



CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
September 22, 2026 - WORK 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

6:00 P.M. WORK MEETING

Update on the Hill Air Force Base Remediation with Project Manager Jarrod Case

Discussion on the City's Position on Facilitating Home Ownership or Owner-occupied Opportunities

Discussion on Proposed Amendments to City Code Title 3, Chapter 2 – Planning Commission

(Any item not fully addressed prior to the Policy Meeting will be addressed in a Work Meeting immediately following the Policy Meeting)

****ADJOURN THE CITY COUNCIL WORK MEETING****

Posted September 18, 2026.

/s/Nancy R. Dean, 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 R. Dean at Clearfield City, nancy.dean@clearfieldcityut.gov & 801-525-2714

Air Force Civil Engineer Center



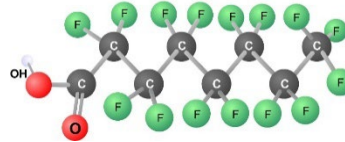
Hill AFB PFAS Investigation Update Clearfield City

Jarrold Case
AFCEC/CZRW
22 September 2026

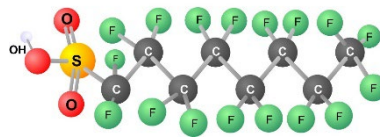
Shouldering the Future Together!

Per- and polyfluoroalkyl substances (PFAS) are a class of 9,000+ synthetic fluorinated organic chemicals used in industrial and consumer products, including nonstick cookware, waterproof fabric, some food packaging, and the firefighting agent Aqueous Film Forming Foam (AFFF).

PFOA (Perfluorooctanoic acid)



PFOS (Perfluorooctanesulfonic acid)





EPA Maximum Contaminant Levels



- **26 April 2024 - EPA published legally enforceable drinking water standards, or Maximum Contaminant Levels (MCLs), under the Safe Drinking Water Act (SDWA):**
 - **Five PFAS compounds - PFOA, PFOS, PFNA, PFHxS, and HFPO-DA**
 - **Hazard Index Level of 1 for mixtures of two or more PFAS compounds including: PFHxS, PFNA, HFPO-DA, and PFBS**

Chemical	Maximum Contaminant Level (MCL)
PFOA	4 ppt
PFOS	4 ppt
PFNA	10 ppt
PFHxS	10 ppt
HFPO-DA (GenX)	10 ppt
Mixture of two or more: PFNA, PFHxS, HFPO-DA, and PFBS	Hazard Index of 1

ppt: Parts per trillion. **A part per trillion is equivalent to one drop of water in 20 Olympic-sized swimming pools.**



MCLs - Air Force Plan of Action



Key Point: No one on or around Hill AFB is drinking water with PFOS or PFOA from the Air Force above the MCLs.

