



CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
December 09, 2025 - POLICY MEETING

Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY MEETING

CALL TO ORDER:

Mayor Mark Shepherd

OPENING CEREMONY:

Pledge of Allegiance

Solemn Moment of Reflection

Council Member Thompson

APPROVAL OF MINUTES:

November 18, 2025 – special canvass meeting

PRESENTATIONS:

1. **RECOGNITION OF OUTGOING CITY COUNCIL MEMBER TIM ROPER**

SCHEDULED ITEMS:

2. **OPEN COMMENT PERIOD**

The Open Comment Period provides an opportunity to address the Mayor and City Council regarding concerns or ideas on any topic relevant to city business. 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@clearfieldcityut.gov.

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

3. CONSIDER APPROVAL OF ORDINANCE 2025-26 AMENDING “TITLE 8 – PUBLIC WAYS AND PROPERTY” OF THE CLEARFIELD CITY CODE TO ADD “CHAPTER 7 – PROHIBIT CAMPING ON PUBLIC PROPERTY”

BACKGROUND: The purpose of this Chapter is to establish procedures for the lawful and humane enforcement of ordinances prohibiting unauthorized camping on public property. It is the policy of Clearfield City to protect public safety and health by enforcing restrictions on public camping or habitation while treating all individuals—particularly those experiencing homelessness—with dignity, fairness, and respect. Enforcement actions must be consistent with constitutional rights and directed at conduct, not personal status.

RECOMMENDATION: Approve Ordinance 2025-26 authorizing an amendment to Title 8 – Public Ways and Property” to add “Chapter 7 – Prohibit Camping on Public Property” and authorize the mayor’s signature to any necessary documents.

COMMUNICATION ITEMS:

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

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

Posted on December 5, 2025.

/s/Chersty Titensor, Deputy City Recorder

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’ provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 801-525-2714, giving her 48-hour notice.

The complete public notice is posted on the Utah Public Notice Website - www.utah.gov/pmn/, the Clearfield City Website – ClearfieldCityUT.gov, 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@clearfieldcityut.gov & 801-525-2700.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 PM SPECIAL POLICY MEETING
November 18, 2025

City Building
55 South State Street
Clearfield City, Utah

These meeting minutes were created with the aid of an AI-powered transcription and summarization tool – Otter.ai and ChatGPT. The output was used as a draft and was subject to human review, editing, and fact-checking to ensure accuracy and compliance with city standards before publication. The City Clerk is responsible for the final content of these minutes.

PRESIDING: Mayor Mark Shepherd

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

ABSENT: Councilmember Megan Ratchford

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Spencer Brimley, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Services Director Eric Howes, Public Works Director Adam Favero, Deputy Public Works Director Braden Felix, Community Development Director Stacy Millgate, Planner Tyson Stoddard, Communications Manager Shaundra Rushton, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Danielle King, Susie Petheram

Mayor Mark Shepherd called the meeting to order at 6:15 p.m.

CANVASS THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD ON
NOVEMBER 4, 2025

During the special canvass meeting, the City Recorder, Nancy Dean, presented the official canvass documents to the mayor and city council and reviewed the results of the 2025 Municipal General Election. Ms. Dean reported that Clearfield had 12,276 active registered voters and that 2,756 ballots were cast, resulting in a 22.45% turnout, which she noted was higher than the primary election turnout. She detailed the vote totals, stating that Mark Shepherd received 1,959 votes in the mayoral race and Wallace Clermont received 684. In the city council race, the tallies were: 1,660 votes for Danielle King, 1,455 for Karece Thompson, 1,176 for Timothy Roper, and 711 for Brennan Berry.

Councilmember Peterson arrived at 6:02 p.m.

Ms. Dean also reviewed the 41 ballots that were not counted, explaining that most were untimely (33), while others were excluded due to issues such as already voted by mail but

appeared in person to vote (1), lack of voter identity verification (4), missing signatures (1), signatures did not match (1), or empty envelopes (1). She emphasized ongoing efforts by the city and county to educate voters about ballot deadlines and identification requirements. Ms. Dean described additional election administration details, including ballot-type totals—2,664 by mail, 3 in-person early votes, 85 in-person election day votes, and 4 provisional ballots that were all validated and counted. She also summarized the pre-election and post-election audits, noting that both she and Deputy City Recorder, Chersty Titensor, participated and that audit results confirmed the accuracy of machine tabulation when compared with hand counts .

