. **Developer.** Section 1.3 of the Development Agreement is replaced in its entirety with the following:

1.3 **Developer**

The term “**Developer**” means Lakeside Development Partners, LLC, ~~or including~~ its affiliates, successors, or assigns as set forth in Section 4.7.

3. **Successors and Assigns.** Section 4.7 of the Development Agreement is replaced in its entirety with the following:

4.7 **Successors and Assigns of Developer**

4.7.1. The rights and responsibilities of Developer hereunder may be assigned in whole or in part, by Developer. Developer shall give the City Notice of any assignment within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party. Developer’s assignment of all or any part of the Developer’s rights and responsibilities hereunder to any entity not “related” to Developer (as defined by regulations of the Internal Revenue Service in Section 165), shall be subject to the City’s approval, which shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, any assignment of Developer’s rights hereunder to Lakeside Capital Group, LLC or Property Owner for any purpose will not require City approval in any form.

4.7.2 Any assignee of all or any part of Developer’s rights and responsibilities under this Agreement shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

4. **Confirmation.** Except as amended and revised by this Amendment, all terms and conditions in the Development Agreement remain unchanged and in full force and effect. In the event of any conflict between the terms of this Amendment and the Development Agreement, this Amendment shall control. This Amendment may be executed in counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, Developer and City have executed this Amendment as of the Amendment Effective Date.

*[Signatures and Acknowledgements Follow]*

**DEVELOPER:**

LAKESIDE DEVELOPMENT PARTNERS, LLC,  
a Utah limited liability company

By: \_\_\_\_\_  
Name: Charles F. Cowley III  
Its: Authorized Signatory

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2024,  
by Charles F. Cowley III as Authorized Signatory of LAKESIDE DEVELOPMENT PARTNERS, LLC, a  
Utah limited liability company.

---

## Notary Public

CITY:

CLEARFIELD CITY,  
a body corporate and politic of the State of Utah

By: \_\_\_\_\_  
Name: Karece Thompson \_\_\_\_\_

Its: Mayor Pro Tempore \_\_\_\_\_

STATE OF UTAH )  
 ) ss.  
COUNTY OF DAVIS )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2024, by Karece Thompson as Mayor Pro Tempore of CLEARFIELD CITY, a body corporate and politic of the State of Utah.

---

## Notary Public

Attest:

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Nancy Dean, City Recorder

Approved as to form:

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## City Attorney



# STAFF REPORT

**TO:** Mayor Shepherd and City Council Members

**FROM:** Rich Knapp, Chief Finance Officer

**MEETING DATE:** August 13, 2024

**SUBJECT:** Inter-fund Transfers FY25 Budget

## **RECOMMENDED ACTION**

Staff recommends that the Mayor and City Council hold a public hearing, in accordance with Utah State Code, to receive public comments on the proposed interfund transfers for Fiscal Year 2025.

## **DESCRIPTION / BACKGROUND**

Staff is requesting the below listed transfer of funds:

| <b>Operational Costs Funds Transfer</b> |  |
|---|--|
| <b>Enterprise Account</b>               | <b>Proposed Transfer to General Fund</b> |
| Utility Adm. Fund                       | \$140,035                                |
| Water Fund                              | \$359,186                                |
| Sewer Fund                              | \$382,075                                |
| Storm Water Fund                        | \$231,168                                |
| Solid Waste Fund                        | \$ 45,858                                |

*Basis of Transfer:* The proposed transfer of Enterprise Funds to the General Fund reimburses the General Fund for the costs of providing essential services to each individual fund.

| <b>Water Usage Funds/Resource Transfer</b> |  |
|--|--|
| <b>Enterprise Account</b>                  | <b>Proposed Value of Resource Transfer</b> |
| Water Fund                                 | \$120,000                                  |
|  |  |
|  |  |
|  |  |

*Basis of Transfer:* The above proposed transfer recognizes water used by the City's general operations for which the City's Water Fund was not compensated.

Pursuant to Utah Code Ann. § 10-5-107 and § 10-6-135, the City will hold a public hearing for each of the above described interfund transfers. The purpose of this hearing is to receive public comments on the transfer of monies from various Enterprise Funds to the City's General Fund, as well as the transfer of resources from the Water Fund to the City's General Fund.