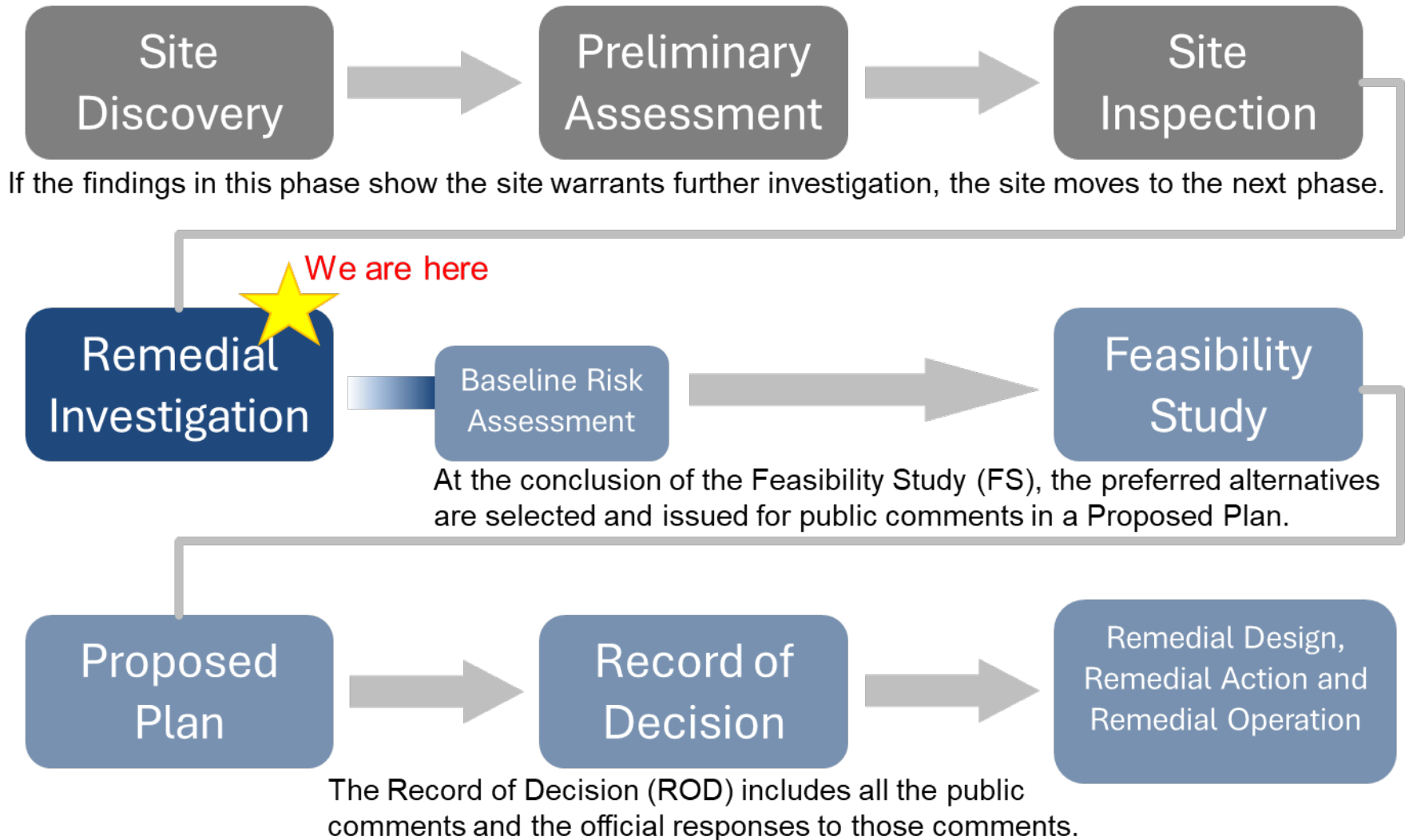
- Rule provides five years for regulated public water systems to comply with the MCLs
- DoW will work to implement these standards at all private drinking water wells impacted by PFAS from DoW activities
- MCLs can be used as cleanup standards or as risk trigger levels to take interim actions (e.g., private drinking water well treatment), under the federal cleanup law, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
 - Air Force continues to collect and review PFAS sampling results
 - Air Force will expand existing cleanup investigations, and assess “background” levels of PFAS
 - Provide drinking water treatment for impacted off-base wells on prioritized basis, with focus on installing enduring solutions such as municipal connections or whole house filtrations
 - Prioritize locations where known levels of PFAS in drinking water from Air Force activities are the highest (>3 x MCL first, followed by <3 x MCL)



