CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
September 08, 2026 - 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:
August 4, 2026 – Truth in Taxation Meeting
August 11, 2026 – work meeting
August 11, 2026 – policy meeting
August 14, 2026 – work retreat meeting
August 25, 2026 – work meeting

PRESENTATIONS:

1. SWEARING IN OF NEW CLEARFIELD CITY POLICE OFFICER BRIAN ROSARIO

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 2026-13 ESTABLISHING A TEMPORARY LAND USE REGULATION REGARDING DATA CENTER USES WHILE THE CITY EVALUATES APPROPRIATE LAND USE CLASSIFICATIONS AND DEVELOPMENT STANDARDS

BACKGROUND: Data centers are facilities primarily used to house and operate computer servers and related data-processing infrastructure. Clearfield City Code does not currently define or specifically regulate data centers, which may have unique impacts related to electrical and water demand, cooling systems, wastewater, backup power, noise, fire protection, emergency response, and utility infrastructure. The City Council is considering a temporary land use regulation to allow time to evaluate these uses and determine whether permanent land use standards should be adopted.

RECOMMENDATION: Approve Ordinance 2026-13 establishing a temporary land use regulation regarding data center uses and authorize the mayor's signature to any necessary documents.

4. CONSIDER APPROVAL OF RESOLUTION 2026R-23 AUTHORIZING THE EXECUTION OF A FRANCHISE AGREEMENT WITH FORGED FIBER 37, LLC

BACKGROUND: Forged Fiber is an indirect, wholly owned subsidiary of AT&T that provides fiber internet services. The company is currently acquiring some or all of Lumen's (CenturyLink) existing fiber infrastructure within Clearfield and plans to expand the fiber network with additional installations. As part of these activities, Forged Fiber 37, LLC has requested a nonexclusive franchise agreement with Clearfield City to construct, operate, and maintain its telecommunications network within the City's public rights-of-way.

RECOMMENDATION: Approve Resolution 2026R-23 authorizing the execution of a franchise agreement with Forged Fiber 37, LLC, and authorize the mayor's signature to any necessary documents.

5. UPDATE ON THE FISCAL YEAR 2026 YEAR-END FINANCIAL STATUS

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 September 3, 2026.

/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
7:00 PM POLICY MEETING
August 04, 2026

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 Pro Tem Megan Ratchford

PRESENT: Mayor Mark Shepherd (online), Councilmember Nike Peterson, Councilmember Karece Thompson, Councilmember Dakota Wurth, Councilmember Megan Ratchford, Councilmember Danielle King

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

VISITORS: Sam and Christine Fernandez

Mayor Pro Tem Ratchford called the meeting to order at 7:01 p.m.

<u>TRUTH IN TAXATION HEARING TO RECEIVE PUBLIC COMMENT ON THE CERTIFIED TAX RATE</u>

Finance Manager Rich Knapp stated that the hearing was available for in-person and virtual participation, no other business would be conducted, and the County's combined advertisement was available at the meeting and on the City's website. He explained that Clearfield City's taxable value had increased by 8.1 percent, requiring the certified tax rate to decrease to generate approximately the same property tax revenue as the prior year, excluding new growth. The proposed rate would generate 6.59 percent more property tax revenue than the certified tax rate, including approximately $148,000 from new growth and $233,106 from the proposed increase. For an average residence valued at $510,000, the proposed increase would add approximately $21.60 annually to the City portion of the property tax bill, resulting in approximately $351.47 annually for City services.

City Manager JJ Allen reviewed the City's Property Tax Impact Schedule and identified the budget items that would be eliminated if the proposed increase was not approved: $25,000 for contracted facilities maintenance; $10,000 for Police Department equipment acquisition and replacement; $60,000 for street maintenance, including pavement striping, streetlight maintenance, pothole repair, and snow removal; $121,606 for parks, including approximately $75,000 for a safer, technologically advanced slope mower and the remainder for grounds maintenance; and $16,500 to renew the City's resident texting service subscription. Mr. Allen stated that the funding was necessary to maintain current service levels. Mr. Knapp noted that the City Council would consider adoption of the proposed rate and final Fiscal Year 2027 budget on August 11, 2026.

Councilmember Peterson requested clarification regarding the prior year's proposed property tax increase and its relationship to the current proposal. Mr. Allen explained that the City Council had completed the truth in taxation process the previous year, but the Utah State Tax Commission subsequently rejected the increase on a technicality, resulting in approximately $200,000 less property tax revenue than anticipated for Fiscal Year 2026. Of the $233,106 currently proposed increase, approximately $19 of the estimated $21.60 annual impact to the average homeowner represented funding the Council had intended to approve the previous year, while approximately $2.60 represented the additional current-year increase.

Councilmember Peterson stated that the prior year's increase had been intended to address rising costs while maintaining service levels and that its rejection required the City to postpone projects and use savings to address the budget shortfall. Councilmember Peterson noted that the current proposal effectively combined two tax cycles and acknowledged the cumulative impact of multiple taxing entities, particularly on residents with fixed incomes. Councilmember Peterson stated that the Council had deliberately limited the current-year increase while seeking to maintain existing levels of police, parks, streets, and other City services.

Mayor Pro Tem Ratchford opened the public hearing.

PUBLIC COMMENTS

Resident Sam Fernandez expressed concern regarding increasing taxes, particularly for senior citizens, and asked whether apartment developments paid property taxes or received tax incentives. Mr. Allen stated that the City had provided tax increment incentives for only a limited number of projects and referenced Clearfield Station and the use of tax increment for infrastructure. Mr. Fernandez further expressed concern regarding inflation, limited wage growth, increasing taxes, and the financial impact on residents.

Resident Christine Fernandez expressed concern regarding increases in property taxes and the financial burden on residents. Ms. Fernandez acknowledged the need to fund safe parks, police services, and street maintenance but expressed concern regarding whether City revenues were always allocated appropriately.

Mayor Pro Tem Ratchford asked for additional in-person and online comments. Hearing none, Mayor Pro Tem Ratchford stated that additional feedback could be submitted by email and announced that the City Council would consider final adoption of the Fiscal Year 2027 budget and property tax rate on August 11, 2026, at 7:00 p.m. Mayor Pro Tem Ratchford stated that the Council would take the public comments into consideration.

Councilmember King moved to adjourn at 7:18 p.m., seconded by Councilmember Peterson.

RESULT: **Passed [5 TO 0]**
YES: Councilmember Peterson, Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None

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APPROVED AND ADOPTED
This day of 2026

/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, August 04, 2026.

/s/ Nancy R. Dean, City Recorder

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CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 PM WORK MEETING
August 11, 2026

City Building
55 South State Street
Clearfield City, Utah

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PRESIDING: Mayor Mark Shepherd

PRESENT: Mayor Mark Shepherd, Councilmember Karece Thompson, Councilmember Megan Ratchford, Councilmember Dakota Wurth, Councilmember Danielle King

ABSENT: Councilmember Nike Peterson

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Spencer Brimley, City Attorney Stuart Williams, Community Services Director Eric Howes, Police Chief Kelly Bennett, Public Works Director Adam Favero, Streets Supervisor Brad Wheeler, Finance Manager Rich Knapp, Finance Department Lee Naylor, Deputy Treasurer Brooke Limoges, Community Development Director Stacy Millgate, Planner Tyson Stoddard, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Michael Christensen

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

<u>DISCUSSION ON ZTA 2026-0704, A CITY INITIATED ZONING TEXT AMENDMENT TO THE DOWNTOWN FORM BASED CODE REMOVING MULTI-FAMILY RESIDENTIAL AS A PERMITTED BUILDING TYPE ON SECONDARY STREETS IN THE UC ZONE.</u>

Associate Planner Tyson Stoddard reviewed a City Council-initiated zoning text amendment that resulted from previous discussions regarding the Civic and Town Center Plan, request for proposals process, and temporary land use regulations. The proposed amendment would remove multifamily buildings as a permitted building type on secondary streets in the Urban Core (UC) Zone to preserve opportunities for commercial and mixed-use redevelopment. Mr. Stoddard explained the proposed changes affected Sections 2.8 and 3.4 of the Downtown Form Based Code and two development standards tables applicable to multifamily buildings. The amendment supported the General Plan objective of continuing efforts to transform downtown Clearfield into a vibrant center of activity and gathering spaces. Mr. Stoddard noted multifamily development could contribute to downtown activity by increasing the number of residents who supported nearby businesses; however, the proposed amendment prioritized mixed-use buildings that could more directly provide active storefronts, services, and amenities. Residential apartments would remain permitted within upper stories of mixed-use buildings in the UC Zone, and multifamily buildings would remain permitted on secondary streets within the Urban Residential (UR) Zone.

Mr. Stoddard reviewed the UC and UR Zone boundaries and the Downtown Form Based Code street hierarchy, identifying primary and secondary streets affected by the amendment. He reported one resident had commented during the Planning Commission public hearing and had also submitted written comments to the City Council. The Planning Commission recommended approval of the amendment by a vote of five to one, with the dissenting commissioner expressing concerns similar to those submitted by the resident.

<u>DISCUSSION ON CHANGES TO THE FISCAL YEAR 2027 TENTATIVE BUDGET</u>

Finance Manager Rich Knapp reviewed proposed Fiscal Year 2027 (FY27) budget amendments. Mr. Knapp identified a $50,000 transfer associated with the Town Center Plan from RDA 8 to the General Fund and explained Fund 20 would also require an amendment because its budget had already been approved. That portion of the amendment would return to the Council in December.

Mr. Knapp reported bank and merchant fee expenditures were exceeding projections and explained the account name had been revised from "bank fees" to "bank and merchant fees" because most of the expenditures were credit card transaction fees. Mr. Knapp reported transactions had increased approximately 27 percent during the previous two years as more customers used online payment methods. Staff continued evaluating ways to reduce those costs and was working through issues involving Express Bill Pay and the City's billing vendor. Mr. Knapp also described adjustments between natural gas and electricity accounts, a minor adjustment to the utility administration fund, and projects carried forward from FY26 into FY27. The carried-forward projects included the FY26 portion of city street striping, the CCTV van, and related equipment. Fleet staff confirmed the CCTV van had recently been received. No additional Council direction was provided regarding the proposed FY27 budget amendments.

<u>DISCUSSION ON THE 200 SOUTH WELL PUMP REPLACEMENT</u>

Community Services Director Eric Howes reviewed the location and history of the south well used to supply Mabey Pond. Mr. Howes explained that after the Davis and Weber Counties Canal Company undergrounded a nearby canal, a water source that had previously helped supply the pond dried up. Staff evaluated alternatives, including storm drain water, and approximately eight years earlier determined the south well provided the most viable option for maintaining the pond. A pipeline was constructed from the well along 750 East and 300 South to Mabey Pond, and the previously inactive well was returned to service.

Mr. Howes explained the original surface-mounted pump operated for approximately one year before failing. Replacement of that pump had been estimated at approximately $160,000, while a submersible pump was approximately $16,000. Staff selected the less expensive submersible pump, which produced approximately 250 gallons per minute compared with approximately 450 to 500 gallons per minute from the previous pump. At that production rate, filling Mabey Pond

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from a low level required approximately six to eight months. When the first submersible pump failed, it broke loose while being removed and remained at the bottom of the well shaft. A second submersible pump was installed and operated for approximately another two years before failing in late March or early April 2026.

Mr. Howes reported staff obtained a quote from Nickerson Company after another pump vendor stopped servicing commercial wells. Nickerson advised against reinstalling a surface-mounted pump because of the age and condition of the well shaft and the potential for a vertical drive shaft to make contact with the well casing if the shaft had shifted. Staff therefore recommended purchasing and installing another submersible pump for approximately $19,230 and purchasing an additional pump for approximately $7,545 to retain as a spare. Mr. Howes explained that maintaining a spare would allow staff to replace a failed pump within weeks rather than experiencing the four- to six-month delays encountered with previous failures. Because an overhead Rocky Mountain Power line had to be de-energized to remove approximately 420 feet of pipe and complete the installation, staff recommended budgeting approximately $33,000 for the entire project, including anticipated utility costs.

Mr. Howes presented funding options that included using General Fund balance or reducing approximately $40,000 budgeted for open space maintenance projects. If the open space funding were used, approximately $7,000 would remain for those projects. Councilmember Ratchford asked about purchasing a spare pump and whether buying multiple pumps could reduce the price. Mr. Howes responded that a significant bulk discount was unlikely and recommended keeping only one spare because the well itself was old and could eventually experience structural problems that would make additional stored pumps unusable. Councilmember Ratchford also asked whether pump technology could change before the spare was needed. Mr. Howes acknowledged that possibility but noted the pumps had historically lasted approximately one and one-half to two years and remained the least expensive available option.

Mayor Shepherd supported purchasing the replacement and spare pump, noting future costs could increase and having the pump available would improve the replacement timeline. Councilmember Wurth suggested the spare pump might receive a longer service life if it did not initially have to operate for six to eight months to refill a depleted pond. Mr. Howes clarified the pumps generally operated continuously because evaporation and soil saturation prevented the pond from remaining full enough for significant overflow. City Manager JJ Allen asked whether the Council had concerns with using fund balance rather than delaying another project. Mayor Shepherd expressed support for using fund balance. Mr. Howes stated staff would return with the proposed expenditure as part of the December budget amendment.

Mr. Howes then informed the Council of a possible future connection to the Davis and Weber Counties Canal Company system. The City held approximately 27.8 to 27.9 canal company water shares, approximately 14 of which were being used for Steed Pond. Staff had contacted the canal company about installing a turnout from the nearby major conveyance, passing water through a meter, and connecting it to the existing six-inch pipeline leading to Mabey Pond. The canal company indicated it would consider the connection. Mr. Howes estimated a turnout could cost approximately $60,000, with an additional approximately $10,000 for a meter, subject to design and more detailed estimates. The City's remaining shares would not be sufficient to fill

Mabey Pond but could supplement the well and allow the pump to be rested periodically. Public Works Director Adam Favero added that using surface water would reduce withdrawals from the aquifer and help preserve culinary water supplies and water rights for future growth. Staff also discussed Kays Creek water shares that the City owned but was not currently able to convey to Mabey Pond. Mr. Favero indicated staff was evaluating several issues involving the City's water shares and rights, including whether transfers between systems might be possible. Councilmember Thompson asked whether the City paid costs associated with its unused shares. Mr. Favero confirmed the City paid for the shares regardless of whether they were currently being used.

Mr. Allen stated a canal connection, if supported by the Council, would likely be considered as a Fiscal Year 2028 (FY28) capital project. Mr. Howes indicated preliminary engineering might be completed using the FY27 operating budget so that more reliable cost information would be available during preparation of the FY28 budget.

DEPARTMENT UPDATES

Street Maintenance

Street Superintendent Brad Wheeler reviewed upcoming road maintenance projects. Mr. Wheeler reported the mill-and-fill project would include Main Street south of Antelope Drive to Gordon Avenue and Chelemes Way. The project was expected to significantly affect traffic for approximately three weeks, and the contractor would provide advance notice to affected residents and businesses. Mayor Shepherd asked whether the work could be completed before school resumed. Mr. Wheeler stated the project would not begin until the week school started.