As required by law, the City has complied with the applicable notice requirements, including:

- a. A notice was sent out in the August utility bill, and
- b. A follow up notice that the public hearing took place will be included in the September utility bill.

## **CORRESPONDING POLICY PRIORITIES**

- Providing Quality Municipal Services

This public hearing and noticing provides quality municipal services by increasing fiscal transparency. The proposed transfers demonstrate fiscal responsibility by properly accounting for costs by the services provided.

## **HEDGEHOG SCORE**

Legally Required

## **FISCAL IMPACT**

The proposed water consumption transfer recognizes the costs incurred by the City for the services provided without affecting net cash. The operational costs transfer reduces resources in the Utility Funds while increasing resources in the General Fund.

## **ALTERNATIVES**

Change the budget.

## **SCHEDULE / TIME CONSTRAINTS**

The final budget must be approved by August 31, 2023.

## **LIST OF ATTACHMENTS**



# STAFF REPORT

**TO:** Mayor Shepherd and City Council Members

**FROM:** Rich Knapp, Chief Finance Officer

**MEETING DATE:** July 30, 2024

**SUBJECT:** Authorizing Resolution for 2024 Utah State Infrastructure Bank Loan

---

## **RECOMMENDED ACTION**

Work session discussion only.

## **DESCRIPTION / BACKGROUND**

In 2021, we completed a Utility Rate Study that projected future costs and outlined the necessary revenues to cover those costs. However, all costs have since risen beyond the study's projections. The most significant increases have been in the cost of large projects essential for system maintenance. Additionally, Weber Basin Water has raised their water charges to the city, and these rates are expected to continue rising for at least the next three years, exceeding our original utility rate study projections.

During the April 30th work session, we debated several scenarios and settled on a plan of action. This plan involves proceeding with most of the planned projects and covering the costs through increased rates and financing while maintaining adequate cash reserves.

On May 21, we reviewed several financing options to fund water and sewer projects, and the SIB loan emerged as the preferred option.

## **Authorizing Resolution**

This resolution will initiate the process to borrow from the State Infrastructure Loan (SIB). The parameters are broad to cover various possibilities, which is why the amount, term, and interest rate might appear higher than previously discussed and are listed as "not to exceed" amounts. These parameters represent a "worst-case scenario." We plan to borrow approximately \$9.5 million with an anticipated interest rate of 3.59% over a 15-year term.

The purposes of this loan are as follows:

- Finance water and sewer projects identified in the capital facilities plan and clarified in discussions with the Mayor and Council.
- Maintain adequate cash reserves.
- Cover the cost of issuance.

Approval of this resolution is scheduled for the August 13 meeting. The City will provide notice of this loan and allow a thirty-day period for any person to contest.

#### **CORRESPONDING POLICY PRIORITIES**

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

#### **HEDGEHOG SCORE**

This resolution is legally required to issue debt.

#### **FISCAL IMPACT**

The exact loan amount and payment schedule will be finalized before the loan is issued. The annual debt service is estimated to be \$800,000.

#### **ALTERNATIVES**

Delay or stop water and sewer projects.

#### **SCHEDULE / TIME CONSTRAINTS**

The next SIB Committee meeting is on August 16. We aim to have this resolution completed and available for consideration at that meeting.

#### **LIST OF ATTACHMENTS**

- Resolution
- We do not have a loan contract/agreement with SIB, but hope to soon.

# CLEARFIELD CITY RESOLUTION 2024R-16

## A RESOLUTION AUTHORIZING AN INFRASTRUCTURE LOAN IN AN AMOUNT NOT TO EXCEED \$11,000,000 FOR WATER AND SEWER PROJECTS.

WHEREAS, Clearfield City, Utah (the “*City*”), a municipal corporation and political subdivision of the State of Utah considers it necessary and desirable and for the benefit of the City to enter into a loan for the purpose of (a) paying all or part of the costs of the acquisition, construction and improvement of its water and sewer systems (the “*Project*”), and (b) paying the costs incurred in connection with obtaining the loan pursuant to authority contained in the Transportation Finances Act, Chapter 2 of Title 72 (the “*Act*”), Utah Code Annotated 1953, as amended (the “*Utah Code*”), and other applicable provisions of law;

WHEREAS, for the purposes set forth above, the City has determined (a) to enter into a loan in an amount not to exceed \$11,000,000 (the “*Loan*”), and (b) to use the Loan for the Project;

