

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 PM POLICY MEETING
September 8, 2026

City Building
55 South State Street
Clearfield City, Utah

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PRESIDING: Mayor Mark Shepherd

PRESENT: Mayor Mark Shepherd, Councilmember Nike Peterson, Councilmember Dakota Wurth, Councilmember Megan Ratchford, Councilmember Danielle King

ABSENT: Councilmember Karece Thompson

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Spencer Brimley, City Attorney Stuart Williams, Victim Advocate Teresa Vigil, Police Chief Kelly Bennett, Assistant Police Chief Devin Rogers, Lieutenant Scott Manookin, Community Services Director Eric Howes, Finance Manager Rich Knapp, Public Works Director Adam Favero, Deputy Public Works Director Braden Felix, Community Development Director Stacy Millgate, Sergeant Josh Carlson, Associate Planner Tyson Stoddard, Communications Manager Shaundra Rushton, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor

VISITORS: Bret Millburn, Michael Christensen

Mayor Shepherd called the meeting to order at 7:04 p.m.

Councilmember Ratchford led the opening ceremonies.

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

Councilmember Wurth moved to approve the minutes from 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, seconded by Councilmember Ratchford.

RESULT: **Passed [4 TO 0]**

YES: Councilmember Peterson, Councilmember Wurth, Councilmember Ratchford, Councilmember King

NO: None

ABSENT: Councilmember Karece Thompson

SWEARING IN OF NEW CLEARFIELD CITY POLICE OFFICER BRIAN ROSARIO

Police Chief Kelly Bennett introduced Officer Brian Rosario and reported that Rosario was a lateral transfer from another agency and had begun field training, with several additional weeks remaining. Chief Bennett stated the Police Department was pleased to have Officer Rosario's prior experience and welcomed Officer Rosario to Clearfield City.

City Recorder Nancy Dean administered the oath of office to Officer Rosario. Mayor Shepherd congratulated Officer Rosario, welcomed the officer to Clearfield City, and expressed appreciation for Officer Rosario's decision to join the City.

OPEN COMMENT PERIOD

Bret Millburn introduced himself as a Davis County resident, former Davis County Commissioner, and unaffiliated candidate for Davis County Commission Seat B in the November election. Mr. Millburn discussed previous experience as a county commissioner and stated that concerns regarding county government during recent years contributed to the decision to seek office again. Mr. Millburn expressed the view that county commission service should focus on serving residents rather than political partisanship and emphasized the importance of cooperation between Davis County and its 15 cities. Mr. Millburn stated that during previous service as a commissioner, the commission made an effort to regularly visit and communicate with city councils, mayors, staff, and residents and expressed support for maintaining those relationships.

Michael Christensen stated that after attending Clearfield City Planning Commission and City Council meetings, he had observed that presentations and slides discussed during meetings were not always included in advance meeting packets or notices. Mr. Christensen also stated that, on some occasions, extensive presentations had been given during pre-meeting discussions while only a portion of the material was later presented during the public meeting. Mr. Christensen recommended that the City review its practices or policies and make presentation materials intended for discussion available to the public in advance and in their entirety whenever practicable.

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

Associate Planner Tyson Stoddard presented proposed Ordinance 2026-13 establishing a temporary land use regulation for data-center uses while the City evaluated appropriate land-use classifications and development standards. Mr. Stoddard explained that data centers were an evolving land use that was not specifically defined, regulated, or categorized within Clearfield City Code. Data centers could have significant infrastructure and operational characteristics involving electrical and water demand, cooling systems, backup power

generation, noise, fire protection, emergency response, and related impacts that the City's existing regulations had not been specifically developed to address.

Mr. Stoddard explained that the temporary regulation would provide the City up to 180 days to study data center uses and protect the City's ability to plan for and address potential impacts. The proposed regulation would apply citywide and would temporarily restrict construction of new data centers, conversion or alteration of buildings for data center use, physical expansion of existing data centers, and associated subdivision activity related to data center development. Mr. Stoddard clarified that the temporary regulation would not determine that data centers were permanently prohibited or incompatible with any particular zoning district. During the temporary period, staff would study the characteristics and impacts of data centers, evaluate appropriate zoning classifications and development standards, and develop recommendations regarding potential permanent regulations. Staff recommended adoption of the ordinance and direction to staff to conduct the study. Mr. Stoddard stated that, if the Council declined to adopt the temporary regulation, staff would still recommend studying data centers and developing appropriate permanent regulations.