Mr. Wheeler reported the City Hall parking lot would receive a seal coat and would require coordination to clear vehicles from the lot. The work would be completed in two stages to minimize disruption. Slurry seal work was also scheduled in the southern portion of the City. Contractors planned to work on alternating streets so residents could park within approximately one or two blocks of their homes during construction. Mr. Wheeler reported street striping was approximately halfway complete. Long-line striping was being performed at night for efficiency, while school-zone markings, turn lanes, and other stencils were being completed during the day. Mr. Wheeler estimated street striping would be completed within approximately two weeks.

Councilmember Thompson asked about the purpose of slurry seal. Mr. Wheeler explained the treatment added a protective layer approximately three-eighths of an inch thick to the roadway and could extend pavement life approximately three to six years. Mr. Favero added that the City had used the same treatment for approximately ten years after discontinuing chip seal.

Public Works Capital Project Updates

Public Works Director Adam Favero reviewed several ongoing utility and transportation projects that could affect traffic, utilities, and services. Mr. Favero first discussed the 700 East, 350 South, and Birch Street utility project approved in the prior year's budget. The storm drain work was nearly complete, with remaining connections underway. Staff planned to phase work on 350 South and 750 East through the winter, and Mr. Favero emphasized that paved portions should be completed before snowfall. Sewer, water, storm drain, and work through private property would continue as the project progressed.

Councilmember Thompson asked whether sidewalk access would be interrupted. Mr. Favero explained much of the project area lacked existing sidewalks. Although the Council had previously discussed adding sidewalks, doing so would substantially increase project costs and could require property acquisition.

Mr. Favero next provided an update on the 2200 South project, reporting that most waterline work was complete. Remaining work included connections to side roads and services, concrete work, and milling of the roadway. The sewer line had already been rehabilitated using a liner rather than full excavation. Mr. Favero explained the project was one of the City's first significant uses of that method and could provide a faster and less expensive option for future sewer rehabilitation and spot repairs if successful. Staff had coordinated with nearby organizations and residents to manage traffic interruptions.

Mr. Favero reported the next phase of the G Street sewer project would begin shortly. The project represented another phase of sewer improvements that had been underway for more than ten years. Coordination with the railroad remained the most difficult aspect, and staff was working through an agreement addressing railroad requirements. Because the work would have limited public impacts, it could continue through the winter if necessary.

Mr. Favero also reviewed a planned pressure reducing valve vault replacement on Depot Street. The existing vault was old and deteriorated, and the replacement would be shifted slightly east to accommodate existing water lines and coordinate with the UTA double-tracking project. Staff had been coordinating with UTA so improvements would not have to be reconstructed later. Depot Street would likely need to be closed temporarily during the work.

Mr. Favero reported coordination on the UTA double-tracking project was continuing, including right-of-way matters. Staff was working toward an equitable property exchange, although the City might ultimately owe a small amount. Mr. Favero also advised the Council that two sewer crossings would need to be improved as part of the project. Costs were not yet known, and staff anticipated returning to the Council with a future budget amendment when more information became available. Mr. Favero recommended completing the sewer improvements while UTA's contractors were already working in the area rather than attempting to obtain railroad approvals and perform the crossings separately later. Traffic impacts from the double-tracking work remained uncertain because the project was still in the early stage of coordination.

Mr. Favero concluded by reporting that Connext had completed its current fiber installation work in the City but could return if customer demand warranted additional expansion. Forged Fiber was also nearing completion of its current installation work. Mr. Favero noted that fiber projects were privately managed rather than City projects, although City staff continued receiving calls from residents and serving as an intermediary with contractors when concerns arose.

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Property Tax Update

Finance Manager Rich Knapp reviewed property tax information showing the dollar amount paid to various taxing entities during the previous five years. Mr. Knapp reported the average Clearfield home value had increased from approximately $378,000 to approximately $510,000 during that period. The Clearfield City portion of the property tax on an average home increased from approximately $272 to $351, an increase of approximately $80 or 29 percent. Mr. Knapp identified Davis County as having the largest percentage increase among the entities reviewed, at approximately 51 percent. Mr. Knapp also noted significant five-year increases for the school district and fire district.

City Manager JJ Allen observed that a previous year's decrease in Clearfield City's property tax amount corresponded with a decrease in the average home value during that year. Mr. Knapp reported the average resident's total property tax bill had increased approximately $62 during the most recent year and approximately $792 over the five-year period. No Council direction was provided.

Water Meter Replacement Program and Watersmart

Mr. Knapp provided an update on the City's water meter replacement program and its impact on utility billing. Mr. Knapp explained that failed meter antennas or registers previously generated substantial numbers of meter rereads. In July 2021, approximately 529 accounts required rereads, and by late 2022 the number had risen into the 700s. The volume became too high for staff to reread every meter each month, resulting in alternating estimated and actual readings. Those estimates sometimes required adjustments and delayed billing, particularly affecting commercial customers with shortened payment turnaround times.

Mr. Knapp reported that because of the meter replacement program, the most recent reread list had decreased to approximately 11 accounts. The improvement had reduced staff workload and stress, improved billing accuracy, reduced customer complaints, and allowed bills to be issued more promptly. Mr. Knapp thanked the Council for funding the meter replacement program and Public Works for dedicating personnel to the project.

Mayor Shepherd asked about the Watersmart customer portal rollout. Mr. Knapp indicated implementation was underway, but the larger public launch had not yet occurred. Public Works Director Adam Favero reported staff had begun a soft launch using door hangers. Approximately 57 residents had enrolled from an initial distribution to approximately 600 households, a participation rate of roughly 10 percent that was consistent with experience in other communities using the system. Mr. Favero said staff could consider additional outreach or incentives later but did not want extensive customer education to interfere with the ongoing meter installation work.

Mr. Favero stated completing the meter replacement work with City employees rather than an outside contractor had allowed staff to identify additional meter and system issues that might otherwise have been missed. The program had originally been projected to take approximately three to five years and had been underway for approximately two years. Staffing had been one of the primary challenges, but the two meter replacement positions had recently become fully

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staffed for the first time in more than six months. Mr. Favero anticipated continued progress before winter.

Mr. Allen clarified that the meter replacement technician positions were temporary positions authorized by the Council for the duration of the project. Because employees understood the positions would end when the project was completed, some employees moved into permanent utility maintenance or other City positions as opportunities became available. Mr. Favero added that most turnover from the meter positions had resulted in employees moving into other full-time City positions.

Mayor Shepherd and Councilmember Ratchford expressed positive experiences with Watersmart. Mayor Shepherd reported the system had identified an undetected irrigation leak and continued providing alerts until the problem was located. Deputy Treasurer Brooke Limoges added that the system had also helped staff identify unusually high customer water use and discuss irrigation practices with residents who were unaware of the amount of water they were consuming.

Councilmember Wurth moved to adjourn at 6:47 p.m., seconded by Councilmember King.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Ratchford, Councilmember Wurth, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

APPROVED AND ADOPTED
This day of 2026

/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, August 11, 2026.

/s/ Nancy R. Dean, City Recorder

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CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY MEETING
August 11, 2026

City Building
55 South State Street
Clearfield City, Utah

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PRESIDING: Mayor Mark Shepherd

PRESENT: Mayor Mark Shepherd, Councilmember Karece Thompson, Councilmember Dakota Wurth, Councilmember Megan Ratchford, Councilmember Danielle King

ABSENT: Councilmember Nike Peterson

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Spencer Brimley, City Attorney Stuart Williams, Police Chief Kelly Bennett, Community Services Director Eric Howes, Finance Manager Rich Knapp, Senior Accountant Lee Naylor, Public Works Director Adam Favero, Streets Supervisor Brad Wheeler, Community Development Director Stacy Millgate, Associate Planner Tyson Stoddard, Communications Manager Shaundra Rushton, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Michael Christensen, Cristy Zobrosky, Frank Zobrosky, Christine Fernandez, Sam Fernandez

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

Councilmember Megan Ratchford led the opening ceremonies.

APPROVAL OF MINUTES
July 14, 2025 – Work Meeting
July 28, 2026 – Policy Meeting

Councilmember Thompson moved to approve the minutes for the July 14, 2026 work meeting, and the July 28, 2026 policy meeting with corrections as discussed, seconded by Councilmember Ratchford.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

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PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE FISCAL YEAR 2027 BUDGET ENTERPRISE FUND TRANSFERS TO THE GENERAL FUND

Finance Manager Rich Knapp explained that State law required a public hearing before adoption of a budget containing transfers from Enterprise Funds to the General Fund. He explained that Enterprise Funds were fee-supported utility funds, while the General Fund primarily contained tax-supported revenues and expenses. He stated that the proposed transfers supported shared administrative services, including finance, human resources, legal, information technology, management, and other services provided to the Enterprise Funds. He also described a non-cash transfer recognizing the value of water used by governmental operations, including parks, open space, and City facilities, for which the City did not bill itself through the utility system. Mr. Knapp stated that notice of the transfers would also be included in a one-third-page notice in the following month's utility bill.

Mayor Shepherd opened the public hearing. No public comments were received.

Councilmember Ratchford moved to close the public hearing at 7:06 p.m., seconded by Councilmember Thompson.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON ZTA 2026-0704, A CITY INITIATED ZONING TEXT AMENDMENT TO THE DOWNTOWN FORM BASED CODE REMOVING MULTI-FAMILY RESIDENTIAL AS A PERMITTED TYPE ON SECONDARY STREETS IN THE URBAN CORE COMMERCE (UC) ZONE

Associate Planner Tyson Stoddard presented a City-initiated Zoning Text Amendment 2026-0704 to amend the Downtown Form Based Code by removing multifamily residential as a permitted building type on secondary streets within the Urban Core Commerce (UC) Zone. Mr. Stoddard explained that the amendment followed previous City Council discussion regarding the upcoming Civic and Town Center planning process and consideration of temporary land-use regulations within the UC Zone. He stated that the proposed amendment was intended to preserve opportunities for commercial and mixed-use redevelopment around City Hall while the Civic and Town Center planning process was completed.

Mr. Stoddard explained that amendments were proposed to Sections 2.8 and 3.4 of the Form Based Code, along with related development tables. He stated that the amendment supported the General Plan objective of continuing efforts to transform downtown Clearfield into a vibrant center of activity and gathering spaces. Mr. Stoddard explained that although multifamily buildings could increase the residential population and support surrounding businesses, the amendment prioritized mixed-use buildings that could provide active ground-

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floor commercial uses and pedestrian-oriented destinations. Residential apartments would continue to be permitted on upper stories of mixed-use buildings in the UC Zone, and multifamily buildings would remain permitted on secondary streets within the Urban Residential Zone.

Mr. Stoddard read a written public comment submitted by resident, Michael Christensen, into the record. Mr. Christensen stated that prioritizing ground-floor commercial uses had merit but expressed concern that Clearfield had not yet achieved sufficient residential density within walking distance to support existing and future ground-floor businesses. He suggested that additional residential construction could help create the customer base necessary for successful mixed-use development. Mr. Christensen recommended either denying the proposed amendment to allow additional residential development or modifying the regulations to require non-municipal redevelopment in the UC Zone to be at least five stories in height to increase residential density around ground-floor retail.

Mr. Stoddard reported that one resident had also spoken during the Planning Commission public hearing and that the Planning Commission subsequently forwarded a recommendation of approval to the City Council. He identified the Council's available actions as approval, denial, or tabling of the amendment.

Mayor Shepherd opened the public hearing.

PUBLIC COMMENT

Michael Christensen addressed the Council and clarified that his suggestion to establish a minimum building height had not been presented to the Planning Commission because he developed the idea after its meeting. He suggested a third option of tabling the amendment and returning it to the Planning Commission so it could consider whether a minimum building elevation or height requirement should be incorporated before Council action.

No additional public comments were received.

Councilmember Ratchford moved to close the public hearing at 7:17 p.m., seconded by Councilmember King.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

<u>OPEN COMMENT PERIOD</u>

Resident Christy Zobrosky addressed the Council regarding ongoing code enforcement concerns in her neighborhood. She stated that vegetation, vehicle parking, sidewalk obstructions, and other recurring conditions had created visibility and pedestrian safety concerns, particularly because the area served as a safe walking route for South Clearfield Elementary students. She reported that code enforcement officers had previously inspected and measured vegetation at the property and that the required trimming limits had been marked on a fence. She expressed concern that violations were temporarily corrected following enforcement action but later recurred. She also raised concerns regarding vehicles parked on grass or in locations affecting visibility, weeds obstructing sidewalks, enforcement occurring primarily during regular City business hours, and tall dry vegetation that could create a fire hazard. Ms. Zobrosky requested stronger and more consistent City code enforcement.

Mayor Shepherd acknowledged the concerns and stated that Ms. Zobrosky was currently working with staff. Mayor Shepherd indicated that staff would continue working with her regarding the matter. Ms. Zobrosky reiterated that the issues had persisted for several years and expressed additional concerns regarding neighboring property maintenance.

Michael Christensen addressed the Council regarding the discussion of filling Mabey Pond and the repair or replacement of a well near 200 South. He encouraged the Council to consider using secondary water rather than groundwater to fill the pond. Mr. Christensen stated that culinary groundwater was a valuable resource in a desert environment and suggested working with Weber Basin/Davis and Weber Counties Canal Company or another secondary water provider to reduce reliance on groundwater for the pond.

PRESENTATION AND DISCUSSION ON THE PROPOSED PROPERTY TAX IMPACT SCHEDULE (PTIS)

Finance Manager Rich Knapp requested to present the budget, proposed tax rate, and property tax impact schedule together because the items were closely related. He stated that this was the final meeting in the Fiscal Year 2027 (FY27) budget process and reviewed the approximately six-month public process, which included 11 public meetings. He described the process in three phases: establishing priorities and evaluating staffing, compensation, capital needs, operations, utility sustainability, rates, and debt; narrowing requests and making budget decisions; and publicly reviewing the proposed budget through tentative adoption, property tax discussions, the interim budget, and final adoption. Mr. Knapp reported that approximately $1.8 million in projects and requests had been reduced or deferred during the process and that additional requests had been eliminated before preparation of the draft budget.

Mr. Knapp summarized governmental funds at approximately $33 million in revenues and transfers and approximately $40 million in expenditures, including approximately $11.5 million in capital projects. He explained that the planned reduction in available cash was intentional because accumulated funds from prior years were being used for one-time expenses and that ongoing governmental operations remained balanced. Utility funds included approximately $18 million in revenues and approximately $17.5 million in capital expenditures. Combined City revenues were approximately $50 million, with an overall budget of approximately $70 million.

Mr. Knapp reviewed the General Fund and stated that its principal revenue sources included sales tax, energy tax, Aquatic and Fitness Center revenues, and property tax. He explained that the budget was primarily service-oriented, with most expenditures supporting personnel and daily operations, and that public safety represented the largest expenditure category at more than $8.7 million. He also discussed street maintenance and reconstruction expenditures.