WHEREAS, in the opinion of the City Council, it is in the best interests of the City partner with the State Infrastructure Bank for such Loan and enter into such terms and conditions as will be set forth in a loan agreement or contract, a form of which is included here as *Exhibit A*;

WHEREAS, the Act requires the City to publish a notice of its intention to obtain an infrastructure loan at least once in accordance with Section 11-14-316 of the Utah Code (the “*Notice*”), the City desires to cause the publication of such Notice at this time in compliance with the Act and in accordance with said section, a form of which is included here as *Exhibit B*;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Clearfield City, Utah, as follows:

*Section 1. Obtaining a Loan.* (a) For the purposes set forth above, it is hereby authorized and directed that staff enter into a Loan in an amount not to exceed \$11,000,000.

(b) The form of the Loan will be set forth in a loan agreement or contract agreeable to the City and is hereby approved.

(c) The Loan shall be a special obligation of the City, payable from legally available water and sewer revenues as and if received by the City. The Loan shall not be secured by either the faith and credit nor the ad valorem taxing or appropriation power of the State or any political subdivision thereof, including the City. The Loan shall not constitute a general obligation of the City or any other entity or body, municipal, state or otherwise.

*Section 2. Loan Details.* (a) The Loan shall mature in the year and in the amount, and shall bear interest at the rate per annum and commencing on the dates, all as provided in a loan agreement or contract entered into by the City and the State Infrastructure Bank.

(b) There is hereby delegated to the City Manager and Finance Director (*the "City Staff"*), the power to determine and finalize the following with respect to the Loan and City Staff are hereby authorized to make such determinations and finalizations:

- (i) the principal amount of the Loan necessary to accomplish the purpose of the Project set forth in the recitals hereto; *provided* that the amount of the Loan shall not exceed \$11,000,000;
- (ii) the maturity date or dates and principal amount of each maturity of the Loan; *provided, however*, that the Loan will mature in less than 30 years from the date entered into;
- (iii) the interest rate on the Loan and the date on which payment of such interest commences, *provided, however*, that the interest rate shall not exceed 4.00%;
- (iv) the prepayment terms, if any apply;
- (v) the use of the proceeds of the Loan; and
- (vi) any other provisions deemed advisable by them not materially in conflict with the provisions of this resolution.

After determinations as provided above are made, the City shall execute a loan agreement or contract containing such terms and provisions of the Loan, which execution shall be conclusive evidence of the action or determination of the City as to the matters stated therein. The provisions of the loan agreement or contract shall be deemed to be incorporated in this Resolution.

*Section 3. Taxable Loan.* The Loan is a taxable loan and exempt of federal laws relating to tax-exempt obligations and other provisions of federal securities laws.

*Section 4. Other Actions With Respect to the Loan.* The City Staff shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transaction contemplated hereby and shall take all action necessary in conformity with the Act to carry out the execution of the Loan, including, without limitation, the execution and delivery of any forms or other documents required to be delivered in connection with the Loan. Without limiting the generality of the foregoing, the officers and employees of the City are authorized and directed to take such action as shall be necessary and appropriate.

*Section 5. Prior Acts Ratified, Approved and Confirmed.* All acts of the officers and employees of the City in connection with obtaining the Loan are hereby ratified, approved and confirmed.

*Section 6. Notice.* In accordance with the provisions of Section 11-14-316 of the Utah Code, the City Recorder shall cause the Notice, in substantially the form attached hereto as *Exhibit B*, to be published on the Utah Public Notice Website, the City's official website, and in a public area likely to be seen by residents and as and if required under the Legal notice publication requirements.

For a period of thirty (30) days from and after publication of the Notice, any person in interest shall have the right to contest the legality of this Resolution or the Loan hereby authorized, or any provisions made for the payment of the Loan. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution or the Loan or any provisions made for the payment of the Loan for any cause.

*Section 7. Resolution Irrepealable.* Following the execution and delivery of the loan agreement or contract, this resolution shall be and remain irrepealable until the Loan and the interest thereon shall have been fully paid, cancelled, and discharged.

*Section 8. Severability.* If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

*Section 9. Effective Date.* This resolution shall be effective immediately upon its approval and adoption.

(Signature page follows.)

ADOPTED AND APPROVED by the City Council of the Clearfield City Corporation, Utah, this  
13<sup>th</sup> day of August, 2024.