Councilmember Peterson expressed support for allowing time to evaluate the issue and noted that communities throughout the state were considering how to address data centers and that related state legislation was anticipated. Councilmember Peterson noted that although data centers could potentially be viewed as a form of storage, their specialized infrastructure requirements distinguished them from traditional storage uses. Councilmember Peterson supported a measured approach that would allow the City to develop a fair and more prescriptive land-use framework.

Councilmember Wurth agreed and stated that, as the municipal land use authority, the City should deliberately evaluate the potential impacts of data center uses, including impacts on existing infrastructure. Councilmember Wurth also emphasized the importance of participating in the broader statewide discussion because the technology and associated land uses were developing more rapidly than local and state regulatory frameworks.

Councilmember King agreed and referenced studies regarding the potential impacts of data centers, including effects on aquifers. Councilmember King noted that data centers varied considerably in size and type, ranging from uses incorporated into existing manufacturing facilities to new large scale facilities. Councilmember King supported studying the issue to determine potential impacts on the City and its residents.

City Recorder Nancy Dean noted for the public that the ordinance contained a definition specifying what constituted a data center and what would not be considered a data center for purposes of enforcing the temporary regulation. Councilmember Peterson requested that the definition be read into the record. The definition identified a data center generally as a building, portion of a building, or group of buildings primarily used for computer servers, data-processing equipment, telecommunications equipment, digital storage systems, or related electronic equipment used to process, store, manage, host, exchange, or transmit electronic data. The definition included accessory equipment and infrastructure such as cooling systems, electrical equipment, uninterruptible power supplies, battery energy storage systems serving

the facility, standby generators, and telecommunications equipment. The definition excluded computer servers and information technology equipment that were accessory and incidental to another principal use, as well as telecommunications facilities otherwise separately classified and regulated. The ordinance further provided that the City would consider the primary purpose, physical characteristics, equipment, and operational characteristics of a proposed facility when determining whether it constituted a data center.

Councilmember Wurth moved to approve Ordinance 2026-13 establishing a temporary land use regulation regarding data center uses and authorize the mayor's signature to any necessary documents, seconded by Councilmember Ratchford.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Wurth, Councilmember Ratchford, Councilmember King

NO: None

ABSENT: Councilmember Karece Thompson

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

Deputy Public Works Director Braden Felix presented Resolution 2026R-23 authorizing execution of a franchise agreement with Forged Fiber 37, LLC. Mr. Felix explained that the agreement would establish a franchise with a utility company that did not currently have a franchise agreement with the City. Forged Fiber 37 would operate facilities previously associated with CenturyLink under AT&T services following the sale of CenturyLink assets to AT&T. The proposed franchise agreement had an initial 15-year term with two optional five-year renewals, allowing for a total potential term of 25 years. Mr. Felix stated that the agreement had originally been drafted by the City's legal counsel and approved by Forged Fiber's legal counsel.

Councilmember Ratchford moved to 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, seconded by Councilmember Peterson.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Wurth, Councilmember Ratchford, Councilmember King

NO: None

ABSENT: Councilmember Karece Thompson

UPDATE ON THE FISCAL YEAR 2026 YEAR-END FINANCIAL STATUS

Finance Manager Rich Knapp presented an update regarding the City's Fiscal Year 2026 year-end financial status. Mr. Knapp explained that the fiscal year had ended but the numbers were not yet final because the City continued to receive and pay invoices and had only recently received July sales tax information.

Mr. Knapp first reviewed the Water Fund and compared current performance with the water rate study completed approximately eight years earlier. Water Fund revenues had continued to increase while operating expenses remained relatively flat, although the fund now included debt service obligations. Fiscal Year 2026 net operating revenue was approximately \$2 million, and approximately \$1.8 million had been spent on capital projects. Mr. Knapp reported that approximately \$615,000 was added to the cash balance for future one-time projects and stated that performance remained generally consistent with the rate study.

Mr. Knapp reported approximately \$1.6 million in interest earnings across City funds, with approximately \$500,000 attributable to the Water Fund and another significant portion attributable to the CDRA Fund. Water consumption decreased approximately 5 percent from the prior year but remained approximately 9 percent higher than two years earlier. Mr. Knapp stated that July and August usage had also declined compared with the prior year and that one month of lower consumption represented approximately \$40,000 less in City revenue.

Mr. Knapp reported that the General Fund balance decreased approximately \$640,000 during Fiscal Year 2026 compared with a budgeted decrease of approximately \$2.5 million. The City received approximately 98 percent of budgeted revenues and spent approximately 92 percent of budgeted expenditures. The projected unrestricted General Fund balance was approximately 21 percent of revenues, subject to completion of the audit. Mr. Knapp noted that the budget began at approximately 24 percent and contemplated reducing the balance to approximately 17 percent, meaning the City finished ahead of the budgeted projection.