Mr. Knapp identified major FY27 changes, including an approximately $350,000 net effect from slowing sales and energy tax revenues, the proposed property tax increase, utility rate increases beginning January 2027 averaging approximately $2.55 per month for water, sewer, and stormwater, and a July increase of approximately $0.85 per month for each green waste container. Staffing changes included a new assistant position at the Aquatic and Fitness Center offset by reductions elsewhere, two Public Works positions dedicated to pipe cleaning in place of contracted services, a reduction in the Layton dispatch contract, and the transfer of emergency planning responsibilities to the North Davis Fire District. Mr. Knapp also reported approximately $4.3 million in new Water, Sewer, and Storm Fund project allocations and identified the Bicentennial Park renovation and Jazz basketball court as notable park projects.

Mr. Knapp stated that the budget maintained approximately 63 days of General Fund operating expenses in reserve and that ongoing General Fund revenues exceeded ongoing expenses. He thanked the departments, staff, Mayor, and Council for their work and stated that revenues, expenditures, rates, and fees had been extensively reviewed during the public process. Staff recommended adoption of the final FY27 budget.

Mayor Shepherd thanked staff for the extensive budget preparation process and emphasized that the approximately $1.8 million in deferred or eliminated projects represented services and projects the City would otherwise have preferred to complete.

PROPOSED PROPERTY TAX RATE AND PROPERTY TAX IMPACT SCHEDULE

Mr. Knapp reviewed the proposed 2026 property tax rate. He explained that increased property values caused the certified tax rate to adjust downward because the certified rate was designed to generate approximately the same property tax revenue as the previous year, excluding new growth. Staff proposed a tax rate of 0.001253, which was anticipated to generate approximately 6.59 percent more property tax revenue than the certified rate of 0.001176. Mr. Knapp reported approximately $148,000 in revenue from new growth and $233,106 in additional revenue from the proposed increase above the certified tax rate. He estimated that the increase would cost the owner of an average residence valued at approximately $510,000 an additional $21.60 per year, resulting in approximately $351.47 annually in City property taxes for that residence.

Mr. Knapp explained that five budget priorities totaling $233,106 had been identified during the budget process as items that would not be funded if the property tax increase was not approved. He stated that those items were contained in the Property Tax Impact Schedule.

City Manager JJ Allen reviewed the Property Tax Impact Schedule and stated that it had been developed based on Council direction. He emphasized that none of the listed items represented new services or service-level expansions; instead, failure to approve the additional property tax revenue would result in reductions to existing service levels. The schedule included $25,000 in

Community Services facility contracted services; $10,000 in Police patrol and investigations equipment acquisition and replacement; $60,000 in Public Works street maintenance activities, including striping, streetlight maintenance, and pothole repairs; $121,606 in parks expenses, including $75,000 for a slope mower and the remaining amount for grounds maintenance materials and supplies; and $16,500 in Administration communications funding to renew the City's new texting service for resident engagement, feedback, and work orders.

Councilmember Wurth requested clarification regarding the prior year's Truth in Taxation process and its relationship to the current proposed tax increase. Mr. Allen explained that the Council had completed a property tax increase process the previous year that would have generated approximately $190,000 and cost the average household approximately $19 annually. He stated that a change in State law had removed the Utah State Tax Commission's discretion regarding procedural compliance and that the previously approved increase was rejected because the process did not meet every statutory requirement. Mr. Allen stated that the current proposed increase of approximately $233,000 was approximately $43,000 more than the prior year proposal and would cost the average household approximately $21.60 per year. He explained that most of the current increase would recover revenue the City had intended to implement the previous year.

Mayor Shepherd explained that one procedural requirement missed during the prior year was displaying information during the public hearing regarding the tax actions of every taxing entity in the County. Mayor Shepherd stated that the required information had not been provided by the County and that failure to display it resulted in rejection of the City's approved tax increase. Mayor Shepherd emphasized that the previous year's budget had already been adopted assuming receipt of the additional revenue, resulting in approximately $180,000 less in reserves than anticipated. Mayor Shepherd clarified that the proposed increase was not intended to replenish those reserves but that the prior year revenue loss had created additional budget pressure.

Councilmember Wurth thanked staff for the deliberate six-month budget process and stated that the Council had worked to make informed decisions, fulfill its fiduciary responsibilities, maintain essential City services, and determine which projects could be delayed. He stated that services such as snow removal, pothole repair, and public safety needed to continue and that the circumstances made the current Truth in Taxation process necessary.

APPROVAL OF RESOLUTION 2026R-20 SETTING THE CITY'S 2026 PROPERTY TAX RATE AT 0.001253, A RATE ABOVE THE DAVIS COUNTY CERTIFIED TAX RATE

Councilmember Wurth moved to approve Resolution 2026R-20 setting the City's 2026 property tax rate at 0.001253 and authorize the mayor's signature to any necessary documents, seconded by Councilmember Ratchford.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None

ABSENT: Councilmember Nike Peterson

APPROVAL OF ORDINANCE 2026-11 ADOPTING THE FISCAL YEAR 2027 FINAL BUDGET

Mayor Shepherd asked whether the Council had any additional questions regarding the Fiscal Year 2027 budget. Hearing none, Mayor Shepherd requested a motion.

Councilmember Ratchford moved to approve Ordinance 2026-11 adopting the Fiscal Year 2027 Final Budget and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

APPROVAL OF ORDINANCE 2026-12 AMENDING THE DOWNTOWN FORM BASED CODE TO REMOVE MULTI FAMILY RESIDENTIAL AS A PERMITTED BUILDING TYPE ON SECONDARY STREETS WITHIN THE URBAN CORE COMMERCE (UC) ZONE

Mayor Shepherd introduced Ordinance 2026-12 amending the Downtown Form Based Code to remove multifamily residential as a permitted building type on secondary streets within the Urban Core Commerce Zone. In response to earlier public comments, Mayor Shepherd stated that downtown commercial rents were comparable to rents in strip malls and that most existing downtown businesses were performing well. Mayor Shepherd explained that the Form Based Code already required residential buildings to be a minimum of four stories and discussed the cost differences associated with constructing taller buildings. Mayor Shepherd noted that the approved Lakeside development included five residential stories above a concrete podium with approximately 26,000 square feet of ground-floor commercial space and stated that potential commercial tenants were already being pursued.

Mayor Shepherd explained that the purpose of the amendment was to protect opportunities for commercial redevelopment as properties such as Clearfield Town Square were eventually redeveloped. Mayor Shepherd expressed concern that existing commercial areas could otherwise be replaced entirely by residential development and stated a preference for maintaining a balanced, walkable downtown district containing both commercial and residential uses.

Councilmember Wurth thanked Michael Christensen for his written comments and emphasized that the amendment would not prohibit residential development within the UC Zone. Councilmember Wurth noted that Lakeside Square had 296 residential units currently entitled. Councilmember Wurth stated that preserving the existing commercial tax base and future commercial redevelopment opportunities was valuable and explained that the City's role was to establish regulatory tools that enabled development rather than determine the market or construct projects.

Mayor Shepherd reiterated a preference to avoid replacing existing commercial centers entirely with housing and stated that the goal was to create a walkable downtown district. Mayor Shepherd also referenced efforts to identify an alternative water source for the pond.

Councilmember Thompson stated before voting that he remained concerned about allowing mixed-use development on some secondary streets because mixed-use buildings would continue to contain a significant residential component. Councilmember Thompson stated a preference for additional opportunities for exclusively commercial development and explained that this concern would be the basis for a negative vote, while acknowledging the merit of portions of the discussion.

Councilmember King moved to approve Ordinance 2026-12 amending the Downtown Form Based Code to remove Multi-Family Residential as a permitted building type on secondary streets within the Urban Core Commerce (UC) zone and authorize the mayor's signature to any necessary documents, seconded by Councilmember Wurth.

RESULT: **Passed [3 TO 1]**
YES: Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: Councilmember Thompson
ABSENT: Councilmember Nike Peterson

APPROVAL OF RESOLUTION 2026R-21 APPROVING AMENDMENTS TO THE CITY COUNCIL RULES OF ORDER

Mayor Shepherd introduced Resolution 2026R-21 approving amendments to the City Council Rules of Order and stated that the Council had previously reviewed the proposed changes, most of which were minor updates. No additional questions or concerns were raised.

Councilmember Ratchford moved to approve Resolution 2026R-21 approving amendments to the City Council Rules of Order and Procedures and authorize the mayor's signature to any necessary documents, seconded by Councilmember Thompson.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

APPROVAL OF RESOLUTION 2026R-22 APPROVING AMENDMENTS TO THE PLANNING COMMISSION BYLAWS

Mayor Shepherd introduced Resolution 2026R-22 approving amendments to the Planning Commission Bylaws and characterized the amendments as periodic cleanup of the bylaws. No concerns were raised.

Councilmember Wurth moved to approve Resolution 2026R-22 approving amendments to the Planning Commission Bylaws and authorize the mayor's signature to any necessary documents, seconded by Councilmember Ratchford.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

COMMUNICATION ITEMS

MAYOR'S REPORT

Mayor Mark Shepherd

- Mayor Shepherd reported on recent housing-related work in Washington, D.C., including preparations for implementation of the 21st Century Road to Housing Act. Mayor Shepherd stated that the legislation incorporated approximately 52 individual bills and that cities would need to prepare for the resulting requirements.
- Mayor Shepherd reported participating with other mayors in a UTA rail inspection trip between Clearfield and Ogden. Mayor Shepherd discussed UTA's vegetation management and track maintenance practices and contrasted those practices with conditions along Union Pacific property. Mayor Shepherd stated that vegetation along railroad rights-of-way could create fire concerns and praised UTA for its maintenance and inspection efforts. Mayor Shepherd encouraged residents living near the tracks to remain aware of potential fire hazards.
- Mayor Shepherd reminded the Council of upcoming back-to-school activities and thanked those volunteering at Antelope Elementary.
- Mayor Shepherd also announced a ribbon cutting at Clearfield High School for the new CTC building on Thursday, August 13, 2026 at 5:00 p.m.
- Mayor Shepherd thanked City lobbyist Steve Hiatt for work related to Opportunity Zone 2.0. Mayor Shepherd explained that Clearfield contained two Opportunity Zones and that federal changes requiring a reduction in the number of zones and increased designation of rural areas placed Clearfield's zones at risk. Mayor Shepherd stated that losing the designations could negatively affect development at Clearfield Station, Lakeside, and the area between them. Mayor Shepherd reported that Mr. Hiatt had worked extensively with the Governor's Office and GOED and had prepared a report supporting the City's position.

CITY COUNCIL'S REPORTS

Councilmember Wurth

- Councilmember Wurth reminded everyone that the Bubble Party on the Bridge would be held Saturday, August 15, 2026 at noon.

Councilmember Ratchford

- Councilmember Ratchford reported that the North Davis Fire District had approved its budget without an increase in its tax rate.
- Councilmember Ratchford also reported on the Salute Picnic at Hill Air Force Base, attended

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by approximately 2,500 airmen and family members. Councilmember Ratchford stated that five new commanders had recently arrived and were interested in strengthening partnerships and connections with the surrounding community.

Councilmember King

- Councilmember King reported working with North Davis Communities That Care and Blue Star Families to organize a service member picnic and food distribution. Councilmember King thanked City Manager Allen and City staff for collecting food at City Hall and the Aquatic Center. Councilmember King stated that the event provided books for children, groceries and food for military families, recreational activities, and dinner. Councilmember King emphasized the importance of supporting military families experiencing food insecurity or lacking strong community connections and thanked staff for supporting the event.

Councilmember Thompson

- Councilmember Thompson recognized Jasmine Reyes for work with Clearfield Job Corps and the Food and Fellowship program. Councilmember Thompson explained that the effort supported Job Corps students who had experienced difficulty exercising their religious rights to leave the center to attend religious services. Councilmember Thompson reported that approximately 12 students were currently participating and that the program also provided food distribution, community support, and information about transitional opportunities. Councilmember Thompson emphasized the importance of ensuring that students of all faiths could attend their respective churches, mosques, synagogues, or other religious institutions and thanked Ms. Reyes for supporting the students.

CITY MANAGER'S REPORT

JJ Allen, City Manager

- Mr. Allen thanked Finance Manager Rich Knapp, Senior Accountant Lee Naylor, City Recorder Nancy Dean, and other staff involved in the Fiscal Year 2027 budget process, particularly because of changes in State law that required additional tracking and procedural work. Mr. Allen also recognized staff efforts associated with other City initiatives, including traffic enforcement and the launch of the new community texting application.
- Mr. Allen reminded the Council of the Employee Appreciation Carnival scheduled for September 19 and asked members who had not already done so to RSVP.
- Allen also reminded the Council of the City Council retreat scheduled for Friday and asked members to complete the assigned preparation in advance so the retreat exercises would be productive.

STAFF REPORTS

Nancy R. Dean, City Recorder

- Ms. Dean reviewed the upcoming Council schedule. She stated that no City Council meeting would be held the following Tuesday, August 18, 2026. The Council would return the Tuesday, August 25, 2026 for a work session, with staff still evaluating whether sufficient items would be available for a policy session. She also stated that work and policy sessions were scheduled for September 8, 2026.

Kelly Bennett, Police Chief

- Chief Bennett reminded the Council that the National Night Out Against Crime would be held August 27, 2026 at Steed Park from 6:00 to 8:00 p.m. Chief Bennett stated that participating community resources would include Davis Behavioral Health, Safe Harbor, the Davis County Health Department, and other organizations, and that free hot dogs would be provided.

- Chief Bennett also reported that the Police Department was again conducting its cruiser-based school supply collection for Clearfield schools. The cruiser would be present at the upcoming citywide back-to-school event at Fisher Park, and collected supplies would subsequently be distributed to Clearfield schools. Chief Bennett stated that the cruiser would also be present at National Night Out Against Crime.

Councilmember Thompson moved to adjourn at 8:05 p.m., seconded by Councilmember Wurth.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Wurth, Councilmember Ratchford, Councilmember King
NO: None
ABSENT: Councilmember Nike Peterson

APPROVED AND ADOPTED
This day of 2026

/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, August 11, 2026.

/s/ Nancy R. Dean, City Recorder

CLEARFIELD CITY COUNCIL MEETING MINUTES
10:00 AM WORK RETREAT MEETING
August 14, 2026

Crush Golf and Grill
1375 South 1750 East
Clearfield, 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 Karece Thompson, Councilmember Nike Peterson, Councilmember Megan Ratchford, Councilmember Dakota Wurth, Councilmember Danielle King

STAFF PRESENT: City Manager JJ Allen, City Attorney Stuart Williams, Human Resources Manager Ricki Miller, Community Services Director Eric Howes, Community Services Deputy Director Curtis Dickson, Police Chief Kelly Bennett, Assistant Police Chief Devin Rogers, Public Works Director Adam Favero, Public Works Deputy Director Braden Felix, Finance Manager Rich Knapp, Community Development Director Stacy Millgate, Community Relations Director Shaundra Rushton, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

The meeting convened at 10:00 a.m.