Following the review, Ms. Dean declared the election results, stating that Mark Shepherd was elected Mayor and that Danielle King and Karece Thompson were elected to the city council. She informed the Council that oath-of-office ceremonies were planned for January 5 at 6:00 p.m. She then requested that the council accept the canvass report and certify the results.

Councilmember Wurth moved to verify the official General Election results certifying that Mark R. Shepherd was elected as Mayor, and Danielle King and Karece Thompson were elected as members of the City council each for four-year terms and authorized the City Recorder to report those results to the Lieutenant Governor's office, seconded by Councilmember Thompson.

RESULT: Passed [4 TO 0]

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

NO: None

ABSENT: Councilmember Megan Ratchford

Councilmember Thompson moved to adjourn and reconvene in a work meeting at 6:08 p.m., seconded by Councilmember Peterson.

RESULT: Passed [4 TO 0]

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

NO: None

ABSENT: Councilmember Megan Ratchford

**APPROVED AND ADOPTED
This day of 2025**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, November 18, 2025.

/s/ Nancy R. Dean, City Recorder

DRAFT



STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Kelly Bennett, Police Chief
Stuart Williams, City Attorney

MEETING DATE: December 9, 2025

SUBJECT: Consider the Adoption of Ordinance 2025-26 to Prohibit Camping on Public Property

RECOMMENDED ACTION

Staff recommends the approval of Ordinance 2025-26 to amend Title 8 – Public Ways and Property of the Clearfield City Code to add Chapter 7 - Prohibit Camping on Public Property.

PURPOSE OF PROPOSED ORDINANCE

The following language is the “Purpose” of the proposed ordinance and will be included in the ordinance itself.

The purpose of this Chapter is to establish procedures for the lawful and humane enforcement of ordinances prohibiting unauthorized camping on public property. It is the policy of Clearfield City to protect public safety and health by enforcing restrictions on public camping or habitation while treating all individuals—particularly those experiencing homelessness—with dignity, fairness, and respect. Enforcement actions must be consistent with constitutional rights and directed at conduct, not personal status.


The proposed ordinance will prohibit camping on public property and establish clear guidelines for enforcement and the removal of property. Research was conducted and a model ordinance was drafted after reviewing multiple ordinances from other municipalities, both local and international, and after careful legal review. While many cities include simple provisions addressing prohibited acts in parks, staff believe a more detailed ordinance provides clearer direction and better reflects the City’s commitment to treating all people with dignity and respect.

Staff believe the proposed ordinance is consistent with state and federal law and provides the necessary framework to ensure enforcement is fair, lawful, and compassionate.

CURRENT AND ANTICIPATED FUTURE GROWTH OF HOMELESS POPULATION IN CLEARFIELD CITY

A. Current Law Enforcement Impact

Since January of 2024, the Clearfield Police Department has observed an increase in what appear to be homeless individuals along the Main Street and State Street corridors, as well as in city parks and



trail systems. In response to this observation, the department created a circumstance code in June 2024 to track police contacts involving potentially homeless individuals. The officer classified the person as “homeless” only after receiving information from the person that indicated they did not have permanent housing or by viewing evidence that the individual was residing in the area (tent, cardboard bedding, makeshift shelter, etc.). Since June 2024, the department responded to 135 incidents involving individuals experiencing homelessness—located in city parks, trails, or businesses adjacent to the trail system. After careful review of the 135 incidents that identified individuals experiencing homelessness, 37 of those incidents include evidence that would support a determination that an individual was camping in city parks and trails, in either a vehicle, tent, or in the playgrounds.

B. Davis County Warming Shelter

In the winter of 2024/2025, the Davis County Warming Shelter was rotated throughout Davis County. However, staff have been alerted that for the winter of 2025/2026 and moving forward, Davis County is exploring the option of utilizing a Davis County building located within the city and creating a single and permanent Davis County Warming Shelter. Staff believe that the decision of Davis County to locate a single warming shelter within the city will result in an increase in individuals experiencing homelessness in the city.