CLEARFIELD CITY CORPORATION, UTAH

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Mayor

ATTEST:

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City Recorder

**EXHIBIT A**

**[ATTACH FORM OF LOAN AGREEMENT OR CONTRACT]**



## **Loan Agreement State Infrastructure Bank Loan Fund**

**THIS LOAN AGREEMENT** made and entered into on [Date], by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "UDOT", and **City**, a political subdivision of the State of Utah, hereinafter referred to as the "Public Entity."

### **RECITALS**

**WHEREAS**, the Public Entity has applied for an infrastructure loan from the Utah State Infrastructure Bank Fund.

**WHEREAS**, the purpose of this infrastructure loan is to facilitate the construction of a parking structure within the Public Entity jurisdiction.

**WHEREAS**, the Transportation Commission has approved the infrastructure loan application on [DATE] at a loan rate of X.XX%, and a XX year term.

**THIS LOAN AGREEMENT** is made to set out the terms and conditions of UDOT loaning the money from the Transportation Infrastructure Loan Fund to the Public Entity.

### **AGREEMENT**

**NOW THEREFORE**, it is agreed by and between the parties hereto as follows:

1. UDOT will loan the Public Entity \$X,XXX,XXX.00 from the State Infrastructure Bank Loan Fund to enable the Public Entity to finance the construction of the parking structure facilities referenced above within the Public Entity jurisdiction.

2. The Public Entity shall only use funds for transportation projects as described in Utah Code Section 72-2-201.

3. At the end of the transportation project, all unused funds will be applied to the principal amount.

4. The interest rate will be X.XX% with a loan duration of XXXXXXXX years.

5. Public Entity will pay the principal and interest according to Exhibit A, which is incorporated by reference. The Public Entity intends to use funds from project tax increment to pay the loan. The first payment referenced in Exhibit A will be made on or before one year after the date of closing. All subsequent payments will be made on or before April 30 of each year until the loan is paid in full.

6. In the event the Public Entity is 30 days delinquent after a due date as shown in Exhibit A, UDOT shall have the right to pursue the remedies contained in Utah Code Section 72-2-204. UDOT will not issue any more loans to Public Entity while the loan is in default.

7. If Public Entity breaches any terms of this Agreement, UDOT may seek any legal or equitable remedy to obtain compliance or payment of damages. In the event an action is filed in district court, the venue shall be Salt Lake County, Third District Court.

8. Public Entity represents that notice was published of its intention to obtain an infrastructure loan at least once in accordance with the publication of notice requirements under Section 11-14-316; and

adopted an ordinance or resolution authorizing the infrastructure loan in compliance with Utah Code Section 72-2-204(4).

9. Each party to this Agreement shall designate a representative as the contact to address questions and issues as they arise under this agreement.

10. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

11. This Agreement may be executed in counter parts by the parties.

12. Each party represents that it has the authority to enter into this Agreement.

13. This Agreement shall constitute the entire agreement and understanding of the Parties with respect to the subject matter hereof, and shall supersede all offers, negotiations and other agreements with respect thereto. Any amendment to this Agreement must be in writing and executed by an authorized representatives of each party.

This Agreement will become effective when all parties have signed. The effective date of this agreement is the date this Agreement was signed by the last party.

| [PUBLIC ENTITY]                                    |  |      |  | Utah Department of Transportation   |  |      |  |
|--|--|------|--|---|--|------|--|
| By   |  | Date |  | By  |  | Date |  |
|  |  |      |  | Shara Hillier,<br>UDOT Finance Director   |  |      |  |
| By   |  | Date |  | By  |  | Date |  |
|  |  |      |  | Recommended for approval<br>Ivan Hartle, UDOT Director of Financial Programming |  |      |  |
| By   |  | Date |  | By  |  | Date |  |
| Title/Signature of additional official if required |  |      |  | UDOT Comptroller Office   |  |      |  |

## EXHIBIT B

### NOTICE OF INTENT TO OBTAIN A LOAN

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-14-316, Utah Code Annotated 1953, as amended, that on August 13, 2024, the City Council (the “*Council*”) of Clearfield City, Utah (the “*City*”), a municipal corporation and political subdivision of the State of Utah, adopted a resolution (the “*Resolution*”) in which it authorized and approved its intent to obtain and execute a loan (the “*Loan*”) from the State Infrastructure Bank in an amount of not to exceed \$11,000,000 to bear interest at a rate not to exceed 4.00% and to be repaid not more than 30 years from the Loan closing. The Loan will be subject to such terms and conditions as contained in a loan agreement or contract.