<u>CLEARFIELD AQUATIC & FITNESS CENTER REVAMP UPDATE</u>

Community Services Director Eric Howes provided an update on changes implemented at the Clearfield Aquatic and Fitness Center following Council direction from the January retreat. He reported that concessions had transitioned to drinks and prepackaged items after existing frozen inventory was depleted, resulting in reduced concession revenue accompanied by reduced supply costs as anticipated. The Manager on Duty (MOD) positions were being phased out, with four of the original 12 employees remaining after staff met with the group on April 8, 2026, regarding the planned organizational changes. Mr. Howes stated those four employees had been instrumental in maintaining operations during the transition. Open-plunge and general operating hours had been reduced, Sunday operations had been shortened to four hours, admission charges for spectators at activities had generally been eliminated, party packages had been modified, and fitness classes had been reduced from approximately 75 to 42 by retaining the most heavily attended classes. Mr. Howes reported few or no complaints associated with those changes. The preschool program and corresponding child-care supervisor position had also been eliminated as planned.

Mr. Howes reported that Kade began serving as Assistant Center Manager on June 15, 2026, although staffing transitions had prevented the position from fully assuming all duties originally anticipated. Three of four full-time supervisors left during the transition, requiring remaining MODs and full-time staff to cover opening, closing, weekend, and other supervisory shifts. Mr. Howes and Deputy Community Services Director Curtis Dickson also planned to increase their time at the facility as staffing stabilized. Rachel Lloyd had been promoted to Aquatics Operations Supervisor, Matt Godfrey had been hired as Program Supervisor following Ashley Spence's departure, and an offer had been accepted for the vacant Fitness Supervisor position, with the new employee scheduled to begin the following week. Mr. Howes commended Amy Sellers, Clint Warnick, the remaining MODs, and part-time specialists for maintaining operations during the busiest season. He stated the MOD classification remained scheduled for elimination between mid- and late September, with opportunities anticipated for the remaining MODs to apply for specialist or head-guard positions.

In response to Councilmember Peterson's question regarding recognition of the remaining MODs, Mr. Howes stated staff had provided gift baskets, Clearfield Cash, other small acknowledgments, and frequent expressions of appreciation, and had encouraged the employees to consider available positions within the organization. Councilmember Peterson also asked about the broader HR, culture, and potential liability effects associated with the restructuring. City Manager JJ Allen stated it remained too early for a complete assessment because staffing was still being finalized, but staff had begun seeing positive signs through clearer expectations, accountability, and increased organizational structure. Mr. Allen stated another update would likely be provided in November or December.

City Attorney Stuart Williams added that new policies had been implemented through Lexipol and had been reviewed and acknowledged by employees throughout the organization, including part-time CAFC employees. Mr. Howes stated Kade Huff had assumed responsibility for ensuring new employees completed required policy review before beginning work. Mr. Howes remained optimistic about the new team and stated reduced operating hours had already simplified scheduling and reduced the need for additional lifeguard shifts. Councilmember Ratchford observed that turnover could also create opportunities to better align labor costs and staffing needs. Mr. Allen explained that current monthly financial results did not yet reflect the long-term staffing plan because part-time employees had covered hours intended for full-time staff, but he expected expenditures to normalize as positions were filled.

Councilmember King confirmed that the eliminated MOD function would be replaced by having full-time supervisors present from opening through closing. Mr. Howes confirmed that was the intent, although supervisors would need to share responsibilities across programs and operating shifts. He stated additional experience over the coming months would determine how effectively the model worked.

HUMAN RESOURCES DIVISION STAFFING

City Attorney Stuart Williams and Human Resources (HR) Manager Ricki Miller presented a proposal to combine two existing part-time positions into one additional full-time HR position. Mr. Williams explained that the City's part-time HR assistant was leaving for graduate school and that a part-time Customer Service position was also becoming available. Staff proposed using the funding associated with the two positions to create a full-time HR employee. Mr. Williams described the significant increase in HR workload associated with recruitment, onboarding, benefits, retirement administration, employee issues, and organizational growth. He stated Clearfield had averaged approximately 132 recruitments annually over the previous several years, which was substantially higher than several comparable municipalities, and that repeated recruitments and unanticipated administrative requirements had placed significant strain on existing HR staff.

Mr. Williams and Ms. Miller explained that a third full-time HR employee would allow duties to be more clearly assigned among benefits, workers' compensation, recruitment, and other functions; improve accountability; provide department heads and employees with clearer points of contact; reduce duplication; and improve workload sustainability. Councilmember Ratchford supported the proposal and expressed concern regarding the workload carried by HR staff.

Councilmember Wurth asked whether the staffing change would be budget neutral. Mr. Williams stated that was the goal, although the job description and salary still needed to be finalized. Mr. Allen stated Finance would analyze the cost of benefits and could adjust recruitment timing to capture Fiscal Year 2027 (FY27) salary savings if necessary. He emphasized that staff's immediate purpose was to confirm the Council had no objection to increasing the full-time headcount by one. Councilmember Peterson expressed support for the staffing need but asked staff to identify the actual fiscal impact rather than presuming the change would be cost neutral. Councilmember Thompson similarly noted that full-time positions carried ongoing COLA and benefit costs and therefore should not generally be viewed as permanently cost neutral. Mr. Allen stated staff would calculate the costs and could also consider available funding associated with the vacant management intern position. Councilmember Wurth supported the organizational benefit of adding sufficient capacity to reduce burnout and turnover. The Council expressed no objection to staff proceeding with the proposed full-time HR position, with staff refining the position and determining the fiscal impact.

TRANSPORTATION FUNDING OVERVIEW

Mr. Allen reviewed existing transportation funding sources, including approximately $1.5 million in Class C gas tax revenue, approximately $739,000 in county transportation sales tax revenue, and a General Fund subsidy exceeding $500,000 annually. Finance Manager Rich Knapp clarified that the General Fund contribution could approach approximately $750,000 when administrative costs were included. Mr. Allen explained that grant funding from Wasatch Front Regional Council and Davis County was periodically available for capacity, congestion, air-quality, or similar construction improvements, but generally could not be used for routine street maintenance. As a largely built-out community, Clearfield had fewer capacity-expansion projects that qualified for those funding sources.

Mr. Allen discussed Davis County's consideration of the "fifth-fifth" local-option sales tax, a 0.20 percent sales tax that would provide additional transportation revenue to municipalities and the County. He estimated Clearfield could receive approximately $300,000 to $350,000 in additional annual transportation funding if the County adopted the tax. Mayor Shepherd and Police Chief Kelly Bennett reported recent indications that County officials had become more supportive of adoption, in part because of County public-safety funding needs. Mr. Allen noted that Weber, Salt Lake, and Utah Counties had already adopted the tax. He explained that the municipal portion could be used broadly for streets, sidewalks, trails, active transportation, streetlights, striping, and other transportation purposes.

Mr. Allen then introduced the concept of a transportation utility fee. He explained that such a fee would operate similarly to other utility charges, would appear on the City's utility bill, and would require creation of an enterprise fund. He reviewed the legal history of transportation utility fees and stated recent state legislation established parameters requiring fees to be related to a property's use or demand on the transportation system rather than property value or frontage. Jones and Associates was preparing an analysis of potential Clearfield fee structures and revenues, and staff planned to return to the Council for a detailed discussion.

Public Works Director Adam Favero emphasized that transportation funding needs to be extended beyond pavement to sidewalks, streetlights, active transportation, striping, and eventual infrastructure replacement. He reviewed pavement-condition information prepared using Street Logic and reported the City's current pavement condition index (PCI) was approximately 66. He explained that routine preservation treatments such as slurry seal and cape seal were significantly more cost-effective over the life of a roadway than allowing pavement to deteriorate until reconstruction became necessary. At current funding levels, the City's average PCI was projected to decline over time, even after accounting for inflation. Preliminary modeling indicated additional annual funding could move the City toward a sustainable PCI in approximately the 70-to-80 range. Deputy Public Works Director Braden Felix clarified that a PCI of 100 was neither achievable nor financially desirable because roads continually deteriorated and additional spending eventually produced diminishing returns.

Councilmember King supported considering additional funding for streets and active transportation, particularly as Clearfield Station developed. Mayor Shepherd suggested that instead of beginning with a fixed dollar amount, the Council should establish a desired PCI as a policy target and then fund the amount necessary to maintain that standard. Mr. Allen and Mr. Favero agreed that establishing a consistent PCI target would provide a more predictable and sustainable basis for budgeting. Mayor Shepherd indicated a target such as 75 could provide a clear policy goal, while the precise target remained for future consideration.

Councilmember Wurth asked what PCI level would result in improvements residents could visibly recognize and how quickly increased funding could be translated into projects. Mr. Favero explained measurable improvements would take several years, likely three to five years, rather than occurring immediately. Mr. Felix stated Public Works already maintained a substantial list of streets that could be addressed if additional funding became available, and contractor capacity generally had not been the primary limitation. Councilmember Peterson suggested that if a transportation utility fee were adopted, staff should clearly communicate which projects were made possible by the new funding so residents could see a direct connection between the fee and improvements. Councilmembers King and Wurth agreed that visible reporting and communication would be important.

Mr. Favero emphasized that many collector and arterial roads carried substantial traffic generated by people who did not live in Clearfield and that staff would continue pursuing regional and County funding for eligible corridors so residents were not solely responsible for pass-through traffic costs. Councilmember Peterson suggested framing any potential utility fee as a response to residents' ongoing complaints about street conditions and explaining that the fee would be structured according to transportation-system demand rather than property value. Councilmembers reported that streets, sidewalks, and street lighting were among the most frequent infrastructure concerns they heard from residents.

Councilmember Thompson asked how a utility fee could affect small businesses and multifamily properties. Mr. Allen and Mr. Favero stated Jones and Associates was analyzing those issues and that the details should be addressed when the full study was presented. Staff anticipated returning to the Council with the analysis during a future work session, potentially in September. Councilmember Thompson remained cautious about creating a permanent new fee and emphasized the need for careful evaluation.

Lunch Break and Team Building Activity

The meeting reconvened at 1:00 p.m.

IDEAS FOR CHANGE / BRIDGE PROGRAM

Mr. Allen introduced change.org's Bridge Program, formerly referred to as Ideas for Change, after Mayor Shepherd forwarded information about the program. Mr. Allen explained that the program solicited ideas from residents through an online platform, allowed participants to vote on ideas, identified areas of agreement across differing viewpoints, and then brought a smaller group of residents together for compensated virtual discussions. For a community Clearfield's size, the program hoped to attract approximately 1,000 participants during the idea and voting stage and approximately 100 participants for the small-group discussions. The approximately 12-week program would have no direct financial cost to the City because it was philanthropically funded; the City's primary responsibility would be to help promote participation.

Mayor Shepherd supported the concept as another means of demonstrating that the City listened to residents and of identifying community priorities. Councilmember Ratchford supported participating. Councilmember King supported the program because an outside organization would conduct much of the engagement work and could potentially reach residents who did not typically participate through City channels.

Councilmember Peterson supported the concept but cautioned against survey fatigue and recommended that the effort be clearly presented as an independent Change.org initiative rather than another City survey. Councilmember Peterson also emphasized that if residents were asked to participate, the City should be prepared to demonstrate how the resulting information was considered and, where feasible, identify tangible actions resulting from the process. Mayor Shepherd agreed that expectations and timing should be clearly communicated and that significant community consensus should influence future Council consideration. Mr. Allen suggested the results could support development of a new multi-year strategic plan.

Councilmembers discussed timing in relation to the holiday season, the January retreat, and the Fiscal Year 2028 (FY28) budget process. Councilmembers Wurth and Peterson favored receiving information early enough to help inform budget priorities, while Councilmember Thompson preferred beginning before the holiday season if possible. Mayor Shepherd noted that the 12-week process did not include initial startup and participant recruitment and preferred either beginning immediately or structuring the timing so useful results were available for future planning. Councilmember Peterson reiterated that even if recommendations required multiple years, the City should identify at least one visible response where feasible to demonstrate that community participation mattered.

Councilmember Thompson requested that the program remain as independent as possible because of potential questions regarding participant data and data sharing. Mr. Allen said he would ask how residency was verified because Clearfield residents' responses should carry greater weight than those of nonresidents. Councilmember King asked Mr. Allen to determine how other participating cities had used the information, including the time and financial resources involved after receiving recommendations. Councilmember Peterson asked how the program addressed recommendations outside municipal jurisdiction or decisions that could no longer reasonably be reversed. Councilmembers King and Thompson noted that such responses could also identify opportunities to educate residents regarding the respective roles of local, state, and federal government.

Mr. Allen stated he would contact program representatives the following Monday to determine how quickly Clearfield could begin, how participation and residency were handled, and how other communities had implemented results. Communications Manager Shaundra emphasized that departments would need to remain open to community recommendations if the City expected the engagement effort to be meaningful.

NEIGHBORHOOD ART

Communications Manager Shaundra Rushton reviewed previous Council direction to focus approximately $50,000 in neighborhood investment on art within residential neighborhoods rather than general beautification, parks, trails, or other existing City amenities, and to include some degree of resident participation. She presented examples of utility-based art, including painted fire hydrants, utility boxes, poles, crosswalks, manhole covers, storm drains, and bus stops, as well as other neighborhood art such as murals, sculptures, little libraries, sidewalk poetry, and neighborhood branding.

Mayor Shepherd expressed interest in painted fire hydrants because they were City-owned, visible throughout neighborhoods, and could provide neighborhood-specific themes. Councilmembers discussed operational requirements, including maintaining necessary hydrant markings and using protective or reflective coatings. Ms. Rushton stated painted hydrant art generally had a lifespan of approximately three to five years because of regular maintenance of the hydrants.

Following an informal Council survey, fire hydrants received the strongest support. Ms. Rushton reported that the Youth Commission had also identified fire hydrants and murals as preferred options. Councilmembers discussed various forms of resident involvement, including submitting designs, voting on designs or neighborhood themes, involving schools, and having professional or student artists complete installation.

The Council gravitated toward assigning themes to different neighborhood areas and allowing residents in those areas to select among possible themes. Mayor Shepherd proposed partnering with Clearfield High School's art and CTE programs to create the final designs and potentially paint the hydrants, providing students with visible projects they could take pride in. Councilmembers King, Peterson, Ratchford, and Wurth supported involving young people and using the project to strengthen neighborhood identity and community pride.

Ms. Rushton summarized the direction as developing a list of possible neighborhood themes, using resident outreach—including the City's new texting platform—to allow neighborhoods to choose a theme, and exploring a partnership with Clearfield High School to design and potentially paint the hydrants. She stated she would research program costs, determine approximately how many hydrants could be completed within available funding, identify required specifications and protective coatings, and return to the Council at a future work session. Mr. Allen confirmed that understanding of the Council's direction.

STREETLIGHT NETWORK DISCUSSION

Mr. Allen introduced a discussion regarding requests for additional streetlights. Deputy Public Works Director Braden Felix reviewed the City's streetlight network and explained that the City maintained lights within City rights-of-way and along UDOT corridors, while lights on private streets and parking lots were privately maintained. The City paid Rocky Mountain Power on a per-light basis for electricity. Mr. Felix stated the City generally received relatively few complaints about insufficient street lighting; complaints more often involved privately owned lights or lights residents considered too bright.

