CLEARFIELD CITY COUNCIL MEETING MINUTES
6:30 PM WORK SESSION
November 19, 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 Spencer Brimley, Community Services Director Eric Howes, City Attorney Stuart Williams, Public Works Director Adam Favero, Community Services Deputy Director Curtis Dickson, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor, Utility Superintendent Kenny England, Public Works Deputy Director Braden Felix, Assistant Police Chief Devin Rogers, Attendee Stacy Millgate, Attendee Teresa Allen, Officer Nia Hale, Officer Chris Ferreira

VISITORS: Brett Woodland – Fieldstone Homes

DISCUSSION ON THE RESPONSIBILITY FOR THE HERITAGE EAST DETENTION/RETENTION BASIN

Braden Felix, Deputy Public Works Director, showed a plat of lot 201 in the Heritage East Subdivision, Phase 2, off 1000 West. He explained that as with any development, storm water infrastructure had been installed and the retention basin that was planned to service Phase 1 and 2 was dedicated specifically to lot 201 to be maintained by the owner of said lot. While the storm drain infrastructure would be maintained by the City the maintenance of the lot would be by the owner of lot 201. He pointed out a potential challenge to the owner was that they were required to comply with the State's Low Impact Development (LID) requirements which meant they had a certain amount of water to retain during an 80th percentile storm event, which, in Clearfield City, meant anything in excess of ½-inch would drain out but anything more would have to stay in the basin. He further explained that the soils did not allow for quick percolation which led to standing water.

Brett Woodland, Fieldstone Homes, attended the meeting to convey his company's request for changes in the ownership of the retention basin. He explained the biggest challenge was the standing water in the basin. He said they had tried to find a way to make the lot more usable but with the 80th percentile storm standards which required the retention of the water, as opposed to a retention basin where the water drained out, the water just sat in the basin. To make the lot more appealing to buyers, they had contracted with Ensign Engineering to create an underground water storage system. During that process, Ensign Engineering had communicated

with the City, and were told the City did not want an underground system because it would require specialized knowledge. The plan was then abandoned.

At this point, Fieldstone Homes wished they would have created an HOA to own and maintain the basin. When the recommendation was received from the Planning Commission and Staff saying the City did not want an Homeowners Association (HOA) due to fears of the HOA being disbanded and the retention basin not maintained in the future. He pointed out that it might not be in Heritage East's or the City's best interests to have a private homeowner own and maintain the retention basin when it was not usable for grass. He was concerned about the impact to the City's system if a homeowner did not adequately maintain the basin. He asked the City to take ownership to maintain the retention basin. He explained the developer's perception of advantages to the City to take over ownership, but also recognized disadvantages such as expense and responsibility not planned for by the City. He said the developer had some thoughts of helping with that burden.

Councilmember Peterson appreciated the acknowledgment of the impact to the City. She wanted to know what they wanted the City to consider. Mr. Woodland said the development costs were completed. Their idea was to cordon the basin off from surrounding lots to provide separation. He thought the best way to minimize maintenance costs was to utilize some natural vegetation that could be cut low. He said the developer was willing to contribute an amount of money as a starter fund for maintenance costs in the future. Councilmember Peterson clarified that they were proposing a one-time investment and not an amount in perpetuity. Mr. Woodland confirmed that as correct. Councilmember Peterson appreciated the Staff's recommendation to not have an HOA due to them not faring well historically if there was not an amenity involved. She acknowledged the unique situation, but the recent changes for the amount of water storage was a known factor at the time of development. She understood that the requirements and challenges were known or should have been known at the time of development. She thought it was improper to ask residents and City staff to maintain. She thought the cost should be borne by the neighbors. She did not support the proposal.

Mr. Woodland said he understood that the policy had since changed and that the City required an HOA to own and maintain the basins. Mr. Felix thought there might have been a miscommunication. He explained that they were open to further efforts that try to help the percolation issue or work with the LID requirements. Councilmember Peterson said the policy had been borne from experience and that HOAs historically were not successful when an amenity was not provided. Mayor Shepherd recommended a Special Assessment District which could be handled through property taxes. The Council agreed with that option. Mr. Woodland was skeptical that all homeowners would agree to it. Mr. Woodland said the basin would more than likely be fenced. Councilmember Roper agreed with Councilmember Peterson. Mr. Woodland expressed his appreciation to the City for its consideration.