Mr. Knapp reviewed major General Fund revenue sources. Sales tax revenue increased approximately 4.1 percent over the previous year, compared with an average growth rate of approximately 7 percent during the preceding 10 years, and exceeded budget projections by approximately \$300,000. Energy tax revenue was below budget and had shown a general downward trend since 2023. Mr. Knapp explained that utility rate changes could affect those revenues and that the City had reduced its energy-tax budget based on the trend. Aquatic and Fitness Center revenue increased over the previous year and exceeded budget by approximately \$116,000. Mr. Knapp noted that the prior fiscal year had been affected by a temporary closure.

Building permit revenue continued to decline and was approximately half of the amount budgeted. Mr. Knapp stated that building permit revenue was approximately 24 percent lower than the prior year, approximately \$233,000 below budget, and approximately 58 percent lower than two years earlier. Plan check fees, which Mr. Knapp described as an indicator of future development activity, were approximately 17 percent lower than the prior year and 31 percent below the amount two years earlier. Fines and forfeitures also declined and were approximately \$55,000 below budget.

Mr. Knapp reported that investment earnings were strong throughout City funds, led by the CDRA and utility funds. General Fund investment earnings were closer to budget because the General Fund cash balance had declined over time. Mr. Knapp also reported a one-time property tax adjustment related to a commercial personal property dispute from Fiscal Years

2022 and 2023, which resulted in approximately \$128,000 less revenue. Cable television franchise revenue was declining faster than anticipated and was approximately \$85,000 below budget. The City also received approximately \$50,000 revenue from MIDA that had not been included in the budget and which Mr. Knapp indicated could become an annual distribution. Utility charges were generally consistent with adopted rate changes.

Mr. Knapp summarized that major General Fund revenues were approximately \$404,000 below budget, which was unusual because City revenues historically had exceeded budget estimates. City Manager JJ Allen clarified that the approximately \$404,000 variance also incorporated an approximately \$200,000 property tax revenue impact even though property tax was not separately identified on the presentation slide. Mr. Knapp confirmed that it was included.

Mr. Knapp reported that General Fund operational expenditures were approximately \$1.4 million below budget, excluding debt and capital transfers. Consequently, despite revenues being lower than budgeted, the City retained an operational surplus of approximately \$1 million that could be added to cash for future one-time projects.

Mr. Knapp compared recent actual revenues and expenditures with budget projections and stated that City budgeting had become more precise. Personnel expenditures historically had been approximately 91 percent of budget but increased to approximately 95 percent in Fiscal Year 2025 and approximately 98 percent in Fiscal Year 2026. Mr. Knapp stated that increased part-time expenditures in Community Services and lower employee turnover could have contributed to the higher percentage of personnel expenditures.

Mr. Knapp reviewed additional expenditure variances and noted that approximately 40 percent of the City's travel budget was unspent. Human Resources expenditures were approximately \$125,000 below budget, Facilities expenditures were approximately \$107,000 below budget, and a substantial portion of unspent Streets funding was carried into Fiscal Year 2027. In the Water Fund, well pump electricity expenditures were approximately 146 percent of budget, or approximately \$91,000 over budget. Mr. Knapp reported that information provided by Public Works indicated the 700 South well had gone down, requiring the City to activate two other sites with higher pumping costs.

Mr. Knapp concluded by reviewing programs and services that generated direct revenues. The Aquatic Center continued to require General Fund support, with the Fiscal Year 2026 subsidy at approximately 34 to 35 percent. Recreation required a larger General Fund subsidy than Arts, although Recreation and Arts would be combined for Fiscal Year 2027 reporting. Mr. Knapp noted that actual General Fund subsidies for the Aquatic Center, Recreation, and Arts were lower than budgeted.

Mr. Knapp summarized that Fiscal Year 2026 was generally on track despite several revenue sources performing below expectations and stated that the City was still able to increase available General Fund cash. Mr. Knapp advised that additional summary information would be provided to the City Council and could also be made available to members of the public upon request. The annual audit process would begin in earnest, particularly in November, with

final audited figures anticipated in December.

COMMUNICATION ITEMS

MAYOR'S REPORT

Mayor Mark Shepherd

- Mayor Shepherd reported that there were no additional items other than a reminder that the Mayor would be out of town the following week to speak at the Eradicate Hate Global Summit in Pittsburgh.