C. Potential Future Homeless Shelter, Permanent Supportive Housing, or other Homeless Service Industries within or near Clearfield City


Staff have been made aware that Davis County is exploring the option and considering locating a Homeless Shelter or Permanent Supportive Housing location within the city. Regardless of the type of program, or if such a program is located within or near the city, staff believes that given our state’s dire shortage of affordable housing, the existing current resources located with the city, and our access to public transportation, it is expected that the total number of individuals experiencing homelessness in the City will increase significantly in the near future.

LEGAL AUTHORITY IN SUPPORT OF AN ORDINANCE THAT PROHIBITS CAMPING

A. Caselaw Granting Local Authority

The controlling case on this topic is a United States Supreme Court case from June 2024, titled *Grants Pass v. Johnson (Grants Pass)*. In *Grants Pass*, the Supreme Court held in favor of preserving local control and upholding local ordinances regulating camping on public property. Specifically, the Supreme Court held that the 8th Amendment’s “Cruel and Unusual Punishment Clause” does not prohibit the enforcement of generally applicable laws regulating camping on public property.

The decision of the Supreme Court highlighted the complexities of the homeless crisis and overruled a previous lower court decision in *Martin v. Boise (Martin)* that addressed the same issue, which had




taken, as the Supreme Court states, “one of [the] tools [needed to address homelessness] off the table.” While the facts in *Grants Pass* center around an ordinance that prohibited sleeping on public property, the legal question clearly included the questioning local authority. As such, the State of Utah, the National League of Cities and the Local Government Legal Center, the Utah League of Cities and Towns, and the International Municipal Attorneys Association either signed on or drafted and submitted their own amicus briefs in support of the City of Grants Pass and provided specific examples of how *Martin* impeded the ability of many local governments to explore local solutions aimed at addressing homelessness within their communities.

In the *Martin* case that took place five years previously, the 9th Circuit Court held that an ordinance in Boise, Idaho that “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter” is a violation of the 8th Amendment. Because of the ruling in *Martin*, local governments in the 9th Circuit were unable to enforce public-camping ordinances against individuals experiencing homelessness that lacked “access to alternative shelter.” The ruling in *Martin* made it very difficult for cities to persuade individuals experiencing homelessness into services, and instead, as Justice Gorsuch authored, resulted in individuals citing the *Martin* case “as their justification to permanently occupy and blocking public sidewalks.”

After the *Martin* decision, the City of Grants Pass (population 38k) passed several ordinances related to the regulation of sleeping outside and amended its camping ordinance to make it clear that the involuntary act of sleeping in a park was not prohibited, but that “camping,” which was defined as sleeping with any bedding/shelter is prohibited. Shortly thereafter, the City of Grants Pass was named in a class action lawsuit on behalf of those that are “involuntarily homeless,” arguing the ordinances adopted by the City of Grants Pass were unconstitutional under the 8th Amendment’s Cruel and Unusual Punishment Clause.

The 9th Circuit affirmed the lower court’s holding that “the anti-camping ordinances violated the Cruel and Unusual Punishment Clause to the extent they prohibited homeless individuals from ‘taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available.’” This ruling pointed out that the City of Grants Pass had four temporary shelters, but the court stated that none were “adequate” for their homeless population.

In *Grants Pass*, the Supreme Court issued in an opinion (vote was 6-3) reversing the 9th Circuit’s ruling and stressed that the “cruel and unusual punishment” clause under the 8th Amendment has primarily been applied to legal issues relating to the methods of punishment and not whether a certain conduct can be criminalized. Specially, the Supreme Court order stated that the fines and criminal penalties that are associated ordinances adopted by the City of Grants Pass do not qualify as “cruel and unusual punishment.” The decision rationalized that the 8th Amendment “does not authorize federal judges...



to dictate this Nation’s homelessness policy” and that the “task of determining homelessness policy should rather belong to America’s people.”