CERCLA Process

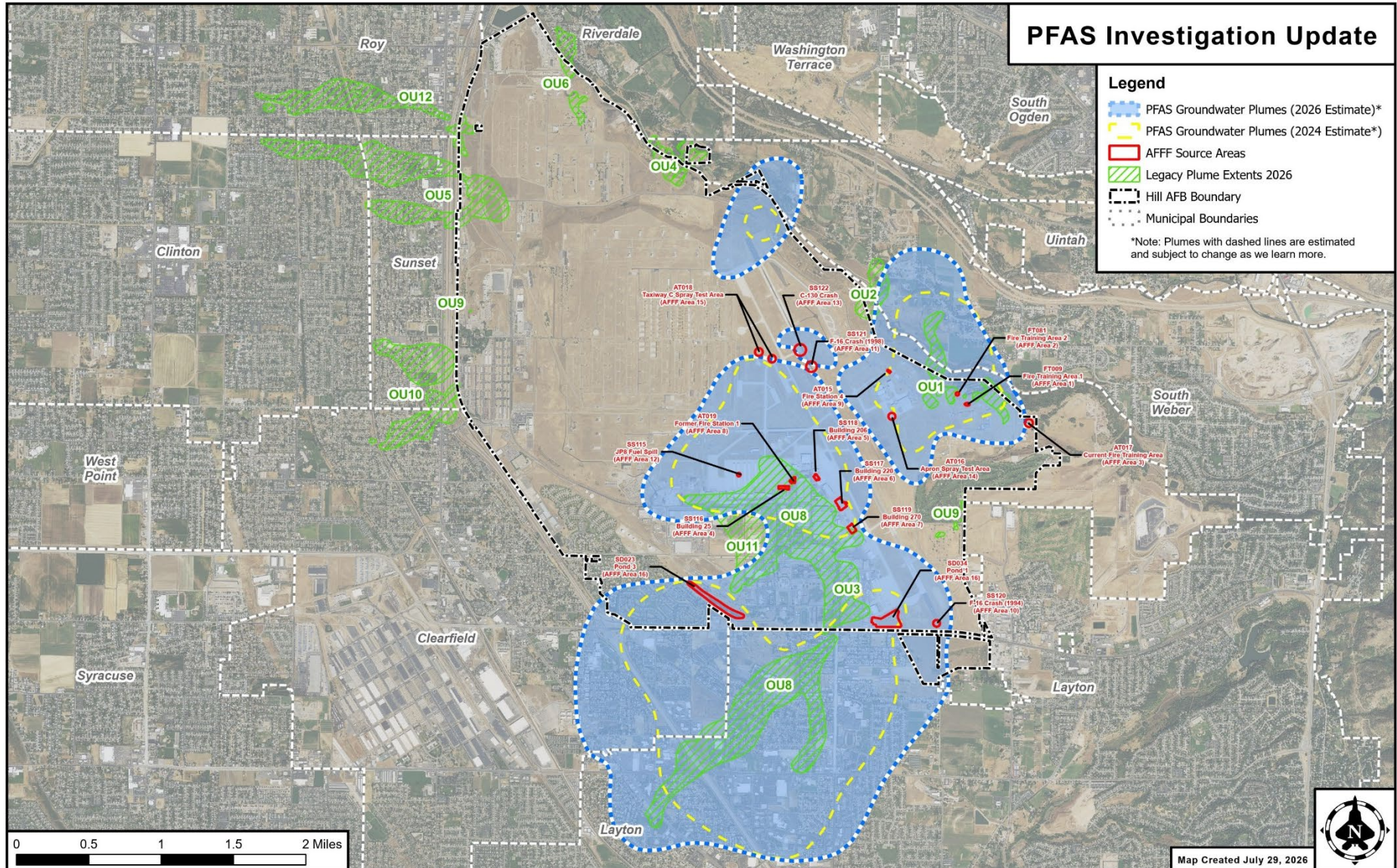


Comprehensive Environmental Response, Compensation, & Liability Act



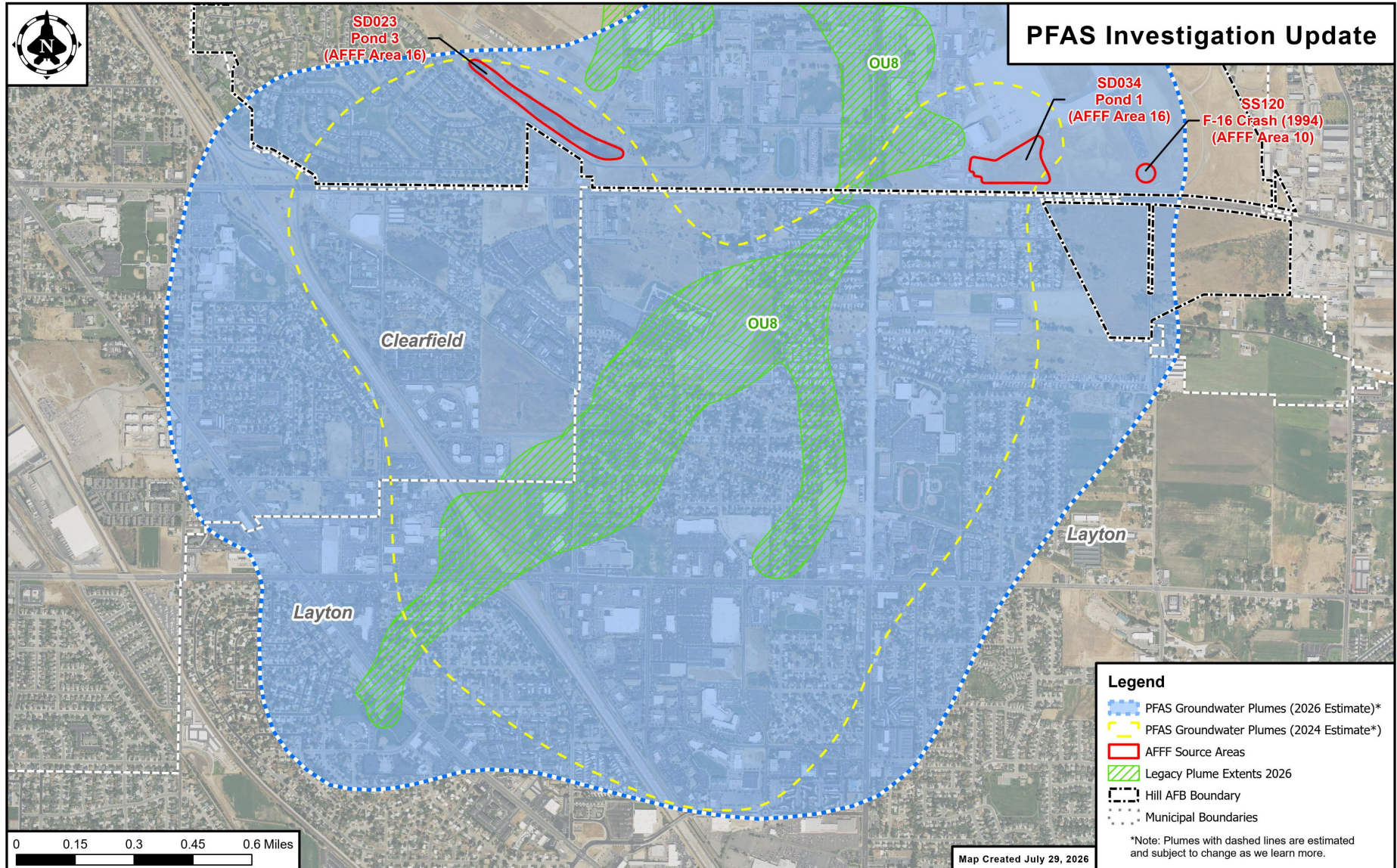


Current Status of PFAS Investigation at Hill AFB





PFAS in Clearfield





PFAS Next Steps



- **Wrapping up Phase 1 RI (AFFF) reporting**
- **Additional work required to fill data gaps**
 - **Phase 1a – continue nature and extent investigation**
 - **Due Diligence Project – Preliminary Assessment**
 - non-AFFF sources and AFFF at other sites
 - **Background Study – background levels for soil, groundwater, surface water, and sediment**
- **Phase 1a RI currently programmed for FY27**
 - **Dependent on Air Force prioritization and funding availability**



Contact Information



Name	Title	Contact Info
Jarrold Case	PFAS Project Manager	801-777-3943 or jarrod.case@us.af.mil
Kendahl Johnson	Hill AFB Public Affairs	801-777-2284 or kendahl.johnson@us.af.mil

Hill AFB Restoration Advisory Board

Vern Phipps	Clearfield City Rep	vrphipps@hotmail.com
Chad Mortenson	Clearfield Community Rep.	mrmorty69@aol.com



Questions



TO: Mayor Shepherd and City Council Members

FROM: JJ Allen, City Manager

MEETING DATE: September 22, 2026

SUBJECT: Facilitating home ownership / owner-occupied opportunities

RECOMMENDED ACTION

Discussion only; provide staff with direction

DESCRIPTION / BACKGROUND

Kensington Place (aka Clearfield Townhome Apartments) consists of 94 townhomes west of (and only accessible via) 550 East, between 830 South and 986 South. The project was developed in phases over several years, from the late 2000s through the mid 2010s. Nearly all of the units are currently owned by a combination of four different (but related) real estate investment entities.





However, a new buyer has Kensington Place under contract, and they plan to sell 25% of the units that they purchase. As we understand it, they would be approaching current tenants to gauge their interest in purchasing their townhome.

When Mayor Shepherd learned about this, he wondered if Clearfield could / should participate in some way, to show that the City is invested in facilitating home ownership and owner-occupation. Providing some funding to buyers for down payment assistance or interest rate buy-down could be a very effective way to help tenants to become homeowners.

