

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
May 17, 2022

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
	Vern Phipps	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Kenny England	Utilities Superintendent
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Director
	Spencer Brimley	Community Development Director
	Nancy Dean	City Recorder
	Joannie Strong	Deputy City Recorder

VISITORS: Chief Becraft (NDFD), Angie Van Leer, Jaystin Van Leer, and Cybin Van Leer

Mayor Shepherd called the meeting to order at 6:02 p.m.

The City Council was visited by Members from Boy Scouts of America (BSA) Troop 719 out of Riverdale, who were working on their Citizenship in the Community merit badge. Councilmembers provided time at the beginning of the meeting to answer any questions the troop members had. Afterwards, councilmembers provided information on the Youth Commission, encouraged community involvement, and thanked them for visiting.

DISCUSSION ON A FEE WAIVER REQUEST BY THE NORTH DAVIS FIRE DISTRICT

The North Davis Fire District (NDFD) would be demolishing the existing fire station located at 88 East Center Street, Clearfield, and building a new state of the art fire station to help better serve its customers and improve the physical work environment for its employees. The NDFD acknowledged and accepted that it would need to pay for all additional costs the City incurred from outside third parties during the review and approval of the building permit. However, the NDFD asked that the City “waive” all required building permit fees.

Spencer Brimley, Community Development Director, presented a request from the North Davis Fire District (NDFD) for a building permit fee waiver. He informed the Council that Clearfield City Municipal Code § 10-1-3 required a building permit for any excavation, grading, fill or construction in the community. Therefore, the NDFD would be required to obtain a building permit. He also informed the Council that Clearfield City Municipal Code § 10-1-1A adopted the International Building Code (IBC) and it included the following:

- a fee for each permit be paid as required and in accordance with the fee schedule established by the city (Section 109.2 of the IBC)
- authorizes the building official to establish a refund policy (Section 109.6 of the IBC)
- The building official may only refund building permit fees pursuant to IBC Section 109.6 after a determination has been made by the Council to donate the fees collected and appropriate them back to the NDFD.

The State required the City to charge a one percent surcharge on all building permits (Utah Code Ann. § 15A-2-209). Mr. Brimley stated that based on Clearfield City Code and the International Building Code, it was concluded that the City could not grant a “waiver” of the required building permit fee. However, the City had the option to “refund” up to 99 percent of the total building permit fee paid to the City after taking the steps required to appropriate funds through a donation.

Mr. Brimley provided the following alternatives to the fee waiver request for the Council to review:

- Direct staff to inform the NDFD that a waiver of the building permit fees was not possible, and that Council would not refund any of the building permit fees to be collected by the City.
- Direct staff to inform the NDFD that a waiver of the building permit fees would not be possible, but that Council would consider a refund of a percentage or specific dollar amount of the total available 99 percent of the building permit fees that were authorized to be refunded.
- Provide staff with an alternative direction.

Mr. Brimley reviewed the fees the City had surrounding the permit and everything associated with the fees. He informed the Council that State Law required a one percent fee to be collected and remitted to the State from all permit fees. Based on information provided from the North Davis Fire District Chief Becraft, Mr. Brimley estimated the permit fee to be around \$50,000. Mr. Brimley asked Council for direction as to the amount that would be remitted in the refund. He noted that the impact fees would not change.

There was a discussion surrounding impact fees and site plan. Mr. Brimley confirmed the Site Plan application had been received and was in the review process. He noted that the impact fees would not change and reiterated the acknowledgement and acceptance from NDFD to pay all additional costs the City incurred from outside third parties during the review and approval of the building permit.

JJ Allen, City Manager, restated the request to Council would be whether they wanted to donate staff time. He reiterated that the permit fees were intended to cover those costs and noted that if

Council would like to donate staff time, then direction as to a percentage or dollar amount would be needed. There was a discussion regarding the staff time and cost associated with permits, the number and type of inspections, the possibility of needing to outsource inspections, and the actions the City had taken with other entities in similar situations.