<u>DISCUSSION ON THE PROPOSED UPDATE TO THE PARKS & RECREATION IMPACT FEE FACILITY PLAN (IFFP) AND CAPITAL FACILITIES PLAN</u>

Eric Howes, Community Services Director, requested that the Council approve updating the Parks & Recreation Impact Fee Facility Plan and Capital Facilities Plan. He explained that the

Capital Facilities Plan outlined what was currently in the system and recommendations for development based on estimated growth. He said the Capital Facilities Plan had originally been completed in 2012 and updated in 2019. He said the IFFP was tied to the CFP and took the service-level recommendations and growth recommendations and then valuations of property to determine what the impact fee could be based on State law and then the Council would set those rates. He said it had been adopted in 2013 at 75% of the recommendation. He said they could use existing impact fees to cover the cost. JJ Allen, City Manager, pointed out that there would be a budget amendment to use impact fees. The Council appeared to have consensus in moving forward.

DISCUSSION REGARDING A REMNANT PORTION OF LAND AT THE NORTHEAST CORNER OF 1000 EAST AND 1450 SOUTH AND THE POSSIBLE INSIGNIFICANCE FINDING

Spencer Brimley, Assistant City Manager, pointed out a remnant piece of property that had little value for development unless it was paired with the adjacent property. He said there was a developer that had expressed interest in buying the remnant piece. He said an appraisal had been completed and returned with a value of approximately $20k. The Council appeared to have consensus to proceed with the process to sell the property. JJ Allen, City Manager, explained that if the property was determined to be insignificant in value, it could be sold without auction. Mr. Brimley said it would be on the agenda for November 26, 2024 for approval.

DISCUSSION TO RECEIVE FEEDBACK ON THE FOURTH OF JULY EVENTS TO PREPARE FOR THE 2025 CELEBRATION

Curtis Dickson, Deputy Community Services Director, showed the estimated number of attendees at the various activities during the 4th of July celebrations. He explained that they were running out of room on the Center Street bridge for the Paint the Bridge activity and that Public Works was looking into what the impact would be if the activity was extended back to 350 West. Mayor Shepherd questioned at what point the City should consider limiting the number of people by selling the stars and the proceeds could go toward a small concession item. He wanted the public to know that the City would not make money from the proceeds. Councilmember Peterson recommended the proceeds could be applied to a donation to Hill Air Force Base. The Council appeared to support if Staff wanted to charge a small fee.

There was a discussion on whether candy should continue to be part of the parade. Councilmember Roper recommended no candy. Mr. Dickson said it was the biggest liability. Councilmember Peterson and Councilmember Thompson thought if there was no candy, residents would be upset.

Mr. Dickson provided tentative dates for 2025 activities.

The Council did not think anything needed to be changed for the 2025 celebration. Mr. Allen asked if the Council wanted to discuss a Beer Garden. There did not appear to be any interest. Councilmember Thompson suggested a BBQ Cook-Off. Mayor Shepherd pointed out that the trees were no longer in the area to provide shade. It was mentioned that in previous years,

activities were provided earlier in the day, but it was so hot that people did not participate. Other alternatives were discussed.

DEPARTMENT UPDATES

NEW PD ASSIGNMENTS
Devin Rogers, Assistant City Manager, informed Council of some new assignments in the Police Department.

VAWA UPDATE
Devin Rogers presented the statistics for domestic violence cases in the City and number of cases with arrests. He said there was an average of 2.2 domestic-violence-related cases per day in Clearfield City. He said approximately 30% of Domestic Violence (DV) cases ended in an arrest.

Mr. Rogers introduced Officer Nia Hale who would be taking over the Violence Against Women Act (VAWA) position. She provided her work experience history. She said the position allowed an investigator to follow up on cases on patrol. She reported on the Lethality Assessment Protocol (LAP) which was a program used by Law Enforcement and Victim Advocacy Groups to identify DV victims who were at a higher risk of being killed or seriously injured by an intimate partner. She pointed out that 151 LAP reports had been completed from June 1, 2023-July 1, 2024. She compared the City's numbers with similar-sized cities.