Clearfield City and/or the CDRA have funds that could be used for this purpose. Down payment assistance has been a component of our CDBG plans over the years, and it could be incorporated into the next 1-Year Action Plan. Also, the Lifetime CRA is required to set aside 10% of the tax increment revenue received for housing purposes.

Is the City Council interested in financial participation to facilitate home ownership and owner-occupation? We'll plan to use the hedgehog decision tool and scoring to help answer this question.

If the answer is yes, and supposing that 22 or 23 homes are sold to the current tenants, how much assistance would we want to make available to each buyer? And would we offer it to all of the tenants purchasing their homes, or only to the first 10 or 15 (e.g. due to funding limitations)? What other conditions or factors are important to us (e.g. HOA viability)? These questions don't need firm answers now, but would eventually need to be defined, if we move forward with a program.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy

This could be an opportunity to convert existing investor-owned housing stock into owner-occupied housing, promoting the livability of our community.

HEDGEHOG SCORE

Hedgehog exercise to be performed at the work session.

FISCAL IMPACT

The impact is yet to be determined, but the source of funding could be CDBG and/or the Lifetime Products CRA (10% of the tax increment is restricted for a housing-related use, at the City's discretion). Clearfield's annual CDBG allocation is about \$200k, and the current balance in the Lifetime Products CRA is about \$160k.



ALTERNATIVES

- Participate financially to facilitate home ownership / owner occupation
- Do not participate, and hope that tenants are still able to financially qualify to purchase their homes

SCHEDULE / TIME CONSTRAINTS

At the time of this writing, we are not certain how soon the buyer will be closing on the purchase of Kensington Place, nor do we know how quickly they would be approaching current tenants regarding their interest in purchasing their homes. So it appears that we have some time to explore the options, make a decision, and design a program (if that is the direction we want to go). If CDBG is the preferred funding source, we would need to incorporate the program into next year's plan. If the Lifetime Products CRA is the preferred source, the CDRA budget could be amended accordingly (if needed before FY28).