Mr. Felix reviewed the City's current standards, which generally called for single-acorn fixtures in residential and commercial areas, double-acorn fixtures on portions of major corridors, placement at intersections, alternating placement along streets, and maximum spacing of approximately 400 feet in new development. Developers generally installed lights within new developments, while the City sometimes installed them as part of larger capital projects. Mr. Felix estimated a recent installation cost at approximately $7,000 per light, although costs varied significantly depending upon the proximity to electrical service.

Mr. Felix stated potential grant sources could occasionally support streetlight improvements as part of larger transportation projects, and he noted UDOT had previously studied lighting along portions of State Street following pedestrian incidents. Councilmembers discussed individual neighborhood requests, but Mr. Allen stated staff's review had not identified significant gaps in the existing City network and Police had not identified particular neighborhoods as unusually dark. Mr. Allen and Councilmember King acknowledged that individual residents' perceptions could differ, particularly for homes located mid-block.

Councilmember Peterson stated the more frequent lighting concerns involved parks such as Barlow Park and Island View Park, where grading and limited visibility created dark areas adjacent to pedestrian routes. Community Services Director Eric Howes stated park lighting was already included on the department's long-term project list, but installation was expensive; solar technology could eventually offer a more affordable option.

Mr. Allen asked whether the Council wanted to change the City's existing approach to individual streetlight requests. Mayor Shepherd recommended retaining the current approach and stated requests should demonstrate broader neighborhood support rather than based on one resident's preference. Mr. Allen agreed that a request supported by multiple nearby residents would warrant greater evaluation. Public Works staff would continue assessing requests for feasibility, power availability, cost, safety, and potential inclusion in future capital projects. The Council provided no direction to alter the City's current streetlight standards or establish a new program.

The Council took a break at 2:20 p.m.

The meeting reconvened at 2:45 p.m.

<u>OPEN FORUM FOR ELECTED OFFICIALS AND STAFF – ZOOM OUT AND LOOK AHEAD</u>

Mr. Allen began the open forum by reviewing the City's "hedgehog" analysis tool used to evaluate whether the City should begin, continue, modify, or discontinue programs and services. The analysis first considered whether an activity was legally required and, for discretionary services, evaluated who benefited, effectiveness, community tradition or "sacred cow" status, cost versus benefit, risk mitigation, sustainability, whether the activity represented a need or want, and whether another provider or substitute existed. Mr. Allen encouraged staff and the Council to resume using the framework more intentionally when evaluating new commitments and existing services.

Deputy Public Works Director Braden Felix reported Public Works was experiencing staffing strain following the departure of an engineer and the return of an intern to school. He stated the department was preparing to launch sewer and storm drain cleaning programs following acquisition of the vacuum truck and was recruiting a foreman and additional employees needed to support the program.

Councilmember Wurth identified neighborhood sidewalks as a significant concern based on observations while walking throughout the community. He suggested the City give greater consideration to missing, deteriorated, or unsafe sidewalks and also continued to support addressing the former gas station property at approximately 300 North. Mayor Shepherd reported staff had recently renewed discussions regarding the gas-station property. The owner had received environmental information indicating no further cleanup was currently required, BP Oil had indicated willingness to release its interest under certain conditions, and the property could potentially be demolished and redeveloped. Staff had also discussed possible City involvement using CDRA resources if necessary, although private development interest appeared to be increasing.

Mr. Felix stated the City budgeted approximately $100,000 to $120,000 annually for sidewalk work, much of which had recently been consumed by required ADA ramp improvements. Public Works maintained a map of missing and deficient sidewalks and intended to incorporate sidewalk needs into the transportation utility fee analysis. Councilmember Peterson asked staff to consider whether sidewalk gaps that advanced active-transportation connectivity might qualify for regional or other outside funding. Staff distinguished between routine neighborhood sidewalk repair and larger active-transportation projects, such as major trail or bridge connections, which could require substantial long-term funding.

Councilmember Peterson requested a future policy discussion regarding municipal response to larger catastrophic events and infrastructure-related losses. She explained that existing processes generally worked for isolated incidents but could create unintended difficulties when multiple properties were affected, when third parties damaged City infrastructure, or when an employee or elected official involved in an incident created conflicts-of-interest consideration. She requested consideration of policies addressing large-event response, recovery assistance, access to records and information, accountability for parties responsible for damaging City infrastructure, and procedures that allowed employees or elected officials to retain ordinary resident access without receiving preferential treatment. Mr. Allen stated staff had identified many of the same issues internally and agreed a Council level discussion would be appropriate when the timing was suitable.

Mayor Shepherd identified neighborhood appearance and property maintenance as a major concern and asked how the City could encourage greater pride in ownership while also having effective enforcement tools for persistent violations. He discussed the difficulty of balancing education, incentives, assistance, and enforcement and expressed concern that unresolved property maintenance issues negatively affected neighborhood appearance and perceptions of Clearfield. Mr. Allen noted that the City's code-enforcement philosophy had historically shifted between proactive and complaint based approaches depending upon community and Council expectations.

Councilmembers Wurth and King discussed community-assistance programs such as MyHometown but noted that volunteer cleanup efforts did not necessarily result in long-term change if the underlying circumstances remained unresolved. Mr. Allen stated he had previously agreed to investigate MyHometown programs in other cities and acknowledged he had not yet completed that research. Community Development Director Stacy Millgate reported the City had begun using tax liens for qualifying repeat code enforcement cases so outstanding amounts would ultimately be collected with property taxes rather than remaining indefinitely as ordinary property liens. Mayor Shepherd supported that approach as a more effective accountability tool. Staff also discussed educating residents regarding basic property maintenance and landscaping practices.

Deputy Community Services Director Curtis Dickson emphasized the importance of parks, recreation programs, and special events in providing residents with affordable opportunities for physical activity, mental well-being, social interaction, and community connection. He stated Community Services continued looking for creative ways to increase use of existing facilities and programs rather than relying solely on expensive new construction. Councilmember

Ratchford suggested coordination with the Police Department's mental health officer so individuals in need could also be connected with available recreational and community opportunities.

Public Works Director Adam Favero stated that, across City functions, staff needed clear expectations from the Council regarding desired service levels and priorities. He noted that staff regularly had to balance enforcement, business impacts, project demands, and limited resources and suggested the Council and staff continue discussing where increased or reduced levels of effort were expected.

Chief Bennett reported increasing workload pressures within investigations. The department currently had only three detectives and had left one position unfilled for nearly a year; detectives were carrying approximately 25 to 40 cases each. Additional requirements associated with Children's Justice Center interviews, sextortion investigations, digital evidence, and other mandates continued to increase workload. Chief Bennett explained that the City had discontinued its own Cellebrite phone-extraction subscription after costs rose significantly and that changes affecting access to the Rocky Mountain Regional Computer Forensics Laboratory would further increase resource demands. He stated the Police Department continued to face unfunded mandates requiring staff and technology. Councilmember Peterson suggested exploring legislative requirements for fiscal impacts or first year funding when new mandates were imposed. Chief Bennett stated the Utah Chiefs of Police Association and its lobbyist actively worked with the Legislature, and Mr. Allen noted coordination also occurred with the Utah League of Cities and Towns.

City Attorney Stuart Williams identified long term organizational sustainability as a major concern. He stated that new programs, staffing needs, regulatory responsibilities, and compensation demands continued to accumulate while resources remained limited. Mr. Williams encouraged the organization to consider not only what new services to add, but what existing work might need to stop or be performed differently. Councilmember Ratchford asked about neighboring cities increasing compensation to attract employees. Mr. Williams explained Clearfield used a broader comparable market approach rather than reacting to individual cities and generally targeted compensation within approximately five percent of the market median. He cautioned that becoming a compensation leader would require substantial resources and could reduce funding available for infrastructure and other priorities.

Finance Manager Rich Knapp identified the annual cost of compensation adjustments as a significant budget concern and estimated approximately $800,000 in known increased costs could be expected in the following year before considering additional staffing. Councilmember Ratchford raised concerns about declining energy sales and use tax revenues associated with changing consumption patterns. Mr. Allen confirmed that energy tax revenue supported the General Fund and affected the City's ability to fund all services. Staff noted potential large energy users in the Freeport Center could provide some offset, but revenues remained subject to economic conditions. Mr. Knapp added that each newly added position increased future compensation obligations.

Councilmember Ratchford suggested reviewing merchant service costs associated with utility

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payments, parking-lot and City facility landscaping, possible participation in a parade-float contest, Police Department workspace improvements, stormwater impacts on road deterioration, and long term infrastructure risks. Councilmember Peterson noted that a broader review of Fourth of July expenditures and programming was already anticipated so future investments could be tied to defined objectives and a cohesive theme.

Councilmembers Ratchford and King expressed concern regarding aging utility infrastructure within the Freeport Center. Mr. Allen and Public Works staff explained that improvements were being addressed incrementally, including a sewer project on G Street and commercial water meter replacement. Mr. Knapp stated staff was also evaluating stormwater equivalent service unit billing within the Freeport Center, with a future work session anticipated in 2027.

Councilmember King emphasized active-transportation connections between FrontRunner, downtown, and the Freeport Center; safer State Street crossings; and protected bicycle facilities. She also asked how the City could increase General Fund revenue without relying exclusively on tax increases. Mr. Allen explained that sales tax rates were controlled by the State and that the City's principal opportunity to grow sales tax revenue was economic development recruitment. Staff continued working with brokers and businesses regarding Legend Hills, Lakeside, Clearfield Station, and other development opportunities.

Councilmember King asked about the status of development at Clearfield Station. Mayor Shepherd stated the developers continued working to secure financing for the market rate Zephyr apartment project and had recently requested additional market information for potential investors. Mr. Allen stated there was no immediate construction deadline for the developer and that financial advisor Jonathan Ward was exploring whether existing Clearfield Station debt could be restructured to reduce cash-flow pressure. Mayor Shepherd stated the LIHTC component had been placed on hold while the developer concentrated on the Zephyr project. Staff also discussed continuing retail-development efforts near Legend Hills and Crush Golf and Grill.

Communications Manager Shaundra Rushton asked councilmembers and departments to proactively provide her team with community-interest stories so the City could better highlight local accomplishments, events, partnerships, and residents. She explained that the two-person communications staff could not independently learn about every noteworthy activity occurring throughout the organization or community. Councilmembers agreed to help forward information. Ms. Rushton clarified that the intent was not to advertise every private event or business, but to identify stories with broader community impact that could strengthen civic pride.

Councilmember Thompson asked staff to consider revenue opportunities associated with City owned property, including possible ground leases of remnant parcels, as an alternative to recurring tax increases. He also supported a renewed discussion of code enforcement, particularly regarding fire hazards, vacant or poorly maintained properties, and public perceptions that enforcement was not occurring. Councilmember Thompson suggested exploring additional ways to recognize Clearfield youth, including banners or other public recognition for students entering military service, attending college, or achieving significant accomplishments.

Ms. Rushton stated individual youth and resident profiles could be incorporated into City communication channels, and councilmembers discussed potential sponsorships or partnerships to offset the cost of physical banners.

Councilmembers discussed vegetation and fire hazards on railroad property. Staff stated the City's ability to enforce against Union Pacific was limited, but Mayor Shepherd suggested the City's governmental affairs representative, Steve Hiatt, could investigate potential state involvement because of broader wildfire concerns.

Community Development Director Stacy Millgate reported that her department was developing a better system for tracking repeat code enforcement properties during probationary periods so violations could be addressed without relying entirely on additional neighbor complaints. She stated code enforcement remained primarily complaint driven and involved substantial administrative work. Ms. Millgate also raised concerns regarding businesses operating without required City licenses. Staff generally worked with businesses to achieve voluntary compliance, but some continued operating for extended periods without obtaining a license. Chief Bennett and City Attorney Stuart Williams explained that criminal enforcement was legally possible but required sufficient evidence and prosecution resources. Mayor Shepherd suggested that a more strongly worded notice advising repeat violators that continued operation could result in criminal enforcement might prompt compliance. Councilmember Thompson supported enforcement but cautioned that escalation should be measured to avoid unnecessary public relations problems. Ms. Millgate agreed that any stronger warning should only be used if the City was prepared to follow through.

Ms. Millgate then reported that elimination of a planning position approximately a year and a half earlier had created significant workload pressure even though vertical development had slowed. She stated Associate Planner Tyson Stoddard was carrying a substantial workload and that additional responsibilities had shifted to Ms. Millgate, Mr. Williams, Mr. Allen, and other staff. Councilmembers discussed whether part-time or contract planning assistance could help. Ms. Millgate confirmed the City retained the ability to contract for planning services. Staff noted there were no current development projects experiencing significant delays, but the existing workload had been stressful. Mr. Allen explained the position had previously been left vacant so funding could be redirected to other priorities and that staff had been testing whether the reduced staffing level was sustainable.

Deputy City Recorder Chersty Titensor reminded the Council that PrimeGov served as an ongoing resource for meeting presentations and materials and that presentations were uploaded following meetings for future reference. Councilmembers expressed appreciation for the timely availability of information.

City Recorder Nancy Dean discussed the ongoing cost of technology, noting PrimeGov represented a significant annual expense but reduced staffing needs and improved meeting administration and public access. She also noted future costs associated with accessibility requirements for City video content. Councilmembers expressed support for the investment while recognizing that subscription based technology costs required continued monitoring.

Community Services Director Mr. Howes closed the open forum by emphasizing the importance of ensuring Community Services remained part of organizational priority discussions as limited resources were allocated among infrastructure, public safety, and other needs. He stated the department continued operating largely from an outdated 1977 planning framework supplemented by Vision 2020 and shorter term planning efforts. Mr. Howes recommended undertaking a comprehensive parks and recreation master planning process to obtain updated Council and community direction for the next approximately 10 years and to ensure limited staff time and resources were focused on the services residents and the Council valued most.

Mr. Allen thanked the Council and staff for participating in the retreat and concluded the day's discussions at 4:55 p.m.

APPROVED AND ADOPTED
This day of 2026

/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 Friday, August 14, 2026.

/s/ Nancy R. Dean, City Recorder

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CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 PM WORK MEETING
August 25, 2026

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 Karece Thompson, Councilmember Nike Peterson, Councilmember Megan Ratchford, Councilmember Dakota Wurth

ABSENT: Councilmember Danielle King

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

VISITORS: Jessica Kjar – WALC, Michael Christensen

Mayor Shepherd called the meeting to order at 6:07 p.m.

PRESENTATION FROM WASATCH ADVOCATES OF LIVEABLE COMMUNITIES

Jessica Kjar, Community Manager for Wasatch Advocates for Livable Communities (WALC), introduced the nonprofit organization and explained that it focused on increasing housing choice and affordability throughout the Wasatch Front and Wasatch Back. She stated that WALC worked to educate, convene, advocate, and engage on housing issues and provided communities with policy research, public engagement resources, and assistance with housing-related events. She clarified that WALC was not making a policy request of the Council.

Ms. Kjar recognized Clearfield's efforts regarding housing affordability and detached accessory dwelling units (DADUs), noting that she had referred other communities implementing Senate Bill 284 to Clearfield's regulations. She stated that WALC planned to conduct a design challenge in Clearfield involving housing and infill concepts and would contact Councilmembers for feedback, but the project would not require City funding or significant staff resources. Ms. Kjar also discussed statewide housing trends, including population growth, smaller household sizes, aging residents, and increasing home prices, and stated that WALC sought to promote housing options that allowed residents to remain in their communities throughout different stages of life.