Mr. Allen asked if the City had a higher frequency of incidents or whether the officers were better trained. Mr. Rogers thought the support for the VAWA program and having a specialized individual in this position helped the department be more effective in training officers. He pointed out that Layton's population was more than double, but Clearfield had a similar number of LAP reports. Officer Chris Ferreira thought their department was better at recognizing domestic violence because of the training and emphasis the department had put on DV cases. Teresa Allen, Victim Advocate, said the City's police department was more effective in completing LAP assessments than other departments. She had compared numbers with Layton City and she thought the follow-through by the Clearfield officers was key because it was not as emphasized in the other police departments. Stuart Williams, City Attorney, said the Clearfield Police Department was completing the LAP reports before it was legally required to be completed, and some agencies were slow to implement because of the increase in workload.

Mayor Shepherd was interested in the comparison between the cities to see if it would help identify preventative efforts. Councilmember Wurth was interested in somehow measuring the number of lethal incidents to determine whether the City being ahead of the curve contributed to a solution rather than turning a blind eye. Mr. Allen provided some clarification to his point by wording it as how many tragedies were prevented by acknowledging they could happen. Mr. Rogers told Council that their intention in providing the numbers was to express appreciation to the Council for their support for the VAWA position. Officer Hale explained the advantage of being able to follow-up with the victims as part of this position. She expressed her appreciation to Council for supporting the VAWA position.

VOCA UPDATE: DAVHA

Teresa Allen, Victim Advocate, provided an update of the Davis Area Victim Housing Assistance (DAVHA) awards. She said since the City started in 2019 it had distributed $280,650.21 through 294 awards. She said VOCA had told them to expect a 20% reduction in awarding for next year. She said there was $36,191 remaining in the current budget. She anticipated having to reduce staff which would mean a reduction in services to victims in the community. Council was interested in knowing the dollar amount for the reduction. She thought it was an approximate $25k reduction. Mr. Williams said he was surprised by the reduction. Ms. Allen said there was an issue with the way money was flowing into the VOCA accounts because of deferred judgments. She said the Senate had made adjustments to the process but had not prevented the reduction. Ms. Allen told them the VOCA fund was Federal money dispersed by the State.

She showed the numbers from the 1st Quarter of 2024-2025. Councilmember Peterson asked if she was getting information out to schools, and churches. Ms. Allen reported that she attended Davis Links which was meant for all resources to come together and connect to each other. She said she was staying connected.

INTERCHANGE LANDSCAPING

Eric Howes, Community Services Director, gave an update of the progress to the landscaping project at the 700 South interchange.

LEAD AND COPPER

Kenny England, Water Superintendent, explained that the EPA required each state to submit an inventory of existing lead and copper material in every water system by October 16, 2024. The City had submitted its inventory. He said anything staff did not have physical eyes on was considered an "unknown." With any "unknown" the City had up to 30 days to notify the resident stating why it was considered "unknown" and that it was not necessarily a positive source, but could not access it to verify. He explained that a property was deemed "unknown" if both sides of the meter pipes were not visible. He said moving forward staff would go out to vacuum out the boxes and make door hangers on the door with the findings. He said he was confident there was not lead in the lines. He reported that a mailer was sent out to approximately 500 residents with "unknown" designation. He said it was a template from the State's website that was adapted with information for Clearfield City. He said they tested every three years for lead and copper and were far below maximum contaminant levels. He said it was almost undetectable. Councilmember Thompson asked if the City created and released a water quality report. Mr. England confirmed that the report was sent out annually and was put on the City's website.

Councilmember Thompson moved to adjourn at 8:04 p.m., seconded by Councilmember Peterson.

RESULT: Passed [4 TO 0]

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

NO: None

ABSENT: Councilmember Ratchford

APPROVED AND ADOPTED
This 28th day of January 2025

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, November 19, 2024.

/s/ Nancy R. Dean, City Recorder