LIST OF ATTACHMENTS

None



STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Nancy R. Dean, City Recorder

MEETING DATE: September 22, 2026

SUBJECT: DISCUSSION ON PROPOSED AMENDMENTS TO CITY CODE TITLE 3, CHAPTER 2 - PLANNING COMMISSION

RECOMMENDED ACTION

Discuss the proposed amendments.

DESCRIPTION / BACKGROUND

Clearfield City Code Title 3, Chapter 2 establishes the City's Planning Commission and provides requirements concerning its membership, terms of office, qualifications, compensation, powers and duties, rules and procedures, quorum, and records. Utah Code § 10-20-301 requires each municipality to establish a planning commission by ordinance and identifies specific matters that must be addressed in the ordinance. Recent amendments to Utah law added requirements concerning the appointment, removal, recusal, authority, bylaws, and procedure for planning commissions. The proposed ordinance updates Clearfield City's Planning Commission chapter to address these statutory requirements and to clarify the City's existing practices and procedures.

PROPOSED AMENDMENTS

The proposed ordinance would amend and reorganize Title 3, Chapter 2 of the Clearfield City Code. The significant changes are described below.

Section 3-2-2 retains the three-year terms and existing nine-year service limitation established by Ordinance 2025-07. The section also establishes a procedure for filling vacancies.

When a vacancy occurs, applications will be publicly solicited. Following the application period, the applications will be reviewed and potential candidates will be interviewed by the Mayor and City Council.

Following the review and interviews, the Mayor may recommend a qualified candidate for appointment to the Planning Commission, subject to the advice and consent of the City Council. The appointment becomes effective upon approval by the City Council at a regular meeting and is for the unexpired portion of the vacant term. This procedure provides an open and consistent process for identifying and appointing individuals to Planning Commission vacancies.

Section 3-2-3 retains the requirement that a Planning Commission member be a qualified elector of



Clearfield City, unless otherwise permitted by applicable law. The section also continues to require members to take, subscribe, and file the oath of office with the City Recorder. The proposed amendment further clarifies that Planning Commission members are subject to applicable requirements governing municipal officers, including the Municipal Officers' and Employees' Ethics Act.

A new Section 3-2-4 establishes requirements concerning conflicts of interest and recusal. Utah Code § 10-20-301 requires the City's Planning Commission ordinance to provide requirements for when a Planning Commission member must recuse themselves from deliberating or voting on certain land use applications. The proposed section requires a Planning Commission member to disclose an actual or potential conflict when disclosure is required by law or City ordinance. The section also identifies circumstances requiring recusal, including circumstances involving:

- a financial or other conflict of interest;
- a violation of applicable ethics laws;
- a personal, financial, professional, or other interest that prevents the member from acting impartially; or
- circumstances creating actual impermissible bias or an unacceptable risk of impermissible bias in the member's administrative or quasi-judicial duties.

A member who recuses from a matter must disclose the basis for the recusal on the record to the extent permitted by law and may not deliberate or vote on the matter except as otherwise permitted by law. The provision also clarifies that a member should not use recusal requirements simply because the member disagrees with a proposed land use decision.

New Section 3-2-9 establishes procedures and causes for removal of Planning Commission members. Utah Code § 10-20-301 requires the City's ordinance to provide procedures for removing a Planning Commission member and to identify specific causes for removal. The proposed ordinance identifies the causes required by state law, including:

1. Using public funds for a political purpose in violation of the Political Activities of Public Entities Act (UCA § 20A-11-12);
2. Violating the Municipal Officers' and Employees' Ethics Act (UCA § 10-3-13); and
3. Acting with the intent to influence a land use decision or appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the member's administrative or quasi-judicial duties.

The proposed section also provides that deliberating about a specific pending land use application with municipal staff, an elected official, or the land use applicant during a Planning Commission meeting is not, by itself, grounds for removal.



CONCLUSION

The proposed amendments to Title 3, Chapter 2 will update the City's Planning Commission ordinance to address current Utah law and clarify the City's procedures for Planning Commission membership and vacancies. The most significant additions are provisions concerning the public solicitation and appointment of members, conflicts of interest and recusal, rules of procedure, and removal from office.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy

HEDGEHOG SCORE

Not applicable, State Statute Requirements

FISCAL IMPACT

The proposed amendments are not expected to have a fiscal impact on Clearfield City. The appointment and vacancy procedures can be administered through existing City staff resources.

ALTERNATIVES

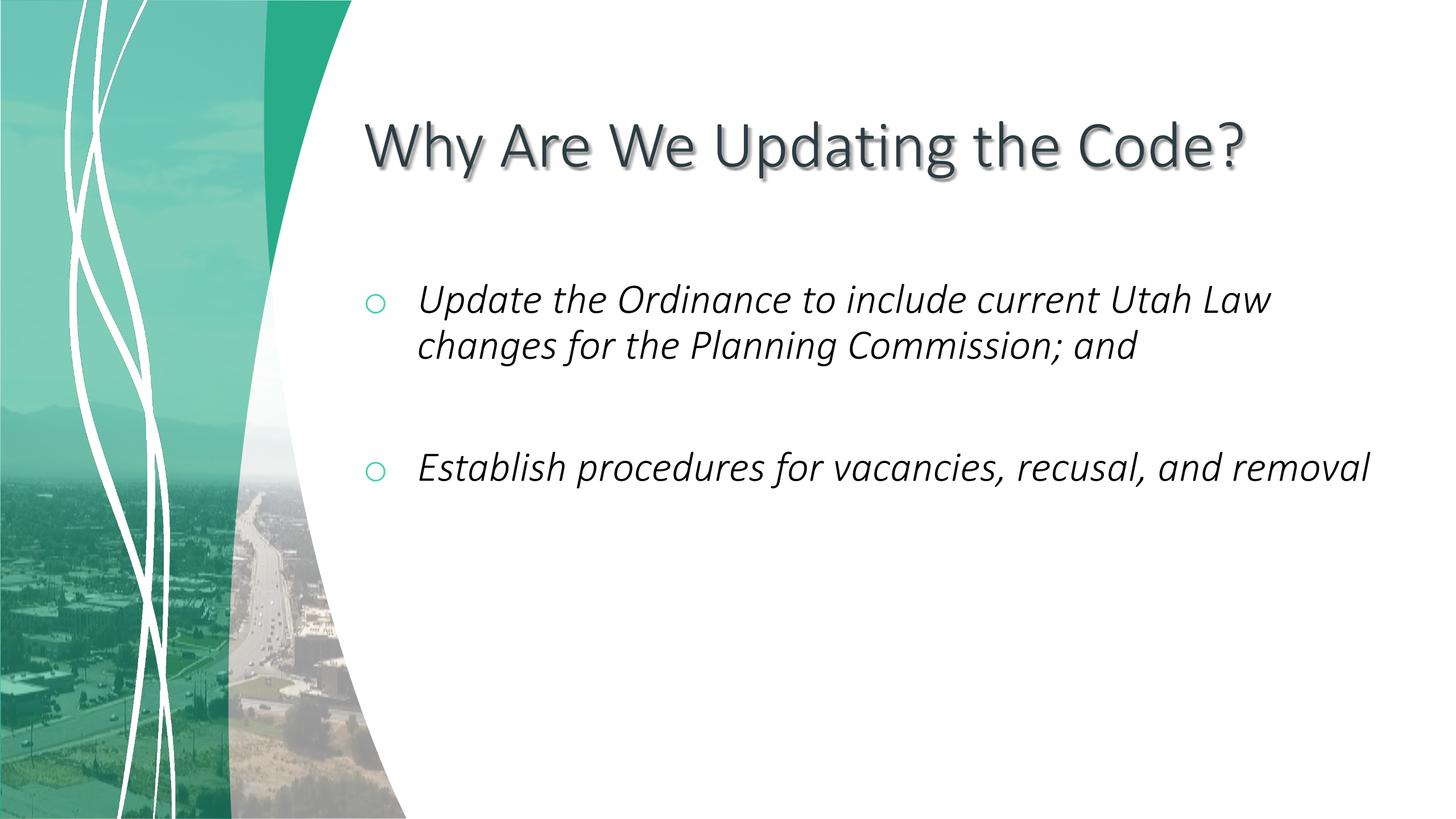
Consider making additional amendments.

LIST OF ATTACHMENTS

- Planning Commission Amendments Powerpoint
- Ordinance 2026-14

Proposed Amendments to the Planning Commission Ordinance





Why Are We Updating the Code?

- *Update the Ordinance to include current Utah Law changes for the Planning Commission; and*
- *Establish procedures for vacancies, recusal, and removal*

Filling Planning Commission Vacancies

- *Applications are publicly solicited.*
- *Applicants are reviewed after the application period closes.*
- *Potential candidates may be interviewed by the Mayor and City Council.*
- *Mayor may recommend a qualified candidate.*
- *City Council provides advice and consent.*
- *Appointment is approved by the City Council at a regular meeting.*
- *Appointment is for the unexpired portion of the term.*

What was added to the Qualifications

- *Members must comply with applicable requirements governing municipal officers.*
- *Includes reference to being subject to the Municipal Officers' and Employees' Ethics Act.*

Conflicts of Interest and Recusal

- *Adds a new section addressing conflicts of interest and recusal as required by State Law.*
- *Requires members to disclose conflicts of interest and defines the types of conflicts.*
- *Addresses the necessity of recusal when applicable.*





Removal From Office

- *Adds procedures and causes for removal.*
- *Using public funds for political purposes in violation of applicable law.*
- *Violating the Municipal Officers' and Employees' Ethics Act.*
- *Improperly attempting to influence a pending land use decision or appeal through impermissible bias.*

CLEARFIELD CITY ORDINANCE 2026-14

AN ORDINANCE OF THE CITY COUNCIL OF CLEARFIELD CITY, UTAH, AMENDING TITLE 3, CHAPTER 2 OF THE CLEARFIELD CITY CODE REGARDING THE PLANNING COMMISSION; PROVIDING FOR MEMBERSHIP, TERMS, VACANCIES, COMPENSATION, POWERS AND DUTIES, RULES OF ORDER AND PROCEDURE, QUORUM, REMOVAL, RECUSAL, AND OTHER ORGANIZATIONAL MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Clearfield City has established a Planning Commission pursuant to Utah law and Clearfield City Code; and

WHEREAS, Utah Code § 10-20-301 requires each municipality to enact an ordinance establishing a planning commission and establishes requirements concerning the commission's membership, terms, appointment, vacancies, removal, recusal, authority, bylaws, and organization; and

WHEREAS, the City Council desires to update Clearfield City Code Title 3, Chapter 2 to conform to current Utah law and to clarify the organization and authority of the Planning Commission; and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are in the best interest of the health, safety, and welfare of the residents of Clearfield City;

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

SECTION 1. AMENDMENT OF TITLE 3, CHAPTER 2.

Title 3, Chapter 2 of the Clearfield City Code is hereby repealed and reenacted in its entirety to read as follows:

CHAPTER 2 PLANNING COMMISSION

SECTION:

3-2-1: Created; Membership

3-2-2: Term Of Office; Vacancy

3-2-3: Qualifications; Oath Of Office

3-2-4: Conflicts of Interest: Recusal

3-2-5: Compensation

3-2-56: Powers And Duties

3-2-67: Chairperson; Rules And Regulations

3-2-78: Quorum; Record Of Proceedings

3-2-9: Removal From Office:

3-2-1: CREATED; MEMBERSHIP:

Pursuant to the provisions of state law, there is hereby created a planning commission for the city. The planning commission shall consist of seven (7) members and up to three (3) alternate members, to be appointed by the mayor, with the advice and consent of the city council, from the duly qualified electors of the city. (Ord. 2014-01, 2-11-2014)

3-2-2: TERM OF OFFICE; VACANCY:

A. Each member shall be appointed for a term of three (3) years with a maximum number three (3) terms or nine (9) years (consecutive or nonconsecutive). A member that has served a combined total of nine (9) years (consecutive or nonconsecutive) may be reappointed to the planning commission following a reapplication, review and approval by the city council. A member serving as a full commissioner at the conclusion of nine (9) years of service shall be considered for reappointment as a full member and not an alternate if the member chooses to reapply. ~~Any vacancy occurring during the term of any member of the planning commission filled by the city council for the unexpired portion of the term.~~

B. **Vacancies.** Applications must be publicly solicited. Following review of the applications and interviews, the mayor may recommend a qualified candidate for appointment to the Planning Commission, subject to the advice and consent of the city council. The appointment shall become effective upon approval by the city council at a regular meeting and shall be filled for the unexpired portion of the term.

3-2-3: QUALIFICATIONS; OATH OF OFFICE:

~~A member of the planning commission must be a qualified elector of the city and shall qualify by taking, subscribing and filing with the city recorder the oath of office required by the constitution of the state.~~

A. A member of the Planning Commission must be a qualified elector of Clearfield City unless otherwise permitted by applicable Utah law.

B. Each member shall qualify for office by taking, subscribing, and filing with the City Recorder the oath of office required by the Constitution of the State of Utah.

C. A member shall comply with all applicable requirements governing municipal officers, including applicable provisions of the Municipal Officers' and Employees' Ethics Act.

3-2-4: CONFLICTS OF INTEREST; RECUSAL:

A. Duty to Disclose. A Planning Commission member shall disclose on the record any actual or potential conflict of interest concerning a matter before the Planning Commission when disclosure is required by applicable law or City ordinance.

B. Mandatory Recusal. A Planning Commission member shall recuse from deliberating or voting on a land use application when required by applicable Utah law or City ordinance, including when:

1. The member has a financial or other conflict of interest that prohibits participation;
2. The member's participation would violate the Municipal Officers' and Employees' Ethics Act or other applicable law;
3. The member has a personal, financial, professional, or other interest in the matter that would prevent the member from acting impartially; or
4. Circumstances exist that create actual impermissible bias or an unacceptable risk of impermissible bias in the member's administrative or quasi-judicial duties concerning the matter.

C. A member who recuses shall disclose the basis for the recusal on the record to the extent permitted by law.

D. A recused member shall not deliberate or vote on the matter from which the member has recused, except as otherwise permitted by law.

E. A member shall not use recusal requirements to avoid participation in matters solely because the member disagrees with a proposed land use decision.

3-2-45: COMPENSATION:

The remuneration paid to members of the planning commission, including the youth commission ambassador (per meeting which the member attends) shall be seventy-five dollars (\$75.00), the vice-chair of the planning commission (per meeting which the vice-chair attends) shall be eighty-five dollars (\$85.00), and the chair of the planning commission (per meeting which the chair attends) shall be one hundred dollars (\$100.00) for their services rendered. Upon approval of the city council, members may be reimbursed for reasonable expenses actually incurred.

3-2-56: POWERS AND DUTIES:

A. General Plan:

1. Preparation: It shall be the function and duty of the planning commission to prepare and submit to the city council for its approval, a general plan for the physical development of the city, including other areas outside of its boundaries which, in the planning commission's

judgment, bear relation to the planning of the city. The planning commission may, from time to time, amend, extend or add to the general plan, or carry any part or subject matter into greater detail. The plan shall be prepared in accordance with Utah code title 10, chapter 9a, as amended.

2. Surveys And Studies: In preparing the general plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city and its environs. The plan shall be made with a general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city in accordance with existing and future needs.

3. Reports And Recommendations: The planning commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

B. Zoning:

1. Recommendations For Changes: The planning commission, through its own initiative, may, or by order of the city council shall, make recommendations for changes in the zoning map or in the text of the zoning and planning provisions of this code and shall have all powers granted by law or by these provisions in the preparation of zoning maps and the recommendations for zoning in the city.

2. City Council Action: After receiving the recommendations of the planning commission, the city council may amend the zoning map and/or the zoning or planning regulations. No substantial change (as determined by the city council) shall be made in said amendment as recommended by the planning commission, unless the same shall be resubmitted to the planning commission, which shall be returned to the city council within thirty (30) days.

C. Subdivisions: It shall be the duty of the planning commission to review and approve, or disapprove, all subdivisions of land as outlined in Title 12. No plat of a subdivision or land lying within the city shall be filed or recorded in the county recorder's office until it shall have been approved in accordance with the terms of Title 12 and entered in writing on the plat by the chairperson of the planning commission and the mayor for the city council, or other designated members or employees.

(1966 Code § 3-1-5; amd. Ord. 2025-07, 2-25-2025)

3-2-~~67~~: CHAIRPERSON; RULES AND REGULATIONS:

The planning commission shall elect from its membership a chairperson and shall recommend adoption of by-laws to the city council, subject to the provisions of the laws of the state and the zoning and planning regulations of the city to provide for the regulation of its procedure and the conduct of its duties, and may amend such rules from time to time upon final consent and

approval by the city council. All such rules and amendments shall be reduced to writing and shall be filed with the city recorder.

3-2-78: QUORUM; RECORD OF PROCEEDINGS:

A. Quorum: At least four (4) members of the planning commission must be present to constitute a quorum to conduct any official business of the planning commission. (1966 Code § 3-1-6)

B. Minutes: The planning commission shall keep minutes of its proceedings in accordance with Utah Code Annotated section 52-4-203, which shall be filed with the city recorder.

3-2-9: REMOVAL FROM OFFICE:

A. Removal Authority. A Planning Commission member may be removed only in accordance with applicable Utah law and this section.

B. Subject to any delegation of authority permitted by Utah law, the City Council may remove a Planning Commission member.

C. Causes for Removal. Except as otherwise provided by applicable law, causes for removal shall include:

1. Using public funds for a political purpose in violation of Title 20A, Chapter 11, Part 12, Utah Code, Political Activities of Public Entities Act;
2. Violating a provision of Title 10, Chapter 3, Part 13, Utah Code, Municipal Officers' and Employees' Ethics Act; or
3. Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commission member's administrative or quasi-judicial duties.

D. Additional Causes. Subject to applicable law, a Planning Commission member may also be removed for other causes established by ordinance or applicable law, including failure to satisfy the qualifications for office, failure to maintain required eligibility, or other conduct constituting cause for removal under applicable law.

E. Deliberation on Pending Applications. A Planning Commission member deliberating about a specific pending land use application in a Planning Commission meeting with municipal staff, an elected official, or the land use applicant is not, by itself, cause for removing the Planning Commission member from the Planning Commission.

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

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

Passed and adopted by the Clearfield City Council this 22nd day of September, 2026.

ATTEST:

CLEARFIELD CITY CORPORATION

Nancy R. Dean, City Recorder

Mark Shepherd, Mayor

VOTE OF THE COUNCIL

AYE:

NAY:

|