In the Supreme Court’s ruling, the Court noted “these public-camping regulations are not usually deployed as a front-line response to criminalize homelessness. Instead, they are used to provide [local government] employees with the legal authority to address encampments that pose significant health and safety risks and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental-health facilities.”


B. Relevant Findings of The United States Supreme Court Regarding the Homeless Crisis in the United States and its Impact on Local Municipalities.

In making its decision in *Grants* pass, the Supreme Court found a number of facts regarding the homelessness crisis affecting the United States at this time, which are as follows:

- The number of homeless individuals in the United States has grown to the highest levels ever seen since records were first taken to track homelessness rates.
- The growing number of homeless individuals causes a corresponding increase in homeless encampments, where homeless individuals will "coalesce in these encampments for a range of reasons.
- Homeless encampments in turn become a center of gravity for criminal behavior perpetrated both against the homeless and by the homeless.
- The City of Seattle, Washington, estimates that approximately 40 percent of shooting-related crimes were linked to homeless encampments.
- Homeless encampments give rise to public health hazards such as the spread of disease, owing to a lack of facilities which would support sanitation.
- Cities have seen typhus, shigella, and trench fever reemerge on their streets in areas where homeless camps are found.
- Homelessness disproportionately affects western states, with the highest rates of homelessness found in California, Oregon, Arizona and Nevada.

CORRESPONDING POLICY PRIORITY (IES)

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



The adoption of the proposed ordinance will enhance the city's image, livability, and economic vitality. Staff is hopeful that the proposed ordinance can result in a reduction of the negative impact homelessness may have on the health, safety, and welfare of our municipality, as articulated by the United States Supreme Court. Further, staff believes that the City's image and livability is strengthened through beautification, community pride, investment, and the city's ability to continue to provide clean and welcoming parks, high-quality arts, recreation, community events, and a continued level of professional public safety.

FISCAL IMPACT

- Immediate Fiscal Impact: There is no immediate negative fiscal impact of adopting the proposed ordinance.
- Potential Future Impact: Although not anticipated to be significant, there is a potential future negative fiscal impact related to the costs associated with the removal and maintaining of property if the proposed ordinance is adopted.

ALTERNATIVES

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

1. Council may adopt the proposed ordinance to Prohibited Camping on Public Property, as attached.
2. Council may adopt the proposed ordinance to Prohibited Camping on Public Property, with specific proposed edits to the attached draft ordinance.
3. Council may not adopt the proposed ordinance to Prohibited Camping on Public Property, as attached or modified.
4. Council may provide staff with alternative directions.

SCHEDULE / TIME CONSTRAINTS

n/a

LIST OF ATTACHMENTS

- Ordinance 2025-26
- Power Point Presentation



Prohibited Camping on Public Property

Research

- *Provo City*
- *Salt Lake City*
- *South Salt Lake City*
- *West Jordan City*
- *Clearfield City*

Purpose

- *Lawful and humane enforcement of ordinance*
- *Priority – protect public safety and health*
- *Treating all individuals with DIGNITY, FAIRNESS, and RESPECT.*
- *Consistent with constitutional rights and directed at conduct, not PERSONAL STATUS.*

Law Enforcement Impact

- *January 2024 increase in homelessness*
- *June 2024 – tracking homelessness calls or contact with those experiencing homelessness*
- *June 2024 – current 135 incidents at or near public property / 37 camping in city parks and/or trails (vehicle, tent, or playgrounds)*



Law Enforcement Response



650 N, I-15

Center & State / Main


Bicentennial Park

Tower Park / Clearfield Station

800 E Antelope (Overpass)

Legal Authority

- *Grants Pass v. Johnson*
- *Martin v. Boise*



“these public-camping regulations are not usually deployed as a front-line response to criminalize homelessness. Instead, they are used to provide [local government] employees with the legal authority to address encampments that pose significant health and safety risks and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental-health facilities.”