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Councilmember Wurth commended WALC's ability to bring together housing stakeholders and legislators with differing perspectives. Councilmember Wurth encouraged the Council to review WALC's proposed design competition involving pre-approved infill housing plans, stating that the concept could provide additional housing opportunities beyond large-scale developments. Mayor Shepherd thanked Ms. Kjar for the presentation.

DISCUSSION OF THE FRANCHISE AGREEMENT WITH FORGED FIBER 37

Deputy Public Works Director Braden Felix presented a proposed franchise agreement with Forged Fiber 37, an entity associated with AT&T following its acquisition of fiber assets previously owned by Lumen/CenturyLink. Mr. Felix explained that staff and the city attorney determined a new franchise agreement was appropriate and that Forged Fiber had agreed to substantially the same agreement template previously used by the City for Connext. Mr. Felix reported that most of the company's anticipated facilities had already been installed through ongoing coordination with the City. City Manager JJ Allen stated that the agreement was scheduled for consideration at the September 8, 2026 policy meeting.

UPDATE ON THE AWARD FOR THE CIVIC AND TOWN CENTER IMPLEMENTATION PLAN

Assistant City Manager Spencer Brimley reported that MHTN had been selected through the request-for-proposals process to prepare the Civic and Town Center Implementation Plan for the area south of City Hall. He stated that the selection committee evaluated eight consultants and believed MHTN's experience with similar Utah projects made the firm well suited for the work. Leland Consulting would provide the economic analysis component. Mr. Brimley emphasized that the purpose of the project was not to repeat previous downtown planning efforts but to use the work already completed to develop a realistic, market informed, and implementable plan.

Councilmember Peterson asked whether the consultant understood the extent of the City's previous planning work and expressed concern about managing expectations during the proposed public engagement process. Mr. Brimley explained that staff had reduced the originally proposed four- or five-day charrette to three days and directed the consultant to focus primarily on stakeholders rather than repeat a broad public planning process. The charrette would include stakeholder meetings, a public opportunity on September 28, and a Council focused session on September 29. Mr. Brimley stated that City departments, businesses, property owners, and other relevant stakeholders would also participate and that the consultant would use information gathered during each session to progressively refine the implementation plan.

Councilmember Peterson clarified that the concern was not with receiving public input but with recognizing that residents had already participated extensively in the planning process and that the City had moved into the implementation phase. Councilmember Peterson emphasized that the current process should focus on implementing established objectives rather than reopening fundamental questions previously addressed through the General Plan and downtown planning efforts. Mr. Brimley agreed and stated that the consultant understood the City was beginning from an established planning foundation.

Mayor Shepherd emphasized that the consultant should provide realistic recommendations rather than concepts unsupported by market conditions. Councilmember Peterson agreed and requested comprehensive, evidence based market analysis that recognized previous resident input, existing policy, and current feasibility. Mr. Brimley stated that participation by the property owner would also provide a practical development perspective regarding the Form Based Code and market conditions. He explained that the charrette was intended to produce sufficient information for the consultant to develop an actionable implementation plan.

Mr. Brimley reported that the Council had previously approved $95,000 for the project during the budget process and that the proposed MHTN contract totaled $94,970. Mayor Shepherd expressed support for moving forward with the consultant.

<u>DISCUSSION ON CLEARFIELD CITY CODE § 11-1-17 AND THE CHANGES TO UTAH CODE ANNOTATED §10-20-507 REGARDING NEW AND UNLISTED BUSINESS USES</u>

Associate Planner Tyson Stoddard reviewed recent changes to Utah law establishing a process for classifying new and unlisted business uses and compared those requirements with Clearfield City's existing ordinance. Mr. Stoddard explained that the City currently authorized the planning and zoning administrator to determine whether an unlisted use fit within an existing permitted or conditional-use category, with written notice provided to the applicant, City Recorder, Planning Commission, and City Council and a ten calendar day appeal period to the Planning Commission.

Mr. Stoddard explained that under the new State process, when a proposed business was determined to be a new or unlisted use, the applicant was required to submit an application to the legislative body. The legislative body was required to approve or deny the use within a timeframe established by ordinance and, if approved, designate where the use would be allowed. A denial required written reasons and an opportunity for an administrative appeal. Mr. Stoddard stated that Clearfield's existing ordinance did not establish all the procedures required under the new statute. Mayor Shepherd, City Manager JJ Allen, City Attorney Stuart Williams, Councilmember Peterson, and Mr. Stoddard discussed ambiguities regarding the role of the legislative body, the Planning Commission, and the administrative appeal process. Staff noted that although the legislation had been revised since its original introduction, procedural concerns remained.

Mr. Stoddard then reviewed a pending zoning determination request for a data center proposed in Building J8 at the Freeport Center in the M-1 Manufacturing Zone. The proposed facility would house computer servers used to process, store, transmit, and manage data. Mr. Stoddard stated that his preliminary review focused particularly on the existing manufacturing and warehouse classifications. Based on the definitions in City Code, his preliminary conclusion was that a data center did not cleanly fit either classification. Mr. Stoddard emphasized that the determination did not conclude that a data center was incompatible with the M-1 Zone, only that it did not clearly fit an existing permitted or conditional use category.

Councilmember Thompson questioned whether the storage of electronic data could reasonably qualify as warehousing a commodity and expressed concern about avoiding potential liability associated with treating the proposed business differently. Councilmember Peterson stated that the initial determination should focus on whether the proposed business fit an existing defined use rather than whether individual councilmembers supported data centers. The Council and staff also discussed the City's existing Planning Commission appeal procedure and the fact that the building had previously contained a cryptocurrency mining operation involving similar computer equipment and electrical and cooling demands.

Councilmember Wurth stated that evolving technologies created business uses that were not addressed by existing land use definitions and that the City should not rely on grandfathering or technical interpretations to determine where those uses belonged. Councilmember Wurth supported further discussion regarding where data centers and other emerging uses should be permitted. Mr. Allen agreed and recommended that the City ultimately adopt an ordinance defining data centers, identifying appropriate zones, and establishing applicable standards.

Councilmember Peterson supported establishing a predictable process before future applications were received so decisions would be based on established regulations rather than reactive or political considerations. Councilmember Peterson suggested evaluating infrastructure impacts and other demonstrable reasons for additional regulations. Mr. Allen stated that jurisdictions throughout Utah and the nation were addressing similar issues through measures such as moratoriums and resource use limitations and noted that the Utah Legislature was also considering data center legislation. Consequently, regulations adopted by the City might require amendment following the legislative session.

Councilmember Peterson asked whether the City could adopt a temporary land use regulation before the current applicant obtained an entitlement. Mr. Allen explained that the City had received only a zoning determination request, which was not an entitlement application, and confirmed that the Council could adopt a temporary land use regulation. He stated that such a regulation could remain in effect for 180 days and would allow the City time to study the issue, consider emerging State legislation, and develop appropriate regulations.

Mr. Allen reported that he had contacted Spanish Fork, Rocky Mountain Power, and Steve Hiatt and had reviewed information presented during a recent legislative interim meeting. He offered to provide the Council with the legislative materials. Mr. Allen noted that a draft legislative definition classified Category 1 data centers as facilities using between 10 and 100 megawatts and Category 2 facilities as those exceeding 100 megawatts. The proposed Freeport facility would use no more than eight megawatts. Mayor Shepherd stated that eight megawatts represented the building's maximum available capacity, and Mr. Allen noted that the proposed facility was small compared with other data center projects in the State.

Councilmember Peterson supported establishing a review process that would allow the Council to distinguish factual impacts from speculation and evaluate matters such as water use, electricity consumption, infrastructure impacts, and potential revenues. Councilmember Peterson requested an evidence based review of data centers so the Council could make an informed decision and suggested also considering other emerging business technologies not currently addressed by City Code. Councilmember Thompson reiterated the importance of avoiding discriminatory treatment or potential liability.

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Mayor Shepherd directed staff to prepare the matter for the next policy session, and Mr. Allen confirmed that staff would prepare materials. Councilmember Wurth emphasized that land use decisions should not be based on political reaction but on State law and actual impacts. Mr. Allen agreed that impacts should be the primary consideration and noted that some existing Freeport Center businesses consumed significant water and electricity and generated greater traffic impacts than a data center might. Councilmember Wurth stated that data centers varied significantly in their resource demands and noted that permanent employment levels should also be considered when comparing them with other industrial users. Mr. Allen stated that the issues could be evaluated during the temporary regulation period. Mayor Shepherd confirmed that staff would bring the matter back for Council consideration. City Attorney Stuart Williams noted that the process could be like the City's previous approach to accessory dwelling units, with the understanding that future State legislation could require subsequent amendments.

Councilmember Thompson moved to adjourn at 6:59 p.m., seconded by Councilmember Wurth.

RESULT: **Passed [4 TO 0]**
YES: Councilmember Thompson, Councilmember Peterson, Councilmember Ratchford, Councilmember Wurth
NO: None
ABSENT: Councilmember Danielle King

APPROVED AND ADOPTED
This day of 2026

/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, August 25, 2026.

/s/ Nancy R. Dean, City Recorder

CLEARFIELD
UTAH'S MILITARY CITY

STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Tyson Stoddard, Planner

MEETING DATE: September 8, 2026

SUBJECT: Temporary Land Use Regulation - Data Centers

RECOMMENDED ACTION

Staff recommends that the City Council adopt the proposed ordinance establishing a temporary land use regulation for data center uses within Clearfield City.

DESCRIPTION / BACKGROUND

Data centers are an evolving land use involving facilities designed primarily to house and operate computer servers, data-processing equipment, and related infrastructure. While data-processing equipment may be incorporated into a variety of existing land uses, a facility whose primary purpose is the operation of data-processing infrastructure can have physical and operational characteristics that differ substantially from many of the uses currently identified in the Clearfield City Code.

The Clearfield City Code does not currently establish a definition or zoning classification for a "data center." As a result, the City has not adopted land use standards specifically addressing characteristics that may be associated with larger or more resource-intensive data center facilities, including electrical demand, water consumption and cooling systems, wastewater, backup power generation, noise, fire protection, emergency response, utility infrastructure, and other potential impacts.

The City Council is therefore considering a temporary land use regulation to provide a limited period for the City to evaluate data centers and determine whether amendments to the City's permanent land use regulations are appropriate.

Proposed Temporary Land Use Regulation

The proposed ordinance would establish a temporary land use regulation applicable throughout Clearfield City for a period not exceeding 180 days. During the effective period, the ordinance would temporarily restrict development activity undertaken for the purpose of establishing a new data center, including construction of a new building or structure, reconstruction or alteration of an existing building or structure for the purpose of establishing a data center, physical expansion of an existing data center, and subdivision activity associated with establishing or expanding a data center.

The proposed ordinance would also establish a temporary definition of "data center" for purposes of administering the regulation. The definition is intended to distinguish a facility whose primary use is data processing, storage, management, or hosting from ordinary businesses or institutions that merely utilize computer servers or information technology as an accessory component of their principal use.

Importantly, the proposed temporary regulation would not constitute a determination that data centers are prohibited uses or inherently incompatible with any particular zoning district. Rather, the purpose of the temporary regulation is to provide the City with a limited period to study the land use and infrastructure characteristics of data centers before establishing permanent regulations.

Basis for Temporary Regulation

Utah Code § 10-20-504 authorizes a municipal legislative body to enact a temporary land use regulation without prior consideration or recommendation from the Planning Commission upon a finding of a compelling, countervailing public interest. The proposed ordinance identifies the City's interest in maintaining its ability to adequately plan for and evaluate potentially significant infrastructure, public safety, resource, and land use impacts associated with data centers while appropriate permanent regulations are considered.

The temporary regulation is intended to preserve the City's ability to evaluate these issues before development or infrastructure commitments occur that may be difficult to address after construction or operation has commenced. The regulation is limited in scope and duration and is intended to provide time for the City to conduct the necessary evaluation and consider permanent land use regulations.

Study & Permanent Regulations

During the temporary period, staff would evaluate appropriate permanent regulations for data centers. The study would consider, among other matters, whether data centers should be treated as a distinct land use; whether different categories should be established based on factors such as facility size, electrical demand, water consumption, cooling technology, or other operational characteristics; and which zoning districts may be appropriate for data center land use.

Staff would also evaluate potential development standards addressing matters such as utility and infrastructure capacity, water and wastewater impacts, noise, backup power generation and fuel storage, battery storage, fire protection and emergency response, site design, buffering, traffic, and coordination with utility providers and other affected agencies.

The City may also evaluate recent changes in Utah law concerning data centers and determine how those requirements should be incorporated into or coordinated with the City's land use regulations.

Conclusion

The proposed temporary land use regulation provides the City with a limited period to evaluate an evolving land use that is not currently defined or regulated by the Clearfield City Code. Adoption of the temporary regulation would allow the City to study the potential infrastructure, resource, public safety, and land use impacts associated with data centers and determine whether permanent regulations are warranted.

The temporary regulation does not predetermine the City's ultimate treatment of data centers. Rather, it is intended to allow the City Council and staff to make that determination based upon additional factual information and appropriate land use analysis.

CORRESPONDING POLICY PRIORITIES

- Providing Quality Municipal Services

The City will be able to evaluate potential electrical, water, wastewater, emergency response, transportation, utility, and other infrastructure demands associated with data center facilities, and determine whether additional land use regulations are necessary to ensure that future development can be appropriately accommodated by municipal services and infrastructure.

HEDGEHOG SCORE

Not considered

FISCAL IMPACT

The fiscal impact of the temporary land use regulation itself is minimal, primarily consisting of staff time to study and propose permanent regulations. There could be indirect impacts associated with delaying or preventing data centers during the temporary period, but such impacts cannot be quantified at this time and would depend on whether a data center development proposal would have otherwise proceeded during the temporary period.

ALTERNATIVES

1. Adopt the Proposed Temporary Land Use Regulation.

Adopt the proposed ordinance establishing a temporary land use regulation for data centers and direct staff to study data centers and potential permanent land use regulations.

2. Do Not Adopt the Temporary Land Use Regulation.

Decline to adopt the proposed ordinance and direct staff to study data centers and potential permanent land use regulations under the City's existing land use regulations.

SCHEDULE / TIME CONSTRAINTS

If adopted, the temporary land use regulation would be effective for a period not exceeding 180 days, as authorized by Utah Code § 10-20-504. During this period, staff will evaluate data center uses and develop recommendations regarding potential permanent land use regulations. The temporary nature of the regulation creates a defined timeframe for completing the study and presenting recommendations to the City Council.