Pursuant to the Resolution, the Loan will be used for the purpose of financing all or a portion of the cost of the acquisition, construction and improvement of its water and sewer systems (the “*Project*”) and paying the costs incurred in connection with obtaining the Loan.

The repayment of the Loan will come from legally available water and sewer revenues as and if received by the City. The City has no other obligations outstanding similar to the Loan.

The Loan, if approved and repaid as planned, will cost approximately \$12,451,000.

A copy of the Resolution is on file in the office of the City Recorder at City Hall, 55 South State Street, Clearfield, Utah, where the Resolution may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. The Resolution shall be so available for inspection for a period of at least thirty (30) days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that pursuant to law for a period of thirty (30) days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the Resolution of the City or the Loan authorized or any provisions made for the security and payment of the Loan. After such time, no one shall have any cause of action to contest the regularity, formality or legality of the Resolution, the Loan or the provisions for its security or payment.

DATED 14<sup>th</sup> day of August, 2024.

CLEARFIELD CITY CORPORATION, UTAH

NANCY R. DEAN, CITY RECORDER

# **CLEARFIELD CITY ORDINANCE 2024-14**

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LAKESIDE DEVELOPMENT PARTNERS, LLC FOR THE LAKESIDE SQUARE DEVELOPMENT LOCATED AT APPROXIMATELY 325 THROUGH 375 SOUTH STATE STREET (TIN: 12-003-0283) CLEARFIELD, DAVIS COUNTY, UTAH

**PREAMBLE:** This Ordinance approves an amendment to the development agreement with Lakeside Development Partners, LLC for the Lakeside Square Development located at approximately 325 through 375 South State Street (TIN: 12-003-0283), Clearfield, Davis County, Utah.

WHEREAS, pursuant to an application received by the City's Community Development office, the City Council must consider an amendment to the development agreement with Lakeside Development Partners, LLC for the Lakeside Square Development located at approximately 325 through 375 South State; and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended to the Clearfield City Council that the amendment to the development agreement be approved; and

WHEREAS, following proper notice, as set forth by state law, the City Council held a public hearing on the amendment to the development agreement and allowed for public comment thereon; and

WHEREAS, after the public hearing, the City Council carefully considered any comments made during the public hearing, the developer/landowner's position, as well as the Planning Commission's recommendations regarding the proposed amendment to the development agreement; and

WHEREAS, following its public deliberation, the City Council has determined that the amendment to the development agreement proposed by the Planning Commission are in the best interests of Clearfield City and its residents and will most effectively implement the City's planning efforts while allowing the subject properties to be put to their highest and best use;

NOW THEREFORE BE IT ORDAINED by the Clearfield City Council that:

**Section 1. Development Agreement:** The amendment to the Development Agreement with Lakeside Square Development Partners LLC for the Lakeside Development Project located at approximately 325 through 375 South State Street is hereby approved and attached hereto as Exhibit "A".

**Section 2. Effective Date:** This Ordinance shall become effective its posting in three public places within Clearfield.

Dated this 13<sup>th</sup> day of August, 2024, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

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Mark R. Shepherd, Mayor

ATTEST

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:



# STAFF REPORT

**TO:** Mayor Shepherd and City Council Members

**FROM:** Stuart Williams, City Attorney

**MEETING DATE:** August 6, 2024

**SUBJECT:** New National Opioid Settlement with Kroger Co. (Smith's Grocery in Utah)

## **RECOMMENDED ACTION**

Staff recommends that the city join in the proposed New National Opioid Settlement with Kroger Co. prior to August 12, 2024, and ratify said position in a city council policy session on a date thereafter.

## **DESCRIPTION / BACKGROUND**

The city previously joined a national opioid settlement with all 50 states, Washington D.C., and five U.S. territories as part of a \$26 billion dollar settlement agreement with the nation's three major pharmaceutical distributors — Cardinal, McKesson and AmerisourceBergen — along with Johnson & Johnson, which manufactured and marketed opioids (\$271 million was earmarked for the state of Utah).