Mayor Shepherd expressed concern over who should pay for the fee since the fire station serviced three cities. A discussion ensued regarding the role the Fire District played within Clearfield and Councilmember Peterson expressed the need for the City to develop a policy for consistency. Should the Council decide to proceed with a refund, JJ Allen noted the refund would take place once the project was completed.

Council agreed that Community Development would come back to the Council once the costs had been finalized and to set a public hearing for consideration of the refund.

DISCUSSION ON APPROPRIATING SIEZED EVIDENCE AS PUBLIC INTEREST USE BY A GOVERNMENT AGENCY

Police Chief Kelly Bennet informed the Council in December of 2019, the Clearfield Police Department conducted a child pornography investigation in which the suspect was arrested, convicted, and sentenced for the possession of child pornography. During the investigation, an Xbox gaming device was found that contained images of child pornography. The Xbox was seized and booked into evidence. The Davis County Attorney's Office has authorized destruction of the Xbox.

Pursuant to Utah Code Annotated § 24-3-103, if the rightful owner was not entitled to lawfully possess the property, the law enforcement agency may apply the property to a public interest use. Additionally, before the property could be applied to a public interest use, the agency's legislative body shall give permission to apply the property to public interest use and approve of the designation of the public interest use.

Chief Bennet stated that the police department would like to remove and destroy the hard drive as directed by Utah Code and use the "shell casing" of the Xbox in proactive investigative operations. He requested Council to appropriate the item for public interest use. Chief Bennet stated that other agencies had gone through the same process for their operations. He noted that the individuals committing vehicle burglaries had become increasingly more violent where the burglars were armed and not afraid to confront owners so he would like to get in front of the situation. There were no additional questions, and the consensus of the Council was to move forward with the appropriation of the item.

DISCUSSION ON JUNETEENTH OBSERVANCE

Summer Palmer, Assistant City Manager, came to the Council with a request for direction on the City's Observance of Juneteenth. She stated that on June 18, 2021, President Biden declared Juneteenth a National Holiday calling upon the people of the United States to acknowledge and celebrate the end of the Civil War and the emancipation of Black Americans and commit

together to eradicate systemic racism that undermines the Nation’s founding ideals and collective prosperity.

Ms. Palmer mentioned that during the 2022 Legislative Session, the Utah State Legislature passed HB0238 designating Juneteenth a Utah State holiday, and in March of 2022 the Davis County Commission approved the addition of Juneteenth to the County’s holiday schedule. She noted that many local entities including, Farmington, Layton, Centerville, West Bountiful, South Weber, Weber County, Weber School District, and Davis School District had also added the holiday and planned to observe it by closing their workplaces on that day.

Ms. Palmer noted that the observance of the holiday would include City offices being closed to the public annually in observance of June 19th on the federally recognized holiday and the addition of the paid holiday to the list of observances in the Policy and Procedure Manual.

There was a brief discussion surrounding the impact of the observance of the holiday on the City, and it was decided to move forward with the observance request.

DISCUSSION ON SIGNAGE FOR CITY HALL, CORNERSTONE PARK, AND STEED PARK

Spencer Brimley, Community Development Director, presented a request from Community Services to install new monument signs in three locations within the City. The signs would be located at the front lawn of City Hall, Steed Park, and Cornerstone Park. The signs would provide information to the public through an electronic message center (EMC), as well as act as City indicators for entry or gateway areas to the City. The EMC would be surrounded by a monument sign with the City logo and architectural features.

Mr. Brimley informed the Council that staff was seeking City Council feedback and direction regarding the new monument signs. He reviewed each location of the new signs along with the current zoning, and provided a Form Based Code analysis on each sign, indicated as follows:

City Hall

Current Sign	Proposed Sign
C-V (Commercial) zone	C-V (Commercial) zone
Located at the north side of City Hall entry	Located on the front lawn of City Hall below the third floor
Large monument design with a small EMC	Large Monument design with a large EMC and a wall sign

Form Based Code Analysis (Civic Center C-V)

Current Code (FBC)	New Signage
Height: 6 feet	Height: 10 feet
Size: 70 square feet	Size: 136 square feet