LIST OF ATTACHMENTS

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CLEARFIELD CITY ORDINANCE 2026-13

AN ORDINANCE OF THE CLEARFIELD CITY COUNCIL ESTABLISHING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE § 10-20-504 REGARDING DATA CENTER USES; MAKING FINDINGS OF A COMPELLING, COUNTERVAILING PUBLIC INTEREST; TEMPORARILY REGULATING DEVELOPMENT ASSOCIATED WITH DATA CENTER USES WHILE THE CITY EVALUATES APPROPRIATE LAND USE CLASSIFICATIONS AND DEVELOPMENT STANDARDS; ESTABLISHING A PERIOD OF LIMITED EFFECT; PROVIDING FOR EXCEPTIONS REQUIRED BY LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Clearfield City Council ("City Council") is the legislative body of the City and is authorized by Utah law to enact land use regulations governing the use and development of land within the City; and

WHEREAS, Utah Code § 10-20-504 authorizes a municipal legislative body, without prior consideration of or recommendation from the Planning Commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the municipality upon a finding of a compelling, countervailing public interest; and

WHEREAS, data centers are an evolving land use characterized by the housing and operation of computer servers, data-processing equipment, telecommunications equipment, and related infrastructure used to process, store, manage, or transmit electronic data; and

WHEREAS, the Clearfield City Code does not currently identify or define "data center" as a distinct land use or expressly designate the zoning district or districts in which a data center is permitted, conditionally permitted, or an overlay zone; and

WHEREAS, because data centers are not presently defined or specifically regulated as a distinct land use, the City's existing land use regulations do not contain standards specifically developed to address the reasonably anticipated land use and infrastructure impacts of data center facilities; and

WHEREAS, depending upon the size, design, equipment, cooling technology, and operational characteristics of a particular facility, a data center may create land use or infrastructure impacts materially different from other uses presently identified in the City's land use ordinances, including impacts associated with electrical demand, water consumption, wastewater, cooling systems, emergency and backup power generation, noise, building design, utility infrastructure, fire protection, transportation, and other public infrastructure; and

WHEREAS, the Utah Legislature enacted legislation during the 2026 General Session addressing water use and reporting associated with certain data center facilities, reflecting statewide consideration of the infrastructure and resource demands associated with this evolving land use; and

WHEREAS, the City Council finds that data centers vary significantly in size, operational characteristics, resource consumption, and potential impacts and that a land use definition and regulatory framework should account for such differences rather than treating all facilities as having identical impacts; and

WHEREAS, the City Council desires to evaluate factual information concerning data centers, including facility size, electrical demand, water demand and cooling technology, wastewater impacts, backup generation, noise, fire and emergency response considerations, infrastructure capacity, employment characteristics, and compatibility with existing zoning districts before adopting permanent land use regulations governing data centers; and

WHEREAS, allowing development associated with a data center to proceed before the City has had a reasonable opportunity to evaluate these issues and establish appropriate zoning classifications and generally applicable land use standards could result in development or infrastructure commitments that may be difficult or impracticable to address after construction or operation has commenced; and

WHEREAS, the City Council intends that this temporary land use regulation apply uniformly to development associated with data center uses based upon the characteristics of the proposed land use and not upon the identity of a particular property owner, applicant, tenant, operator, or proposed occupant; and

WHEREAS, the City Council does not, by adoption of this Ordinance, find that data centers are inherently incompatible with industrial, manufacturing, commercial, or other areas of the City, nor does the City Council determine that data centers should ultimately be prohibited within the City; and

WHEREAS, rather, the City Council finds that additional study is necessary to determine how data centers should be defined, the zoning district or districts in which such uses should be permitted, conditionally permitted, or an overlay zone, whether different categories of data centers should be established based upon their scale or operational characteristics, and what generally applicable land use standards are reasonably necessary to address their impacts; and

WHEREAS, the City Council finds that the presently undefined status of data centers within the Clearfield City Code, together with the potentially significant and presently unaddressed infrastructure and land use impacts associated with such facilities, creates an immediate need for a limited period in which the City may study and establish appropriate regulations before development associated with such uses proceeds; and

WHEREAS, based upon the foregoing, the City Council finds that protecting the City's ability to adequately plan for and regulate potentially significant electrical, water, utility, infrastructure, public safety, and land use impacts associated with data centers constitutes a **compelling, countervailing public interest** within the meaning of Utah Code § 10-20-504; and

WHEREAS, the City Council finds that the temporary land use regulation established by this Ordinance is limited in scope and duration and is reasonably necessary to protect the compelling, countervailing public interest identified herein while the City studies and considers permanent land use regulations governing data centers.

NOW, THEREFORE, BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL, STATE OF UTAH, AS FOLLOWS:

Section 1. Finding of Compelling, Countervailing Public Interest.

The City Council hereby finds that a compelling, countervailing public interest exists requiring the immediate adoption of a temporary land use regulation governing development associated with data center uses. The compelling, countervailing public interest includes:

Protecting the City's ability to plan for and evaluate potentially significant electrical, water, wastewater, utility, transportation, emergency service, and other infrastructure demands associated with data centers;

Providing the City a reasonable and limited period in which to determine whether existing land use classifications and development standards adequately address the characteristics and impacts of data center facilities;

Protecting surrounding properties and existing land uses from potentially significant impacts that are not presently addressed by data center specific land use standards;

Allowing the City to evaluate whether data centers should be divided into different classifications based upon electrical demand, water consumption, facility size, cooling technology, or other operational characteristics;

Allowing the City to determine the zoning district or districts in which data centers or particular categories of data centers may appropriately be located and whether such uses should be a permitted use, conditional use, or an overlay zone;

Allowing the City to evaluate recent changes in Utah law affecting data centers and determine how those requirements should be incorporated into or coordinated with the City's land use regulations; and

Preventing development or infrastructure commitments from occurring before the City has had a reasonable opportunity to evaluate and adopt generally applicable land use regulations governing the use.

Section 2. Definition.

For purposes of this Ordinance:

"Data Center" means a building, portion of a building, or group of buildings primarily used to house and operate computer servers, data-processing equipment, network telecommunications equipment, digital storage systems, or related electronic equipment for the purpose of processing, storing, managing, hosting, exchanging, or transmitting electronic data for commercial, institutional, governmental, or other users.

A data center includes equipment and infrastructure accessory to the primary use, including cooling systems, electrical substations or distribution equipment, uninterruptible power supplies, battery energy storage systems serving the facility, emergency or standby generators, telecommunications equipment, and similar infrastructure.

The term does not include:

Computer servers, network equipment, or data-processing equipment that are accessory and incidental to another principal use conducted on the same property;

An ordinary office, retail establishment, governmental facility, educational institution, medical facility, financial institution, manufacturing facility, or other principal use merely because the use maintains computer servers or information-technology equipment primarily supporting its own operations; or

A telecommunications facility otherwise separately classified and regulated by the Clearfield City Code or applicable state or federal law.

The City shall consider the primary purpose, physical characteristics, equipment, and operational characteristics of the facility in determining whether a proposed use constitutes a data center under this Ordinance.

Section 3. Geographic Application.

This temporary land use regulation applies to all zoning districts and all real property located within the incorporated boundaries of Clearfield City.

Section 4. Study And Work Program.

During the effective period of this Ordinance, City staff is directed to evaluate and prepare recommendations concerning permanent land use regulations for data centers.

Nothing in this section requires the City Council to adopt any particular land use classification, zoning designation, development standard, or other permanent regulation.

Section 5. Duration.

This temporary land use regulation shall remain in effect for **one hundred eighty (180) days from its effective date**, unless terminated earlier by ordinance of the City Council.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, definition, or other portion of this Ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, the invalid portion shall be deemed a separate, distinct, and independent provision, and the remaining portions of this Ordinance shall remain effective to the fullest extent permitted by law.

Section 7. Conflicting Provisions.

To the extent that any provision of the Clearfield City Code conflicts with this temporary land use regulation during its effective period, this Ordinance shall govern to the extent permitted by Utah law.

Passed and adopted by the Clearfield City Council this 8th day of September, 2026.

ATTEST: CLEARFIELD CITY CORPORATION

______________________________ ______________________________
Nancy R. Dean, City Recorder Mark Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

CLEARFIELD
UTAH'S MILITARY CITY

STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Braden Felix, Assistant Public Works Director

MEETING DATE: August 25, 2026

SUBJECT: Franchise Agreement for Forged Fiber 37

RECOMMENDED ACTION

Approve the franchise agreement

DESCRIPTION / BACKGROUND

Forged Fiber is an indirect, wholly owned subsidiary of AT&T that provides fiber internet services. They are currently acquiring some or all of the CenturyLink fiber (Lumen) infrastructure in the city and are installing even more. This franchise agreement is based on the template prepared by our own deputy attorney, Amy Jones.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy

The expansion of fiber internet options to our residents allows for better competition and freedom to choose services.

HEDGEHOG SCORE

18

FISCAL IMPACT

Forged Fiber is paying the standard excavation permitting fees and the city will receive standard franchise fees with their connections.

ALTERNATIVES

1. Deny the agreement, not allow it.
2. Deny the agreement, make suggestions of changes to the template.

SCHEDULE / TIME CONSTRAINTS

None. They have started installing their conduits after their permit was approved.

LIST OF ATTACHMENTS

- Franchise Agreement for Forged Fiber 37

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT (hereinafter "Agreement") is entered into by and between the Clearfield City, Utah (hereinafter "CITY"), a municipal corporation and political subdivision of the State of Utah, and Forged Fiber 37, LLC (hereinafter "FRANCHISEE"), a Limited Liability Company with its principal offices at 208 S. Akard St., Dallas, TX 75202. CITY and FRANCHISEE may be referred to individually as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, the FRANCHISEE desires to provide wholesale broadband transmission services (hereinafter "System") within the CITY and in connection therewith to establish a telecommunications network within the present and future rights-of-way of the CITY; and,

WHEREAS, the CITY has enacted Title 8, Chapter 6 of the Clearfield City Code, Telecommunications Use-of-Rights-of-Way Ordinance ("ROW Ordinance"), incorporated by reference; and

WHEREAS, the CITY, in exercise of its management of public Rights-of-Way, believes that it is in the best interest of the public to allow the FRANCHISEE a nonexclusive franchise to operate a fiber optic network in the CITY.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the CITY and the FRANCHISEE agree as follows:

ARTICLE 1. FRANCHISE AGREEMENT AND ROW ORDINANCE.

1.1 **Agreement.** Upon execution by the parties, this Agreement shall be deemed to constitute a contract by and between CITY and FRANCHISEE.

1.2 **Ordinance.** The CITY has adopted the Telecommunications Rights of Way (ROW) Ordinance which is attached to this Agreement as Exhibit "A" and incorporated herein by reference. The FRANCHISEE acknowledges that it has had an opportunity to read and become familiar with the ROW Ordinance. The parties agree that the provisions and requirements of the ROW Ordinance are material terms of this Agreement, and that each party hereby agrees to comply with the terms of the ROW Ordinance. The definitions in the ROW Ordinance shall apply herein unless a different meaning is indicated.

1.3 Ordinance Amendments. The CITY reserves the right to amend the ROW Ordinance at any time. The CITY shall give the FRANCHISEE notice and an opportunity to be heard concerning any proposed amendment. In the event of any conflict between this Agreement and the ROW Ordinance, the ROW Ordinance shall govern.

1.4 **Franchise Description.** The Agreement provided hereby shall confer upon the FRANCHISEE a nonexclusive right, privilege, and franchise to construct and maintain a telecommunications network in, under, above and across the present and future public municipal Rights-of-Way in the City. The Agreement does not grant to the FRANCHISEE the right, privilege or authority to engage in community antenna (or cable) television business; although, nothing contained herein shall preclude the FRANCHISEE from: (1) permitting those with a cable franchise who are lawfully engaged in such business to utilize the FRANCHISEE's System within the CITY for such purposes; or (2) from providing such service in the future if an appropriate franchise is obtained and all other legal requirements have been satisfied.

1.5 **Licenses.** The FRANCHISEE acknowledges that it has obtained the necessary approvals, licenses or permits required by federal and state law to provide telecommunication services consistent with the provisions of this Agreement and with the ROW Ordinance.

1.6 **Relationship.** Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties and neither party is authorized to, nor shall either party act toward third persons or the public in any manner that would indicate any such relationship with each other.

1.7 **No Property Right.** This franchise does not convey any ownership interest in the Public Ways nor create any vested right beyond the term of this Agreement.

ARTICLE 2. FRANCHISE FEE.

2.1 **Franchise Fee.** For the Franchise granted herein, the FRANCHISEE shall pay to the CITY a tax in accordance with the Municipal Telecommunication License Tax Act (Utah Code Ann. 10-1-401 to10-1-410) and City ordinances. All payments shall be made to the Utah State Tax Commission, and sent as follows:

Utah State Tax Commission
210 North 1950 West
Salt Lake City, Utah 84134

2.2 **Equal Treatment.** CITY agrees that FRANCHISEE shall receive terms, fees, and treatment no less favorable than those provided to any other similarly situated franchisee, whether existing or future.

ARTICLE 3. TERM AND RENEWAL.

3.1 **Term and Renewal.** The franchise granted to FRANCHISEE shall be for a period of fifteen (15) years commencing on the first day of the month following this Agreement, unless this Franchise be sooner terminated as herein provided. At the end of the initial fifteen (15) year term of this Agreement, the franchise granted herein may be renewed by the FRANCHISEE upon the same terms and conditions as contained in this Agreement (plus any amendments to the ROW Ordinance, to this Agreement and/or any other applicable law) for two (2) additional five (5) year term at FRANCHISEE's option.

3.2 **Rights Upon Expiration or Revocation.** Upon expiration of the franchise granted herein, whether by lapse or time, by agreement between the FRANCHISEE and the CITY, or by revocation or forfeiture, and barring any sale by the FRANCHISEE to a third party (which requires assumption of this Agreement by such third party as well as CITY approval, which approval shall not be unreasonably withheld) the FRANCHISEE shall abandon its System within the CITY and at the CITY's request, unless some other arrangement is made with the CITY, remove from the Rights-of-Way any and all of FRANCHISEE'S System which exists above ground. In such event, it shall be the duty of the FRANCHISEE, immediately upon such removal, to restore the Rights-of-Way from which such System is removed to as good condition as the same was before the removal was affected. Notwithstanding anything to the contrary set forth in this Agreement, FRANCHISEE may abandon any underground system in place so long as it does not materially interfere with the use of the rights-of-way.

ARTICLE 4. POLICE POWERS.

The CITY expressly reserves, and the FRANCHISEE expressly recognizes, the CITY's right and duty to adopt, from time to time, in addition to provisions herein contained, such ordinances and rules and regulations as the CITY may deem necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties.

ARTICLE 5. CHANGING CONDITIONS AND SEVERABILITY.

5.1 **Meet to Confer.** The FRANCHISEE and the CITY recognize that many aspects of the telecommunication business are currently the subject of discussion, examination and inquiry by different segments of the industry and affected regulatory authorities and that these activities may ultimately result in fundamental changes in the way the FRANCHISEE conducts its business and the way the CITY regulates the business. In recognition of the present state of uncertainty respecting these matters, the FRANCHISEE and the CITY each agree, upon request of the other during the term of this Agreement, to meet with the other and discuss in good faith whether it would be appropriate, in view of developments of the kind referred to above during the term of this Agreement, to amend this Agreement or enter into separate, mutually satisfactory arrangements to effect a proper accommodation of any such developments.

5.2 **Severability.** If any section, sentence, paragraph, term or provision of this Agreement or the ROW Ordinance is for any reason determined to be or rendered illegal, invalid, or superseded by other lawful authority, including any state or federal, legislative, regulatory or administrative authority having jurisdiction thereof, or is determined to be unconstitutional, illegal or invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision, all of which shall remain in full force and effect for the term of this Agreement or any renewal or renewals thereof. Provided, that if the invalidated portion is considered a material consideration for entering into this Agreement, the parties will negotiate, in good faith, an amendment to this Agreement. As used herein, "material consideration" for the CITY is its ability to collect the Franchise Fee during the term of this Agreement and its ability to manage the Rights-of-Way in a manner similar to that provided in this Agreement, the ROW Ordinance, and the City's Excavation Permit Ordinance. For the FRANCHISEE, "material consideration" is its ability to use the Rights-of-Way for telecommunication purposes in a commercially reasonable and commercially viable manner, consistent with this Agreement, the ROW Ordinance, and the CITY's Excavation Permit Ordinance.

ARTICLE 6. EARLY TERMINATION, REVOCATION OF FRANCHISE AND OTHER REMEDIES.

6.1 **Grounds for Termination.** The CITY may terminate or revoke this Agreement and all rights and privileges herein provided for any of the following reasons:

(a) The FRANCHISEE fails to make timely payments of the franchise fee as required under Article 2 of this Agreement and does not correct such failure within sixty (60) calendar days after written notice by the CITY of such failure; or,

(b) The FRANCHISEE, by act or omission, violates a material duty herein set forth in any particular within the FRANCHISEE's control, and with respect to which full redress is not otherwise herein provided. In such event, the CITY, acting by or through its CITY Council, may determine, after hearing, that such failure is of a material nature, and thereupon, after written notice giving the FRANCHISEE notice of such determination, the FRANCHISEE, within sixty (60) calendar days of such notice, shall commence efforts to remedy the conditions identified in the notice and shall have ninety (90) calendar days from the date it receives notice to remedy the conditions. After the expiration of such ninety (90) day period and failure to correct such conditions, the CITY may declare the franchise forfeited and this Agreement terminated, and thereupon, the FRANCHISEE shall have no further rights or authority hereunder; provided, however, that any such declaration of forfeiture and termination shall be subject to judicial review as provided by law, and provided further, that in the event such failure is of such nature that it cannot be reasonably corrected within the ninety (90) day time period provided above, the CITY shall provide additional time for the reasonable correction of such alleged failure if the reason for the noncompliance was not the intentional or negligent act or omission of the FRANCHISEE; or,

(c) The FRANCHISEE becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt, or all or part of its facilities should be sold under an instrument to secure a debt and is not redeemed by the FRANCHISEE within sixty (60) days.

(d) The FRANCHISEE's failure to comply with the ROW Ordinance shall constitute a material breach of this Agreement, subject to the notice and cure provisions set forth herein.

6.2 **Reserved Rights.** Nothing contained herein shall be deemed to preclude the FRANCHISEE from pursuing any legal or equitable rights or remedies it may have to challenge the action of the CITY.

6.3 **Remedies at Law.** In the event the FRANCHISEE or the CITY fails to fulfill any of its respective obligations under this Agreement, the CITY or the FRANCHISEE, whichever the case may be, shall have a breach of contract claim and remedy against the other, in addition to any other remedy provided herein or by law; provided, however, that no remedy that would have the effect of amending the specific provisions of this agreement shall become effective without such action that would be necessary to formally amend the Agreement.

6.4 **Third Party Beneficiaries.** The benefits and protection provided by this Agreement shall inure solely to the benefit of the CITY and the FRANCHISEE. This Agreement shall not be deemed to create any right in any person who is not a party and shall not be construed in any respect to be a contract in whole or in part for the benefit of any third party (other than the permitted successors and assigns of a party hereto).

ARTICLE 7. PARTIES' DESIGNEES.

7.1 **CITY designee and Address.** The City Manager or his or her designee(s) shall serve as the CITY's representative regarding administration of this Agreement. Unless otherwise specified herein or in the ROW Ordinance, all notices from the FRANCHISEE to the CITY pursuant to or concerning this Agreement, shall be delivered to the CITY's representative at 55 State Street, Clearfield, Utah 84015, or such other officer and address as the CITY may designate by written notice to the FRANCHISEE.

7.2 **FRANCHISEE Designee and Address.** The FRANCHISEE's designated agent, officer or representative or designee(s) shall serve as the FRANCHISEE's representative regarding administration of this Agreement. Unless otherwise specified herein or in the ROW Ordinance, all notices from the CITY to the FRANCHISEE pursuant to or concerning this Agreement, shall be delivered to FRANCHISEE's headquarter offices at 1200 17th Street, 10th Floor, Denver, CO 80202, Attention: William Soards, william.soards@forgedfiber37.com and FF_Right_of_Way@att.com, and such other office as the FRANCHISEE may designate by written notice to the CITY.

7.3 **Failure of Designee.** The failure or omission of the CITY's or FRANCHISEE's representative to act shall not constitute any waiver or estoppels by the CITY or FRANCHISEE.

ARTICLE 8. INSURANCE AND INDEMNIFICATION

8.1 **Insurance.** Prior to commencing operations in the CITY pursuant to this Agreement, the FRANCHISEE shall furnish to the CITY evidence that it has adequate general liability and property damage insurance. The evidence may consist of a statement that the FRANCHISEE is effectively self-insured if the FRANCHISEE has substantial financial resources, as evidenced by its current certified financial statements and established credit rating, or substantial assets located in the State of Utah. Any and all insurance, whether purchased by the FRANCHISEE from a commercial carrier, whether provided through a self-insured program, or whether provided in some other form or other program, shall be in a form, in an amount and of a scope of coverage acceptable to the CITY.

8.2 **Indemnification.** The FRANCHISEE agrees to indemnify, defend and hold the CITY harmless from and against any and all claims, demands, liens, and all liability or damage of whatsoever kind on account of or arising from the FRANCHISEE's acts or omissions pursuant to or related to this Agreement, and to pay any and all costs, including reasonable attorneys' fees, incurred by the CITY in defense of such claims. The CITY shall promptly give written notice to the FRANCHISEE of any claim, demand, lien, liability, or damage, with respect to which the CITY seeks indemnification and, unless in the CITY's judgment a conflict of interest may exist between the parties with respect to the claim, demand, lien, liability, or damage, the CITY shall permit the FRANCHISEE to assume the defense of such with counsel of the FRANCHISEE's choosing, unless the CITY reasonably objects to such counsel. Notwithstanding any provision of this Section to the contrary, the FRANCHISEE shall not be obligated to indemnify, defend or hold the CITY harmless to the extent any claim, demand, lien, damage, or liability arises out of or in connection with negligent acts or omissions of the CITY.

ARTICLE 9. INSTALLATION

9.1 **Coordinated Installation.** In order to prevent and/or minimize the number of cuts to and excavations within the CITY Rights-of-Way, FRANCHISEE shall coordinate with the CITY and other FRANCHISEES or users of the CITY Rights-of-Way, when such cuts and excavations will be made. Unless otherwise permitted and at City's sole descretion, installation, repairs, or maintenance of lines and facilities within the CITY Rights-of-Way shall be made in the same trench and at the time other installations, repairs or maintenance of facilities are conducted within the CITY Rights-of-Way. The CITY is under no obligation to postpone these other installations, repairs or maintenance of facilities if the FRANCHISEE is not able to meet the CITY's schedule.

9.2 **Underground Installation.** Notwithstanding the provisions of Article 1.3 and 1.4 of this Agreement, FRANCHISEE expressly agrees to install and maintain all of its facilities in accordance with CITY Ordinances including the undergrounding of utility lines, in effect at the time this Agreement is entered into and as subsequently amended during the term of this Agreement. Nothing herein shall require FRANCHISEE to convert existing overhead facilities to underground facilities until and unless other similarly situated FRANCHISEE's in the same location are required to do so. FRANCHISEE shall comply with the requirements of Section 8-6-9(D) of the City Code, including obligations related to emergency actions, temporary relocation, and changes in rights-of-way, to the extent applicable and within FRANCHISEE's legal authority.

9.3 **New Underground Installations.** The Provider will be permitted to install new aerial cable runs if the Provider agrees that such new aerial cable runs will be relocated underground if and when the City later directs, and so long as the City, at the same time, requires all other utilities with overhead facilities in the same location to move their facilities underground, so long as it is operationally and technically feasible to go underground at the time. Lines can be placed on already-existing poles. Those Facilities which cannot practically be placed underground may be left above ground. If all other utility lines are already underground in any section of a Public Way in which Provider wishes to install its new Facilities then Provider shall instead install its new cables underground. The foregoing contents of this shall not be construed to prohibit or limit Company's ability to: overlash cable onto existing aerial facilities; replace existing aerial cables or poles as part of maintenance or upgrade activities; or provide aerial drops to customers.

9.4 **Cooperation with Others in Placing Lines Underground**. To the extent the same does not materially increase Provider's costs or otherwise materially impact Provider's operations, the Provider shall, when undertaking a project of placing its fiber optic lines and other Facilities underground, cooperate with other utilities, agencies, or companies which have their lines overhead to have all lines placed underground as part of the same project. When other public utility companies or telecommunication companies are placing their lines underground and Provider is required to do so, as well, pursuant to section 7.9, the Provider shall, where feasible, cooperate with these utilities and companies and undertake to place its Facilities underground as part of the same project. Further, should the City, regardless of intent make available without cost to the Provider the underground infrastructure deemed necessary to allow for the Provider, along with all other utilities, agencies, or companies, to place its fiberoptic lines and other Facilities underground, Provider shall, cooperate with the City and these utilities, agencies, or companies and assume those remaining costs necessary to place its fiberoptic lines and Facilities underground as part of the same project; provided, however, this shall not be applicable to any relocation requests of Provider’s existing fiberoptic lines and other Facilities.

ARTICLE 10. CONSTRUCTION AND TECHNICAL REQUIREMENTS

10.1 Acknowledgement of FRANCHISEE Obligations under ROW Ordinance. The FRANCHISEE acknowledges and agrees to follow the construction and technical requirements contained at section 8-6-7 of the City’s ROW Ordinance, as amended, which section requires, among other things, that FRANCHISEE move or relocate its system at its sole expense according to the circumstances and notice provisions outlined therein. Notwithstanding the foregoing, FRANCHISEE’s obligation to relocate facilities at its expense shall apply only to facilities located within the public rights-of-way or future rights-of-way and where FRANCHISEE has the legal right and practical ability to relocate such facilities. FRANCHISEE shall obtain all required excavation permits and approvals pursuant to applicable City ordinances prior to performing any excavation within the public rights-of-way.

10.2 FRANCHISEE shall inform CITY of any agreement made between them and a third party for use of equipment related to this agreement. All such third party users are required to enter into a separate agreement with CITY.

ARTICLE 11. GENERAL PROVISIONS

11.1 **Binding Agreement.** The parties represent that: (a) when executed by their respective parties, this Agreement shall constitute legal and binding obligations of the parties; and (b) each party has complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation in entering into this Agreement.

11.2 **Utah Law; Dispute Resolution.** This Agreement shall be interpreted pursuant to Utah law. Any dispute arising out of this Agreement shall first be submitted to non-binding mediation. If mediation is unsuccessful, disputes seeking monetary damages shall be resolved by binding arbitration in Davis County, Utah, while either party may seek injunctive or declaratory relief in the Second District Court, Davis County, Utah, or the U.S. District Court for the District of Utah.

11.3 **Time of Essence.** Time shall be of the essence of this Agreement.

11.4 **Interpretation of Agreement.** The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number and vice versa, and the use of any gender shall include any other and all genders. The paragraphs and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

11.5 **No Presumption.** All parties have participated in preparing this Agreement. Therefore, the parties stipulate that any court interpreting or construing the Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting party.

11.6 **Amendments.** This Agreement may be modified or amended by written agreement only. No oral modifications or amendments shall be effective.

11.7 **Additional Agreements.** All parties are not precluded from entering into other legal agreements pertaining to the telecommunications systems noted within this agreement.

11.8 **Binding Agreement.** This Agreement shall be binding upon the heirs, successors, administrators and assigns of each of the parties.

SIGNED AND ENTERED INTO this _____ day of __________, 2026

"CITY"
CLEARFIELD CITY

By:______________________________ Date:_________________
Mark Shepherd, Mayor

ATTEST:

____
City Recorder

APPROVED AS TO FORM:

____
City Attorney

"FRANCHISEE"
FORGED FIBER 37, LLC

By:____________________________________
Kevin Marvin

CORPORATE ACKNOWLEDGMENT

STATE OF __________________)
:ss.
COUNTY OF ________________)

On the ____ day of _______________________, 2026

Sworn to and subscribed before me by Kevin Marvin.___________________________________

____
Notary Public
Residing at: __________________________
My Commission Expires:_______________

CLEARFIELD CITY RESOLUTION 2026R-23

A RESOLUTION OF THE CLEARFIELD CITY COUNCIL AUTHORIZING THE EXECUTION BY THE MAYOR OF A FRANCHISE AGREEMENT BETWEEN CLEARFIELD CITY AND FORGED FIBER 37, LLC.

WHEREAS, federal, state and local laws allow for the establishment, creation, and use of telecommunications facilities in Clearfield City by franchise agreement; and

WHEREAS, Clearfield City and Forged Fiber 37, LLC (the "Company") desire to enter into an updated nonexclusive franchise agreement granting to Company the right and privilege to continue to provide telecommunications services within the City primarily through fiber-optic lines, and in connection therewith, to establish and maintain a telecommunications network in, under, along, over and across present and future public ways of the City; and

WHEREAS, the City Council has reviewed and considered the attached Franchise Agreement between Clearfield City and Company; and

WHEREAS, the City Attorney has reviewed the Franchise Agreement and has approved it as to form and compliance with federal, state, and local laws and regulations governing the awarding of telecommunications franchises; and

WHEREAS, the City Council has determined the Franchise Agreement to be in the best interest of Clearfield City and will be beneficial to the health, safety, and welfare of residents of the City.

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

Section 1. **Resolution.** The Franchise Agreement between Clearfield City and Forged Fiber 37, LLC to provide telecommunications services, attached hereto as Exhibit A and by this reference made a part hereof, is hereby approved and authorized for signing by the mayor on behalf of Clearfield.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CLEARFIELD CITY, STATE OF UTAH, THIS 8th DAY OF September, 2026.

ATTEST

CLEARFIELD CITY CORPORATION

____
Nancy R. Dean, City Recorder

____
Mark R. Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

CLEARFIELD
UTAH'S MILITARY CITY

STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Rich Knapp, Chief Finance Officer

MEETING DATE: September 8, 2026

SUBJECT: Fiscal Year 2026 Year-end Financial Update

Recommended Action

Presentation and discussion only.

Description / Background

The draft FY26 figures will be prepared in advance of the meeting, while the analysis and presentation will be finalized shortly beforehand to ensure the discussion is based on the most current and accurate data.

Corresponding Policy Priorities

- Providing Quality Municipal Services

Regular updates allow city leaders to allocate resources effectively, address financial challenges proactively, and maintain high service standards for residents.