This New National Opioid Settlement with Kroger Co. will pay up to \$1.4 billion over 11 years nationally, with up to \$1.2 billion for state and local governments where it operates and \$36 million to Native American tribes. It is anticipated that the proposed settlement will return at least \$44 million to Utah, if all cities and counties participate in the settlement.

It is anticipated that most of the settlement money is to be used to address an overdose epidemic linked to more than 80,000 deaths a year in the U.S. in recent years, with most of the latest deaths connected to illicit synthetic drugs such as fentanyl rather than prescription painkillers. Like the prior national opioid settlement, the settlement funding is not expected to directly reach our city in the way of monetary infusion. Decisions on how settlement funds will be allocated within each state is subject to the intrastate agreements and state statutes, which under the previous similar settlement resulted in the money going to the state and the counties since they are the political entities most responsive in providing the human services.

## **Additional Information:**

Additional information regarding the New National Opioid Settlement with Kroger Co. can be found at: <https://nationalopioidsettlement.com/kroger-co-settlement/>

## **CORRESPONDING POLICY PRIORITIES**

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

## **HEDGEHOG SCORE**

Since the City is not required by law to join the settlement and is not anticipated to benefit directly from the terms of the settlement, a hedgehog analysis was not conducted. However, Staff has determined that there is little to no downside in joining the settlement, which is anticipated to increase the allocation of settlement funding provided to the state and counties.

## **FISCAL IMPACT**

Clearfield City: There is no negative fiscal impact by registering and participating in the National Opioid Settlement. State & Counties: By registering and participating in the National Opioid Settlement, the state and counties may receive a larger portion of the nationwide settlement.

## **ALTERNATIVES**

Subject to alternative direction given by Council, Staff presents the following alternatives:

1. Instruct the Mayor to sign all necessary documents to join in the proposed New National Opioid Settlement with Kroger Co. and schedule a motion to ratify said settlement thereafter.
  - Our next regularly scheduled city council policy session is August 13, 2024. As such, Staff is recommending Alternative #1 due to the August 12, 2024, due date to enter the settlement.
2. Instruct Staff to schedule further discussion regarding the proposed New National Opioid Settlement with Kroger Co. at a work or policy session.
3. Instruct Staff to inform the Utah Attorney General's Office that the city will not be participating in the New National Opioid Settlement with Kroger Co.

## **SCHEDULE / TIME CONSTRAINTS**

The city is required to join the settlement of the New National Opioid Settlement with Kroger Co. by August 12, 2024, or risk delaying or negatively affecting the settlement funding allocated to the state. The need to sign the settlement agreement and ratify said agreement at a subsequent date is the result of the original request for the city's position being filtered into the city's junk email and not discovered until city council policy session scheduling limitations.

## **LIST OF ATTACHMENTS**

- Example New National Opioids Settlement – Kroger Co.

New National Opioids Settlement: Kroger  
Opioids Implementation Administrator  
[opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com)

***TO LOCAL POLITICAL SUBDIVISIONS:***

**THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOIDS SETTLEMENT. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.**

***Deadline: August 12, 2024***

A new proposed national opioids settlement ("New National Opioids Settlement") has been reached with Kroger ("Settling Defendant"). This *Participation Package* is a follow-up communication to the *Notice of National Opioids Settlement* recently received electronically by your subdivision.

You are receiving this *Participation Package* because the State of Utah is participating in the Kroger settlement. Your town, city, or county previously participated in settlements with pharmaceutical manufacturers, distributors, and pharmacy chains.

This electronic envelope contains:

- The *Participation Form* for the Kroger settlement, including a release of any claims.

**The *Participation Form* must be executed, without alteration, and submitted on or before August 12, 2024, in order for your subdivision to be considered for initial participation calculations and payment eligibility.**

Based upon subdivision participation forms received on or before August 12, 2024, the subdivision participation rate will be used to determine whether participation is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

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You are encouraged to discuss the terms and benefits of the *New National Opioids Settlement* with your counsel, your Attorney General's Office, and other contacts within your state. Many states are implementing and allocating funds for this new settlement the same as they did for the prior opioids settlements with McKesson, Cardinal, Cencora (formerly AmerisourceBergen), J&J/Janssen, Teva, Allergan, CVS, Walgreens, and Walmart but states may choose to treat this settlement differently.