EMC: allowed to be 50 percent or 20 square feet max of sign square footage	EMC: 57 square feet
Wall Sign: ○ Consistent with code ○ More artistic look	Base: not shown on plans, TBD
	New Wall Sign: ○ More simplistic

Steed Park

Current Sign	Proposed Sign
P-F (Public Facilities) zone	P-F (Public Facilities) zone
Located on 300 North 1000 West	Located on 300 North 1000 West
Small identifier design	Large Monument design with a large EMC

Public Facilities Analysis (P-F)

Non-FBC Standard	New Signage
Height: 9 feet	Height: 10 feet
Size: 64 square feet	Size: 136 square feet
EMC: allowed to be 50 percent of sign total square footage	EMC: 57 square feet
Base: 1 foot	Base: not shown on plans, TBD

Cornerstone Park

Current Sign	Proposed Sign
R-1-8 (Residential) zone	R-1-8 (Residential) zone
No sign	Located in the corner area of the park
	Large Monument design with a large EMC

R-1-8 Analysis

Non-FBC Standard	New Signage
Monument signs not allowed in this zone	Height: 10 feet
	Size: 136 square feet
	EMC: 57 square feet
	Base: not shown on plans, TBD

Mr. Brimley pointed out to the Council and wanted them to keep in mind that one proposed site was commercial, one was public facility, and one was residential. There was a discussion on the assumption of all parks being rezoned to P-F with the consensus being that it was a discussion at one point without follow through.

Mr. Brimley presented options for the Council's consideration so that Community Services wouldn't have to redesign the sign or have three different designs allowing for cost savings and uniformity:

- The regulations for monument signs in the FBC and non FBC areas could be changed.
- Signs could be permitted based on acreage.
- Have sign regulations based on zoning allowing different sizes in the FBC and non FBC areas.
- Only change the regulations for FBC to match non FBC regulations
- Do not make any changes
- Other options the Council would provide

Mr. Brimley stated that if Council approved the design of the signs as proposed, direction on the best way to regulate them would be needed. There was a discussion on the brightness of the signs and the ability to adjust it. Curtis Dickson, Community Services Deputy Director, confirmed that the brightness of the signs would be adjustable, and that the direction of the City Hall sign would not shine directly at City Centre Apartments.

Councilmember Peterson mentioned changing the zones to P-F with the realization that would mean City Hall would be pulled from FBC. Mr. Brimley rebutted that the zoning regulations within C-V could be amended to be consistent and noted the need to be mindful of not creating any issues or unintended consequences. He suggested rezoning all the parks to P-F as a part of that process. There was a discussion on the pros and cons of the zoning options and issues that could arise with changes.

Councilmember Phipps stated he did not see a need to have the signs in the park. He agreed the one in front of City Hall was important. Mayor Shepherd expressed his opinion the signs should either be at all three locations or at no locations. Councilmember Phipps disagreed with that approach. A discussion arose on the purpose of signs and the necessity to have all three signs the same and the need to have the EMC on the signs at Steed Park and Cornerstone Park or if a smaller EMC could suffice. Mr. Dickson stated the purpose of the signs was to advocate for the City's branding and messaging such as events, closures, and job posting, along with program registrations. He stated the goal of having the three signs the same was to create uniformity and cost savings. Mr. Dickson noted that having different sized EMCs would be difficult for communications as the same messaging would be displayed across all three signs simultaneously and would require different programming configurations for different sizing. He stated that there had been a noticeable influx of registration sign ups using a trailer based electronic messaging board.

The Council discussed the cost difference between the inclusion and exclusion of the EMC on the signs, and the estimated frequency of replacement of the EMC. There appeared to be a majority of the members of the Council supporting the amendment of the Code to allow for the

signage as proposed using acreage for scale, and rezone parks to P-F leaving the City Hall zoning the same as it currently was.

DISCUSSION ON MONTHLY REPORTS

Fourth of July and Centennial Celebrations

Curtis Dickson, Community Services Deputy Director, highlighted planned events surrounding the 4th of July and Centennial Celebrations. He mentioned the centennial logo stencil Public Works was creating for Paint the Bridge, the Pool Bash, Movie in the Park, a Patriotic Concert, Weber State University Freedom Run 5K/1mile, and the hometown parade. Mr. Dickson laid out the Freedom Festival events and reviewed the Birthday Carnival plans that would take place on July 17, 2022. At the Birthday Carnival, limited edition centennial keychains and cake would be handed out, there would be carnival games and bounce houses, and attendees would have the option to place items into the time capsule.

Lead and Copper Pipe Requirements

Kenny England, Utilities Superintendent, briefed the Council on the Environmental Protection Agency's (EPA) new Lead and Copper Pipe Requirements as of December 2021, which included:

- A requirement to have inventory of the complete water system by October 16, 2024, through various testing methods. (Mapping, records review, pothole, scratch, and magnet test)
- Lead and copper flux was banned in 1986 but still used in some areas until 1988. Testing would not be needed on homes newer than 1988, and any home not tested by October 16, 2024, would be determined a lead source until verified.
- The City was required to sample 20 percent of all schools and daycares each year from 2025-2029.

Mr. England noted that the requirement was recently placed back onto the schools to sample. He was not sure about a change to daycares. Mr. England noted that there could be minor adjustments to the rule revision, and potential funding could be available.

Mr. England showed the Council an image comparing the new water system responsibility and the old as a point of reference. He stated that any lead piping found would need to be replaced; lead goosenecks are not considered part of the study. Mr. England gave the Council a brief description of the current investigative process.

Preliminary Discussions: Regional Dispatch District

JJ Allen, City Manager, briefed the Council on a discussion he was invited to regarding regional dispatch consolidation. He mentioned there were four dispatch centers in Davis County: Layton, Bountiful, Clearfield, and Davis County. He indicated the County was interested in creating a special service district to manage dispatch services. Mr. Allen confirmed the discussion of physical consolidation was just beginning; however, Davis County would like to explore the creation of a dependent special service district with as much of Davis County as possible. Layton

and Bountiful were not interested in physical consolidation yet, and Clearfield City would participate in discussions and would only be interested if there was a significantly higher level of service.

Parking Study/Award for NDATIP (North Davis Active Transportation Implementation Plan)

Spencer Brimley, Community Development Director, provided Council with an update on the City's parking study. He stated that according to the analysis, the Form Base Code (FBC) parking ratios were in line with what the consultants were seeing. Mr. Brimley informed Council that the bedroom count would be critical as the City moved forward with evaluating parking throughout the City.

Mr. Brimley also noted that Brad McIlrath, Senior Planner, received an award of Merit (2021) for the North Davis Active Transportation Implementation Plan (NDATIP) at the APA Utah awards ceremony, and that Mr. McIlrath was working with WFRC for implementation of the City's plan into the overall Long Range Transportation Plan (LRTP), which would allow for funding and other opportunities.

Scooters

JJ Allen, City Manager, updated Council on the situation surrounding scooter availability in Clearfield. He mentioned that Lime scooters and bikes launched on Hill Air Force Base on May 6, 2022, and that there seemed to be an immediate interest in users taking the vehicles through the gate. Mr. Allen held discussions with Lime, and staff would be working to identify the best process to enable an official launch in Clearfield.

Miscellaneous

Mayor Shepherd provided an update to Council on Falcon Hill. He met with Woodbury and mentioned that they were in discussion with Hill Air Force Base for the removal of some buildings to bring hotels. The City had been asked to preserve the Three Gates Trail right-of-way on the north end of 650 North, and for the trail and Frontage Road to connect to 200 South. Mayor Shepherd mentioned that it would only make sense if the Base would open the Southwest Gate. He provided Council with an update from UDOT on the upcoming construction projects in Clinton, West Point, and Roy.

Councilmember Peterson moved to adjourn at 8:18 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 14th day of June 2022**

/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, May 17, 2022.

/s/ Nancy R. Dean, City Recorder