CITY COUNCIL'S REPORTS

Councilmember Nike Peterson

- Councilmember Peterson provided an update from Wasatch Integrated Waste Management District. She reported that the composting program remained very popular. Due to concerns about the remaining life of the landfill, the Board had previously increased certain rates for customers outside the district to prioritize services for district residents. Councilmember Peterson explained that one aspect of that policy was being revised because the composting operation needed additional carbon-based material, particularly trees and ground wood material, to balance the volume of grass clippings and other green waste. The District was therefore significantly reducing charges for accepting trees and tree limbs from outside the district in an effort to encourage commercial tree haulers to bring those materials to the facility and support continued compost production.
- Councilmember Peterson also reported that Wasatch Integrated was preparing to begin groundwork later in the fall on a facility that would capture gases produced by the landfill and deliver them directly to an Enbridge facility. Peterson stated that the project had been in development for an extended period and was moving toward construction.
- Councilmember Peterson further reported that Wasatch Integrated and Layton City were partnering to develop an off-leash dog park on an underutilized parcel owned by the District near the landfill entrance. Peterson stated that the parcel was not currently needed for landfill or green-waste expansion and could provide an appropriate location for dogs requiring an off-leash exercise area. The proposed park was in the design phase, was anticipated to include trail access, consisted of an area of up to approximately 10 acres, and was expected to potentially open the following year.

Councilmember Dakota Wurth

- Councilmember Wurth recognized the Police Department for the Night Out Against Crime event and reported that the Youth Commission also participated. Councilmember Wurth stated that the event was well attended and that positive feedback had been received from the community.
- Councilmember Wurth also announced North Davis Fire District fire prevention open houses scheduled for September 28, 2026 at Station 42 in Clearfield and September 30, 2026 at Station 41 in West Point. He encouraged residents to attend the events, which would include community vendors and demonstrations.

Councilmember Megan Ratchford

- Councilmember Ratchford added that the fire prevention open houses would provide opportunities for attendees, including children, to spray a fire hose and participate in fire-safety demonstrations.

- Councilmember Ratchford also reported that Congressman Blake Moore had held a town hall approximately two weeks earlier and stated that the event had been well received. Councilmember Ratchford thanked Arts staff for their work preparing the room and supporting the event.
- Councilmember Ratchford further reported that North Davis Fire District had filled a vacant assistant chief position. The newly hired employee had prior firefighting experience and was expected to begin October 4, 2026, replacing Jamie, who was moving to Washington. She noted that employment opportunities continued to be available in firefighting, paramedic, and emergency-service positions.

Councilmember Danielle King

- Councilmember King provided an update regarding West Nile virus and reported five human cases in Davis County, including one case in Clearfield, one in Layton, one in Farmington, and two in Kaysville. Councilmember King stated that adult mosquito spraying had been occurring in affected areas and reported that an upcoming meeting would be held at the Davis-Salt Lake Aerial Spray Authority hangar to receive additional information regarding the cases and mosquito control efforts. She noted that large area treatments were generally performed by aircraft and that drones were also used for mosquito control activities.
- Councilmember King also reported that Communities That Care was preparing Red Ribbon Week and Red Ribbon Day activities focused on drug use prevention and awareness. Red Ribbon Day was planned to be held in Clearfield, potentially at the high school or library. She stated that additional information would be provided when available.

CITY MANAGER'S REPORT

JJ Allen, City Manager

- Mr. Allen reported receiving unofficial information that the City's tax rate, Truth in Taxation process, and related documentation had passed review and that the City was awaiting final official approval.
- Mr. Allen reminded the Council that the employee appreciation event was scheduled for September 19, 2026 at Steed Park.
- Mr. Allen stated that a quarterly written report was expected to be distributed to the Council the following day.

STAFF REPORTS

Nancy R. Dean, City Recorder

- Ms. Dean reviewed the upcoming City Council schedule. Ms. Dean reported that no meeting would be held the following week; both a work and policy session were scheduled for September 22, 2026; a Civic and Town Square charrette with consultants was scheduled for September 29, 2026; and a City Council meeting was planned for October 13, 2026.

Councilmember Wurth moved to adjourn at 7:51 p.m., seconded by Councilmember Ratchford.

RESULT: Passed [4 TO 0]

YES: Councilmember Peterson, Councilmember Wurth, Councilmember Ratchford, Councilmember King

NO: None

ABSENT: Councilmember Karece Thompson

APPROVED AND ADOPTED
This 22nd 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, September 08, 2026.

/s/ Nancy R. Dean, City Recorder