Information and documents regarding the *New National Opioids Settlement* and how it is being implemented in your state and how funds will be allocated within your state can be found on the national settlement website at <https://national opioidsettlement.com/>. This website will be supplemented as additional documents are created.

### **How to return signed forms:**

There are three methods for returning the executed *Participation Form* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Form* electronically through DocuSign will return the signed form to the Implementation Administrator and associate your form with your subdivision's records. Electronic signature is the most efficient method for returning the *Participation Form*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning a manually signed *Participation Form* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return an executed *Participation Form* using DocuSign, the signed *Participation Form* may be returned via electronic mail to [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com). Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Form - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Form*, including changing the authorized signer, can be found at <https://national opioidsettlement.com>. You may also contact [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com).

**The sign-on period for subdivisions ends on August 12, 2024.**

If you have any questions about executing the *Participation Form*, please contact your counsel, the Implementation Administrator at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com), or Kevin McLean, Assistant Attorney General, [kmclean@agutah.gov](mailto:kmclean@agutah.gov), 801-440-4680.

Thank you,

New National Opioids Settlement Implementation Administrator

*The Implementation Administrator is retained to provide the settlement notice required by the New National Opioids Settlement and to manage the collection of the Participation Form.*

### **Subdivision Participation and Release Form**

|                       |           |
|-----------------------|-----------|
| Governmental Entity:  | State: UT |
| Authorized Signatory: |           |
| Address 1:            |           |
| Address 2:            |           |
| City, State, Zip:     |           |
| Phone:                |           |
| Email:                |           |

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 (“*Kroger Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National

Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.

11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# CLEARFIELD CITY RESOLUTION 2024R-15

## A RESOLUTION SETTING THE REAL AND PERSONAL PROPERTY TAX RATE FOR FISCAL YEAR 2025

**WHEREAS**, pursuant to Utah Code Ann. § 59-2-919, following an appropriately noticed public hearing, the City Council has determined to adopt the certified tax rate proposed by Davis County for fiscal year 2025;

**Be it resolved** by the City Council of Clearfield City Corporation;

There is hereby adopted and levied a final tax rate on all real property and personal property located within the municipality, which is not otherwise exempted by law, as follows:

|                      |                |
|----------------------|----------------|
| General Purpose Fund | .001209        |
| Interest & Bond Fund | <u>.000000</u> |
| Total Tax Rate       | .001209        |

Dated this 13<sup>th</sup> day of August, 2024.

CLEARFIELD CITY CORPORATION

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Mark R. Shepherd, Mayor

ATTEST

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Nancy R. Dean, City Recorder

### VOTE OF THE COUNCIL

AYE:

NAY:

# **CLEARFIELD CITY ORDINANCE 2024-13**

## **AN ORDINANCE APPROVING AND ADOPTING THE FINAL BUDGET FOR CLEARFIELD CITY FOR FISCAL YEAR 2025, BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025, AND APPROPRIATING FUNDS FOR THE PURPOSES SET FORTH THEREIN**

**WHEREAS**, a tentative budget was presented and adopted by the City Council on May 14, 2024, as required by law; and

**WHEREAS**, pursuant to Utah Code Ann, § 10-3-818 a public hearing was noticed and held on May 14, 2024, to receive public comment on proposed increases to executive salaries; and

**WHEREAS**, pursuant to Utah Code Ann. § 10-6-111 a public hearing was duly noticed and held on August 13, 2024 to review, consider, and adopt the final budget for Fiscal Year 2025 (FY25)

**WHEREAS**, said public hearings were duly held and all persons present to be heard having been heard; and

**WHEREAS**, the creation of the budget is governed by established financial policies and statements; and

**WHEREAS**, the City Council has duly and fully considered the proposed final budget for fiscal year 2025, beginning July 1, 2024 and ending June 30, 2025;

**NOW, THEREFORE**, be it ordained by the City Council of Clearfield that the final Clearfield City fiscal year 2025 budget, a copy of which is attached hereto and incorporated herein by this reference, is approved and adopted with compensation as laid out in the tentative budget.

Dated this 13<sup>th</sup> day of August, 2024.

**CLEARFIELD CITY CORPORATION**

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Mark R. Shepherd, Mayor

ATTEST:

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Nancy R. Dean, City Recorder

## **VOTE OF THE COUNCIL**

AYE:

NAY: