

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

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 Connex. 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.

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

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.

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 8th day of September 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