Training

- *Mental Health Officer*
- *Homeless Liaison*
- *Training department*
- *Resources*
- *Continual assessment of enforcement*

CLEARFIELD CITY ORDINANCE 2025-26

AN ORDINANCE AMENDING TITLE 8 – PUBLIC WAYS AND PROPERTY OF THE CLEARFIELD CITY CODE TO ADD CHAPTER 7 – PROHIBITED CAMPING ON PUBLIC PROPERTY

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 8 – Public Ways and Property is hereby amended to add Chapter 7 – Prohibited Camping on Public Property and will read as follows:

8-7-1: PURPOSE

- A. The purpose of this Chapter is to establish procedures for the lawful and humane enforcement of ordinances prohibiting unauthorized camping on public property. It is the policy of Clearfield City to protect public safety and health by enforcing restrictions on public camping or habitation, while treating all individuals particularly those experiencing homelessness with dignity, fairness, and respect. Enforcement actions must be consistent with constitutional rights and directed at conduct, not personal status.

8-7-2: DEFINITIONS

CAMP or CAMPING: The use of public property for sleeping, residing, or lodging using tents, bedding, tarps, vehicles, or other shelter, with the intent of remaining in or at a campsite.

CAMPSITE: Any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is established, or maintained for the purpose of maintaining a place to dwell or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.

CODE BLUE WEATHER EVENT: A weather event between October 15th and April 30th in which the National Weather Service predicts temperatures of 18 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.

PARKING STRIP: The area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

PERSONAL PROPERTY: Any tangible item reasonably recognizable as belonging to a person and having apparent utility or monetary value or as defined by UCA 76-4-401(5).

PUBLIC PROPERTY: Any property owned, operated, or maintained by the City, including sidewalks, parks, streets, open space, public trails, and public rights-of-way or as defined by UCA 76-8-101(4).

REASONABLE NOTICE: Notice reasonably calculated under all circumstances to apprise a person that camping is prohibited at a particular location and, where personal property is deposited, affording the person time to gather their personal property and depart.

8-7-3 PROHIBITED ACTS

- A. It shall be unlawful for any person to camp on any public property unless expressly authorized by a permit or resolution of the city.
- B. Camping is prohibited at all times in the following areas:
 - 1. City parks and open space.
 - 2. Public sidewalks and rights-of-way.
 - 3. City-owned parking lots and facilities.
 - 4. Any location where camping obstructs public access or presents a safety hazard.

8-7-4 EXCEPTIONS

- A. This ordinance shall comply with Utah Code 35A-16-703, Code Blue Alert. The City may enforce a camping ordinance but may not seize from individuals experiencing homelessness any personal property used for survival in cold weather, including clothing, blankets, tents, and sleeping bags.

8-7-5 ENFORCEMENT

- A. Prior to enforcement, the City shall:
 - 1. Provide verbal or written notice advising individuals they are in violation.
 - 2. Offer available shelter information and service referrals.
 - 3. Allow a reasonable time to comply, generally not less than 12 hours unless public safety necessitates immediate action.

8-7-6 REMOVAL, DISPOSITION and RELEASE of PERSONAL PROPERTY

- A. Upon discovery of a campsite on public property, removal of the campsite by authorized agents of Clearfield City may occur if:
 - 1. After reasonable notice, the individual refuses to remove their personal property from the premises.
 - 2. Personal property appears to be abandoned.
 - 3. There is probable cause for law enforcement officials to believe that illegal activities other than camping are occurring at the campsite.
 - 4. There is immediate danger to human life, health or safety, including, but not limited to, possible contamination of public or private property by unsanitary and/or hazardous materials.

- B. Upon removal of a campsite, all litter, including items having no apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other personal property shall be gathered, retained, and released, with notice being provided to the property owner, in accordance with Utah Code Title 24, the Forfeiture and Disposition of Property Act; Utah Code Title 77, Chapter 24A, Lost or Mislaid Personal Property; and relevant Clearfield Police Department Policy.

8-7-7 PENALTIES

- A. Violations of this ordinance shall constitute a Class B Misdemeanor.
B. In lieu of enforcement and/or fines, officers are encouraged to refer repeat violators to appropriate outreach, housing or mental health resources.
C. Other criminal violations or trespass orders are not subject to this title, and if enforced, shall follow Utah Code or other City Ordinances.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

DATED this 9th day of December 2025, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY: